

A regular meeting of the **Planning Commission** was held on Thursday, March 5, 2020, at 6:00 p.m. in the Board Chambers of Town Hall, at 500 Poplar View Parkway.

Staff members present were: Town Attorney, Mr. Nathan Bicks; Development Director, Mr. Jay Cravens; Town Planner, Mr. Jaime Groce; Town Engineer, Mr. Dale Perryman; Fire Marshal, Mr. Paul Witt; and Administrative Specialist, Sr., Mrs. Amy Jensen.

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### **Pledge of Allegiance**

Chairman Cotton led the Pledge of Allegiance.

### **Roll Call to establish a Quorum**

Cotton – present, Rozanski – present, Marshall – present, Gilbert – present, Jordan – present, Goddard – present, Worley – present, Mitchell – absent, Given – absent.

**Quorum Present.**

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### **Approval of Minutes**

Chairman Cotton asked if there were any additions or deletions to the minutes from the February 6, 2020 meeting.

Hearing none, he called for a motion to approve the minutes from the February 6, 2020 meeting as presented.

***Motion by Commissioner Rozanski, and seconded, to approve the February 6, 2020 minutes as presented.***

Hearing no further discussion, Chairman Cotton asked Mrs. Jensen to call the roll.

### **Roll call:**

Rozanski – yes, Given – yes, Marshall – abstain, Goddard – yes, Jordan – yes, Gilbert – yes, Worley – yes, Cotton - yes.

**Motion Approved.**

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### **Approval of Agenda**

Chairman Cotton asked if there were any additions or deletions to the Agenda.

Mr. Groce explained the applicants for item 7c would like to ask to be deferred at this time until the April 2020 meeting. Everything else on the agenda is correct as advertised.

***Motion by Commissioner Gilbert, and seconded, to approve the agenda as presented with item 7c deferred to a future meeting.***

Hearing no further discussion, Chairman Cotton asked Mrs. Jensen to call the roll.

### **Roll call:**

Rozanski – yes, Given – yes, Marshall – yes, Goddard – yes, Jordan – yes, Gilbert – yes, Worley – yes, Cotton - yes.

**Motion Approved.**

**DD20-007 - Ordinance 2020-02 – Heritage Oaks Senior Living – Request approval to rezone a 6.16-acre tract located south of Harris Street and west of Sycamore Street from GC: General Commercial to MPO: Medical-Professional-Office.**

Mr. Jay Cravens gave the staff presentation. He explained that rezoning to MPO is the only issue being requested tonight; however, the rezoning is related to the owner’s intent to build an Independent Living Senior Housing Complex, which is a residential/service complex to house senior persons who are capable of caring for themselves and maintaining independent households. The complex shall include separate dwelling units, containing independent cooking, bathroom, and sleeping facilities, and must have a minimum of 90% of the dwelling units occupied by at least one person 55 years of age, or older, and comply with all standards of the Fair Housing Act. Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature, such as barber or beauty services, a pharmacy, and so forth, *may* be included in the complex.

- | <b>EXHIBITS</b> |   |
|-----------------|---|
| 1.              | Applicant’s Cover Letter & Grounds for Rezoning (1/21/20)                                     |
| 2.              | Plot Plan (1/21/20)   |
| 3.              | Ordinance 2020-20 with Location Map and Legal Description (3/5/20)                            |
| 4.              | Conceptual Layout & Renderings (2/13/20)  |
| 5.              | Traffic Impact Analysis (1/21/20)   |
| 6.              | Future Land Use & Place Type Map Excerpt & 2010 Downtown Collierville Small Area Plan Excerpt |
| 7.              | Staff Grounds for Amendment Analysis (2/28/20)  |

Since 2018, Independent Senior Housing Complexes are only allowed in MPO districts within an approved Planned Development (PD). The PD Application for a 100-unit development was received 2/28/20 and is being reviewed by staff – PD to come to the PC & BMA in May or June 2020. The PD process allows for use of flexible techniques of land development and site design by providing relief from certain development requirements (building height, setbacks, etc.). In return, PDs are expected to deliver an exceptional and quality design and make formal design, use, and infrastructure commitments. If a PD is denied, then rezoning to MPO would permit uses allowed in MPO zoning district “by right”, which includes, but is not limited to: adult daycares, community centers, health clinics, lodges, financial/real estate businesses, & other professional services (e.g. offices).

Mr. Cravens showed a few pictures of the applicant’s idea for the Independent Senior Housing Complex.

Mr. Cravens said the property is prone to some flooding, however the Town has done major drainage projects to the south and east to mitigate drainage issues.

Mr. Cravens stated the Collierville 2040 Plan shows this area as developing per Traditional Neighborhood Place Type policies. The property is within the limits of 2010 Downtown Collierville Small Area Plan, the Downtown Plan states that redevelopment near South Street should be according to the polices of the “Traditional Neighborhood” Place Type (to blend in with area), and attached (duplexes, townhouses, multifamily) and detached (single family) residential uses are anticipated in Special Area 13, but other uses are acknowledged as possible. Nonresidential uses, such as those allowed in MPO zoning, may be appropriate on a case-by-case basis, but only if it is not the predominant land use in neighborhood; at an intersection of major roads or contiguous to other nonresidential areas; and there is clear evidence of market demand for such services provided at the time a rezoning or PD request is made.

Institutional uses (like an independent senior housing complex) may be appropriate on a case-by-case basis, however such uses should be designed per policies of Traditional Neighborhood Place Type. Chairman Cotton asked if there were any questions of staff.

Hearing no questions, Chairman Cotton called the applicant forward.

Mr. John McCarty came forward. He stated they are asking for the first of many small steps for this project. The property is currently zoned General Commercial but they would like to down-zone to Medical-Professional-Office. He said some of the neighbors are not happy about a 3 story building. The zone allows for a 50 foot building. He said the client's goal is to polish the façade of the building, hoping to make it look like a 2 story from the street. He also stated the current zone allows for businesses that would increase traffic. With his proposed business the traffic will be low. He feels that is an advantage to the neighborhood.

Mr. Mark Owen, 321 Jaffrey Ave, came forward and said he has several concerns regarding this project. First, its proximity to the Historic District. He does not want the height of the building and high density housing. The traffic and the noise it could create will be overwhelming for surrounding neighborhoods. He said the new high school has already brought more traffic to his area. He looked at the neighborhood zoning when he moved in and this is a big change. He is concerned there is no buy-in opportunity, and with how the owners will govern the property 30 years from now.

Commissioner Jordan asked if he entered his neighborhood off of South Rowlett.

Mr. Owen said he did and the noise and traffic are increasing all the time.

Ms. Alfreda Hines, 368 Harris Street, said she is opposing this application. She said this building is not going to benefit the low income people. It is just going to be an eye sore. She would rather have a store, a community center, or a park for the kids. She said she has a petition people are signing.

A discussion ensued about the possible buildings that could go on this property if the zoning stayed the same.

Mr. Ronnie Kelley, 368 Shively Ave, Magnolia Square, said he understands the possible businesses that could come to this spot. His wants more clarification on what low to medium income residents means. He wants more information about the age restriction, could teenagers live here, and is there a maximum number of occupants per unit.

Chairman Cotton said he does not know those answers yet. They have heard conceptually what they plan but tonight it is only a matter of rezoning.

Mr. Bicks said it is important to remember it is just the rezoning tonight. The senior center is not the final business being put on this area.

Ms. Mary Alexander, 168 Hardwick Street, said she was at the neighborhood meeting where she was told there would not be 15 year olds living there. She was told anyone under 55 years old could only stay 48 hours.

Commissioner Worley said he felt strongly about not giving his vote to a zoning only application.

Mr. Jack Boyd, 163 Greeley Street, came forward to ask when they can voice their opinion about future plans and meetings.

Chairman Cotton said it will be in the paper and on the Town's website, and anyone within 500 feet will receive a post card from the Town.

Mr. Jerry Isaac, 337 Jaffrey, came forward and asked if the rezone is just for this applicant or could there be other applicants. He is 100 feet from the property in question and he said the traffic is noisy.

Commissioner Rozanski make the statement that the process tonight is changing the current zoning to something with less building opportunity.

Mrs. Judy Strong, 326 Reston Avenue, came forward and asked who requested the rezoning.

Mr. Cravens told her it was the property owner, Collierville Community Housing Development Organization, and they are the developer.

Hearing no further discussion, Chairman Cotton called for a motion on the rezoning.

A discussion ensued about approving the zoning open ended, and what type of businesses can be built in the current zone as opposed to the proposed zone.

Mr. McCarty came forward and said they would be ok to defer the application to a future meeting.

***Motion by Commissioner Rozanski, and seconded, to recommend deferring the approval of Ordinance 2020-02.***

Hearing no further discussion, Chairman Cotton asked Mrs. Jensen to call the roll.

**Roll call:**

Rozanski – yes, Given – yes, Marshall – yes, Goddard – yes, Jordan – yes, Gilbert – yes, Worley – yes, Cotton - yes.

**Motion Approved.**

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***DD20-013 - YMCA Early Learning Center – Request approval of a Conditional Use Permit for a Day Care Center at 10576 Collierville Road.***

Mr. Jaime Groce gave the staff presentation. He said the applicant is asking for a Conditional Use Permit to have a daycare run by the YMCA at the Grace Hill Church. The existing 29,086 square foot church will remain. It is zoned R-1 currently. They plan to accommodate 100 children ages 6 weeks to 5 years daily, with holiday and summer camps. The day care will use the current classrooms, kitchen and gymnasium. Traffic generated by the proposed YMCA day care equates to a 24% increase at Collierville Road.

The peak traffic generated (81 PM trips) does not reach the threshold of 100 or more to require additional traffic impact analysis. The church already has 2 full-service access drives, and Collierville Road is fully improved along the entire frontage allowing for right-turn vehicle stacking without disrupting west-bound pass-by traffic.

**EXHIBITS**

1. Applicant's Cover Letter & Grounds for Rezoning (1/21/20)
2. Plot Plan (1/21/20)
3. Ordinance 2020-20 with Location Map and Legal Description (3/5/20)
4. Conceptual Layout & Renderings (2/13/20)
5. Traffic Impact Analysis (1/21/20)
6. Future Land Use & Place Type Map Excerpt & 2010 Downtown Collierville Small Area Plan Excerpt
7. Staff Grounds for Amendment Analysis

If you compare this proposal to the proposed day care at the Memphis Korean Church of Christ Property across the street, the PC did not recommended approval of a CUP for 10615 the Collierville Road applicant. They wanted to do a complete conversion of a church to “Amazing Explorers” Day Care. That day care for 190 children would have generated 440 trips equating to a 24% increase in traffic. It had a shorter length of existing road improvements, only one entrance/exit for the site, and east-bound right-turn traffic entering site would have stacked up on Collierville Road.

The Grace Hill Church property must be altered to accommodate the YMCA Early Learning Center. A Site Plan Modification (SPM) must be submitted for the site changes (playground and fencing). The daycare could displace 10 parking spaces that must be replaced for the church to meet required parking minimum. Additional parking could increase stormwater so the Town Engineering will review any plans and the applicant will need to work with Codes & Fire on Certificate of Occupancy (CO). Any conditions related to the site changes will need to be addressed before YMCA can occupy any part of the building.

Chairman Cotton asked if there were any questions of staff.

Hearing no further questions or discussion, Chairman Cotton asked the applicant to come forward.

Mr. Jason Stockdale, 12330 Fox Lair Drive, representing Grace Hill Church, came forward and stated that he wants this project to be nice for families moving into Collierville and needing daycare. He said when he and his wife needed daycare for his own children it was a challenge.

Mr. John McCarty came forward and said he is the engineer. He said the use they are requesting tonight is much better than most daycares because of the staggered beginning and ending time. It will help considerably with traffic flow.

Hearing no further questions or discussion, Chairman Cotton called for a motion.

***Motion by Commissioner Rozanski, and seconded, to approve the request for the Conditional Use Permit (CUP) for a day care center at 10576 Collierville Road, subject to the conditions:***

1. This development is subject to all applicable standard conditions of approval as adopted by the Board of Mayor and Aldermen, Resolution 2006-54.
2. The property shall be brought into compliance with any conditions of approval for the request for a Site Plan Modification.
3. The applicant shall demonstrate that the building complies with all applicable building and fire codes, subject to the approval of the Building Department through the Certificate of Occupancy process.
4. The applicant shall provide the expected trip distribution for the proposed day care and all other uses currently using the church building. The Town Engineer shall determine whether additional traffic impact analysis is needed based on the trip distribution, including but not limited to an update to the 2017 Kimley-Horn Collierville Road Corridor Study and a study of nearby intersections. Additional road improvements may be required with the Development Agreement for the related Site Plan Modification.
5. A Certificate of Occupancy shall not be issued until the Town Engineer has determined whether additional traffic analysis is needed and whether additional road improvements are required.
6. The uses allowed pursuant to this Conditional Use Permit (CUP) shall be narrowly defined as follows:
  - Child day care (ages 6 weeks to 5 years)
  - Summer & holiday camps
  - After-school care

7. Any activities related to this child day care facility that would increase the intensity of the use shall not be allowed without an amendment to this CUP or through a separate CUP for an outdoor event. Increases in intensity shall be considered as expanding the building size beyond 29,086 square feet, increasing the maximum number of children cared for beyond 100, and/or increases in the number of parking spaces related to this use.

Chairman Cotton asked if there was any discussion from the commissioners.

Hearing no further discussion, Chairman Cotton asked Mrs. Jensen to call the roll.

**Roll call:**

Rozanski – yes, Given – yes, Marshall – yes, Goddard – yes, Jordan – yes, Gilbert – yes, Worley – yes, Cotton - yes.

**Motion Approved.**

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**DD19-003 – Shelby Post Point Subdivision – Request approval of an amendment to the Preliminary Subdivision Plat to allow for a 9-lot residential subdivision on 4.937 acres located on the southwest corner of East Shelby Drive and Byhalia Road.**

This item was taken off the agenda and deferred to a future meeting at the request of the applicant.

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**Other Business:**

Chairman Cotton asked if there was any Other Business.

Mr. Groce reminded the Commissioners of the work session on March 25, 2020, about the Maynard Way Planned Development.

The Fitzgerald property on Byhalia Road had a neighborhood meeting last night and he will update the Commissioners when he knows more about it.

Hearing no further business, Chairman Cotton adjourned the meeting at 7:03 p.m.

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Secretary, Commissioner Jeremy Given