

A called meeting of the **Planning Commission** was held on Thursday, June 11, 2020, at 5:00 p.m. in the Board Chambers of Town Hall, at 500 Poplar View Parkway.

Staff members present were: Town Attorney, Mr. Nathan Bicks (via telephone); Development Director, Mr. Jay Cravens; Town Planner, Mr. Jaime Groce; Assistant Town Planner, Mrs. Nancy Boatwright; Town Engineer, Mr. Dale Perryman; Fire Marshal, Mr. Paul Witt; and Administrative Specialist, Sr., Mrs. Shari Michael.

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, Given – present.

Quorum Present.

Approval of Minutes

Chairman Cotton asked if there were any additions or deletions to the minutes from the May 21, 2020 meeting.

Hearing none, he called for a motion to approve the minutes from the May 21, 2020 meeting as presented.

Motion by Vice-Chairman Rozanski, and seconded, to approve the May 21, 2020 minutes as presented.

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

Roll call:

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

Motion Approved.

Approval of Agenda

Chairman Cotton gave an overview to how the meeting will be conducted. There have been a lot of e-comments to come in to staff over the last 24 hours. They will be addressed by staff on each item. They will be made a part of the permanent record.

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

Mr. Groce explained that the agenda is as published.

Hearing no further comments, Chairman Cotton called for a motion to approve the agenda.

Motion by Commissioner Gilbert, and seconded, to approve the agenda as presented.

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

Roll call:

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

Motion Approved.

Formal Agenda:

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

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 (2/28/20)
8. eComments

DD 20-017 – Resolution 2020-25 – Request approval of a PD for a 1 lot senior living housing complex on 6.16 acres located south of Harris Street and west of Sycamore Street.

Ms. Singleton gave the staff presentation. She explained that an Independent Senior Housing use is only allowed in MPO districts with in a PD, since the adoption of Ordinance 2018-02. The PD allows for the use of flexible techniques of land development and site design by providing relief from requirements designed for conventional developments. In return, PD’s are expected to deliver exceptional quality community designs.

The Heritage Oaks Senior Housing is proposed to have 103 Units in 81,146 square feet. The building is proposed to be 3 stories high, 37 feet in height with at 16.7 DUA (dwelling units per acre). Residents will be required to be 55 years old or older. She reviewed the bulk requirements and noted that if the rezoning is denied, the current zoning would remain and still allow GC General Commercial uses. If the PD is denied, the rezoning, if approved, would permit uses allowed in the MPO Medical Professional Office zoning, by right. She reviewed the conceptual layout that shows a 50 foot landscape buffer along Harris and Sycamore Streets. The site layout depicts 2 curb cuts onto Harris Street. The existing sidewalk along Harris Street will be extended to connect to the Sycamore sidewalk to allow access to the greenbelt trail to the

EXHIBITS

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2. Plot Plan (1/21/20)
3. Ordinance 2020-20 with Location Map and Legal Description (3/5/20)
4. Traffic Impact Analysis (1/21/20)
5. Parking Study (5/11/20)
6. Future Land Use & Place Type Map Excerpt & 2010 Downtown Collierville Small Area Plan Excerpt
7. Staff Grounds for Amendment Analysis (2/28/20)
8. Applicant’s PD Cover Letter (5/11/20)
9. Applicant’s Requested Exceptions to Zoning Ordinance (5/11/20)
10. Resolution 2020-25 (6/11/20)
Attachment A - Outline Plan
Attachment B – Pattern Book
11. Neighborhood Meeting Minutes (2/28/20)
12. Neighborhood Opposition Letters
13. eComments

south. The roof is articulated by smaller planes and roof elements like dormers. The building is stepped down along the edges of the building to reduce mass from the public street. Materials and detail include brick, cement board siding, cornices, detailed metal railings, standing seam metal roofing, decorative shutters, architectural shingles, and Tuscan columns. The site layout for the building will be reviewed at the next approval process. Regarding the traffic and drainage, an independent senior housing complex will increase traffic counts along Harris and Sycamore Streets since the property is currently vacant. The Traffic impact analysis states that the proposed development will not negatively increase the exiting traffic volumes. The subject property is in an area that was prone to flooding; however, the Town has completed major drainage projects to the south and the east to address these drainage issues. Drainage will be addressed later if a site plan is submitted.

The applicant is providing additional amenities in return for the proposed flexibility. One is an increased depth and intensity of the landscape buffers to separate the senior housing use from the residential uses to the north and east. Another is increasing the depth of the front yard setback with a perimeter fence to screen the building from the right-of-way.

She reviewed the bulk regulations and the maximum dwelling units allowed per acre that are allowed. The applicants are building less than allowed and the height being proposed is less than is allowed by the regulations.

In regards to the requested exceptions to development standards, the applicant is requesting a reduction in the PD required major road frontage of 200 feet minimum for a Senior Housing PD, to 171 feet on Sycamore Street and 660 feet on Harris Street. The request is based on the existing minimal frontage along Sycamore Street. The applicant is also asking for an exception for the opacity required for a fence or wall within the front yard buffer. The Zoning Ordinance require a minimum of 50% opacity and the applicant is requesting 35% opacity to better screen the facility. The request is based on the increased buffer within the front yard. The increased buffer will soften the view.

The Future Land Use and Downtown Plan states that this area is a part of the Traditional Neighborhood Place Type. The Downtown Plan also states that redevelopment near South Street should be according to the policies of the “Traditional Neighborhood” Place Type. Attached and detached residential uses are anticipated in Special Area 13 and the rezoning is consistent with the 2040 Land Use Plan. MPO zoning may be appropriate on a case-by-case basis, but only if they are not the predominant land use. They are 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 may be appropriate on a case-by-case basis. The rezoning request is consistent with the Downtown Small Area Plan.

The PC will need to decide if the reduction in the required frontage along an existing roadway from a minimum of 200 feet to 171 feet along Sycamore Road is appropriate. The PC will need to decide if the reduction in the opacity for the fence/wall from a minimum of 50% to 35% is appropriate.

She reviewed the motions contained in the staff report and the next steps for the applicant.

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

Hearing no questions, Chairman Cotton called the applicant to the podium.

Mrs. Vanecia Kimbrow, representative for the applicant, addressed the commissioners. She explained that she is an attorney for the applicant, and a longtime resident of Collierville. She is speaking on behalf of the

Collierville Community Housing Development committee. She stated that Collierville does not have many Independent Senior Living facilities available for moderate or lower income seniors, and this project will address that need. The CCHD purchased the property back in 2013 when the area was blighted. The Town has done a wonderful job over the years to make this a thriving area by investing in the community. This is a \$16 million dollar project and will house only about 100 seniors. Three units will be used by fulltime staff, who will live on the property to provide 24 hour care for medical or maintenance needs. The project is a bond financed project and is not Section 8. People must qualify to live there. Around 40 of the units will be rent-restricted based on their income. The other 60 units would be rented under the market rate and those individuals would have to qualify for those based on their income as well. The aging seniors can stay there as their needs change, and the staff will be there to help them with an array of special services. There will be an estimated 30 employees working on the property every day. This project is projected to have an economic impact to the community as well as a social impact. It is a good location for the project that was purchased in good faith back in 2013, with this purposed in mind. They expect this project to look better than the new Story Point development being built in Collierville.

Chairman Cotton asked if there were any questions for the applicant.

Commissioner Gilbert asked if the age restrictions applies to all tenants.

Mrs. Kimbrow stated that the age restriction applies to the primary tenant. There is no age restriction for a live-in caregiver. Such a tenant must be medically designated as requiring a live-in caregiver, and if so, they may be under 55. No children are allowed to live at the facility.

Mr. Jay Cravens, Development Director for the Town, addressed the commissioners. He explained that staff has compiled all of the eComments from the website on these two items. There were 6 opposed and 1 in favor of the rezoning and 7 opposed and 2 in favor of the PD. Most of these comments were from people who lived in the immediate area of this project. Those opposed were concerned with the traffic increase and the high density apartment concept.

Hearing no further questions, Chairman Cotton called citizens forward who wished to speak.

Mr. Mark Owen, resident at 321 Jaffrey Avenue, addressed the commissioners. He explained that he is opposed to this development as he does not believe it is a good fit for the neighborhood, and he does not agree with their traffic study. The infrastructure around it will not accommodate the traffic increase, and noise pollution is a concern of his. He doesn't think there is 1,500 trips a day on Harris Street now and the PC needs to challenge that figure in the traffic study. If the project adds 300 more trips a day this is an elevation to the traffic situation. He feels that this should type of project should be built somewhere else in Town.

Commissioner Marshall asked what type of businesses could go in there now.

Ms. Singleton stated that convenience stores, movie theatres, health spas, consulting services, restaurant, and other personal services would be allowed per the General Commercial zoning.

Commissioner Given asked if the comparison trips per day were based on a 50,000 square foot retail building.

Ms. Singleton agreed.

Vice-Chairman Rozanski stated that we are looking at this project as a "down-zoning".

Mr. Frank Strong, resident at 326, Reston Avenue, addressed the commissioners. He stated that he doesn't feel that the traffic analysis is listed correctly either. This is going to be an apartment building in his opinion, and he doesn't think a 55 year old person is a senior. According to his research HUD standards allow 3 people per bedroom.

Mrs. Kimbrow explained that this will not be HUD housing. Only one person who is a designated caretaker can be under 55. There are only 12 of the 2 bedroom apartments. In the age restricted facility, there can only be 1 person per apartment.

Mr. Strong stated that he feels there will not be adequate parking. He has concerns with the in and out traffic turning onto Wilson Street, as this will create a traffic issue. He thinks the PC and BMA need to remember that the Town has a moratorium on new apartment buildings.

Commissioner Gilbert asked if it was his preference to have a movie theatre or retail building on that lot.

Mr. Strong stated that he would not mind a 1 story business that is open from 8 am to 5 pm.

Ms. Kristal Golden, resident at 4057 Bailey Station Road, addressed the commissioners. Her family has owned land in Collierville for over 108 years. She is a lifelong resident of Collierville and she is in favor of this project. She was a caretaker for her aunt while she lived on Bailey Station. When she could not care for her aunt any long, she looked in Collierville and could not find anywhere for her to live within Collierville town limits. They were forced to place her in a nursing home in Memphis. The Town is diverse, but when it comes down to adult assisted living, we lack in that area.

Ms. Sally Jones, resident at 167 Cottage Grove Drive, addressed the commissioners. She stated that they bought a house at Magnolia Square and live 400 feet north of this project. She appreciates this ladies compassion of wanting this to happen, but her and her husband are just as compassionate about not wanting this to happen. They bought their home here in 2005 and they were planning to live there until they die. There are others neighbors of theirs who are here tonight and they are against it as well. They never thought there would be a 3 story development behind them. The traffic on Wilson Street is very heavy and there are no sidewalks. She wishes they would look elsewhere to placing this project. They wouldn't mind an 8 to 5 business back there.

Pastor LaDaryl Odum, resident at 363 Sycamore Road, signed up to speak in favor of this project, but had to leave to go to work before being called to speak.

Mrs. Annette Key, resident at 549 Harris Estate, addressed the commissioners. She is a member of the Collierville Community Housing Development Organization. She explained that the committee started looking several years ago, as there was a need for affordable housing in Collierville for seniors. She did not agree with the initial charges the research had shown they would need to charge, but in order to make the numbers work, it will have to be 3 stories in order for it to be sustainable. The benefit for that neighborhood would be better than offices and that could be approved under the current zoning. If they cannot move forward with the project tonight as requested, they will not be able to build it at all.

Alderman Worley asked what her reservations were and asked about the project being sustainable.

Mrs. Key stated that she was afraid that the people who really need to utilize this housing in Collierville would not be able to afford it. It should be made available for the people who live in that neighborhood and that is why they are building it in a moderate to low income housing area.

Mrs. Judy Strong, resident at 326 Reston Avenue, addressed the commissioners. She explained that she does not believe this is the area to build this project in, and that it will not serve enough seniors of the area to be sustainable. She is not against senior housing and believes it is needed in Town, just not at this location. She would like to see something built back in that area that would serve all the residents of Collierville. This is a smaller neighborhood, and we need to take this to the BMA and let them make the decision of what could properly fit back there.

Vice-Chairman Rozanski explained that those other uses that could go in there, are allowed by right.

Mr. Groce agreed and stated that such a project developing under GC zoning would have to come to the PC or BMA for site plan approval, but they could be approved by right.

Commissioner Given explained that you could build anything there up to 45 feet, and the proposed project is going to be shorter than that as well, and the building could be closer to the streets and could be very imposing.

Mr. Ronnie Kelly, resident at 368 Shively Avenue, addressed the commissioners. He said they are showing 100 rooms, but there are only 70 parking spaces. If they have 10 workers per shift, and a van to transport people, and only half of them have a car, they are running out of parking spaces. He does not agree with the traffic study numbers on average trips per day. He would not oppose other types of businesses back there. He thinks the average tenant will have for than 1 car. Where are they going to put them? He thinks this is a great project, but it does not belong on this lot.

Mrs. Valencia Kimbrow readdressed the commissioners. She explained that the project has already received \$16 million dollars of state bonds. That financing is already in place for this project. The committee has spent over \$650,000.00 to make this project happen since 2013. When they purchased the property, it was already zoned properly for the project use. The Town changed the zoning ordinance in 2018, requiring a senior living project to go only into a PD with MPO zoning. This is why they are having to request the rezoning at this time. This project will be a solid employment opportunity for Collierville, a great tax generator, and a good benefit overall for the Town. They estimate that only 1/3 of the residents will have a car, so traffic should not be an issue. A shift for the facility will require about 12 people at a time. The average age of the tenants should be around 78 years old. While 55 years old is the threshold, usually that person cannot live alone because of a health issue, and they cannot drive. She understands the fear of something new, but because this project is a PD going into the MPO zoning, there is a lot more scrutiny that will be attached to the project.

Alderman Worley asked about the sustainability of the project and if they were sure the rates they are charging will be able to sustain the operation.

Mrs. Kimbrow stated yes, they have run the numbers and this matrix will work long term for the project.

A discussion ensued regarding the number of parking spaces they are predicting.

Mr. Groce explained that the PD ordinance allows a smaller parking space ratio for senior living facilities. The applicant has provided a parking generation study from an engineer. They believe that the parking is justified according to their parking study because of the lower population of drivers living at the facility.

Commissioner Marshall asked about the operations and the individual living areas.

Mr. Kimbrow explained that this is not an assistant living or nursing home center. This is an independent living center only, but they will have faculty available to help those residents who need help with dressing, medication reminders, socialization programs, and food services. There are no regulations on them from the State of the Town.

A discussion ensued regarding who will run the facility. Mrs. Kimbrow explained that they will hire a professional management company who specializes in these facilities to run the property.

Motion by Commissioner Jordan and seconded, to recommend approval of Ordinance 2020-02 (Exhibit 3) to the Board of Mayor and Aldermen.

Vice-Chairman Rozanski asked about the applicant's parking traffic study and asked to hear from the engineering on where those numbers came from.

Mr. John McCarty, representative for the applicant, addressed the commissioners. He explained that the parking study was based on mainly the ITE Manual that is used to produce the study. Through multiple conversations with their client, it was determined the number of units, versus the number of average people who live there that will own a car, and will still be able to drive. The residents have had to sell their home to live here and usually can no longer drive. The facility will have a van to take residents to the doctor and shopping. The numbers for the actual traffic numbers on Sycamore Road were pulled from the TDOT website.

Alderman Worley asked about the property timeline that goes with the property when it was bought and the zoning changed.

Mr. Groce explained that the applicant asked for a zoning letter in 2013 to show how the property was zoned GC, and verify what uses were allowed. Senior housing was allowed by-right on the property when the applicant bought it at that time, in 2013. In the last few years, there have been a lot of other applicants that have come in with plans for senior living facilities to build in Collierville, so in 2018, the PC and BMA voted to change the ordinance to allow approval of a senior living facility only through a PD. You are supposed to have 200 feet of frontage on an arterial or collector street, and Sycamore Street is a major collector road. This makes sure such a use is not buried back into a neighborhood.

Commissioner Jordan explained that most of the people who he has heard from tonight that are opposed to this live in Magnolia Square. He believes that if this helps some senior citizens in Collierville be able to stay in Collierville when they need to move from their homes, then he is in favor of this project. He doesn't feel that this is an apartment building, but a facility to help seniors maintain a nice lifestyle with assistance.

Mrs. Alfreda Hines, resident at 368 Harris Street, addressed the commissioners. She explained that she already has to look at the Fundquest Skating rink and she does not think that a three story building is going to add to her view or the area. She would not mind a church or smaller business going in there, but she does not feel that this project is for their neighborhood. She has a voice and she wants to be heard and she believes it is the wrong place for this large of a project. If the children are our future, what is this going to do for our kids and our neighborhood has to look at another tall building?

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

Roll call:

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

Motion Approved

Motion by Vice-Commissioner Rozanski and seconded, to recommend approval of Resolution 2020-25 (Exhibit 10) to the BMA:

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 Outline Plan and the Pattern Book shall be two separate documents.
3. Change all zoning from GC: General Commercial to MPO: Medical-Professional-Office in anticipation of the rezoning approval.
4. Change the color of the red (GC: General Commercial) overlay to a blue (MPO: Medical-Professional-Office) overlay for the subject property on Page 6 of the Pattern Book.

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

There was a brief discussion about the sidewalks, and staff confirmed that they are proposing sidewalks in their site plan.

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

Roll call:

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

Motion Approved.

DD20-019 Oak Grove PD Parcel C5 – Radiant Group – Request approval of a Conditional Use Permit (CUP) for a convenience Store on 1.467 acres located at the northeast corner of Byhalia Road and Shelby Drive.

Mr. Scott Henninger gave the staff presentation. He explained that the Site is located within Parcel C5 of the Oak Grove PD, now also known as the Byhalia Road Corridor PD. It is currently zoned SCC Shopping Center Commercial, and a convenience store is allowed if granted a Conditional Use Permit (CUP).

The Byhalia Road Corridor PD includes parameters to guide development. A 62.85-foot Landscape Easement is provided to buffer adjacent residential development, and a 40-foot landscape easement is required along the street frontage

The PD requires an architectural design guide be developed. A conceptual design guide was approved in 2001, and a 2001 condition requires the design guide be approved before the first building comes before the DRC. The PD requires that “Service canopies shall be oriented inward on the site; canopies shall not be visually prominent from the street”. If the CUP is approved, the applicant intends to request an amendment to the PD to remove the canopy orientation requirement. The PD says that gas stations are expected for this property.

The nonbinding conceptual layout was reviewed. The fuel pumps are located in front of the building to the west, which conflicts with the PD language. Conditions require the conceptual layout to be consistent with the PD. The elevations indicate the general architectural character of the proposed building and fuel canopy. Windows will wrap the corner of the building, proposed propane tank storage on the outside of the building

EXHIBITS:
1. Conditions of Approval (6/3/20)
2. Applicant’s cover letter & CUP Responses (2/28/20).
3. Staff CUP Analysis (3/24/20)
4. Plat of the Preserve at Oak Grove
5. CUP Plan & Elevation Exhibits
6. Traffic Study Excerpt (3/4/20)
7. Traffic Email (3/12/20)
8. eComments

and fuel canopy. He reviewed their non-binding landscape plan. With the Preliminary Site Plan, additional planting will be required along the south, north and east sides of the parking and service areas.

If other uses beyond a convenience store with gasoline sales are located on this out-parcel, additional parking may be required. Condition Number 7 will prohibit the expansion of the building. Outdoor dining, bakeries, dairy bar, deli, beverage stores, beauty/barber shops, etc., may generate the need for additional parking. Condition Number 9 will require a shared parking agreement with other properties in Parcel C5 and the office outparcels of Parcel O6.

There are currently 15 existing c-stores north of TN 385, with 3 pending c-stores south of TN 385. Traffic impacts may trigger additional improvements such as a traffic signal timing adjustment at Shelby Drive and Byhalia Road; however, the applicant's traffic study says no improvements are needed. According to the Traffic Study Excerpt and email, approximately 4,188 average daily trips will be generated by the convenience store with a PM peak of 344 trips and 50% will be existing pass-by trips. Both Shelby Drive and Byhalia Road have been widened and there are two access points into the site from adjacent streets. The Preliminary Site Plan will include a storm water analysis. The 6-Prong CUP Test is used to determine if there are adverse impacts and conditions have been added to minimize the negative impacts.

For the CUP, the PC will need to consider whether the use and hours compatible with surrounding development (prohibited from opening midnight to 5 AM to match the Almadale Farms CUP), and if the traffic impacts be adequately mitigated.

He reviewed the motion, conditions of approval, and the next steps for the applicant.

Chairman Cotton asked if there were any questions of staff.

Hearing none, he called the applicant to the podium.

Mrs. Brenda Solomito-Basar, representative for the applicant, addressed the Commissioners. She explained that their proposal is for a single user convenience store. There will be no other tenants and no other bays. The pumps will be located at the front of the store, so as to protect the residential neighbors to the back. They are in agreement with all the conditions listed in the staff report, and the land is currently vacant. She stated that her client lives in Collierville, and likes placing his c-stores at the intersections of major roads. The lighting and landscaping will be done properly to make sure it meets the safety and health standards. They want to be good neighbors and make sure that the site is a positive impact for the Town. Gasoline sale is highly safe these days and the owner will have a full time security guard onsite at all times.

Chairman Cotton asked if there were any questions of the applicant.

Commissioner Goddard ask about the cross access points of the property.

Mrs. Solomito-Basar stated that they will get an agreement with the adjacent property owners. The property owner is the same, who is selling to her client.

Commissioner Gilbert asked about the on-site security guard.

Mrs. Solomito-Basar stated that they will only have a security guard during business owners. The applicant owns several other c-stores in Town.

Mr. Cravens addressed the commissioners and explained that 85 people commented on the eComment feature of the website, 1 person was neutral and 3 were no response, but sent their names in, 4 people were in support and 77 were opposed. The people who opposed had general concerns of safety, traffic increase and decrease in property values. Staff did receive 19 emails and all of them were opposed to the project. One email was from the Oak Grove HOA and they were opposed for the reasons stated above.

Mr. Harold Booker, resident at 1103 Fall Springs Road, addressed the commissioners. He is a board member of the HOA of the Southridge Subdivision and he is representing 133 residents and property owners who all opposed to this project being built at the proposed location.

Mrs. Roz Croce, resident at 11282 Deep Pond Drive, addressed the commissioners. She explained that they have seen a lot of increased traffic recently in their area due to the new high school. They have concerns already about the safety in this area of student drivers, buses coming and going, and the increase in traffic from SR 385 and Mississippi. She feels that adding a c-store to this intersection is going to cause and even more stressful situation on the traffic and young drivers. There is a median there now in that area, along with a small children's park and it just seems to be adding way too much traffic and destination areas in one spot. She also has concerns over their property values. She does not like the idea of the high school students being exposed to a place of business one mile from their school that sells cigarettes and alcohol. There should be a lot of other nice options to put in on that corner. A nice small restaurant would be a better option in her opinion.

Mr. Darrell Green, resident at 757 Southern Pride Drive, addressed the commissioners. He explained that the applicant has stated that they don't like to nestle their stores deep into neighborhoods, but this is exactly what they are doing. He has concerns over safety, traffic and property values. They would much rather see this corner be put to better use with something other than another c-store with gasoline sales. This is the primary egress for the high school and the traffic just does not need another creation of another traffic nightmare. The FBI crime data shows that 19,700 stores were robbed in 2018. This equates to 1 in every 7 stores are going to be robbed. Crimes of convenience will also happen here. There is already a c-store just a little over a mile away, which has been a host to several crimes, one being a shooting. Those stores do not belong that close to a neighborhood.

Mr. Steve Banister, resident at 798 Southern Belle Drive, addressed the commissioners. He explained that Oak Grove Subdivision is his neighborhood and their property values will suffer if this store is built. They are afraid of the crimes that this may bring to their neighborhood with the use. There is already a convenience store 1.3 miles away, and another store is not needed so close.

Mr. Naveen Mamidipalli, resident 11283 Deep Pond Drive, addressed the commissioners. He explained that he lives at the Preserve at Oak Grove. He opposes the convenience store at this area due to the traffic issues it will cause, along with the added crime. Most of the neighbors in the four surrounding subdivisions are in opposition to this c-store. He and his son currently run through this area, and they are very concerned with the heavy traffic and possible crime it will bring to the area. The high school students do not need to have access to a store that sells alcohol and cigarettes right down from their school. They would love to see another use that is appropriate and a benefit to the area homeowners. This should not create an insecurity to the citizens. He opposes this store and the next item on the agenda.

Mr. Sada Vennam, resident at 11289 Deep Pond Drive, addressed the commissioners. He stated that he is opposed to the c-store due to traffic issues it may cause, along with the crime it may bring to their area. He has lived in this peaceful area for over ten years. This store will cause a lot of insecurity to the surrounding neighborhoods. Priority of safe living is his greatest importance of living in Collierville. He opposes this store and the next item on the agenda.

Hearing no further comments, Chairman Cotton called for a motion.

Motion by Vice-Chairman Rozanski, and seconded, to recommend that the BMA approve the request (Exhibit 2) for a Conditional Use Permit for a convenience store on 1.467 acres located at the northeast corner of Byhalia Road and Shelby Drive, subject to the conditions in Exhibit 1.

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 Conditional Use Permit is only applicable to the 1.467± acres shown per Exhibit 5, and is not transferable to other portions of the Oak Grove PD.
3. The Conditional Use Permit for a convenience store shall become null and void if the approval of a Preliminary Site Plan expires.
4. No business shall be conducted between midnight and 5:00 am.
5. To minimize adverse impacts, there shall be no outdoor display, vending, or storage visible on the outside of the building other than a screened propane enclosure.
6. No Automobile Rental uses shall be permitted at the subject property.
7. A drive-thru, accessory car wash, or building addition shall require approval of an amended Conditional Use Permit before such a use is added to the site.
8. If the building will be subdivided into a multi-tenant building, provide a parking analysis and include in the Site Data table a breakdown of parking for each tenant use of the building. Requirements for a convenience store are 1 space per 200 sq. ft., but the parking requirements for other uses may be greater (e.g. a deli is calculated at 1 space per 150 sq. ft. and a dairy bar at 1 space per 100 sq. ft.) (Section 151.117). Parking spaces at the pumps cannot count towards the parking requirements for other tenant uses. Additional parking may be required with outdoor dining. The building shall not be subdivided into a multi-tenant building without an amendment to the CUP.
9. Provide a shared parking agreement with the adjacent nonresidential properties to allow overflow of parking offsite within this commercial planned development.
10. The Preliminary Site Plan layout shall be consistent with the requirements of the Oak Grove/Byhalia Road Corridor PD (VI., E., 3.).
11. With the Preliminary Site Plan, the architectural design shall be consistent with the design guide developed for the PD per The Oak Grove/Byhalia Road Corridor PD (VI., E., 1.).
12. A storm water analysis shall be provided with the Preliminary Site Plan to ensure there are no negative impacts to the neighboring properties.
13. A Final Subdivision Plat shall be reviewed and approved prior to the issuance of a Building Permit. The plat shall contain ingress/egress easements for off-site access to the adjoining properties.

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

Commissioner Jordan stated that he knows this area well, and he sees many walkers and runners in that area every day. If we put a convenient store there, he does not believe that people will continue with that activity. If you put a store here, it will not be safe for the children or adults.

Vice-Chairman Rozanski asked to hear from the traffic engineer on this project.

Mr. Jeff Karafa, Traffic Engineer for the applicant, addressed the commissioners. He explained that this site will be a Level of Service C and will get customers from “pass-by” traffic, and should not add to the traffic generation. This should not affect the queuing of the traffic in that area and it should have a minimal impact. There may be some back up, but it will not be caused from the gas station, more like from the high school.

A brief discussion ensued regarding how many c-stores abut to subdivisions in Town. Mr. Groce explained that there are a few scattered around Town.

Commissioner Given stated that he tries to look at these developments like he would look at what might be in his own backyard. He is concerned with the high school being a short distance away from this proposed location, and the impact that it could have on them driving by this convenience store. Perhaps the zoning for this property needs to be amended.

A discussion ensued regarding the current zoning of the property and the uses that are allowed.

Alderman Worley stated that he agrees with Commissioners Jordan and Given, and he does not feel that this is the appropriate location for a convenience store. He received a lot of email from the citizens in this area who are opposed to it, and he has never received so many complaints as this project.

Commissioner Marshall stated that she agrees with the other commissioners that have expressed their concerns.

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

Roll call:

Rozanski – no, Given – no, Marshall – no, Goddard – no, Jordan – no, Gilbert – no, Worley – no, Cotton - no.

Motion failed.

DD 20-018 – Byhalia Commons PD, Area 1, Radiant Group – Request approval of a conditional Use Permit (CUP) for a convenience store on 1.514 acres located at the northwest corner of Byhalia Road and Collierville Road.

Mr. Scott Henninger gave the staff presentation. He explained that the site is located within Area 1 of the Byhalia Commons PD, which was approved in 2010. The PD allows uses as per the SCC Shopping Center Commercial zoning districts, and c-stores are allowed if granted a Conditional Use Permit (CUP). The PD states that primary facades shall be setback 119 feet from the back of the curb of Byhalia Road while the primary façade shall be set back a distance of not less than 109 feet from the back of the curb of Collierville Road. Area 1 of the PD is the convenience edge which primarily faces Byhalia Road. He reviewed the non-binding conceptual layout and explained that the fuel pumps will be located behind the building to the west in compliance with the PD pattern book. The concept plans show the required 40-foot streetscape along Byhalia Road and the 30-foot streetscape along Collierville Road. The elevations indicate the general architectural character of the proposed building and fuel canopy. Condition 10 will require a customer entrance from the west side where the fuel pumps will be located. The elevations show outside propane tank storage with windows that wrap around the corner of the building. Lighting will be required to meet the lighting ordinance and with review of a Preliminary Site Plan application, revisions to the layout, landscaping, and/or elevations may be required.

EXHIBITS:

1. Conditions of Approval (6/3/20)
2. Applicant's Cover Letter & CUP Responses (2/28/20).
3. Staff CUP Analysis (3/24/20)
4. CUP Plan & Elevation Exhibits
5. PD Pattern Book Excerpt
6. Traffic Study (3/4/20)
7. Traffic Email (3/12/20)
8. Supplemental Site Exhibits (3/11/20)
9. eComments and letters

If other uses beyond a convenience store with gasoline sales are located on this out parcel, additional parking may be required. Condition Number 7 will prohibit the expansion of the building. Outdoor dining, bakeries, dairy bar, deli, beverage stores, etc., may generate the need for additional parking. Condition Number 9 will require a shared parking agreement with other properties in Areas 1 and 2 of the PD. They are proposing 51 parking spaces for the site, which will be 41 spaces plus 1 space at each of the 10 pumps.

Mr. Henninger stated that there are currently 15 existing c-stores north of TN 385 and 3 pending c-stores south of TN 385.

The applicant will be required to contribute to the traffic signal at Collierville Road and Byhalia Road. According to the Traffic Study Excerpt and email, approximately 4,188 average daily trips will be generated by the convenience store with a PM peak of 344 trips, and 50% will be existing pass-by trips. Two access points into the site from adjacent streets, access to adjacent non-residential properties will be required. The Preliminary Site Plan will include a storm water analysis. The 6-Prong test is used to determine if there are adverse impacts and the Conditions of approval have been added to minimize negative impacts.

He reviewed the Conditions of approval, example motion, and next steps for the applicant.

Chairman Cotton asked if there were any questions of staff.

A discussion ensued regarding the three c-stores located on Byhalia Road.

Hearing no further discussion, Chairman Cotton called the applicant forward.

Mrs. Brenda Solomito-Basar, representative for the applicant, addressed the commissioners. She explained that this design is very similar to the previous case, but this site is located in an area planned for commercial uses. The pattern book and the PD also permit uses of convenience. This would be at the corner with the gas pumps located behind the building. They are working on a regional detention pond and they do meet the criteria of the 6-Prong test. This will not be a huge traffic generator so the impact should be minimal. The applicant understands the public's fear of crime, but he is planning to hire a security guard for the premises during business hours.

Mr. Jay Cravens addressed the commissioners and explained that the eComments received by staff were 79, 1 neutral, 2 no response, 3 in favor and 73 opposed to the c-store. Most of the responses came from the property owners in Estanaula Subdivision, and a few in Cypress Grove Subdivision. The general concerns listed were, crime, increase in traffic, property values of homes declining, and the general characteristic of c-stores.

Chairman Cotton called a citizen forward who wished to speak.

Mr. Bryce Berg, resident at 621 Cypress Run Cove, addressed the commissioners. He explained that they are in favor of the uses that benefit the area residents, but they do oppose the convenience stores. They feel this will invite crime, and increase traffic. They feel that this store will reduce the comfort and safety of the nearby residents. People in this area regularly walk, bike and exercise. This will diminish safety concerns getting to the two nearby parks and will cause people a harder time to get to. The traffic added interactions may also interfere with traffic of the nearby schools and children walking to and from school on a daily basis. Most of the convenience stores in Town are located closer to big box stores and shopping centers.

Motion by Commissioner Rozanski, and seconded, to recommend that the BMA approve the request (Exhibit 2) for a Conditional Use Permit for a Convenience Store on 1.514 acres located at the northwest corner of Byhalia Road and Collierville Road, subject to the conditions in Exhibit 1.

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 Conditional Use Permit is only applicable to the 1.514± acres shown per Exhibit 4, and is not transferable to other portions of the Byhalia Commons PD.
3. The Conditional Use Permit for a convenience store shall become null and void if the approval of a Preliminary Site Plan expires.
4. No business shall be conducted between midnight and 5:00 am.
5. To minimize adverse impacts, there shall be no outdoor display, vending, or storage visible on the outside of the building other than a screened propane enclosure.
6. No Automobile Rental uses shall be permitted at the subject property.
7. A drive-thru, accessory car wash, or building addition shall require approval of an amended Conditional Use Permit before such a use is added to the site.
8. If the building will be subdivided into a multi-tenant building, provide a parking analysis and include in the Site Data table a breakdown of parking for each tenant use of the building. Requirements for a convenience store are 1 space per 200 sq. ft., but the parking requirements for other uses may be greater (e.g. a deli is calculated at 1 space per 150 sq. ft. and a dairy bar at 1 space per 100 sq. ft.) (Section 151.117). Parking spaces at the pumps cannot count towards the parking requirements for other tenant uses. Additional parking may be required with outdoor dining. The building shall not be subdivided into a multi-tenant building without an amendment to the CUP.
9. Provide a shared parking agreement with the adjacent property owner(s) to allow overflow of parking offsite within this commercial planned development.
10. In addition to the primary façade facing east toward Byhalia Road, provide a customer entrance on the west side of the building where the fuel pumps are located.
11. Per Outline Plan, a comprehensive, coordinated signage system plan shall be submitted to the PC & DRC for a recommendation to the BMA for review and approval as an amendment to the Outline Plan prior to the issuance of sign permits.
12. A storm water analysis shall be provided with the Preliminary Site Plan to ensure there are no negative impacts to the neighboring properties.
13. A Final Subdivision Plat shall be reviewed and approved prior to the issuance of a Building Permit. The plat shall contain ingress/egress easements for off-site access to the adjoining properties.

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

Vice-Chairman Rozanski stated that he hears all of their concerns, but this particular location might be a little better than the previous case, and once the area develops he feels this will be a good use. He doesn't see that it would ever need 2 gas stations in that area, but he believes this would be a good location for one.

Commissioner Gilbert stated that he does not see that this would be a good location for this store. He has concerns with the added traffic and security issues.

Commissioner Given stated that he could see the point of Vice-Chairman Rozanski; however, he feels that this would have a hard scape to it and make it easy to get on and off SR 385. He does not feel that this is a good place to put a gas station here at this time.

Alderman Worley stated that a gas station was not envisioned at this corner back in 1999, and he does not think this would be a good area to put one due to safety issues and traffic issues. The opposite corner might be a better location. There are too many subdivisions in the immediate area and other are planned there for the future.

Commissioner Marshall stated that she cannot support this because of the citizen's concerns and safety issues.

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

Roll call:

Rozanski – yes, Given – no, Marshall – no, Goddard – yes, Jordan – no, Gilbert – no, Worley – no, Cotton - yes.

Motion failed.

DD20-022 – Resolution 2020-16 – Request approval of an amendment to the Byhalia Commons PD to modify the boundary line between Area 1 and Area 2, increasing Area 1 to 8.44 acres and decreasing Area 2 to 40.49 acres; to modify the orientation of the interchange enhancement and tree preservation area; and, to adjust the building setback in Area 2 to match he building setback along Collierville road in Area 1.

Mr. Scott Henninger gave the staff presentation. He explained that The PD amendment will only impact Areas 1 and 2. Area 2, the market core, allows for mixed use buildings that include ground floor commercial and office use and upper floor residential. Area 1, the convenience edge, creates commercial outparcels. Convenience Stores are allowed in Area 1 with a Conditional Use Permit (CUP). The primary change with the request is the interchange enhancement and tree preservation would shift north expanding Area 1 and squaring up with Byhalia Road. Area 1 increases from 7.54 acres to 8.44 acres. Area 2 will be reduced from 41.23 acres to 40.49 acres. The applicant will need to modify the interchange enhancement, wet detention basin, to reduce its frontage on Byhalia Road, while extending it to follow the off ramp. The amendment would square up setbacks, easements, and the lines between Areas 1 and 2 to follow the new Byhalia Road right-of-way.

EXHIBITS:

1. Applicants Cover Letter (3/10/20)
2. Requests & Justifications (3/10/20)
3. Neighborhood Meeting Minutes (3/23/20)
4. Resolution 2020-16 with Attachments
Attachment A - Byhalia Commons PD
Attachment B - Development Areas
Attachment C - Byhalia Road Boundary and Linework Changes
Attachment D - Tree Preservation Areas
Attachment E – Collierville Road Boundary and Linework Changes
5. PD Pattern Book Excerpt (2018)
6. eComments

The secondary change will be the setback in Area 2 along Collierville Road would be adjusted from 107 feet to 109 feet to match Area 1 for a consistent streetscape. The setback and tree preservation areas will be required to match up with the Towne at Byhalia Commons Preliminary Plat and PD amendment.

New development is required to contribute to the traffic signal at Collierville Road and Byhalia Road. A storm water analysis will be needed to address storm water impacts prior to the development of Areas 1 and 2. The detention basin may need to be installed before, or concurrent with, construction within Area 1 and 2. A grading plan is anticipated in the near future for Areas 1 and 2. Condition of approval number 2 requires a storm water analysis prior to development and condition of approval number 3 requires a timeline for the interchange enhancement.

He reviewed the example motion, conditions of approval and next steps for the applicant. The applicant is in agreement with the conditions of approval.

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

Hearing none, Chairman Cotton called the applicant forward.

Mr. Bob Dalhoff, design professional, addressed the commissioners. He explained that they have been working on this project for several years. They are fine tuning the lines after the completion of the road improvements. The convenience area change just a little bit in order to help traffic get into that front drive a little better. This change makes all the setbacks even and cleans the lines up for the project.

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

Mr. Cravens addressed the commissioners and explained that there were 3 eComments for this project and they were in opposition, but he believes they were confusing this project with the c-store items previous heard.

Motion by Vice-Chairman Rozanski, and seconded, to recommend approval of an amendment to the Byhalia Commons PD - Resolution 2020-16 (Exhibit 4):

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. Prior to a Development Agreement for development in Areas 1 or 2, a Storm Water Analysis shall be provided to determine projected detention needs to be addressed by the wet basin in the interchange enhancement.
3. Under XI. Development Phasing, provide a timeline for the construction of the interchange enhancement containing the wet detention basin.
4. All amendments approved by Resolution 2020-16 shall be reflected in the map and text of the Outline Plan and noted with a Delta 4 and shall include all amendments from the 2019 PD Amendment indicated with a Delta 3.
5. Provide the recording certificates and a Delta 4 note to summarize the changes occurring with this PD Amendment.
6. Revise the PD Amendment Exhibits and Pattern Book to reflect the changes to the Areas 1 and 2 and the recent changes of the 2019 PD Amendment for Area 3.
7. A Comprehensive Sign Policy is required prior to a Development Agreement for any development in Areas 1 or 2.

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

Roll call:

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

Motion Approved.

Other Business:

Chairman Cotton asked if there was any Other Business.

Mr. Groce explained that the Development Activity Map has been updated recently. The July PC meeting will be on Tuesday, the 7th, to accommodate the July 4th holiday.

Hearing no further business, Chairman Cotton adjourned the meeting at 7:54 p.m.

Secretary, Commissioner Jeremy Given

PC 6-11-20