

A called meeting of the **Planning Commission** was held on Tuesday, July 7, 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 (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; Planner, Mr. Scott Henninger; 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, Johnson – 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 June 11, 2020 meeting.

Hearing none, he called for a motion to approve the minutes from the June 11, 2020 meeting as presented.

Motion by Vice-Chairman Rozanski, and seconded, to approve the June 11, 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, Johnson – abstain, Goddard – yes, Jordan – yes, Gilbert – yes, Worley – yes, Cotton - yes.

Motion Approved.

Approval of Agenda

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

Mr. Groce explained that the agenda is as published; however, staff would suggest that item 6.b. The Stables, be removed from the Consent Agenda and placed on the Formal Agenda for discussion about one of the conditions of approval that the applicant is not in agreement with. Item 7.a. Kingdom Christian Academy can be removed from the Formal Agenda and placed on the Consent Agenda as the applicant is in agreement with all of the conditions of approval contained in the staff report, and there are no concerning issues.

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

Motion by Vice-Chairman Rozanski, and seconded, to approve the agenda as amended.

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

Roll call:

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

Motion Approved.

Consent Agenda:

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

Hearing none, he called for a motion to approve the Consent Agenda as amended.

DD20-050 –Hidden Creek P.D. Phase 1 – Request approval of a Final Subdivision Plat for a 32 lot residential subdivision on 17.497 acres and a 63.043-acre future Development Tract located on the west side of Bailey Station Road at the intersection of Crooked Creek Drive just north of the Bailey Station Elementary School.

To approve the Final Subdivision Plat for Phase 1 of the Hidden Creek PD Subdivision, subject to the conditions listed in Exhibit 1:

EXHIBITS
1. Conditions of Approval (7/2/20)
2. Applicant’s Cover Letter (5/28/20)
3. Approved Concept Plan (2008)
4. Plat Recording Checklist
5. Final Subdivision Plat (5/28/20)

CONDITIONS OF APPROVAL:

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. Pursuant to a Condition in the Development Agreement, Note # 17 on Sheet #1 of the Final Plat shall be revised to read as follows:
There is a turnaround easement for ingress/egress on the turnaround on Lot 6 in favor of the Town of Collierville. The Town will assume all maintenance responsibilities of improvements within said easement. Should Bailey Station Road be extended in the future the turnaround shall be removed by the Town of Collierville and the easement will be abandoned.
3. Encroachment notes 1 and 2 in the Final Subdivision Plat data charts are duplicates. Delete the first note and keep the second one.
4. The following comments from the Engineering Division shall be addressed:
 - a. Prior to plat recording, please provide a 11 x 17 drawing showing the area (s.f.) of all public easements and r.o.w. dedicated with this plat
 - b. The Min. F.F.E.s will be reviewed once the As-Built topo is submitted
 - c. Title Block – Label the area
 - d. Title Block – Label the number of lots
 - e. Title Block – Label the zoning
 - f. T.B.M. – Please make sure that these are updated with As-Built elevations
 - g. Suggest adjusting L5 so that it is easier to read
 - h. Suggest trimming the easements and setbacks from the text
 - i. Correct the sheet numbers on the Match Line
 - j. Typical Util. Esmt. needs to be shown along the front of lots 1-6
 - k. Owner’s Notary Certificate – Shouldn’t you have two Notary’s Certificates? It may be difficult to have both parties sign it at the same time

- l. Is there a Mortgage? If so, please add a Mortgagee and Notary's Certificate
- m. Surveyor's Certificate: Change "Class" to "Category"
- n. Certificate of Declaration of Covenants and Restrictions – Don't you need to add another signature line for the owner? Also, don't you need another Notary's Certificate for that owner?

DD20-025 – Tara Oaks Court Subdivision – Request approval of an amendment to a Preliminary Subdivision Plat for a 3-lot residential subdivision on 1.07 acres located on the northeast corner of Collierville-Arlington Road and Tara Oaks Drive.

To approve the amendment to the Preliminary Subdivision Plat (Exhibit 6) for the Tara Oaks Court Subdivision, subject to the conditions in Exhibit 1.

EXHIBITS	
	1. PC Conditions of Approval (7/2/20)
	2. Applicant's Cover Letter (6/11/20)
	3. Site Generated Traffic Volumes (7/31/19)
	4. Lot Layout Comparison (7/2/20)
	5. January 7, 2020, PC Minutes
	6. Preliminary Subdivision Plat (6/11/20)
	7. Excerpts from Construction Drawings (6/11/20)

CONDITIONS OF APPROVAL:

- 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. Engineering:
 - a. Provide the As-Built Topo information. The min. F.F.E.s will be reviewed once the As-Built Topo is submitted.
 - b. One copy of the state approved Water Plan shall be provided to the Engineering Department and Public Services. Construction of the water shall not begin until the state approval is received.
 - c. Provide a copy of the NOC.
 - d. A copy of the MLGW address assignment shall be submitted to the Engineering Dept.
 - e. CAD file is being reviewed by the GIS Dept. Provide revised files if needed.

DD20-049 – Byhalia Commons P.D. Area 3, Phase 3A (The Towne at Byhalia Commons) – Request approval of a Final Subdivision Plat for 43-lot residential subdivision on 8.451 acres located on the north side of Collierville Road, west of Byhalia Road.

To approve the Final Subdivision Plat for Phase 3A of the Byhalia Commons PD, Area 3, Phase 3A (The Towne at Byhalia Commons) subject to the conditions in Exhibit 1:

EXHIBITS	
	1. PC Conditions of Approval (7/2/20)
	2. Cover letter (5/29/20)
	3. Final Plat Recording Checklist
	4. Final Plat (5/29/20)

CONDITIONS OF APPROVAL:

- 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. Provide the final homeowners' association documents per the Town Attorney's 2019 review. The Final Subdivision Plat will not be recorded without the final documents.
- 3. Include the remaining 21± acres as a Future Development Tract on the Final Subdivision Plat drawing. An additional sheet may be required.
- 4. On the Subdivision Plat Data chart:
 - a. Add "Byhalia Commons" to the Existing Zoning and Applicable Overlays;
 - b. Include in the Minimum Required Setbacks for the rear yard that there is a 45-foot rear setback along the western boundary.
 - c. The maximum building height is 35 feet.

5. Show the 45-foot setback along the western boundary.
6. Update all references to the Plat Book and Page to the July 12, 2019 recorded Outline Plan: Plat Book 282 Page 29.
7. Confirm the area of Common Open Space (COS) M and the total area in the COS table.
8. Include COS E in the COS table and add the area to the total.
9. Remove the garbage can pads and show them in the COS on the Final Site Plan to be approved by the BMA.
10. Change COS C to COS B to match the Preliminary Plat.
11. "No Parking" signs will be required in the private alleys. The signs shall be installed before the Final Plat is recorded.
12. Resolution 2018-03 required that the developer shall submit a proposed comprehensive sign policy for all signage within the Planned Development to the Planning Commission as an amendment to the PD outline plan before signs can be installed. The sign policy shall be submitted and approved prior to issuance of any sign permits for any phase of The Towne at Byhalia Commons. Sign permits are required for all signage.
13. The staff will need to review the items listed in the conditions of approval in the DRC approval of the pool house and pool area improvements, and the conceptual elevations and landscaping before the Final Plat is recorded and building permits issued.
14. The following comments from the Engineering Division shall be addressed:
 - a. Prior to plat recording, please provide a 11 x 17 drawing showing the area (s.f.) of all public easements and r.o.w. dedicated with this plat
 - b. N.&E. is required to be shown for all boundary corners
 - c. Only see one concrete corner monument. Two are required. Also, please add "Concrete" to the label
 - d. The Min. F.F.E.s need to be shown. They will be reviewed once the As-Built topo is submitted
 - e. Title Block – Label the area
 - f. Title Block – Label the number of lots
 - g. Title Block – Label the Developer
 - h. T.B.M. – Please make sure that these are updated with As-Built elevations
 - i. Note #1 – Is the location description correct – "The northeast corner of the project"?
 - j. Note #3 – May want to remove "at the intersection of streets" since they are not actually located at an intersection
 - k. Area of C.O.S. E is not listed in the table
 - l. Lot #34 – There is a double label
 - m. Please show the standard 5' Util. Esmt. along the rear of lots #9-24
 - n. Suggest adjusting L21 and C16 so that they are easier to read
 - o. Is there a Mortgage? If so, please add a Mortgagee and Notary's Certificate
 - p. Being that a portion of the Drainage Esmt. is shown on the Collierville Road Partnership property, they will need to sign the plat. Please add an Owner and Notary's Certificate. Please also add a Mortgagee and Notary's Certificate if there is a Mortgagee

DD 20-055 – Kingdom Christian Academy – Request approval of an amendment to the Conditional Use Permit for a place of worship 10545 Collierville Rd to allow for a private school.

To approve the request for the Conditional Use Permit (CUP) for a private school at 10576 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 uses allowed pursuant to this Conditional Use Permit (CUP) shall be narrowly defined as a Private School (Pre-K to 12th Grade).
3. Any activities related to this private school that would increase the intensity of the use such as adding a day care, expanding the enrollment beyond 50 students, and/or increasing the number of parking spaces for this use, shall not be allowed without an amendment to this CUP or through a separate CUP.
4. The applicant shall demonstrate that the building complies with all applicable building and fire codes.

- EXHIBITS:**
1. Conditions of Approval (6/26/20)
 2. Cover letter & Exhibits (6/16/20)
 3. Aerial Photograph
 4. Photos of Collierville Road (06.25.20)
 5. Level 1 Traffic Study (6/12/20)
 6. Staff's CUP Test Analysis (6/26/20)
 7. 2002 BZA CUP Conditions (5/7/02)
 8. Existing Site Plan (9/12/16)

Motion by Commissioner Marshall, and seconded, to approve the Consent Agenda as amended.

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

Roll call:

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

Motion Approved.

Formal Agenda:

DD20-048 – The Stables Subdivision, Phase 5 – Request approval of a Final Subdivision Plat for a 20 lot residential subdivision on 8.281 acres located on the east side of Bray Station Road and south of Wolf River Boulevard.

Alderman Worley recused himself from the meeting at this time.

Mr. Jaime Groce gave the staff presentation. He explained that the Town has seen applications for this property before as the PC approved the Preliminary Plat on October 3, 2013 for the entire 182 lot single family neighborhood and the BMA approved the Development Agreement on August 22, 2016 for Phases 3 through 6.

Mr. Groce showed an aerial view of the subdivision and explained which phases have been completed. He discussed the berm area located on the west side of the property which serves as a repository planting mitigation for trees.

- EXHIBITS:**
1. Conditions of Approval (7/2/20)
 2. Applicant's Cover Letter (5/20/20)
 3. Plat Recording Checklist
 4. Phases 3-6 Landscaping Plan (2016)
 5. Final Subdivision Plat (5/28/20)

The Final Plat is consistent with the 2013 Preliminary Plat approval and the 2016 Development Agreement. The applicant has an issue with a condition of approval which relates to when the mitigation trees will be installed along the berm previously mentioned. There are 195 mitigation trees required in Phases 3 through 6, and not all of them have been planted yet. They are required to be 1 inch in size and the goal is for the berm to become naturalized. The applicant has committed to planting more trees than normal. There is a condition of approval in the Development Agreement that states that all the Phase 3-6 required mitigation trees shall be installed with Phase 3 construction activity, or at the time which the existing TDEC silt pond is removed and a corresponding berm is constructed in its place upon the Wildlife Properties, LLC Tract A property. The pond

is still in place and all the trees have not been planted. The developer is working to get the pond removed and then will install the trees. The applicant has contacted TDEC today and they are making progress to get this finished. It is unclear as to when the trees will be installed, and condition of approval number 2 is directed to this issue. It says the trees must be installed before the plat is recorded. Number 2 can be stricken or an amendment can be done to add a time frame as to when the trees must be planted by.

A discussion ensued regarding the date of April 30, 2021 as the date to add to the condition that the trees must be installed by. The applicant needs to remove the pond, fill it up with dirt to make the berm and then it will be ready to plant the trees. This is a temporary basin for construction. TDEC requires so many lots to be completed before the pond can be removed.

Commissioner Given stated that he has no problem changing the deadline to April 31, 2021 in the condition of approval number 2.

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

Motion by Commissioner Given, and seconded, to approve the Final Subdivision Plat for Phase 5 of The Stables Subdivision, subject to the conditions in Exhibit 1, changing condition number 2 to state, :”by April 2021”.

CONDITIONS OF APPROVAL:

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. All of the remaining mitigation trees required per the Phases 3-6 Development Agreement shall be installed prior to April 30, 2021.
3. The following comments from the Engineering Division shall be addressed:
 - a. Prior to plat recording, please provide a 11 x 17 drawing showing the area (s.f.) of all public easements and r.o.w. dedicated with this plat.
 - b. The min. F.F.E.s will be reviewed once the As-Built topo is submitted.
 - c. Surveyor’s Certificate: Change “Class” to “Category”.
 - d. T.B.M. – Please make sure that these are updated with As-Built elevations.
 - e. Note #9 – Are you going to be filing an amendment to add this section? If so, please add a blank for that instrument number to be added.
 - f. Note #12 – Should be 146 & 147.

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

Roll call:

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

Motion Approved.

Alderman Worley returned to the meeting at this time.

Other Business:

Chairman Cotton asked if there was any Other Business.

Mr. Groce explained that the 2nd Quarter Development Activity Map is being updated and will be released soon. He reviewed the upcoming applications the PC may be seeing at its meetings over the next few months.

Hearing no further business, Chairman Cotton adjourned the meeting at 6:20 p.m.

Secretary, Commissioner Jeremy Given