

A regular scheduled meeting of the **Planning Commission** was held on Thursday, January 7, 2021, at 6:00 p.m. on Zoom.

Staff members present were: Town Attorney, Mr. Nathan Bicks, Development Director, Mr. Jay Cravens; Town Planner, Mr. Jaime Groce; Planners Ms. Donquetta Singleton and Mr. Scott Henninger; Fire Marshal, Mr. Paul Witt; 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, Kilmurray – present, Goddard – present, Johnson – present, Given – present, Gilbert – present, Jordan – present, Worley – present.

Quorum Present.

Approval of Minutes

Chairman Cotton explained that the minutes from the December 3, 2020 meeting will be reviewed and approved at the February 4, 2021 meeting.

Election of Officers

Chairman Cotton called for a nomination for Chairman for the PC for 2021.

Motion by Commissioner Jordan, and seconded by Commissioner Given, to nominate Greg Cotton to serve as Chairman for 2021.

Chairman Cotton accepted the nomination.

Hearing no other nominations, Chairman Cotton closed the nominations and called for a vote.

Roll call:

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

Motion Approved.

Chairman Cotton called for a nomination for Vice-Chairman for the PC for 2021.

Motion by Commissioner Jordan, and seconded by Commissioner Given, to nominate Scott Rozanski to serve as Vice-Chairman for 2021.

Mr. Rozanski accepted the nomination.

Hearing no other nominations, Chairman Cotton closed the nominations and called for a vote.

Roll call:

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

Motion Approved.

Chairman Cotton called for a nomination for Secretary for the PC for 2021.

Motion by Alderman Worley, and seconded by Commissioner Gilbert, to nominate Jeremy Given to serve as Secretary for 2021.

Commissioner Given accepted the nomination.

Hearing no other nominations, Chairman Cotton closed the nominations and called for a vote.

Roll call:

Rozanski – yes, Given – yes, Jordan – yes, Gilbert –yes, Kilmurray – yes, Johnson – yes, Goddard – 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 under the Consent Agenda, Item 6.a. DD20-098 Collierville Heights First Addition Subdivision property owner should be corrected to show it is Ricky and Cathy Banks. Items 7.d. and 7.e. on the Formal Agenda need to be deferred to the February 4, 2021 PC meeting.

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

Motion by Vice-Chairman Rozanski , and seconded by Commissioner Kilmurray, to approve the agenda by amending Item 6.a. DD20-098 Collierville Heights First Addition Subdivision property owner to be corrected to show it is Ricky and Cathy Banks and showing Items 7.d. and 7.e. on the Formal Agenda to be deferred to the February 4, 2021 PC meeting.

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

Roll call:

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

Motion Approved.

Consent Agenda:

DD 20-098 – Collierville Heights First Addition Subdivision (Revision of Lots 3 & 4) – Request approval of a Final Subdivision Plat for the revision of a lot line for two existing single family lots located on 1.142 acres located at the northeast corner of Carruthers Road and White Road.

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

Motion by Commissioner Gilbert, and seconded by Commissioner Kilmurray, to approve the Consent Agenda.

To approve the Final Subdivision Plat for Collierville Heights First Addition Subdivision (Revision of Lots 3 & 4), subject to the conditions in Exhibit 1:

EXHIBITS:

1. Conditions of Approval (12/31/20)
2. Cover Letter (12/14/20)
3. Plat Recording Checklist
4. Example Home Plans (12/14/20)
5. Final Subdivision Plat (12/14/20)

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. Change the title of the plat from a "Preliminary Plat" to a "Final Plat".
3. Provide a 10-foot easement for the sanitary sewer line on Lot #4.
4. In the data chart:
 - a. Change the property owners listed to the current owners of the property.
 - b. Remove the reference to a PD overlay. This property is not within a planned development.
 - c. Note that White Road has a 50-foot front setback (per plat) and Carruthers Road has a 30-foot front setback (per plat).
 - d. Remove references to R-4 and SCC zoning.
 - e. Remove reference to non-residential zoning and change to R-1. Adjust setbacks to R-1 setbacks except that the front setback should be 30 feet (per plat).
5. Label the 15-foot side yard setbacks graphically shown on the plat as "private".
6. Delete the 15-foot side yard setback shown along the easternmost lot line of Lot #4 as this is a rear yard.
7. Revise the certificates on Page 2 to have the correct property owner and subdivision name information.
8. Add the following note to the plat: *The purpose of this plat is to reconfigure the lot lines between lot #s 3 and 4 so that Lot #4 becomes buildable, as a home was constructed in 1967 across the shared lot line for these two lots.*
9. The following comments from the Engineering Division shall be addressed:
 - a. Prior to plat recording, provide a 11 x 17 drawing or PDF showing the area (s.f.) of all public easements dedicated with this plat (or label it on the plat).
 - b. Add the following note: "The Town of Collierville shall have the right to enter the property for the purpose of maintaining the drainage, water and sewer systems located within public easements. However, the Town does not have the responsibility to repair any damage to the yards, parking lot, streets or drives caused by soil settlement or other reasons that are not directly caused by the Town's action of performing maintenance to the underground systems."
 - c. Add the following note: "Part of this development is being constructed near an existing ditch. By constructing near the ditch, the Developer acknowledges this and understands that in the future, the Town has no obligation to do any type of bank stabilization to the ditch."
 - d. Please add the following note: "All side and rear yard swales are private and are to be maintained by the homeowner."
 - e. Show the other setbacks on lot #3 as well.
 - f. If there is a mortgage, add the appropriate certificates.
 - g. Remove the labels related to the drainage ditch since it is not in a public easement.
 - h. Add a 10-foot drainage easement around the drainage pipe at the rear of Lot 4.
 - i. Provide 5-foot utility easements along all property lines.
 - j. Remove references to the "future development tract".
 - k. The sidewalk along White Road needs to be in a pedestrian and utility easement.

- l. The Min. F.F.E.s need to be labeled on each lot.
- m. Label the square footage of each lot.
- n. The detail on Sheet 2 not required to be shown; however, if you are going to show it, please add the Town's Title Block back (TOC-101).

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

Roll call:

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

Motion Approved.

Formal Agenda:

DD 20-023 - Byhalia Commons Planned Development, Area 1 (Shah) – Request approval of a Conditional Use Permit (CUP) for a Convenience Store on 1.46 acres located on the west side of Byhalia Road south of State Route 385.

Mr. Scott Henninger gave the staff presentation. He explained that the site is located within Area 1 of the Byhalia Commons PD, which allows uses as per the SCC zoning district. Convenience Stores are allowed if granted a CUP. The BMA recently approved a CUP for a C-store on December 14, 2020 at another nearby location. Area 1 is the Convenience edge of the outparcel with Byhalia Road frontage.

The fuel pumps would be located behind the 6,500 square foot building to the west, which is in compliance with the Pattern book. The plan indicates a drive-thru and outdoor dining and includes a 40-foot streetscape along Byhalia Road. Condition number 9 will require a customer entrance from the west side, where the fuel pumps are located. The perspectives indicate the general architectural character of the proposed building and fuel canopy. If other uses beyond a convenience store with gasoline sales are located on this out parcel, additional parking may be required. Conditions will prohibit the expansion of the building or a car wash without an amendment to the CUP and no auto rental. Outdoor dining, bakeries, dairy bar, deli, beverage store, beauty/barber shops, etc., may generate the need for additional parking. There are 47 parking spaces indicated on the plan. There will be 32 spaces plus 1 space at each of the 12 pumps and 1 drive-thru space.

There are currently three pending C-store applications south of TN 385. There are sixteen existing C-stores north of TN-385, one existing C-store south of TN 385, one approved C-store south of TN 385 and two pending C-store applications south of TN 385.

Access into the site will be provided by at least two access points. The Byhalia Road access drive north of the building is a right-in/right-out configuration due to the proximity to TN 385. A drive connection will also extend south to tie to a full service drive at a median break in Byhalia Road. A third access point tying the site to Collierville Road and use within Area 2 will be required via a rear drive parallel with Byhalia Road.

- EXHIBITS:**
1. CUP Conditions of Approval (12/30/20)
 2. Applicant’s Cover Letter & CUP Responses (10/10/20)
 3. About the Developer (10/10/20)
 4. Applicant PD Context Map (10/10/20)
 5. Applicant Area 1 Context (10/10/20)
 6. Applicant Concept Plan (10/10/20)
 7. Applicant Perspectives (10/10/20)
 8. Staff CUP Analysis (12/30/20)
 9. 3rd Party TIS Review (11/02/20)
 10. Traffic Review Diagram (12/11/20)
 11. Traffic Review Email (12/11/20)
 12. Ecomments and comments

He reviewed the nearby road network and future traffic signal at Collierville Road. A traffic study has been provided by the applicant and has been reviewed by Kimley Horn. The third party analysis indicated the need for additional improvements including extending the median in Byhalia Road to prevent illegal left turns at the north access, providing two exit lanes at the median break, and creating a rear access drive tying the site to Collierville Road. The access drives to Byhalia Road and Collierville Road shall provide adequate room for stacking, internal movement and turning. Cross access drives and connections between outparcels need to be at the rear of the lots to prevent congestion at the entrance. The 6-Prong CUP test is used to determine if there are adverse impacts. Conditions are in the example motion to minimize negative impacts. An alternate site diagram provided by the applicant may be acceptable, but will need additional study with the Preliminary Site Plan.

The PC will need to consider the following questions regarding the CUP for a convenience store with gasoline sales. Is the use compatible with surrounding development, and will the traffic impacts be adequately mitigated by the added recommendations by Kimley Horn in Conditions of approval 12 and 13?

He reviewed the next steps for the applicant, the conditions of approval and the motion contained in the staff report.

Chairman Cotton asked if there were any questions of staff.

Commissioner Given asked if the BMA approved the C-Store to be located at the corner of Collierville Road and Byhalia Road.

Mr. Henninger stated that they did approve it after the PC voted three to five not to recommend approval that project.

A discussion ensued regarding the length it is from one light to the other on Byhalia Road around the proposed project, and how far the proposed traffic light will be from SR 385. Mr. Henninger explained that he believes it is about 1500 feet, but the Mr. Collins, the Town's traffic consultant is available to verify that information.

Vice-Chairman Rozanski asked about the existing approved C-store, and stated that he has concerns about the access at northeast corner. Will that be maintained now that we are moving the common drive to the west of this development?

Mr. Henninger stated that it will probably go away. There doesn't need to be a break in the median in that area.

Mr Collins stated that going south off of SR 385, is about 500 feet from the intersection. The traffic signal is almost a half of a mile, a little under 2,000 feet and should give people enough time to figure out the traffic flow. It's a much shorter distance at the other light.

A discussion ensued about the issues that were raised and resulted in the negative recommendation of the last C-store that was proposed. It was stated that compatibility within the use of the area, crime, visibility from the homeowners, and the traffic were the major concerns. The proximity of it being so close to SR 385 and there has already been a shooting at another C-store location in Collierville was also discussed. There was also concerns about there being two C-stores located so close together.

Mr. Bob Dalhoff, representative for the applicant, addressed the commissioners. He explained that the pre-app meeting was last February with staff, and over the last year they have been working with TDOT to get that

current right-in/right-out access cut moved from the median where it is located now. He brought an amendment to the PD and the PC recommended approval of those amendments, and they were the pre-cursor for the plan for this C-store that they submitted to staff in October 2020. They are incorporating the suggestions for traffic concerns based on Kimley Horn's study. The insight that he had for this corner is for it to be an enhancement to the area for the "high-end" subdivision. The BMA has approved a C-store at the other corner now, and when you turn the corner the first thing you will see is fuel pumps. The applicant has been a resident of Collierville for many years and operates two other C-stores in Town. They believe this is an excellent site for the C-store and they have designed it with safety features in that the pumps will be located behind the store and the access will be from the back as well. It was insinuated at the previous PC meeting when the other two C-stores were denied by the PC, that you preferred a C-store on their corner before you tonight. There was a lot of opposition for the other two C-stores, and he is surprised that the BMA approved the other C-store.

Mr. Dalhoff reviewed the elevations for the site with the commissioners along with the better traffic pattern flow that will be created from the site plan.

Mr. Shah, applicant, addressed the commissioners. He explained that he has lived in Collierville for twenty-one years. He has chosen this Town to operate his businesses. He took over the old Gurkin C-store eight years ago and has made it successful. He thinks this new proposed location is a great location because it does not cause any threat to the community. He has received a lot of support from the community for this store to be located here on this corner. There will only be one tenant business inside the C-store and he would appreciate the PC's approval of this project. He will have good security cameras and his C-stores now have never had a break-in or alcohol sale violations. The store will not be open for 24 hours and if they needed a security guard he is agreeable to hiring one.

The applicant stated that they were in agreement with the conditions contained in the staff report.

Alderman Worley asked Mr. Collins if the BMA had concerns about which of the 2 sites were better for traffic congestion and which site would be better and cause less congestion.

Mr. Collins stated that the conceptual site layout for this site was different when the other C-store to the south was approved. The applicant before us tonight has agreed to move the access point to the back of the property, which will make the traffic flow better. Both of these sites have the ability to generate a lot of traffic, but you have to consider what the inside tenants will be.

Motion by Vice-Chairman Rozanski, and seconded by Commissioner Jordan, to recommend approval of a Conditional Use Permit (CUP) for a Convenience Store on 1.46 acres located on the west side of Byhalia Road south of State Route 385, 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 1.46± acres shown per Exhibit 6, 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 which shall be indicated on the Site Plans.
6. No Automobile Rental uses shall be permitted at the subject property.

7. An 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.
9. 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.
10. 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.
11. A storm water analysis shall be provided with the Preliminary Site Plan to ensure there are no negative impacts to the neighboring properties.
12. Additional infrastructure is required with the site plan to follow the recommendations of the 3rd Party Analysis, including extending the Byhalia Road median north at least 150 north of the centerline of the north right-in-right out drive, an access drive be installed at the rear of the lots fronting Byhalia Road, and that the Byhalia Road exit at the median break contain at least two exit lanes for both right and left turn movements (similar to Exhibit 10).
13. Cross access drives and connections between adjacent parcels shall be located at the rear of the lots to prevent congestion from taking place at the Byhalia Road entrances.
14. A Final Subdivision Plat shall be reviewed and approved prior to the issuance of a Building Permit. The plat shall include ingress/egress easements for off-site access to the adjoining properties.

Commissioner Kilmurray stated that she has concerns with this being a “wild card site” and not knowing what is going in to the south of the convenience store. Having a single tenant use, gas pumps, and convenience store. she has major concerns about the adverse traffic patterns that could be created if both of the stores are operating on each corner.

Mr. Collins stated that they are looking at it as a worse-case scenario. With the changes that they have made to the site layout, he feels that it will work better than what was originally submitted.

Commissioner Goddard stated that he has major concerns of having two C-stores so close together and causing traffic issues and he will be voting no on this application.

Alderman Worley stated that he did not vote in favor of the C-store to the south, and for the same reasons he will not be able to vote in favor for this application. The traffic issues will be too adverse and this is not what was planned years ago for this piece of property.

Commissioner Given stated that he agrees with what the other commissioners have just stated.

Commissioner Gilbert echoes what the other commissioners have stated.

Vice-Chairman Rozanski stated that he feels that having both C-stores closer together can work to a good situation and he would be voting in favor.

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

Roll call:

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

Motion failed.

DD20-092 – Resolution 2020-43 - Byhalia Commons Planned Development Amendment - Request approval of the Byhalia Commons PD Comprehensive Sign Policy.

Mr. Scott Henninger gave the staff presentation. He explained that the BMA initially approved the Byhalia Commons PD in 2010. Area 1 contains the Convenience Edge and consists of outparcels, Area 2, the Market Core allows for mixed use buildings, Area 3, the Village Edge allows townhome and is under development and Area 4, the Business Edge consists of primarily office and senior living use.

The proposed comprehensive sign policy will regulate signage for the commercial office, and townhouse areas of the Byhalia Commons PD. The comprehensive sign policy is required prior to the issuance of any permanent signage within the PD, except StoryPoint. A comprehensive sign policy is required for all PDs and are intended to outline color, type, illumination, size and location of all signage.

The PD provisions, per the Zoning Regulations, require signage to be consistent in color, size, material, location, and design throughout each PD. The Sign Manual establishes a consistent design theme and only the BMA, through a PD, or the BZA, through a variance, may waive any Zoning Ordinance provision.

Only minor changes are requested to the Outline Plan. Request number one would replace the second sentence under Section IX., A. Request number two is to add Sheet 10 for 5th amendment certificates. Staff views these requests as minor in nature and acceptable. No concerns were raised at the neighborhood meeting that the applicant held on October 20, 2020.

If adopted as proposed, the comprehensive sign policy would allow several exceptions to the Sign Ordinance and Design Guidelines as seen in requests 3 through 6 contained in the staff report. Page 8 indicates graphics will be allowed in the sloped portion of an awning if the awning does not face a public ROW. Residential Ground Signs would be allowed a maximum of 8 feet in height, instead of 6 feet, and when located interior to the development would not require evergreen landscaping Multi-Tenant Project Signs would be allowed to increase the maximum sign panel width from 10 feet to 13 feet. Pedestrian Directory Signs considered Convenience Signs, would be allowed a maximum height of 8 feet, instead of 6 feet, and a maximum sign area of 21 square feet, instead of 4.5 per side.

Request number 3 on Page 8 (Primary Façade Signs – Awning) Request to allow sign graphics on the sloped portion of a canopy awning if the awning does not face a public ROW. Staff to approve awning sign graphic for appropriate relationship to building architecture. The sloped awning graphic size limit will count towards the Maximum Aggregate Signage area allowed per the Sign Ordinance. This request conflicts with the Sign

EXHIBITS	
1.	Resolution 2020-43 with PC & DRC Conditions of Approval Attachment A: Byhalia Commons Outline Plan with Modifications (12/10/20) Attachment B: Comprehensive Sign Policy for the Byhalia Commons PD (12/10/20)
2.	Cover Letter (dated 10/30/20)
3.	PD Amendment Requests & Justifications (dated 12/07/20)
4.	Neighborhood Meeting Summary (held 10/2/20)
5.	Staff Analysis of Requests (12/31/20)

Ordinance, which only permits signage to be placed on the valance area of an awning unless not visible from the public right-of-way, prohibiting sign graphics on the sloped portion of an awning. The applicant has offered to limit the signage to the Maximum Aggregate Sign Area, minimizing overuse of signage. The PC and DRC should decide if the location of signage on an awning is appropriate.

Request 4: Page 20 (Ground-Mounted Monument Sign – Residential Sign) Request to allow the max. height of the sign panel to be 8 feet, greater than the allowed 6 feet, as well as request to allow the signs interior to the development (not on the Collierville Road entrances) to not be landscaped. This request conflicts with the Sign Ordinance. Since the applicant is using a decorative post mounted sign to delineate residential entrances that is smaller than the area of the sign panel permitted by the Sign Ordinance the request to increase the height to 8 feet may be offset by the smaller sign panel. The PC and DRC should decide if the 8-foot height is acceptable for a decorative post sign and if landscaping should be required around the base of signs when located interior to the development.

Request 5: Page 19 (Ground-Mounted Monument Signs – Multi-Tenant Project Sign) Request to allow the maximum project sign width to be 13', larger than the 10' in the regulations. This requests conflicts with the Sign Ordinance, which only permits a width of 10 feet. The 10-foot rule applies to the maximum width of the sign, not tenant panels. Consistency in lettering size across the development is desirable but not at the expense of the sign width. Since the locations proposed are on a major road adjacent to an expressway, the impact of the increased mass of the sign may be minimal. The PC should decide if the 13-foot width is acceptable trade-off for consistency in sign lettering size.

Request 6: Page 25 (Directional Signs – Pedestrian Directory) Request to allow this type of sign to be a maximum of 8' in height instead of the 6' limit, and for the maximum sign graphic area to be 21 SF, larger than the allowed 4.5 SF per side. This requests for Convenience Signs conflicts with the Sign Ordinance, which only permits a height of 6 feet and an area of 4.5 per side. The Pedestrian Directory is a unique sign type typically located into the interior of Shopping Malls and Town Centers. The Collierville Sign Ordinance does not specifically address this type of signage but the Ordinance does cap the height of ground signs to 6 feet. It is understandable that there may need to be additional size and height for the directional pedestrian directory to be legible and large enough to determine the location of all businesses within a large development. The PC should decide if the 8-foot height is acceptable and if increasing the size up to 21 square feet is appropriate.

In reviewing revised plans submitted December 10, 2020, staff noticed significant changes to the layout of Area 2, the Market Core. The new layout indicates a major change from a Traditional Form to a Conventional Form (without a formal request) which would conflict with the PD which promotes a pedestrian friendly traditional form. The central drive from Byhalia Road no longer indicates buildings pulled up to the street creating a walkable neighborhood. Approval of the Sign Policy does not include changes to the layout. Changes to the layout for Area 2 could require an amendment to the PD and a complete review by Town Staff.

The PC will need to decide if the new sign policy is appropriate;
are graphics on the sloped awning appropriate?;
should all dimensional parameters such as sign area, width, and height meet the Town Sign Regulations?; and
should landscaping be required around the base of signs when located on the interior of the development?

Chairman Cotton asked if there were any questions of staff.

Hearing none, he called on the applicant for their presentation.

Mr. Bob Dalhoff, representative for the applicant, addressed the commissioners. He explained that some of these items were taken from the Carriage Crossing CSP. Other changes are taken from elegant properties around the area. They wanted something more elegant for the front door area. The sign the Crews development has submitted is smaller than most and the comparison of the previous two signs didn't look good and what they are presenting is much better for directions. They are not asking for an amendment to the site plan at this time. They don't know who the tenants are going to be, but they do know that they want to keep it classy in their signage for specific uses and they want to create a standard and design that people want to spend time in.

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

Alderman Worley stated that he would not have a problem with the residential part of the request, and the awnings can be done in the right way, but he has a problem with the directory signage and the multi-tenant signage. The PC has approved everything so much in advance in the past that the PC has had to make so many amendments. The PC needs to address the multi-tenant signage when the tenants are chosen and so he feels the applicant needs to defer their request until the next PC meeting in February 2021.

Mr. Dalhoff stated that he would be in agreement with that.

A discussion ensued about why the Town would require the landscaping around the residential signage and would add to the appeal to the inside residential part of the development. The applicants agreed to change that design standard in their amended request next month.

Motion by Alderman Worley and seconded Commissioner Given, to defer to the February 4, 2021 PC meeting, Resolution 2020-43 (Exhibit 1) an Amendment to the Byhalia Commons Planned Development (Attachment A) to adopt a Comprehensive Sign Policy (Attachment B) for the Byhalia Commons PD, subject to the conditions in Exhibit 1.

Roll call:

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

Motion Approved.

DD 19-036, Lenox PD, Lenox Gardens Subdivision Phases 1 & 2 – Request approval of a Preliminary Subdivision Plat for 46 single-family residential lots on 20.55 acres located at the northeast corner of Shelby Drive and Fleming Road

Ms. Donquetta Singleton gave the staff presentation. She explained that this resolution will make a change in the development phasing, reduction in number of lots, new proposed retention pond, change in the stream location, and a change in the Pattern Book. The Preliminary Plat was deferred at the December 3, 2020 PC meeting due to concerns from the Town Engineer that the development would create adverse off-site drainage impacts. The DRC approved the COS, landscaping and fencing at its meeting on December 10, 2020.

- | EXHIBITS | |
|----------|------------------------------------------|
| 1. | Conditions of Approval (11/24/20) |
| 2. | PC Cover Letter (11/10/20) |
| 3. | Trip Generation Letter (11/10/20) |
| 4. | Preliminary Subdivision Plat (11/10/20) |
| 5. | Boundary and Topo Survey (11/10/20) |
| 6. | Grading & Drainage (11/10/20) |
| 7. | Tree Survey & Protection Plan (11/10/20) |
| 8. | Tree Mitigation Plan (11/10/20) |

The Preliminary Plat is consistent with the amended outline plan. Lot type A will be developed during Phase 1, while Lot types B and C will be developed during Phase 2. Both phases will be developed concurrently.

There will be 10.67 acres of COS and 6.5 acres of Useable Open Space, which includes natural areas, trails, sidewalks, private streets, alleys and landscaping. There will be a network of COS throughout Phases 1 and 2 that tie together the exiting stream and proposed detention area.

The applicant has requested alternative right of ways. Fleming Road will be widened to 68 feet and the traffic study states there will be a low traffic impact to the area.

The applicant is requesting an alternative tree mitigation ratio that would require the planting of 14 new trees per acre for the 20.55 acre site. Mitigation trees must be planted in addition to other landscaping already required, including street trees and trees required to be planted in each front yard. The Landscape plan incorporates enough trees to meet the tree mitigation requirement. Approximately 252 trees will be removed during the development of this property.

The drainage report states that the detention pond system will reduce site discharge to pre-development conditions and no negative impacts are anticipated. Currently, water tops Fleming Road during extreme rain events. Since the December 2020 PC meeting, the hydrology report provided by the developer's consultant was reviewed by a third-party consultant and indicates this as well. The hydrology report indicates that the post-development runoff is equal to or slightly less than the predevelopment runoff levels. This indicates that the detention is adequate for the site.

She reviewed the next steps for the applicant, the motion and condition of approvals contained in the staff report. The applicant is in agreement with the conditions of approval.

Chairman Cotton asked if there were any questions of staff.

Hearing no questions, Chairman Cotton called the applicant forward to speak.

Mr. Joe Meals, representative for the applicant, addressed the commissioners. They have no presentation but they are available for questions.

Commissioner Johnson asked about the impact to the neighbors located to the south of the project.

Mr. Meals explained that there will not be any impacts in any directions of the project.

Chairman Cotton asked for motion, hearing no further discussion.

Motion by Commissioner Jordan, and seconded Vice-Chairman Rozanski, to approve the Preliminary Subdivision Plat for the Lenox Gardens Subdivision Phases 1 and 2 for 46 residential lots (Exhibit 4) 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. Site Data Table: Change the "existing zoning and applicable overlay" from "R-1" to "R-1 with Lenox PD Overlay".

3. Provide the actual acreage (or square footage) of common open space (C.O.S.). The C.O.S. table in the landscape plans equals 9.32 acres of C.O.S., but the site data table on the preliminary plat states there will be 10.65 acres of C.O.S.
4. Provide a common open space (C.O.S.) table on the plat that lists all C.O.S. with square footages and a total.
5. The Outline Plan (Resolution 2019-01) shall be recorded prior to the approval of a Development Agreement by the Board of Mayor and Aldermen.
6. Prior to plat recording, provide a 11" x 17" drawing showing the area (square footage) of all public easements and right-of-way dedicated with this plat (or label on the plat).
7. The plat will still need to be filed for Final Approval before it is recorded.
8. At Final, show the location of the two (2) required permanent concrete corner monuments for each phase. Also, label them as "Found" or "Set".
9. Min. F.F.E.s will be reviewed once the As-Built topo is submitted.
10. At time of Final, any Drainage, Sewer and Water Easements will need to be dimensioned and tied down.
11. Street names shall be approved by MLGW. A copy of the MLGW address assignment shall be submitted to the Engineering Department.
12. Street Signs shall be installed before the plat is recorded. Contact the Engineering Inspector and the Town's Sign Shop before installation to verify that all signage meets the current requirements.
13. All work in/along Shelby Drive shall be submitted to the state for approval. A copy of the approval must be provided to the Town prior to any construction.
14. The note in regards to abandoning the existing sewer lines shall read "*The existing 15-inch sewer service at 0.34% to be abandoned in place from sewer manhole (SMH) 5 to existing sewer manhole (SMH) 3.*"
15. Fence permits will be required for subdivision fence.
16. No signage will be approved with the subdivision plat. Submit sign permits for review for any proposed signage.

Roll call:

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

Motion Approved.

Other Business:

Chairman Cotton asked if there was any Other Business.

Mr. Groce reminded the commissioners to fill out their Statement of Interest form on the State website. Mrs. Michael can help you if you have any problems. There will be a PC training session on January 21, 2021 at 5:30 pm, and there will be a non-voting worksession via Zoom with the PC regarding the Ashby PD.

Hearing no further business, Chairman Cotton adjourned the meeting at 7:38 p.m.

Secretary, Commissioner Jeremy Given