

A regular scheduled meeting of the **Planning Commission** was held on Thursday, February 4, 2021, at 6:00 p.m., in the Board Chambers of Town Hall.

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; Planner, Mr. Scott Henninger; Town Engineer, Mr. Dale Perryman, Fire Marshal, Mr. Paul Witt; and Administrative Specialist, Sr., Mrs. Shari Michael.

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**Pledge of Allegiance**

Chairman Cotton led the Pledge of Allegiance.

**Roll Call to establish a Quorum**

Cotton – present, Rozanski – present, Kilmurray – absent, Goddard – present, Johnson – present, Given – present, Gilbert – present, Jordan – present, Worley – absent.

**Quorum Present.**

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**Approval of Minutes**

Chairman Cotton called for a motion to approve the minutes from the December 3, 2020 meeting.

***Motion by Vice-Chairman Rozanski, and seconded, to approve the minutes from the December 3, 2020 meeting.***

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

**Roll call:**

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

**Motion Approved.**

Chairman Cotton called for a motion to approve the minutes from the January 7, 2021 meeting.

***Motion by Commissioner Johnson, and seconded, to approve the minutes from the January 7, 2021 meeting.***

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

**Roll call:**

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

**Motion Approved.**

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**Approval of Agenda**

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

Mr. Groce explained that staff is requesting deferral of item 7.d. Ordinance 2020-11 Tree Ordinance Amendment under the Formal Agenda until the March 4, 2021 meeting.

***Motion by Commissioner Jordan, 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, Given – yes, Jordan – yes, Gilbert –yes, Johnson – yes, Goddard – yes, Cotton - yes.

**Motion Approved.**

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**Commissioner Jordan recused himself from the meeting at this time.**

**Formal Agenda:**

**DD 20-071 – The Meadows at Clara’s Ridge PD, Phase 1 - Request approval of a Preliminary Subdivision Plat for 43 residential lots, on 15.644 acres located at the northeast corner of Sycamore Road and Shelby Drive.**

Mrs. Nancy Boatwright gave the staff presentation. She explained that the Clara’s Ridge PD, Resolution 2019-46, was approved by the BMA in June 2020. The Outline Plan has not be recorded and the BMA had a condition that required the Outline Plan be recorded prior to the PC review of the Preliminary Plat. The applicant has submitted a minor PD amendment request for removal of that condition. The applicant has dedicated Area 2 of the PD to the Town as a public park.

Phase 1 will have one access point at Sycamore Road. There is no connection to Shelby Drive. The proposed Phase 1 improvements along Sycamore Road frontage as minor collector road will be 4 lanes with no turn lane and there will be 72 feet of right-of-way. There is proposed a new sidewalk to serve as local trail network connection for the Greenbelt Master Plan. Phase 1 is expected to generate 409 new vehicle trips per day.

The bulk requirements meet the lots sizes, setback and lot widths approved in the PD Outline Plan. The developer will follow the standard tree mitigation formula of 1 tree planted for every 2 removed. There are 3 trees to be provided on the landscape plan for 6 being removed. Additional trees will be removed in Phase 2 and with Sycamore Road improvements.

The internal roads were approved with a 31 foot alternative ROW for internal streets with a 9.5 pedestrian and utility easement. No stormwater detention is proposed due to the proximity to Nonconnah Creek.

The applicant’s request includes 43 lots, and the proportional Sycamore Road improvements, and the dedication of Area 2. Phase 2 will include 38 lots and completion of the balance of the Sycamore Road improvements. The applicant wished removal of the condition of approval number 3 in Resolution 2019-46 that requires all of the Sycamore Road frontage to be removed.

EXHIBITS
1. PC Conditions of Approval (1/29/21)
2. Applicant’s Cover Letter (12/14/20)
3. Applicant’s Supplemental Information on Minor PD Amendment (1-26-21)
4. Clara’s Ridge Outline Plan as approved with conditions in Resolution 2019-46
5. Preliminary Subdivision Plat (12/15/20)
6. Grading & Drainage Plan (12/15/20)
7. Tree Protection & Removal Plan (12/15/20)

The pending minor PD amendment would move Sycamore Road improvements to Phase 2. The Outline Plan approved by the BMA says they are to be done with Phase 1. She showed an aerial view of the existing road alignment and future road alignment of the area.

In the zoning Ordinance a Minor PD Amendment is listed as a slight variation or alteration to the Outline Plan, which cannot reasonably be expected to cause a change in the internal function of the site or its off-site impact. The Town Planner may authorize minor modifications when the same are determined to be consistent with the Outline Plan.

Deferring the improvement to approximately 1,250 feet of Sycamore Road until Phase 2 could have an off-site impact as the road re-alignment will improve the safety of the road and the area of the re-alignment has a sharp turn causing traffic to slow to achieve the turn. The re-alignment will increase the radius of the turn. The PD was approved by the BMA with the expectation that all of the Sycamore Road would be improved with Phase 1. If the amendment goes to the BMA as a major modification, and the BMA does not approve it, then the Preliminary Plat must be revised. Staff is looking to the PC for input as to whether the Town Planner should approve this request as a minor amendment or should it be considered a major amendment due to the possible impacts to the road network in the area.

She explained the next steps for the applicant, and the motion contained in the staff report.

Chairman Cotton asked if there were any questions of staff.

Hearing none, he called the applicant to the podium.

Mr. Kevin Vaughan, representative for the applicant, addressed the commissioners. He explained that this project is 43 lots of 81 lots that are being developed. They are proposing that they make these physical improvements and then through the development agreement they will pay 43 lot fees of the 81 right now. When they looked at this area it provides a buffer for the neighbors and the trees are the buffer in this first phase. If they have the improvements all done at once, they will be able to view the development from the street. Road improvements are a situation of a decision of which way they go on it. If they are not allowed to do a minor PD amendment they will go ahead and do the improvements. Otherwise, they will be back to the PC in 3 months asking for the same thing. If the PC approves this tonight they will try to convince the BMA to allow them to do improvements in phases.

Commissioner Given asked about the traffic coming out of that section and go south and feed to East Shelby Drive?

Mr. Vaughan stated yes. That section is going to be improved just to the north of that. The other will be completed with Phase 2. They will have the streetscape and buffer and the houses will lighten the impact to SR385. They are interested in getting this started as inventory is short around the Town. They just want the PC to agree that this is a minor PD amendment so they can get started.

Vice-Chairman Rozanski asked about the building phase time frame.

Mr. Vaughan stated it will be around 5 years from now to finalize Phase 1. They will complete the second phase as soon as they are half finished with Phase 1.

A discussion ensued regarding whether or not the Engineering Division has looked at the traffic flow of this project. Mr. Groce explained that the Major Road Plan amendment recently took a part of Sycamore Road off of the road plan. It may go away long term, as Commerce Parkway will be extended out in the future.

***Motion by Commissioner Goddard, and seconded, to approve the Preliminary Subdivision Plat for The Meadows at Clara's Ridge, Phase 1, subject to the conditions in Exhibit 1.***

Vice-Chairman Rozanski stated if the PC wants them to do this, then condition number 3 will need to be stricken.

Mrs. Boatwright agreed. The PC should advise if they think this is a major or minor PD amendment.

Mr. Vaughan stated that the reason they did not record the Outline Plan before coming to the PC was because if they are asking for language to be changed on the document that they would just record it at one time.

Mr. Groce stated that staff agreed with that approach.

Vice-Chairman Rozanski stated if they strike condition 3 it will be up to the Town Planner to approve or not approve the request.

A discussion ensued regarding amending the motion to remove condition of approval number 2 as well because it is merely a statement.

Commissioner Goddard, and the second, agreed to amend their original motion to delete conditions of approval number 2 and 3.

***Motion by Commissioner Goddard, and seconded, to amend the original motion and to add to strike conditions number 2 and 3, as follows:***

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. ~~Resolution 2019-46, approved by the BMA on June 22, 2020, required the Outline Plan to be recorded, and corrections made to the Pattern Book, prior to the Planning Commission (PC) reviewing the Preliminary Plat for Phase 1.~~
3. ~~The Phasing Schedule in Resolution 2019-46 commits Phase 1 the Sycamore Road improvements. Show all of Sycamore Road within the scope of Phase 1 or request a major amendment to the PD.~~
4. The developer shall be required to improve Sycamore Road pursuant to the Subdivision Regulations and the Major Road Plan. With the Development Agreement for Phase 1, the applicant shall establish a methodology for when and how improvements are to be made to Sycamore Road.
5. On the COS table on the Preliminary Plat, remove the "usable" designation for COS C as it does not meet the minimum required for usable open space.
6. On the COS table, provide the percentage of usable open space of the gross acreage.
7. Include the zoning of surrounding properties on the Final Subdivision Plat and the Existing Conditions.
8. Show the front setback lines measured from the minimum 60-foot lot width for Lots 30 through 35.
9. The Subdivision Data Chart shall be modified to reflect the minimum required front yard setback of 25 feet with a maximum porch encroachment of 5 feet as approved in Resolution 2019-46 for the Clara's Ridge Outline Plan.

10. Add a note on the plat that requires that all garages shall be a minimum of 20 feet from the back of the sidewalk to allow for parking in the driveway without blocking the sidewalk as approved in Resolution 2019-46 for the Clara's Ridge Outline Plan.
11. The tree mitigation rate shall be the standard mitigation formula of one tree for every two trees removed. This mitigation rate applies within the limits of Phase 2 for any trees removed during the construction of Phase 1. Trees removed within the right-of-way for the improvements to Sycamore Road, since that street is shown on the Major Road Plan, may be excluded from the calculation of the number of required mitigation trees.
12. The homeowners' association documents shall be submitted for review and approval before the BMA can consider the Development Agreement.
13. The Town's Engineering Review is not a comprehensive technical design review. It is the Engineer and/or Surveyor of Record's responsibility to verify all existing and proposed data and property boundaries. Our review is to determine general conformity to Town standards and requirements. It is the Design Professional's responsibility to ensure the plans meet the Town's Specifications. The Town is not responsible for any errors or omissions made by Design Professionals or their employees.
14. Any additions to previously reviewed plans need to be annotated and specified as part of answers to comments. Only changes that are brought to our attention will be reviewed upon resubmission. Any plan item that was not specifically commented on will be assumed to have remained unchanged from the previously submitted plans.
15. Prior to plat recording, provide a 11 x 17 drawing or PDF showing the area (s.f.) of all public easements and r.o.w. dedicated with this plat.
16. The plat will still need to be filed for Final Approval before it is recorded.
17. At time of Final, N.& E. is required to be shown for all boundary corners.
18. At time of Final, show the location of the two required permanent concrete corner monuments. Also, label them as "Found" or "Set".
19. At time of Final, the min. F.F.E.s need to be shown. They will be reviewed once the As-Built topo is submitted.
20. At time of Final, need to dimension C.O.S. D.
21. At time of Final, Sewer and Drainage Esmts. need to be dimensioned and tied down.

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

**Roll call:**

Rozanski – yes, Given – yes, Gilbert –yes, Johnson – yes, Goddard – yes, Cotton - yes.

**Motion Approved.**

Mr. Groce explained that he still may decide that this request is not a minor amendment as he has some more research to complete on it. It concerns him when the applicant puts something like this about phasing and road improvements in an Outline Plan and for him to substitute his judgement for the BMA's judgement. This is not something that he takes lightly and he appreciates the PC's input.

**Commissioner Jordan returned to the meeting at this time.**

**DD20-096 – Resolution 2021-01 – Steeple Chase Office Park Planned Development, Section E – Request approval of an amendment to allow residential uses, establish bulk requirements and remove business uses within Section E of the Planned Development located on 1.197 acres on the northwest corner of Poplar Avenue and Grand Steeple Drive.**

Mrs. Nancy Boatwright gave the staff presentation. She explained that the Steeple Chase PD was approved in numerous sections beginning in 1995, prior to the current PD standards and processes. Sections D and E were approved in 1998 and allowed business uses. The proposed amendment only changes Section E.

She reviewed the proposed changes to the Outline Plan text changes as shown in the staff report.

The proposed residential bulk requirements are similar to other residential sections of the Steeple Chase PD. It will be similar to R-2 except for rear yard setbacks. A Condition of approval would require a 30 foot rear yard setback. Steeple Chase Section C, to the north, has a 30 foot rear yard. The Bradford Estates PD to the west has comparable setbacks and lot widths, with a minimum lot size of 15, 000 square feet. Minimum side yard setback language should be identical to R-2, which is essentially the same.

Staff received one email from an adjacent neighbor who has asked for drainage repairs to be made to their property or improved. She would like the fence on their property line be repaired and they would like to see the home elevations. The fence is located on the shared property line. The Design Guidelines do not require any landscaping along that area.

She reviewed the conceptual home plans that the applicant provided and noted that they do not match the design of the adjacent neighboring communities. Most of the surrounding homes are at least 2/3 brick. Staff would like to hear feedback from the PC on this issue.

The traffic generated by the four homes is expected to be less than by a business uses currently allowed. The Collierville 2040 Plan shows residential uses for the property and the office park has not developed as anticipated and this property has been vacant since 1998.

She reviewed the next steps for the applicant, the motion contained in the staff report along with the conditions of approval.

Chairman Cotton asked if there were any questions of staff.

Vice-Chairman Rozanski asked if the applicant is in agreement with the 2/3 brick design requirement.

Mrs. Boatwright stated they are not in agreement with that and would like to use fiber cement siding. Most of The homes in surrounding area are at least 2/3 brick, if not 100% brick.

Hearing no further questions, he called the applicant forward to speak.

Mr. Nicholas Kreunen, representative for the applicant, addressed the commissioners. He explained that they would like to see a more modern texture siding design on the façade of the homes as this is the style that is being requested now and is a great selling plan. They feel that the residential use request is a better fit for the area at this time. They agree with the conditions of approval as stated in the staff report.

## EXHIBITS

1. Applicant's cover letter with neighborhood meeting notes (11/10/20)
2. Applicant's Proposed Text Amendment, Zoning District Comparison, and Justification for Deviations from the Zoning Ordinance (12/7/20)
3. Resolution 2021-01 Attachment A - Outline Plan (12/7/20)
4. Staff Suggested Outline Plan Text Amendments
5. Traffic Generation (12/7/20)
6. Drainage Narrative (12/7/20)
7. Steeple Chase Planned Development Section C (1998)
8. Neighbor Correspondence

A discussion ensued regarding what materials could be used with the 2/3 brick design.

Commissioner Given stated he would like to see the design keep the 2/3 brick design and siding, with 30 foot rear yard setbacks.

Hearing no further discussion, Chairman Cotton called a citizen forward who wished to speak.

Mr. Mark Kellerhall, resident at 241 Grand Steeple Drive, addressed the commissioners. He stated that he was very happy to see the business uses removed from this PD and see a residential neighborhood coming in. Their home is adjacent to the project and they currently have a stormwater drainage problem and some of it comes onto his property from this project property. He would also like a new fence or have it repaired on that property line. He doesn't just want the fence removed, he wants a new fence put up on this property line so he can maintain his privacy. He is concerned with the farmhouse look they are proposing because nothing in the area adjacent to this property looks that way.

Mr. Terry Fortwin, builder of the homes for this new subdivision, addressed the commissioners. He has received a lot of requests for farm home designs and they will be a much higher cost home than what is located around it. The siding that he was planning to use is a strong concrete siding that is available today. He explained that he intends to build homes that will bring value to the neighborhood and he will build a new fence and tear the old existing fence down.

***Motion by Commissioner Jordan, and seconded, to recommend approval of Resolution 2020-01 (Exhibit 3), add the requirement that condition number 11 states to have the 2/3 brick design and a 30 foot rear yard setback.***

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. Replace the "Notes" on Sheet 2 with the Outline Plan text with the appropriate changes per Exhibit 5. The "Notes" may be placed on the Preliminary Plat.
3. Change the Minimum Rear Yard Setback on the Outline Plan map and in the text to 30 feet to match the setback in Sections A, B and C of the PD.
4. For the Minimum Side Yard Setback on the Outline Plan map and in the text use the current Zoning Ordinance language for R-2: 20 feet total with neither side less than 7.5 feet
5. Remove the greenbelt dedication row in the Data Chart as there is no greenbelt dedication at this location.
6. Add the maximum height of 35 feet to the Data Chart.
7. With the Preliminary Plat and the construction of the subdivision, any existing water and sewer lines must be removed and appropriate revisions made for any existing or abandoned easements.
8. Any public easements that are vacated must be approved by the BMA after a recommendation from the PC.
9. Remove the front and rear lot line dimensions from the Outline Plan map.
10. Provide a written legal description of Area 1 on the Outline Plan.
11. Include design standards, to be reviewed by staff, in the Outline Plan for the single-family homes to include the requirement that condition number 11 states to have the 2/3 brick design and a 30 foot rear yard setback.

A discussion ensued regarding the design requirement being decided by the PC. The PC does need to weigh in their decision regarding the percentage of brick to be used on the façade of new homes built in the Town.

**Roll call:**

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

**Motion Approved.**

**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 there were no concerns raised at the neighborhood meeting, and the PC and DRC deferred this request at its previous meetings.

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 them. Only the BMA, through a PD, or the Board of Zoning Appeals, through a variance, may waive any Zoning Ordinance provision.

Since the last PC meeting, the applicant has amended the initial request for exceptions to the Sign Ordinance and Design Guidelines and removed all exceptions.

Staff has analyzed the revised requests and justifications and determined that there are no exceptions from the Sign Ordinance requested. The applicant will not be changing the layout of Area 2, the Market Core, from a Traditional to a Conventional Form.

The PC will need to decide if the new sign policy is appropriate for the Byhalia Commons PD. He explained the next steps for the applicant, the conditions of approval contained in the staff report, and the proposed motion. The applicant is in agreement with all of 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.

Ms. Michelle Ye, design representative for the applicant, addressed the commissioners. She explained that they listened to the PC comments from the last meeting and they have amended their request accordingly. If the PC is happy with the submittal they have no further discussion.

Chairman Cotton asked for motion, hearing no further discussion.

***Motion by Vice-Chairman Rozanski, and seconded, to recommend that the BMA approve 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:***

- 1) This development is subject to all applicable standard conditions of approval as adopted by the Board of Mayor

<b>EXHIBITS</b>
<ol style="list-style-type: none"> <li>1. <b>Resolution 2020-43</b> with PC &amp; DRC Conditions of Approval  <b>Attachment A:</b> Byhalia Commons Outline Plan with Modifications (12/10/20)  <b>Attachment B:</b> Comprehensive Sign Policy for the Byhalia Commons PD (1/12/21)</li> <li>2. Cover Letter (dated 1/11/21)</li> <li>3. PD Amendment Requests &amp; Justifications (dated 1/11/21)</li> <li>4. Neighborhood Meeting Summary (held 10/2/20)</li> <li>5. Staff Analysis of Requests (1/29/21)</li> <li>6. PC Meeting Minutes (1/7/21)</li> </ol>



and Aldermen, Resolution 2006-54.

- 2) The Comprehensive Sign Policy shall be recorded prior to issuance of any signage for Areas 1, 2, 3, and the north portion of Area 4.
- 3) On the Outline Plan:
  - a) All amendments approved by Resolution 2020-43 shall be reflected in the map and text of the Outline Plan and noted with a Delta 5.
  - b) Provide the appropriate certificates on the Outline Plan for signatures. Staff can provide examples, if needed.
- 4) General:
  - a) Include the Comprehensive Sign Policy as a supplement to the Pattern Book as part of Amendment 5.
  - b) Appeals of the Comprehensive Sign Manual shall be to the Board of Zoning Appeals or as a Planned Development Amendment approved by the BMA.
- 5) Page 1 (Table of Contents): Update as needed by any edits.
- 6) Pages 2 and 15 (Introduction & Conceptual Location Map)
  - a) Approval of the Sign Policy does not include the change of the Market Core (Area 2) from a Traditional Town Center to a Conventional Shopping Center.
  - b) Update the master plan graphic to reflect the latest Area 3 plat for the Towne at Byhalia Commons.
- 7) On Page 10 (Primary Façade Signs – Blade): The external illumination of the blade sign will be reviewed with the sign permit.

**Roll call:**

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

**Motion Approved.**

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**Other Business:**

Chairman Cotton asked if there was any Other Business.

Mr. Groce reminded the PC that the development activity map will be updated soon on the website. Notable projects recently submitted are the Villages at Porter Farms, Phase 21 which is a Preliminary Subdivision Plat, Oakwood Phase 2 which is a 4-lot revision, Oak Hill Pool House, Collierville Elementary Gym addition, Ashby PD, Lockwood PD, formally known as the Brooks Property PD, and The Parke at Houston Levee PD.

There may be a need to hold an upcoming worksession with the PC and the BMA to discuss The Parke at Houston Levee PD, but staff will let you know if a date is secured.

Coming soon is an updated Training 2021 memo that will have upcoming training information for the PC so that you can acquire your 4 hours of CE for the year.

Hearing no further business, Chairman Cotton adjourned the meeting at 6:59 p.m.

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Secretary, Commissioner Jeremy Given