

A regular scheduled meeting of the **Planning Commission** was held on Thursday, March 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 and Ms. Don Singleton; Deputy Town Engineer, Mr. Shane Richardson, 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, Kilmurray – present, Goddard – present, Johnson – present, Given – present, Gilbert – present, Jordan – present, Worley – present.

Quorum Present.

Approval of Minutes

Chairman Cotton asked if there were any changes or corrections to the minutes from the February 4, 2021 meeting.

Hearing none, Chairman Cotton called for a motion to approve the minutes from the February 4, 2021 meeting.

Motion by Commissioner Goddard, and seconded, to approve the minutes from the February 4, 2021 meeting.

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

Roll call:

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

Motion Approved.

Chairman Cotton reviewed the new rules for protocol during the PC meeting with audience participation and comments.

Approval of Agenda

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

Mr. Groce explained that there are three items on the Consent Agenda and Item 6.a. Patterson Place has received one comment card so that will need to be placed on the Formal Agenda for the staff presentation.

Item 6.c. has Condition of Approval 18 that references some marked up plans from staff that have been passed along to the applicant and they are in agreement with that condition and making those changes.

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:

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

Motion Approved.

Consent Agenda:

Chairman Cotton called for motion to approve the Consent Agenda as presented.

Motion by Commissioner Jordan, and seconded to approve the Consent Agenda as presented.

DD21-007 – Georgetown P.D. (Formerly Mt. Pleasant Trace PD) – Request approval of a Final Subdivision Plat for 64 single family residential lots on 26.57 acres located on Mt. Pleasant Rd. near its intersection with Progress Rd

To approve the Final Subdivision Plat (Exhibit 3) for Georgetown PD (formerly known as Mt. Pleasant Trace PD), subject to the Conditions in Exhibit 1:

EXHIBITS	
1. Conditions of Approval (2/26/21)	
2. Applicant's Cover Letter (rcv'd 1/29/21)	
3. Final Subdivision Plat (rcv'd 1/29/21)	
4. Plat Recording Checklist	

- 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 recording the Final Plat, record the Declaration of Covenants, Conditions, and Restrictions for Georgetown Homeowners Association.
- 3) Since the PD was recorded as the Georgetown PD, rename the Final Plat to Georgetown PD Final Subdivision Plat (formerly Mt. Pleasant Trace PD).
- 4) Update all notes and the data table changing any reference from Mt. Pleasant Trace to Georgetown.
- 5) Label the 11-foot Mt. Pleasant Road right-of-way dedication on the plat including the acreage to be dedicated, verify acreage of Common Open Space A, B, and C which were impacted by the dedication, update open space calculations and indicate the right-of-way dedication in the data table.
- 6) In the plat data table, include the setback for street-facing garages of 5 feet behind the façade excluding front porches required by the PD noting that all garages must be a minimum of 20 feet from the back of sidewalk to allow for parking in the driveway without obstruction said sidewalk.
- 7) In the plat data table, indicate the setback for accessory structures permitted by the PD (encroachment permitted into the side or rear yard but no closer than 6 feet from the principal structure or property line).
- 8) In the plat notes, reference the garage architectural design standards required by the PD.
- 9) The following comments from the Engineering Division shall be addressed:
 - a) Prior to plat recording, provide a 11 x 17 drawing showing the area (s.f.) of all public easements and r.o.w. dedicated with the plat.
 - b) PC approval of the Final Plat is required before it is recorded. With the Final Plat application, provide written responses stating how each Preliminary Plat condition has been addressed.

- c) Provide the As-Built topo. The Min. F.F.E.s will be reviewed once the As-Built topo is submitted.
- d) Utilize the Horizontal Datum.
- e) Replace note #4 with the following note: “The area denoted by “Reserved for Storm Water Detention” shall not be used as a building site or filled without first obtaining written permission from the Town Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners’ association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the Town Engineer’s office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning and repair of drainage structures. The Town shall have a ‘right of access’ to use the drives, parking areas and yards of this property to make inspections of the storm water detention facility to ensure that said maintenance has been properly performed. In the event that the property owner or owners’ association has not properly performed maintenance on the facility, to the extent that the facility poses a threat to public health, safety or welfare, the Town shall retain the right to perform emergency repairs to the facility. The cost of any such repairs will remain the responsibility of the property owner or owners’ association and may be added as a lien on the next year’s tax bill.”
- f) Add the following note: “Part of this development is being constructed near an existing ditch. By constructing near the ditch, the Developer understands that in the future, the Town has no obligation to do any type of bank stabilization to the ditch.”
- g) If there is a Mortgage, add a Mortgagee Certificate and Notary Certificate.
- h) Verify with the homebuilder to make sure that all lots are buildable.
- i) 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.
- j) 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.
- k) A copy of the MLGW address assignment must be submitted to the Engineering Dept. Street names are approved by MLGW.
- l) Street Signs must 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.

DD21-006 – Villages of Porter Farms, Phase 21 – Request approval of a Final Subdivision Plat for 10 single family residential lots on 1.283 acres located on the west side of South Shea Road between Jennings Mill Lane South and Dogwood Valley Drive.

To approve the Final Subdivision Plat for The Villages at Porter Farms, Phase 21 (Exhibit 6), 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 private alley in Phase 13 (COS DD) that provides access to the rear of the lots shall be paved prior to the recording of the Final Subdivision Plat for Phase 21.

EXHIBITS
1. Conditions of Approval (2/26/21)
2. Applicant’s Cover Letter (1/28/21)
3. Engineering checklist for plat recording
4. BMA Minutes (1/25/16)
5. PC Minutes (10/1/20)
6. Final Subdivision Plat (1/28/21)

- 3) Remove Common Open Space 'DD' from the Subdivision Data chart as it is recorded as part of Phase 13 in PB 288 PG 13.
- 4) Remove Notes 6 and 7 from Sheet 1 as the easements referenced are outside the boundaries of Phase 21.
- 5) In Note 12 on Sheet 1, add the following language: The 5 foot public utility easement located across the rear of Lots 1 through 10 is granted *to the Town of Collierville* as may be required now, or with any future lot improvements.
- 6) The executed final homeowners' association documents must be recorded with the Final Subdivision Plat.
- 7) Please label the concrete corner monuments "Found" or "Set."
- 8) Change the thickness of the adjacent property lines to clearly define the boundary only for Phase 21.
- 9) Remove the setback lines for the adjacent lots 129, 130 and 131.
- 10) The minimum Finished Floor Elevations are being reviewed by the Engineering Division.
- 11) Label the Horizontal Datum.
- 12) Label the Vertical Datum.
- 13) Surveyor's Certificate: Change "Class" to "Category."
- 14) Add the Certificate of Declaration of Covenants and Restrictions to Sheet 2.
- 15) **MAIL** – Please provide a letter from the Post Office stating that they will deliver mail to individual mailboxes. The plat will not be recorded until this is provided.
- 16) The Town's 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.
- 17) 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.
- 18) Marked up PDFs have also been provided. Please see those for additional comments.
- 19) Plans are being reviewed by the Engineering Inspector. Additional comments may be made.
- 20) Please provide written responses stating how each comment was addressed.

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

Roll call:

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

Motion Approved.

Formal Agenda:

DD21-010 – Patterson Place Subdivision – Request approval of Final Subdivision Plat for a 4-lot single-family residential subdivision on 5.136 acres located at 313 North Main Street.

Chairman Cotton called the citizen forward who wished to speak.

Mr. Rob Simhauser, resident at 209 Rogers Wood Cove, addressed the commissioners. He explained that there are 4 lots going behind

EXHIBITS			
1.	Conditions	of	Approval
			(02/26/21)
2.	Cover letter (02/03/21)		
3.	Final	Subdivision	Plat
			(02/03/21)
4.	Plat Recording Checklist		

his property there is currently flooding issues in this cove. His yard has flooded twice in the last four years. The water comes down that hill and he is concerned with the north side of the project. They have talked with the Engineer for the Town, and several Aldermen and the Mayor.

Mr. Groce explained that the Preliminary Plat and Construction Drawings have already been approved by the Town, and the developer has an active Development Agreement with the Town. They have plans that show that they will not make the drainage situation worse. All the infrastructure for the project has to be installed properly according to the agreement. It is the responsibility of the Town Engineer and developer of the project to make sure that they do no harm. As the project has been submitted and approved by the Town Engineer, this application should be approved tonight, and there are processes in place to make sure the inspectors see that it does not increase the water runoff in the area.

Ms. Donquetta Singleton gave the staff presentation. She explained that the subject property was previously regulated by the Patterson Place PD. The PC and BMA approved Resolution 2018-11 in April 2018. The Outline Plan was recorded in August 2018. The PC recommended approval to rescind the Patterson Place PD at their October 2020 meeting, and the BMA approved the same at their October 2020 meeting. The BMA approved the DA for the Preliminary Plat at the January 25, 2021 meeting.

The Final Plat matches the Preliminary Subdivision Plat and will meet the minimum Bulk Regulations for the R-1 Zoning District. No trees are planned to be removed and there will be no common open space. The requirement for sidewalks along N. Main Street and payment-in-lieu-of sidewalks was waived by the BMA at their January 25, 2021 meeting. The Preliminary Plat and Construction Drawings addressed the drainage and storm water.

She reviewed the next steps for the applicant and the motion contained in the staff report. Staff has added a third condition of approval and the applicant is in agreement with it.

Motion by Alderman Worley, and seconded, to approve the Patterson Place Final Subdivision Plat (Exhibits 2 & 3) for four (4) lots, on 5.14 acres, subject to the conditions in Exhibit 1, adding condition of approval number 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. 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.
3. The proposed five foot utility easement along the west side of Lot 2 (rear lot line from southwest to northwest corners of Lot 2) can be eliminated provided that each utility with an interest in the easement provides written approval prior to the recording of the plat.

Roll call:

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

Motion Approved.

DD20-104 – Villages of Porter Farms, Phase 25 – Request approval of a Preliminary Subdivision Plat for 50 single family residential lots on 14.21 acres located on the east side of S. Shea Road off the existing stub of Catawba Valley Dr. connecting Phases 17 & 24 of Villages at Porter Farms P.D.

Mr. Scott Henninger gave the staff presentation. He explained that phase 25 is located in portions of Areas 9, 10, 13A, and 14 of the development. No improvements to existing roads will be required with this phase. The 50 lots could generate 476 daily trips per day and Phase 25, like other phases, will contribute towards future traffic signals at Shea Road intersections with Winchester and Houston Levee Roads.

Similar to other phases, stormwater will be captured and directed to an existing detention basin located adjacent to the Nonconnah Creek near the south end of the Porter Farms PD.

The Phase 25 layout will be similar to other phases and consistent with the Conceptual layout plan, with one exception. Open Space B has been located north of lots 66-68 instead of at the intersection of Jennings Mill Lane South and Nuthatch Drive.

The current location of Common Open Space B can result in exposed garages without significant screening. If Common Open Space B is placed as indicated by the Conceptual Layout Plan, exposed garages are prevented while also allowing the open space to be viewed from front porches.

Resolution 2017-21 approved by the BMA on May 8, 2017, requires that the layout shall be substantially consistent with Attachment B in the Conceptual Layout Plan. Key Point #3 of the BMA staff report indicates that the Conceptual Layout Plan will be binding. A note on the Conceptual Layout Plan also requires that, "All Preliminary Subdivision Plats will need to be substantially consistent with the Conceptual Master Plan. Layouts will require additional review as each phase is platted."

The lot access, setbacks and sizes are consistent with the PD. The lots are a minimum of 50 feet wide and 6,450 square feet in area. These homes will have garages that are alley accessed.

Street trees and landscaping will be located within open spaces or along streets. The street trees will be planted along the street frontage and transformers are located in alleys to avoid conflicts with street trees. The applicant will utilize the alternative tree mitigation formula for this phase, which requires a minimum of 14 trees per acre. There will be two hundred trees that will be required. There will be one hundred and thirty nine trees that will be planted. There will be sixty-one trees that will be provided via payment-in-lieu-of required trees plantings.

The developer will ask the Town to accept the dedication of 0.8 acres, which is COS H, as part of the Town's Greenbelt System. COS H could be extended with a future phase to connect to the Nonconnah Creek Regional Trail. It will be up to the Park Advisory Board and the BMA to accept the greenbelt dedication and any improvements within it.

He explained the next steps for the applicant, and the motion contained in the staff report and the conditions of approval. The applicant agrees with all of the conditions except number 5.

- | EXHIBITS | |
|----------|--|
| 1. | PC Conditions of Approval (2/26/21) |
| 2. | Applicant's cover letter (12/18/20) |
| 3. | Traffic Analysis Letter (02/24/21) |
| 4. | 2017 BMA Staff Report (5/8/17) |
| 5. | Resolution 2017-21 (5/8/17) |
| 6. | Preliminary Subdivision Plat (2/9/21) |
| 7. | Landscape Plan (2/9/21) |
| 8. | Tree Mitigation Plan (2/9/21) |
| 9. | Grading Plan (2/9/21) |
| 10. | Conceptual Lot Layout PD Outline Plan (5/8/17) |

Chairman Cotton asked if there were any questions of staff.

Hearing none, he called the applicant to the podium.

Mr. Josh Burnette, representative for the applicant, addressed the commissioners. They are in agreement with the conditions except the common open space issue in condition number 5. He explained that the PD and the Zoning Ordinance allow minor changes in the development. They do not think that “substantially” means “exactly”. In a 50-lot plan they are only modifying 3 of the lots. This minor change is an improvement as it will improve the traffic situation and drainage issues. There are going to be some water issues in the area of COS B, and so they are trying to avoid that issue by changing the road elevation. They are eliminating 2 COS areas, and creating 1 large COS in the rear. They are proposing a line of trees that will be 8 feet tall, and if it is not adequate they can add more in order to screen the open garages. Staff has stated that there will be a lack of formal surveillance at that COS because it will be located at the rear of the phase. There are 18 COS lots in this development and none of them meet that requirement stated by staff. At the most, ten of the COS lots are located in rear enclosed areas of the PD.

Commissioner Given asked why they have such strong objections to the staff suggested layouts.

Mr. Burnette stated that they are trying to spread the COS out to share with the previous development. This will allow all of the homeowners a shorter distance to use the COS. They feel that it looks better as well.

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

A discussion ensued regarding the COS that will be shared by the adjacent Phase of the PD. Commissioner Given stated that he likes the staff’s suggested design for the COS and feels it would be an improvement.

Commissioner Kilmurray stated that she would like to see a little more screening for the open garages. Mr. Burnette stated that they would agree to that.

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

Mrs. Shannon Carter, resident at 410 Catawba Valley Drive, addressed the commissioners. She explained that she has concerns with Porter Farms PD that they moved into about a year ago. They enjoy the neighborhood and are active with the webpage for the development. The webpage promotes the PD as a superior experience and the builders. As a buyer they want quality over quantity. Right now the current residents are experiencing problems with drainage, broken sidewalks, and they would like a written policy of how yards and structural issues will be addressed in a timely manner, which means for them, before the completion of other phases. They feel that approval of another 50 lots will delay the repairs that need to be done now.

Chairman Cotton explained that this situation that Mrs. Carter is speaking of now is not something that the PC has any jurisdiction over at this time.

Mrs. Carter stated that she understands, but they just want to make sure that there concerns were on record.

Mr. Jim McGarrity, resident at 367 S. Shea Road, addressed the commissioners. He explained that they would like to see remedies to the current situation in the neighborhood before they see other phases being approved. They have not seen financial statements or have any idea of what is being taken in or being spent by the

developer. They feel like these issues need to be addressed, before you approve another 50 homes into more issues.

Chairman Cotton explained that this situation that is not something that the PC has any jurisdiction over at this time.

Mr. Jay Cravens, the Development Director, addressed the commissioners. He explained that he will encourage the homeowners to seek help through the Town's Mayor's Action Center to make sure Code Compliance Officers can look into the matter and see if they can get the sidewalks fixed by the developer.

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

Motion by Commissioner Jordan, and seconded, to approve the Villages at Porter Farms, Phase 25, Preliminary Subdivision Plat (Exhibit 4), subject to the conditions in Exhibit 1:

The second asked about deleting condition of approval number 5.

After a brief discussion, some of the commissioners agreed that the staff idea looks like a better plan.

Commissioner Kilmurray stated that she feels the staff idea is a better plan, but she is not sure what this is going to do about the water drainage issue that is out there now.

Mr. Groce stated that the Engineering Division would have to comment on that.

Mr. Burnette stated that according to their engineering designer, the developer's version of the plan should not make the drainage issue any worse.

Commissioner Jordan stated that he would amend his motion to add that condition of approval number 5 be deleted. The second agreed to the amendment 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. Prior to recording the Final Plat for Phase 25, update and re-record the Declaration Cover Page and "Exhibit A" to include all areas of the PD to be subject to the Declaration of Covenants, Conditions, and Restrictions for Shea Station Home Owners Association. Provide space for the new instrument number to be written.
3. Additional comments may be issued for the Amendment to the Shea Station Homeowners Association Declaration of Covenants, Conditions, and Restrictions.
4. In the Title Block, correct the Zoning Classification to R-3 with PD Overlay.
5. ~~Either relocate Open Space B to the front of Lots 66 thru 68 to be substantially consistent with the binding Villages at Porter Farms Conceptual Layout Plan or request a Planned Development Amendment to revise the Conceptual Layout Plan.~~
6. Include a separate line in the Plat Data Chart for the Greenbelt Dedication.
7. The final design of the trails, amenities, and acceptance of the 0.8 acre Greenbelt Dedication will be determined by the Parks Advisory Board (PAB) and the Board of Mayor and Aldermen.
8. A total of 200 mitigation trees shall be provided, with 139 to be mitigated on-site, and the remaining 61 to be provided via payment in-lieu of mitigation. If less than 139 trees are planted on-site, additional payment in-lieu of mitigation will be required.
9. The following comments from the Engineering Division shall be addressed:
 - a. Prior to plat recording, provide an 11 x 17 drawing showing the area (sq. ft.) of all public easements and right-of-way dedicated with this plat.

- b. Be advised that the plat will still need to be filed for Final Approval before it is recorded.
- c. The minimum Finished Floor Elevations will be reviewed once the As-Built topo is submitted.
- d. 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.
- e. 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.
- f. Prior to the Development Agreement, provide a letter from the Post Office stating that they will deliver mail to individual mailboxes or show a centralized mail area.
- g. A copy of the MLGW address assignment must be submitted to the Engineering Dept. Street names are approved by MLGW.
- h. Street Signs must 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.

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

Roll call:

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

Motion Approved.

DD215000 – Malco Towne Mini Golf – Request approval of a Conditional Use Permit (CUP) for a Miniature Golf Use at 380 Market Boulevard.

Mrs. Nancy Boatwright gave the staff presentation. She explained that the public review of a CUP ensures that any adverse impacts on adjacent uses, structures, or public services or facilities are mitigated. The structure will be located on the northwest corner of property at 380 Market Boulevard. As proposed the facility would include concessions with outdoor seating and dining, a virtual reality arcade and some party rooms as accessory uses to the mini-golf. The floor plan was included to show a 4200 square foot building to house the accessory uses with additional outdoor seating for the concessions. The conceptual design took inspirations from the iconic Town structures and the Site Plan will be reviewed for compliance with the Town Standards. There will be plenty of parking as there are an existing 797 spaces available at this time. The facility believes they will only use 122 parking spaces and 675 spaces will be removed. Currently, the cinema uses 423 spaces and there is an excess of 192 parking spaces. The mini-golf area will need about 60 parking spaces.

- EXHIBITS:**
1. Cover letter with CUP Test Analysis (2/11/21)
 2. Conditions of Approval (2/26/21)
 3. Staff’s CUP Test Analysis (2/26/21)
 4. Trip Generation Study (2/11/21)
 5. Detention Waiver (2/11/21)
 6. Assessor’s Aerial
 7. Concept Plan (2/11/21)
 8. Malco Collierville Site Plan (8/12/19)

It has been determined that there will be a minimal impact to Market Boulevard with the added vehicle trips associated with the mini-golf use. No additional detention will be required. The amount of green space will increase with the project. The Site Plan review will include landscaping and buffering review. The Town's Beer Board must approve any potential beer sales and the request meets the 6-prong test for a CUP.

She explained the next steps for the applicant, along with the example motion and conditions of approval contained in the staff report. The applicant is in agreement with the all of the conditions of approval.

Chairman Cotton asked if there were any questions of staff.

Alderman Worley stated that he cannot believe that this use will be create only 60 vehicle trips per day.

Mrs. Boatwright explained that the traffic study was supplied with the application by a Professional Engineer and was reviewed by the Town Engineer. The PC will review this again with the Site Plan and you can ask for more information before this CUP request goes to the BMA.

Vice-Chairman Rozanski asked about the ownership and if this would be owned by the Malco, Inc. He would be more concerned if it was owned by another corporation.

Mrs. Boatwright stated that is correct.

A discussion ensued regarding the location of the course in relation to the theater in the parking lot. Issues were raised regarding the traffic flow and parking spaces.

Mrs. Boatwright explained that there are two entrances to the site and the traffic will circulate on both sides of the lot.

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

Mr. Donald Terry, property owner of the project, addressed the commissioners. He explained that the theatre was built in 1998 and used to have 3100 seats and Market Boulevard was designed with that in mind. They now operate with 1400 to 1500 seats so capacity for that building has diminished greatly. That also addresses the parking issue as they do not need this much parking any longer.

Commissioner Goddard stated that he has seen these mini-golf businesses around the country and it seems they are not usually taken care of properly and begin to look rundown after a few years of operation. What are their plans for its maintenance, especially in the south where the sun can do a lot of damage to the site and equipment.

Mr. Terry stated that the Malco building has been located here since 1998. They take great pride in their facility and he would think looking at their building today, no one would guess it is 21 years old. They will maintain this business to the highest standard that the Town requires. The hours of operation for the business would be the same as the theatre, and maybe additional hours in the morning. They are not sure if they will have beer sales at this time, but they will adhere to the Town's rules and regulations. There are beer sales done at the theatre at this time. This will be a very small venue.

A discussion ensued regarding the business hours and the Town's regulations and restrictions for operating this type of facility. The Baptist Memorial Hospital facility that is located in the north portion of their parking lot does not operate after 5 pm through the week or weekends and they have a parking agreement with them for

overflow parking use.

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

Motion by Vice-Chairman Rozanski, and seconded, to approve the request for the Conditional Use Permit (CUP) for the Malco Towne Mini Golf at 380 Market Boulevard subject to the conditions in Exhibit 2:

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. Any activities related to the miniature golf use that would increase the intensity of the use shall not be allowed without an amendment to this CUP or through a separate CUP for an outdoor event. Increases in intensity shall be considered expanding the building size beyond 4,200 square feet, increasing the portion of the site devoted to the use beyond 0.84 acre (36,634 square feet), and/or increasing the number of parking spaces related to this use.
3. The following accessory uses are considered customary uses to miniature golf:
 - a. Concessions with outdoor seating/dining
 - b. Virtual reality arcades
 - c. Game arcades
 - d. Party rooms
4. Amplified sound associated with the miniature golf and accessory uses shall not violate the Town's Anti-Noise Regulations.
5. A Final Site Plan shall be submitted for review and approval.
6. Minimum required off-street parking shall be met for all uses.
7. Evergreen screening shall be provided on the north side of the development.

Vice-Chairman Rozanski asked if they could add a restriction for the hours of operation to a certain time.

Alderman Worley stated the Malco Theatre is a good business for the Town, but he is not in favor of this request. He does not feel that this is the right location for this type of business due to the fact that all of the other businesses of this type in the area have gone out of business.

Mr. Groce stated that the PC can add certain hours of operation to the conditions of approval to prevent adverse impacts. The BMA can also add this later when they review it.

Commissioner Given stated that he doesn't think this is a good place, especially if alcohol is going to be served close to the neighborhoods, and agrees with Alderman Worley.

Vice-Chairman Rozanski stated that he feels this is great use for the area and doesn't see that it is close to a neighborhood to be an issue.

Commissioner Gilbert stated that Malco is a giant empty parking lot in the middle of Town. He feels it is a good product and the Malco would be able to maintain to a high standard.

Commissioner Kilmurray stated that has concerns with the parking lot safety and has concerns with enough parking spaces being there and wants a study conducted. She doesn't think it will be family friendly.

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

Roll call:

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

Motion Approved.

DD20-105 – Resolution 2021-17 – Request to rescind the Brooks Property Planned Development, which is comprised of 297 single family dwellings on 94.84 acres located on the east side of Houston Levee Road south of Carriage Crossing MarketPlace, and approve a new Planned Development for the property, with its own Outline Plan and Pattern Book, to be titled the Lockwood Planned Development to be comprised of 308 single family dwellings on 94.84 acres.

Mr. Scott Henninger gave the staff presentation. He explained that the lot layout street network and housing products proposed in the Lockwood PD are substantially different from those of the Brooks PD. The PD will follow the recommendations of the 2040 Land use Plan. It will change from a conventional subdivision with street loaded garages to a traditional neighborhood with alley-access garages. Alley-access garages allow for improved front facades with large porches instead of visible garages for slightly reduced lot width. This updated design more closely follows the recommendations of the 2040 Land Use Plan, Emerging Residential Place Type.

- | EXHIBITS | |
|-----------------|--|
| 1. | Applicant’s cover letter (dated 2/9/21) |
| 2. | Applicant’s Requests & Justifications (2/9/21) |
| 3. | Staff’s Analysis of Requests (2/26/21) |
| 4. | Neighborhood Meeting Minutes (held 1/28/21) |
| 5. | Trip Generation Report (dated 2/22/21) |
| 6. | Resolution 2018-41 (Brooks Estate PD) |
| 7. | Brooks Estate PD Conceptual Plan (2018) |
| 8. | Resolution 2021-17, with Attachments (3/4/21) |
| | A. Lockwood PD Outline Plan |
| | B. Lockwood PD Pattern Book |
| 9. | Utility Services Agreement (received 2/9/21) |
| 10. | Park Advisory Board Draft Minutes (2/9/21) |

The Lockwood PD includes a small increase in the density. The applicant is requesting a density increase from 3.2 du/acre in the Brooks PD to a density of 3.33 du/acre by requesting a 4% density bonus by providing more useable open space, which is 15% verses 9%. The maximum gross residential density map designates the southern half of the property at 2.51 to 3.00 du/acre while the northern half of the property is designated as 3.01 to 4.00 du/acre. The southern half of the property will remain below 2.51 du/acre due to the amount of open space proposed and the northern half of the property will not exceed the limit of 4.00 du/acre.

Public services determined that a maximum of 100 homes will be allowed sewer service to an existing manhole with the remaining homes connected to the planned interceptor sewer. The PD has strengthened architectural standards including providing more details and eliminating hook-in style garages.

Similar to the Brooks PD, the Lockwood PD will create an Outline Plan for the neighborhood and establish a Pattern Book. There will be 308 lots, an increase of 11 lots from the Brooks PD. Larger lots that will be 67-foot wide, will be adjacent to Fleming Gardens to meet the 2040 Plan “transition policy”, matching the Brooks Estate PD. The PD proposes 45-foot wide alley-access lots and street-access lots which are 50 feet, 65 feet, and 67 feet wide. He reviewed the Bulk requirements and explained that for corner alley-access lots, the applicant is requesting a secondary frontage porch encroachment of 5 feet for up to 25% of the façade permitting wrap-around porches 15 feet from the curb.

The applicant is requesting relief from recessing street-facing garage doors 20 feet behind the façade and is instead proposing a minimum of 7 feet in addition to any porch, but in no case be closer than 20 feet from the sidewalk allowing room for two parked vehicles, similar requests have been granted in other PD’s. For alley-

access lots, the applicant is proposing a parking pad adjacent to the garage and asking for flexibility in the placement of the garage doors, which are normally not located between 7 feet and 20 feet from the edge of the alley to prevent vehicles from blocking the alley.

To improve the garage appearance, the applicant will require carriage-style garage doors and at least three architectural elements. The PD has strengthened architectural standards, including providing more details, eliminating hook-in style garages, committed to 90% of homes having useable porches, with porches on all open space lots.

The design incorporates a significant amount of Open Space. There will be 27.2 acres of open space equating to 29% of the site, with 14.0 acres of the property to be useable open space. This will include an extensive sidewalk/trail system including connections between open space areas and a Town Greenbelt, and a loop around the lake. A large swath of trees will be preserved along a stream where a greenbelt trail will provide a future link to Hinton Park.

The applicant is providing a 40-foot streetscape consisting of street trees, a 3-rail fence, and a 20-foot landscape buffer in addition to the landscape strip and sidewalk along Houston Levee Road.

A temporary mail kiosk may be constructed until a pool amenity structure is constructed with a permanent integrated mail facility. The applicant is requesting a full cut-off, colonial style, private streetlight to be used along interior streets. The decorative MLGW poles are encouraged if MLGW does not approve.

The Pattern Book includes a Comprehensive Sign Policy. The PD provisions require signage to be consistent in color, size, material, location, and design throughout each PD. The Sign Policy will establish a consistent design theme for the PD and all signage will meet the standards established by the Sign Ordinance. Signage includes entrance features and icon columns.

The Lockwood PD will utilize the alternative tree mitigation method that requires the preservation or planting of a least 14 new trees per acre of the site in the post-development condition. The Brooks PD was approved using the same tree mitigation method. The tree preservation on individual lots is unlikely. During the neighborhood meeting several participants comment about the preservation of tree and the tree preservation will occur in Common Open Space C along the stream.

The Lockwood PD will utilize new and existing drainage systems. The site drains to the existing creek near the south property line. Additional stabilization of the creek may be required to prevent erosion. A lake large enough for a neighborhood amenity will detain the post-developed storm water peak flows to below pre-development. A storm water analysis will be required to ensure no adverse impacts.

The pattern book contains a hierarchy of internal street sections with three main exterior connections. Two full connections must be provided before more than 100 lots that can be developed with a 3rd access point prior to developing more than 200 lots. The eastern half of Houston levee Road will be constructed south of Carriage Crossing MarketPlace to provide the primary access.

The applicant is requesting to reduce the minimum driveway clearance for corner lots to 10 feet from 20 feet since engineering required the corner radii to be increased from 25 to 35 feet. If adopted as proposed, the Lockwood PD would allow 9 exceptions to the Town's Zoning Ordinance.

In summary the major decisions for the PC are the change from a conventional suburban to a traditional neighborhood in exchange for concealing alley-access garages, porches on 90% of the homes, and stronger

architectural standards as a good trade-off for increased density? Is a density increase from 3.2 to 3.33 du/acre I exchange for more open space appropriate? Is the Phasing Plan appropriate? Similar to Brooks PD, should Lockwood PD permit a 31-foot alternate right-of-way and a one-way street on either side of Common Open Space E? Is it acceptable to utilize the Alternate Tree Mitigation method also used by Brooks Estate PD? Should sidewalks be eliminated from some street frontages along common open space areas? Is the private residential streetlight appropriate or decorative MLGW fixtures? Are the requirements and proposed lot types appropriate, specifically, should 5-foot porch encroachments for 25% of the secondary frontage of alley-access lots be permitted for wrap-around porches? Is a 7-foot garage setback from the façade of street-facing garages to shallow? Should setbacks of alley-access garages be flexible in return for parking pads?

He reviewed the next steps for the applicant, the example motion and conditions of approval contained in the staff report. The applicant agrees with all of the conditions, however would like the PC to strike numbers 11 and 23 and alter 5 and 22.

Chairman Cotton asked if there were any questions of staff.

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

Mr. Keith Grant, representative for the applicant, addressed the commissioners. He explained that they have worked with staff and agree with most of the suggestions of staff. There are a lot of challenges and the drainage wasn't set up where it needed to be. They will have a mix of products for the market and keep with the 2040 Plan. They wanted to have a design where they have usable front porches that lead to the garages and sidewalks, which also lead to the Common Open Spaces. They have incorporated along of amenities throughout the community trying to make it a walkable community. He reviewed their site layouts and the phasing plan. It can be done in a different scenario to meet the requirements of the Fire Department. They have added some roundabouts in the intersections to calm traffic through the neighborhood. The minimum corner clearance has been adjusted to the radius of the driveway visual site. Some lots are narrow and they are using 25 feet, but the Town wants 35 feet. They will to use a 10 foot corner clearance and the Engineering Division is okay with this. They will use great farmhouse and English architecture that have lots of colonial home craftsmanship.

Chairman Cotton asked if there were any questions of Mr. Grant.

Alderman Worley asked the Deputy Town Engineer about the corner radius suggestion and asked if the Town is comfortable with what the applicant is asking.

Mr. Shane Richardson, Deputy Town Engineer, addressed the commissioners. He explained that it is the Fire Department's requirement. Their standard is 20 feet and this configuration should be fine.

Chief Paul Witt, stated that they are fine with what the applicant is proposing.

Alderman Worley stated that he was not comfortable with the lighting option that the applicant is suggesting at this time until he can see what MLGW would have to say.

Mr. Grant stated that the lighting they are proposing private lighting which lights only the sidewalks and the road in front of the homes. They are full cut-off lights and they have struggles with getting MLGW to install the poles in that sometimes it takes up to two years to get them installed. The HOA would be responsible for their upkeep and maintenance.

A discussion ensued regarding the lot sizes for the zoning districts and what the ranges are around the Town.

Chairman Cotton asked for motion, hearing no further discussion.

Motion by Vice-Chairman Rozanski, and seconded, to recommend that the Board of Mayor and Aldermen approve Resolution 2021-17, subject to the conditions in Exhibit 8.

Chairman Cotton stated that they need to discuss the applicants request to the conditions. After a discussion, Vice-Chairman Rozanski amended his motion, and the second agreed, to reflect the changes to the conditions of approval 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) The applicant shall record the Outline Plan and Pattern Book prior to recording any future Subdivision Plat.
- 3) Remove any Outline Plan text from Pattern Book before it is finalized to avoid conflicting information.
- 4) When the Preliminary Subdivision Plat and Subdivision Infrastructure Construction Drawings are provided, a storm water analysis will be required to ensure there are no negative impacts to the neighboring properties.
- 5) The sewer infrastructure plan needs to be confirmed with Public Services as being adequate before this project will be placed on a BMA agenda for a Development Agreement.
- 6) All fencing and signage will require submittal of separate permit applications.
- 7) On the Outline Plan below the Data Table, provide a footnote referencing the garage requirements located in the Pattern Book.
- 8) Outline Plan IV., M. & Pattern Book Phasing Plan: Alter the Phasing Plan as required as the two Houston Levee Road entrances do not meet IFC 2018 Edition, Appendix D for remoteness. Any residential subdivision of greater than 100 lots or dwelling units shall include at least two access points. Stub streets shall not be considered part of the two access points. Three access points will be required when 200 lots are exceeded, but a street stub can count as a 3rd access. The two access points on Houston Levee Road only qualify as one access point (S.R. III, Sect. 6., C.)
- 9) If the request is granted for secondary frontage porch encroachments in Area 6, that encroachment is appropriate if the applicant can demonstrate they have the ability to plant street trees on the lot and it will be evaluated with a building permit. Only secondary frontages of corner alley-access lots permit 5-foot front porch encroachments, limited to 25% of the length of the home. Street loaded houses cannot utilize this approach.
- 10) Include the garage setbacks in the data table.
- 11) Outline Plan III., C., 2., 4. & IV., N: If served by an alley, the garage door shall not be located between seven feet and 20 feet from the edge of the alley pavement to prevent vehicles parked between the garage and the alley from blocking the alley (§ 151.210 C., 12., f., 2.).
- 12) In the Pattern Book (Page 30), remove the driveway width requirement from the Pattern and instead incorporate into the Data Table on the Outline Plan.
- 13) In the Pattern Book (Page 31), add a minimum width in addition to the minimum depth for useable porches (12 feet is suggested as a minimum).
- 14) In the Pattern Book (Page 31 & 32), under Garage Doors:

- (a) Add a label over the two carriage house garage doors with windows and hardware “Appropriate for street-access garages”, and a label over the two garage doors without windows and hardware “Inappropriate for street-access garages”.
- (b) Add “a minimum of” in front of 7’ and “a minimum of” in front of 20’.
- (c) Correct the spelling of “formers” to “dormers”.
- 15) In the Pattern Book (Page 37) add “Alley-Access” after the image for Garage Door and a photograph of a Carriage-Style Garage Door “Street-Access” that includes windows to match the imagery on Pages 34 through 36.
- 16) In the Pattern Book (Page 37) provide a note under the wood fence example indicating that wood privacy fencing in common areas shall be constructed of cedar, cypress, or redwood.
- 17) In the Pattern Book (Page 40), provide more information on the Colonial-Style full cut-off LED light fixture including pole, base, height in order to determine if fixture meets the Lighting Ordinance. Proof that MLGW approves of the light fixture and lighting plan will be required.
- 18) In the Pattern Book (Pages 39 & 40), add more character imagery such as trash receptacles, pet waste stations, fishing piers/overlooks, canoe launch, playground equipment, community gardens, etc. which may be required with the Subdivision Infrastructure Plans to be considered useable open space.
- 19) The final design of the trails, amenities, and area of the Greenbelt Dedication will be determined by the Parks Advisory Board (PAB) and the Board of Mayor and Aldermen.
- 20) Provide poof MLGW approves of private lighting plan before 1st Phase Development Agreement.
- 21) Outline Plan V., K. strike the existing language and add “Through the Development Agreement process the DRC and BMA may consider Landscape Plate modifications”.
- 22) Streets containing dedicated parallel on-street parking spaces, **at minimum**, shall be consistent with the pavement and lane widths required by the Subdivision Regulations, Appendix D. An alternative right-of-way section is appropriate for such streets. **The total right-of-way width of streets containing on-street parking may vary with final subdivision plans as long as the minimum parking bay and drive lane width in Detail TOC-543 are met and the Engineering Department approves the proposed section.**
- 23) ~~The applicant must meet the intersection driveway clearance.~~ **The minimum corner clearance for driveways is reduced to 10 feet.**
- 24) Plans are being reviewed by the Engineering Division; additional comments will be made.
- 25) Include a list of all waivers requested on the Outline Plan prior to recording.

Roll call:

Kilmurray – yes, Rozanski – yes, Given – yes, Jordan – yes, Gilbert –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 PC that staff has distributed a new Training Memo which contains webinars to help the commissioners get their 4 hours of required CE. If you would like to sign up for any of them, please contact Mrs. Michael by the end of the month.

The Development Activity Map will be updated soon and there are several applications heading to the PC in the next few months.

Mr. Groce distributed a draft “frequently asked questions” handout to the PC related to the Cluster Mailbox Units that the USPS is now requiring in new PD’s. There are several issues addressed by the Town, and if the PC has any questions they can contact staff to discuss their concerns.

Hearing no further business, Chairman Cotton adjourned the meeting at 8:25 p.m.

Secretary, Commissioner Jeremy Given