

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

Staff members present were: Town Attorney, Mr. Nathan Bicks; Development Director, Mr. Jay Cravens; Town Planner, Mr. Jaime Groce; Assistant Town Planner, Mrs. Nancy Boatwright; Planner; Fire Marshal, Mr. Paul Witt; and Administrative Specialist, Sr., Mrs. Shari Michael and Mrs. Sheryl Jones.

Pledge of Allegiance

Chairman Cotton led the Pledge of Allegiance.

Roll Call to establish a Quorum

Cotton – present, Rozanski – absent, Kilmurray – present, Goddard – present, Johnson – absent, Given – absent, 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 March 4, 2021 meeting.

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

Motion by Commissioner Gilbert, and seconded, to approve the minutes from the March 4, 2021 meeting.

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

Roll call:

Kilmurray – yes, Jordan – yes, Gilbert –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 item 6.a. Case# 215168 – Perkins Subdivision was advertised for the Consent Agenda and because the HDC did not approve the application at their meeting last week, the applicant has asked for a deferral until further notice. The Planning Commission can grant this request when it approves the modified agenda.

Motion by Commissioner Goddard, 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, Jordan – yes, Gilbert –yes, Goddard – yes, Worley – yes, Cotton - yes.

Motion Approved.

Formal Agenda

Ordinance 2020-11 – An Ordinance to Amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by Amending §151.003 and § 151.265 through § 151.273 Related to Tree Protection, Grading, and Landscaping.

Mr. Jaime Groce gave the staff presentation. He explained that the staff has initiated this ordinance and it has been on the backburner for a while to work on other projects. Staff is trying to get this approved by the end of the summer before other projects start up. Some of the goals are to preserve and expand the Town's tree canopy, recognize that the state protects agricultural rights, and make sure we are consistent with that. A consistent formula would apply to each project instead of setting one on a case by case basis. We would keep the tree bank for when there is not room to plant new trees on the site.

EXHIBITS

1. Ordinance 2020-11, with Attachments A and B (4/1/21)
2. 1999 Settlement of Lawsuit Over Tree Ordinance and Town's Version of the Tree Ordinance at Time of Settlement
3. Map Showing Collierville's Existing Tree Canopy (2013)
4. Example of New Tree Survey Format (11/20/20)
5. December 2020 PC Minutes
6. Comments Received & Responses (4/1/21)

The point of the update is to preserve and expand the Town's tree canopy. New plantings are beginning to create new canopy.

He reviewed the table for the numbers for the ordinance regarding the preserving trees. Single family developments numbers from 2006-2020 may look high, and may drop down to about 10 trees per acre as trees are removed to build houses. Non-residential numbers observed may be high because of understory trees being allowed.

Staff has reached out to Boyle Development about nonresidential development but they have not communicated their feedback to staff yet. The tree survey requirements will be less than the current requirements.

He reviewed the next steps for the Ordinance and the example motion contained in the staff report.

Chairman Cotton asked if there were any questions of staff.

Commissioner Jordan asked about the residential developments and whether or not this will apply to them.

Mr. Groce explained that, because of the lawsuit in 1999 which prohibits regulating tree removal on residential lots one acre or less in size, we cannot regulate such removal.

A discussion ensued regarding whether or not trees would have to be removed in rights-of-way.

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

Motion by Alderman Worley, and seconded, to recommend approval of Ordinance 2020-11 (Exhibit 1).

Commissioner Jordan stated that they gave the Town Sycamore Road a long time ago. Does this affect that type of clearing out of trees?

Mr. Groce explained that these changes only speak to private property and there are different sets of laws for public rights-of-way that will come into play and this should not affect that.

Commissioner Kilmurray asked about the clarification on tree removal for agricultural uses and will this affect it.

Mr. Groce stated that property owners do have rights and we allow this in the new ordinance. Staff hopes that some of these owners that they are hurting themselves when they remove large healthy trees. Not everyone is going to save existing trees, but with the new formulas they will need to plant trees back.

Mr. Bicks stated that developers have clear cut their property and used agricultural rights as a guise of clear cutting. Staff is trying to make sure this doesn't happen as much in the new ordinance.

Commissioner Gilbert asked what recourse will take place after the investigation if they clear cut and they aren't supposed to.

Mr. Bicks stated that if they violate the law and the Town Code, it would be prosecuted in the Town Court. They will still have to prove with certain records to substantiate that they are undertaking agricultural activities are allowed to clear cut.

Mrs. Boatwright stated that this if that happens, new trees won't be planted until the application is submitted for development.

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

Roll call:

Killmurray – yes, Jordan – yes, Gilbert –yes, Goddard – yes, Worley – yes, Cotton - yes.

Motion Approved.

Ordinance 2021-01 – An Ordinance to Amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by Amending §151.170 through §151.183 Related to Signage.

Mrs. Nancy Boatwright gave the staff presentation. She explained that an error will be corrected to add the word “:and:” to make clear that flags and flagpoles on multifamily and nonresidential properties are regulated as signs.

A citation in the sign regulations will be changed to correct the section making it clear that the sign regulations do not apply to flag and flagpoles on single family residential properties in the Exceptions Section.

Flag and flagpoles in non-residential districts will not need a Sign Permit but must still comply with the Sign Regulations.

Language that no longer applies will be removed since other types of internally illuminated signs were allowed by Ordinance 2013-01.

EXHIBITS	
1.	Summary of Edits (4/1/21)
2.	Ordinance 2021-01, with Attachments A through F (4/1/21)
3.	Examples of types of internally illuminated project signs

References to specific conditions for a multiple tenant project sign would be added to allow routed face signs and routed signs with push through letters.

Silver or dark gray will be added as a color of dual color film that can be placed on the white translucent plastic backing of a routed face sign.

Routed face signs or routed signs with push-through letters would be added to those signs not permitted to be illuminated internally unless they comply with the specific internal illumination requirements.

External or internal illumination will be limited to a color temperature of 5000k or the equivalent. Light temperature refers to the color of LED lighting that was not common in 2010 when the Sign Regulations were rewritten.

The requirement to obtain a sign permit for flags in non-residential zoning districts is being removed from the sign standards table.

New routed face signs and new routed signs with push-through letters would be allowed as a sign type for an internally illuminated multiple tenant project sign in the sign standards table.

Example of routed metal panel of any color with white only plastic backing was shown. Internal illumination with white lighting only example was also shown.

She showed examples of routed face multiple tenant project signs, and routed signs with push-thru letters.

She reviewed the next steps for the ordinance and the example motion contained in the staff report.

A discussion ensued regarding a non-conforming sign and how it is replaced if it is damaged.

Alderman Worley asked about Byhalia Crossing and if they are fixing their signs to be in compliance with the sign regulations.

Mrs. Boatwright explained that they are both legally non-conforming.

Commissioner Kilmurray asked if all the colors will be the same or are their options for other colors. The solid vinyl faces can be any color. The metal can be any color but any light that shines through has to be white.

Chairman Cotton asked if there were any questions of staff.

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

She reviewed the next steps and the motion contained in the staff report.

Motion by Commissioner Jordan, and seconded, to recommend approval of Ordinance 2021-01 (Exhibit 2).

Roll call:

Jordan – yes, Gilbert –yes, Kilmurray – yes, Goddard – yes, Worley – yes, Cotton - yes.

Motion Approved.

Other Business:

Chairman Cotton asked if there was any Other Business.

Mr. Groce reminded the staff is working on updating the Development Activity map. He reviewed the applications that staff has received and the PC may be reviewing this summer.

Mr. Groce reminded the staff if training hours are needed, there is a training summary memo is available.

Hearing no further business, Chairman Cotton adjourned the meeting at 6:36 p .m.

Secretary, Commissioner Jeremy Given