

A regular scheduled meeting of the **Planning Commission** was held on Thursday, May 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 – present, Kilmurray – present, Goddard – absent, Johnson – present, Given – present, Gilbert – absent, Jordan – present, Worley – present.

Quorum Present.

Approval of Minutes

Chairman Cotton asked if there were any changes or corrections to the minutes from the April 6, 2021 meeting.

Hearing none, Chairman Cotton called for a motion to approve the minutes from the April 6, 2021 meeting.

Motion by Commissioner Gilbert, and seconded, to approve the minutes from the April 6, 2021 meeting.

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

Roll call:

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

Motion Approved.

Approval of Agenda

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

Mr. Groce noted that Item 6b is asking for a deferral until the June meeting for the Perkins 2 lot subdivision, so when the motion for Consent agenda is made, maybe allow the request. They still need more time to work through some design issues. If you would add Item 7f – a housekeeping item to amend the bylaws to allow the Planning Commission to assign a backup Secretary to the Commission on an as needed basis. This can be handled at the end of the meeting.

Motion by Commissioner Givens, and seconded, to approve the agenda as modified.

Hearing no further discussion, Chairman Givens asked Mrs. Jones to call the roll.

Roll call:

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

Motion Approved.

Consent Agenda:

Case #DD20-103 – Oakwood, Phase 2 – Request approval of a Preliminary Subdivision Plat for 4 single family residential lots on 4.40 acres located at 262 and 276 East Poplar Ave.

To approve the Preliminary Subdivision Plat for 4.40 acres at 262 and 276 East Poplar Ave. subject to the Conditions in Exhibit 1:

1. The front yard setback of Lot #s 1 and 2 shall be 90 feet, not 100 feet, to address the 4/22/21 HDC conditions. Revise this on the lot layout and in the data chart.
2. No more than two (2) lots shall be permitted to access Ellawood Lane.
3. This development is subject to all applicable standard conditions of approval as adopted by the Board of Mayor and Aldermen, Resolution 2006-54.
4. In lieu of applying the Town’s standard tree mitigation ratio:
 - a. An alternative tree mitigation formula shall be applicable requiring the planting of fourteen (14) new trees (minimum 2-inch caliper) for each acre of the site. Existing viable trees meeting the minimum size requirements for new plantings, and that are protected by appropriate tree protection fencing, may be credited towards the required number of trees, with specimen trees being counted as the equivalent of three (3) new trees. Specimen trees shall be considered any canopy tree with a trunk diameter of 24 inches or greater, and any understory tree with a diameter of eight inches or more measured four-and-one-half feet above grade.
 - b. Tree protection fencing shall be installed for trees counted towards the tree density requirement using the “Critical Root Zone (CRZ)” method and shall remain in place during construction.

- | EXHIBITS | |
|-----------------|---|
| 1. | Preliminary Plat Conditions of Approval (4/30/21) |
| 2. | Cover Letter (12/22/20) |
| 3. | Photos of Structures to be Demolished (4/6/21) |
| 4. | 8/6/20 PC Minutes |
| 5. | 4/22/21 HDC Draft Minutes |
| 6. | Oakwood, Final Plat (1999) |
| 7. | Oakwood, Phase 2 Preliminary Plat (March 2021) |
| 8. | Oakwood, Phase 2 Tree Plan (March 2021) |

Case #215168 – Perkins Subdivision – Request approval of Final Subdivision Plat for a 2-lot residential subdivision on 1.20 acres at 369 West Poplar Avenue.

DEFERRED BY THE APPLICANT UNTIL THE JUNE 2021 PC MEETING

Case #DD20-070 – Deerwalk Subdivision, Phase 2 – Request approval of a Preliminary Subdivision Plat for 9 residential lots, on 7.57 acres located on the west side of Bray Station Road between Braystone Trail and Frank Road.

To approve the Preliminary Subdivision Plat for Deerwalk Subdivision, Phase 2. subject to the Conditions in Exhibit 1:

- | EXHIBITS | |
|-----------------|---|
| 1. | Conditions of Approval (4/30/21) |
| 2. | Applicant’s Cover Letter (3/9/21) |
| 3. | Parent Parcel of Subject Property (4/30/21) |
| 4. | May 2018 PC Minutes |
| 5. | Existing Conditions Plan (March 2021) |
| 6. | Preliminary Subdivision Plat (March 2021) |
| 7. | Grading Plan (March 2021) |
| 8. | Tree Plan (March 2021) |

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 following note shall be placed on the Preliminary and Final Plats: A minimum of two (2) trees are required on each lot in Phase 1. Trees shall be a minimum of 2 inches in caliper.
3. In lieu of applying the Town's standard tree mitigation ratio:
 - a. An alternative tree mitigation formula shall be applicable requiring the planting of fourteen (14) new trees (minimum 2-inch caliper) for each acre of the site.
 - b. Existing viable trees meeting the minimum size requirements for new plantings, and that are protected by appropriate tree protection fencing, depicted on the tree plan, and inventoried, may be credited towards the required number of trees, with specimen trees being counted as the equivalent of three (3) new trees
 - c. Specimen trees shall be considered any canopy tree with a trunk diameter of 24 inches or greater, and any understory tree with a diameter of eight inches or more measured fourand-one-half feet above grade.
 - d. Tree protection fencing shall be installed for trees counted towards the tree density requirement using the "Critical Root Zone (CRZ)" method and shall remain in place during construction.
4. Engineering Division Conditions:
 - a. Blaylock and Brown will have to sign the plat because some of the Drainage Esmt. is on their property. Provide a place for them to sign.
 - b. 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.
 - c. On the Final Plat show the location of the two required permanent concrete corner monuments. Also, please label them as "Found" or "Set".
 - d. The min. F.F.E.s will be reviewed once the As-Built topo is submitted. Provide this information on the Final Plat.
 - e. On the Final Plat, Drainage Esmts. will need to be dimensioned and tied down.

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

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

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

Formal Agenda

Case #215816 – 397 New Byhalia Road – Request approval of a Conditional Use Permit (CUP) for a Convenience Store on 0.92 acres.

Mr. Scott Henninger gave the staff presentation. The property is zoned Shopping Center Commercial. There are 25 existing parking spaces and a 3,431 sq. ft. bank building that will remain. They plan to remove the bank canopy and replace with a new fuel pump canopy. The 3 double-sided fuel pumps will service up to six vehicles at a time. The design of the fuel canopy will match the building and recess the lighting within the canopy itself. The use of the building will be limited by the availability of parking. No dumpster shown. No specific parking requirement for this use in the Zoning Ordinance. In the past, we have required approved convenience stores to have at least 1 space/200 sq. ft. The 3,431 sq. ft. building would require a minimum of 18 parking spaces. No automobile rental or multi-tenant space will be permitted. Outdoor dining may require the need for additional parking. A dumpster enclosure could reduce additional parking or open space. No operation hours from midnight to 5 am. There is not an opportunity for cross-access to the south due to an existing detention basin. There is one way circulation around the rear of the building. A truck turn exhibit is required, because of the one way drive in the rear to make sure it functions. A traffic study provided by applicant was reviewed by Kimley Horn on behalf of the Town. Byhalia Road has been improved along the frontage. The Kimley Horn analysis indicates there will be an increase in traffic volume for the eastbound left turn on Byhalia Road creating longer let turn queues. The Lowe's Drive access is too close to the intersection resulting in westbound vehicles entering the site queuing into Byhalia Road. Due to longer delays, left turn attempts from the south site may cause drivers to take unsafe risks or exit at the Lowe's drive. Kimley Horn recommends relocating the drive, and recommend restriping the Lowe's driveway to extend the 3-lane section to the west. The site plans to use the existing sewer plans and storm water system constructed for the Bank. The 6-prong CUP test has been analyzed and to determine if there are adverse impacts and has been conditions to minimize any negative impact to surrounding properties. The Planning Commission will need to consider, will traffic impacts be adequately mitigated by the Kimley Horn recommendations. Mr. Henninger reviewed the next steps for the BMA approval of the Conditional Use Permit (CUP), followed by Site Plan process and building/sign permits.

- EXHIBITS:**
1. Conditions of Approval (4/30/21)
 2. Applicant's Cover Letter & CUP Responses (4/2/21)
 3. Existing Conditions Plan (4/6/21)
 4. Non-binding Conceptual Layout (4/6/21)
 5. Aerial & Site Photographs (4/26/21)
 6. Staff CUP Analysis (12/30/21)
 7. Traffic Study Excerpt (4/6/21)
 8. 3rd Party TIS Review (4/13/21)
 9. eComments & Letters & Petition

There were three emails submitted, one included 91 signatures of opposed and also 63 e-comments opposed and one was in favor. The applicant would like to modify condition 10 slightly and the Town engineers are in agreement with the change.

Chairman Cotton asked if there were any questions of staff.

Applicant – Barry Maynard with Gill Properties – 5363 N. Hayne Circle, Memphis, TN 38119. Regions Bank is closing and is selling the property along with that is a 20 year deed restriction on any financial institution or any like kind use. This is the only use that plans to keep the building and mature landscaping and they will supplement it up to the town's standards. They are willing to agree to do any request from Collierville to make according to the staff report. Other potential uses would bulldoze the site. The Applicant is willing to make any and all improvements to the site. The decision tonight is not based on competition, but what is the best use for this site. The opposition is largely based on competition and, while it is understood of the opposing gas stations concern, the opposing letters are from one family (grand kids, cousins) and not above it producing traffic. The location will not produce more of a traffic burden and the other option is accept a vacant shut down bank building bringing little tax revenue to Collierville. It is stated in Collierville 151.063SCC Shopping Center Commercial District the purpose and intent states that these districts are intended to be designed to

accommodate safely a high volume of automated traffic. Gas and convenient stores on average will bring more tax dollars to the site. Government blocks merging of businesses because it will cut off competition. One who opposes is a gas station operator and one gas station owner of two stations in favor, his gas is almost 50% higher. Competition will tend to cause other stations to clean up their act.

Chairman Cotton called for any questions from applicant.

Commissioner Givens asked applicant about the 20 year deed restriction on a bank being located at this site after sale and applicant said yes there is a 20 year restriction. The applicant stated they are not the purchasers but actually the lessee.

Next Chairman Cotton called names from the comment cards to approach podium to address the committee.

Mr. Brad Job – 645 Green Level, Collierville, TN – States he has no big dog in this hunt. He told his daughter, 18 year old graduate, that he has always been super proud of Collierville. With all of the travel he has done around other places, he said we don't have traffic back-ups. Originally where Lowes is placed, he thought was not going to be a good idea. But the design is perfect no traffic, but if you put the station there, there is not enough property/land to make any and all improvements necessary to alleviate traffic congestion. One way issue, not enough room to make improvement. He doesn't care how many families on ecomment, he would have opposed also but the eComments closed at 8am this morning. The esthetic of this project will not improve in sofar as Collierville citizens' outlook.

Ms. Shirley Seamon – 826 Greenview Road, Collierville, TN - a concerned resident about the traffic, been here since 1991. Traffic on Byhalia is going to get worse. Her husband was in gas station across the street and was pulling out on his motorcycle onto Byhalia Road and had an accident due to traffic congestion and he died. This gas station will bring more traffic and more accidents. She hates to see it at that intersection because her husband died there as a result of an accident with so much traffic.

Mr. Noorali Dharani – 4490 Whisper Run Drive, Collierville, TN – oppose the 397 N. Byhalia gas station. Traffic and story from Ms. Shirley Seamon that she lost her husband at that intersection. We have huge anchor stores (Lowes, Target, Zaxby,) 18 wheelers are coming in/out constantly. People are lined up on Saturday afternoon just to get in and line is in the street to Zaxbys. The same situation on Poplar by Chick Fila, one lane is blocked every day on Poplar and on Byhalia Road everyday one lane is backed up going into the carwash. There are sufficient stores and gas stations within ¼ mile area to accommodate resident. There is a fire station next to Kroger parking lot. If the fire truck delays the response time due to a traffic jam, it will really impact the community. Residents on White Road, Powell Road and Frank Road have signed a petition opposing this gas station. They oppose this proposal.

Chairman Cotton called for a motion.

Motion by Vice-Chairman Rozanski and seconded, to recommend approval of Case #215816 – 397 New Byhalia Road – Request approval of a Conditional Use Permit (CUP) for a Convenience Store with the modified no. 10 as provided and 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 0.92 acres at 397 New Byhalia Road. A Site Plan Application is required. A Development Agreement is needed before building permits can be issued for the site.

3. The Conditional Use Permit for a convenience store shall become null and void if the approval of the Site Plan expires.
4. No Automobile Rental Use or multiple tenant space shall be permitted at the subject property.
5. An accessory car wash or building addition beyond 3,431 square feet existing shall require approval of an amended Conditional Use Permit before such a use is added to the site.
6. There shall be no outdoor display, vending, or storage visible on the outside of the building other than propane storage, dumpster enclosure, and tire inflation station, which shall be indicated on the Site Plan and screened from offsite view.
7. If outdoor dining is proposed, indicate on the Site Plans verifying in the data table that the additional area meets the parking requirements.
8. The new fuel canopy shall match the design, materials, and colors of the existing bank and canopy including the columns, cornice detailing, and canopy roof.
9. No business shall be conducted between midnight and 5:00 am.
10. Additional infrastructure is required with the Site Plan to follow the recommendations of the 3rd Party Analysis, and Engineering Division including:
 - a. Relocate the site drive onto the Lowe's Driveway to align with the driveway on the north side of the Lowe's Driveway, placing the site drive approximately 100 feet from Byhalia Road with the exact location to be approved by the Town Engineer.
 - b. Submit striping plan for approval from Town Engineer to restripe the Lowe's Driveway to extent permissible by existing easements and Town of Collierville jurisdiction.
 - c. Provide a truck turning exhibit showing the delivery route for fuel and store deliveries.

Chairman Cotton said the issue is about the traffic flow.

Town Attorney, Mr. Bicks reminded the Committee that it is a Conditional Use Permit and base it on the standards of a Conditional Use and vote accordingly.

Vice-Chairman Rozanski requested that Mr. Collins, Traffic Engineer, give comments.

Mr. Collins – Traffic Engineer – Kimley Horn – There are problems at this intersection now. He made the recommendations to relocate the driveway from where it is to as far back on the property as possible. This driveway has conditions the same as the Kroger – Kohls driveway – same distance and same problem if the drive way is not moved away from Byhalia as much as possible. Based on the traffic study, this driveway would be blocked more than 50% of the time and back up in to Byhalia Road. A convenience store is the highest traffic generating use. A Major concern is the driveway to the south to Byhalia Rd., making left turns out of that driveway is extremely difficult during peak hours but if the traffic is split, it may work but the turn to the left is going to cause a jam. He recommended restriping the driveway as well.

A discussion ensued regarding traffic on Byhalia Road and turning left onto Byhalia from the convenience store.

Commissioner Kilmurray indicated looking at the conditional use permit, as a mother with 15 yr. old daughter learning to drive – she is concerned.

Commissioner Jordan – Stated if the driveway is moved, it will still cause a problem. It will not alleviate the problem even if you restripe it.

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

Roll call:

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

Motion Denied.

Case #73620 – Resolution 2021-B – (Public Hearing) – Request approval of an amendment to the Collierville 2040 Land Use Plan related to the applicable Place Types and the maximum gross residential density for a 116-acre portion of a 252.58-acre tract located on the west side of Houston Levee Road, north of State Route 385, also known as The Parke at Houston Levee Planned Development.

Mrs. Nancy Boatwright gave the staff presentation. There has been a mass grading permit for this property recently approved. The two proposed amendments would allow development of The Parke at Houston Levee Planned Development to be submitted to the PC and BMA at a future date. The Land Use Plan Amendment introduces new place types into the property to allow other uses that will be proposed in the PD. The single family detached lots would be in the Traditional Neighborhood. There would also be townhouses in area 1. The Land Use Plan would change the land use policy for about 116 acres of the 252 acre property to allow The Parke at Houston Levee PD. These are the proposed new Place Types for the property. Traditional Neighborhood is characterized by interconnected street network often served by alleys, varied housing types and some mixed use. The primary land uses are single family attached residential, detached residential is a primary land use, attached residential is listed as a secondary use. The Activity Center: Mixed Use described as a place of economic entertainment and community activity can have multiple uses in one building. Appropriate uses are live above residential dwellings, above ground floor commercial, single family detached and townhomes. The Green Infrastructure would be characterized by flood ways and flood plain areas, regional and local green belt trails, corridors and public areas and areas along streams and creeks. Inclusion in this place type does not convey public or private ownership. The Land Use Plan Amendment would also establish the maximum gross density for the proposed place types. Single family attached and detached would be 4 to 6 dwelling units per acre. Senior housing would be allowed 12.01 to 22.5 dwelling units per acre. The maximums would correspond to the density proposed in the Park PD. The proposed zoning amendment leaves 53.66 acres in the FAR Zoning District. The zoning district would match the uses allowed in the PD. – BMA must approve the PD at the same time of the 3rd and final reading, it would come back to PC.

- | EXHIBITS | |
|-----------------|---|
| 1. | Applicant’s cover letters |
| | A. Land Use Plan Amendment (1/25/21) |
| | B. Rezoning with Grounds for Amending the Zoning Map (1/25/21) |
| 2. | Resolution 2021-B with Attachments A & B – Proposed Future Land Use for The Parke at Houston Levee (5/6/21) |
| 3. | Ordinance 2021-02 with Attachments: |
| | A. Existing Zoning |
| | B. Proposed Zoning |
| | C - J. Legal Descriptions |
| 4. | Existing Conditions (2/28/21) |
| 5. | Non-binding Master Plan (2/28/21) |
| 6. | Traffic Impact Analysis (1/5/21) |
| 7. | Collierville 2040 Plan Excerpt About Stand-alone Apartments |

Kimley Horn provided the Traffic Impact Analysis. The development was presented in two phases. Phase 1 to be completed in 2025 with 25,400 sq. ft. of restaurant space and the majority of the remaining space in Phase 2 to be completed in 2035 with single family detached lots and apartments including condominiums, hotels, senior housing, office space, a supermarket, retail space, service station and another 15,000 sq. ft.

The recommended improvements are retiming and coordinating traffic signals, restriping/reconfiguring the traffic lanes on Houston Levee, phasing of traffic signals, configuration of traffic lanes exiting the

development, installing traffic signal at Houston Levee Road and S. Shea Road, and any other needed conditions of approval to be addressed with the site plans and plats. There is adequate sewer capacity to serve the 252+ acre development, with the requirement to extend sewer from lift station near the south end of the site up to the north end of the development.

The Policy decisions for the PC include whether to create a more walkable built environment with the addition of the Traditional Neighborhood Place Type and Mixed Use Center, substantial reduction of potential office uses, inclusion of a 54-acre green space, establishing policies that would allow for detached and attached residential uses at this location, some standalone apartments. Collierville 2040 Plan says that new stand-alone apartments should not be approved for properties outside of the Downtown Area unless they had entitlements prior to 2011. This development does not have those entitlement, but the Developer plans to ask BMA during the PD process to transfer the existing stand-alone apartment entitlements at the Ironwood PD from that vacant property to this vacant property. She review the grounds for an amendment to the zoning map.

Mrs. Boatwright reviewed the next steps for the ordinance and the example motions contained in the staff report.

Next step – BMA to consider the Land Use Plan Amendment with the PC adoption of Resolution 2021-B that will serve as the certification and transmittal of the amendment to the Land Use Plan to the BMA. The BMA must approve the amendment to the Land Use Plan and hold a public hearing. The BMA must also approve the rezoning and hold 3 readings. The PD application will be reviewed by the Planning Commission and BMA. It cannot be approved until the property is rezoned to match the outlined plan, so with the BMA that would coincide with the third reading. Preliminary and final Subdivision Plats and site plans will be reviewed for each development project and building permits for each.

Chairman Cotton asked if there were any questions of staff.

Commissioner Kilmurray – How many total residential dwelling units (not including senior housing) are being proposed?

Mr. Groce – stated from traffic study, page 4 mentions 131 single family detached, 284 apartments, 214 hotel rooms, 132 senior housing units, 25,000 sq. ft. of office, 95,000 sq. ft. of supermarket.

Commissioner Kilmurray – Where are we with the 2040 total build out?

Mr. Groce – stated it is a theoretical build-out population of approximately 70,000 to 80,000 and we are now a little over 50,000. A lot of changes have occurred since 2012. It may be time to revisit the build out number.

Commissioner Given – Stated the 2040 Plan states it is Office Institutional now want Traditional Neighborhood. The related zoning would change it to R-3A. So they are trying to get it into a Traditional Neighborhood, then to a zoning R-3A? A PD must be approved before the rezoning at the 3rd reading.

Mrs. Boatwright mentioned tonight is just a recommendation to the BMA.

Commissioner Given – The Ironwood PD is outside of the downtown, so we are trading dwelling that are outside of downtown but would end up an even swap.

Mrs. Boatwright said the requested zoning is for R-3A – Single family, R-4 multifamily and RTH – Condominiums. The Ironwood PD is at the corner of Winchester and Houston Levee.

Applicant – Kevin Vaughan – Township Development Services - 1115 Halle Park Circle – They understand the strategic nature of the property. This is good for everybody in the community and the property is valuable and high-end use. The dream of a regional destination shopping center and a large amount of retail has crashed. Carriage Crossing is struggling due to the market. Something that will generate its own demand and will achieve price point (\$1/2 million) and proud of this plan. The owner is very transparent. Staff has found some issues with PD. We could build off this site plan. The Town’s policy regarding multifamily in the 2040 Land Use no net gain in standalone apartments – “Applicant must provide proof via transfer of development rights further or other documentation appropriate to the Town that they have secured from properties entitled prior to 2011 to their rights to build multifamily, so that if the project is approved the town realizes no net gain in multifamily dwelling.” Mr. Vaughan stated that a contractual obligation has been provided to staff to review for the transfer. He believes that transferring a little over 100 internal apartment units presents better in this new setting.

Applicant’s plan is to build a 50 acre park, an 11 acre lake at the end of a boulevard entry into the property and propose to improve the park and turn over to the city for operation, install the walking trails. Extending Bailey Station Rd. into the 165 acre area. They plan to petition the Town for a TIF to invest in a bridge getting developed. Moved a couple of the buildings pedestrian area boulevard – main street business central feel – two restaurants – transfer apartment units from Ironwood.

Area 2 - owner occupied, Area 4 – least amount – holding for a large grocer – reserving 21 acre tract for whatever user. Connect the green belt above Capital D – proposed attached townhomes, backloaded homes with alleys – western area back up to pipeline and dog park, kid parks, this is built on what a client has hoped this would be approved and we think that this is the best way to do it.

When you look at the PD, a 1/3 is park, 1/3 is residential, and 1/3 is office/senior housing.

Mrs. Boatwright – Senior housing is allowed in Office.

Commissioner Worley – On the current 2040 Land Use Plan – how much retail and how much office?
Applicant - it was all office until recently.

Commissioner Worley - Can we legally request a rezone for something not in hand?

Atty Bicks – You can transfer rights to another. Trying to transfer units from one property to another.

The 2040 Plan talks about the ability to move entitlements from one to another, and yes the BMA can authorize to rezone property to apartments.

Mrs. Boatwright – It would not be final until the 3rd reading. Then it would go before the BMA and the PD would come in at the same time and you would have the PD amendment to Ironwood that took the units out of that PD Ironwood and the PC would approve the PD for this property.

Applicant – Language in the plan, then it will be contemplated for the apts. – we understand but we think we have a great plan, lower level parking with brick buildings.

Commissioner Given – why can't the recommendation be approved with a condition that will be voted again in the 3rd reading?

Atty Bicks – The Town cannot condition zoning under the state law.

Applicant – He is stating that the request in the PD will be for the transfer of the 109 apts. He believes it is the right scale.

Commissioner Kilmurray – What will be going there? Concerned since Macy is closed.

Applicant. – Specialty retailers, cost of the development of this property will reflect ones that can afford to pay a higher rent.

Vice-Chairman Rozanski – By adding the residential component, the demand will help feed the property itself.

Applicant assured Kilmurray there will be no construction until they have secured tenants for the buildings.

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

Motion by Commissioner Jordan and seconded, to recommend approval of Resolution No. 2021-B to amend the Collierville 2040 Land Use Plan.

No citizens came to speak at the Public Hearing.

Discussion

Commissioner Jordan – He sees the concept more clearly now and thinks it is a good plan, sees it as a self-contained community.

Commissioner Kilmurray – Thinks it's a beautiful plan, a hope and dream but no grocery store in the plan, high density residential (not really comfortable with), and she does not feel it is in the vision of Collierville. If a commitment from a grocery store were given, she would feel different.

Commissioner Worley – It was planned for all office but now they'd only have MPO zoning across the front, but Lenox office complex in Memphis is somewhat vacant now. Would like to see doctor offices, a couple of hotels.

Commissioner Given – Adjacent to interstate – make it a community.

Vice-Chairman Rozanski – The overall request not tipping the scales. It is a Boulevard cutting thru it with additional services around it.

Roll call: 1a

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

Motion approved

Chairman Cotton asked for a motion.

Case #73541 – Ordinance 2021-02 – The Parke at Houston Levee – Request to rezone 47.36 acres from FAR Forest Agricultural Residential to R-3A High Density Residential, 54.92 acres from FAR Forest Agricultural Residential to MPO Medical Professional Office, 66.83 acres from FAR Forest Agricultural Residential to SCC Shopping Center Commercial, 6.59 acres from FAR Forest Agricultural Residential to R-4 Multi-Family Residential, and 4.11 acres from FAR Forest Agricultural Residential to R-TH Townhouse Residential.

Motion by Vice-Chairman Rozanski and seconded, to recommend approval of Ordinance 2021-02.

No further discussion

Roll call:

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

Motion Approved.

EXHIBITS

1. Applicant’s cover letters
 - A. Land Use Plan Amendment (1/25/21)
 - B. Rezoning with Grounds for Amending the Zoning Map (1/25/21)
2. Resolution 2021-B with Attachments A & B – Proposed Future Land Use for The Parke at Houston Levee (5/6/21)
3. Ordinance 2021-02 with Attachments:
 - A. Existing Zoning
 - B. Proposed Zoning
 - C - J. Legal Descriptions
4. Existing Conditions (2/28/21)
5. Non-binding Master Plan (2/28/21)
6. Traffic Impact Analysis (1/5/21)
7. Collierville 2040 Plan Excerpt About Stand-alone Apartments

Case #215703 - Ordinance 2021-05 – Gipson Property Rezoning - Request Rezoning of 0.568 acres from R-3: High Density Residential to MPO: Medical Professional Office located at the northwest corner of Highway 72 and Harris Street.

Ms. Donquetta Singleton presented. The proposed rezone will encompass two lots, one has 2,500 square feet dwelling and the other lot is vacant and covered with broken asphalt. The property owners intend to redevelop into office space. It will have a minor impact on traffic. The proposed rezoning is not entirely consistent with the Collierville Land Use Plan. The Collierville Land Use Plan designates this area as a Suburban Neighborhood, which includes primary uses such as the single family detached residential and secondary uses would include civic and institutional uses, parks and other open spaces. The rezoning would be consistent with most of the adjacent zoning within the area. The request is not entirely consistent with the Ground for an Amendment to the Zoning Map. The conflict of the future land use being designated as Suburban Neighborhood.

EXHIBITS:

1. Applicant’s Cover Letter & Grounds for Rezoning (3/30/21)
2. Plot Plan (3/30/21)
3. Ordinance 2021-05 with Location Map and Legal Description (4/9/21)
4. Conceptual Site Layout (4/13/21)
5. Traffic Impact Analysis (3/30/21)
6. Existing Zoning Map (4/9/21)
7. Future Land Use & Place Type Map Excerpt
8. Staff Grounds for Amendment Analysis (4/30/21)

The BMA will consider Ordinance 2021-05 on three separate readings.

Applicant –Mark Underwood - 784 Deans Creek Drive, Collierville, TN, the house was built in 1958 built and Ms. Gipson lived there 23 years, with 6 siblings. The sibling own the house and want to keep the residential feel. Requesting the office use, but keep the residential feel. Only 2 residential houses are remaining along the

Hwy. 72 corridor. The 2040 Plan shows commercial on all of the sides of that intersection. About 70% torn up concrete and asphalt and over 60% open space as well as closing the existing curb cuts. 2 adjacent properties are vacant. Low impact use for the transition to the west. Desire to keep shed, it is on concrete block. They would like to keep it. Will move the hvac units to the back of the house also use roll out trash cans. The owners are present.

Chairman Cotton called for a motion.

Motion by Commissioner Worley and seconded, to recommend approval of Ordinance 2021-05 to the BMA.

Commission Jordan said by keeping the house and converting it to a business, it would be a good idea.

Roll call:

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

Motion Approved.

Ordinance 2021-06 – An Ordinance to Amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by amending § 151.115 (D) related to parking lots and driveways.

Mr. Jaime Groce presented. This Ordinance would clarify and clean up some reformatting with issues regarding gravel driveways. The Town has regulated the surface for nonresidential and multifamily driveways. The office and commercial parking lot is to be dust free with typical asphalt or concrete. The regulations that apply to parking have not been clear that they apply to single family. The purpose of this Ordinance is to expand it to apply to single family and clarify when it could and could not occur. You could still have gravel for agricultural uses and activities, single family lots 5 acres or more, lots less than 5 acres if located outside of the front yard and to the side or rear of home. Boats or trailers must be to the side or in the rear of the house. The Historic District may also determine that it is appropriate to have a gravel drive. The first 10 feet in all cases must be paved, dust free surface, to keep gravel from getting into the road. Drives & parking in front yards for smaller lots must be dust free and enforced by the Development Dept. and when reviewing a home plan or looking at Historic Commission applications when making a change to a house. Engineering Department looks at driveway permits, including single family. This must be addressed in the field as well. We will work with our Public Information Officer, if this is adopted by the Mayor and Board of Aldermen to help make the community aware of the change. We will spread the word and mention for curb cut details a note about these restrictions.

EXHIBITS:

1. Ordinance 2021-06, with Attachment A (4/30/21)
2. Standard Residential Curb Cut Detail (TOC-519)
3. Gravel Driveway Examples

Chairman Cotton asked if there were any questions of staff.

Commissioner – Jordan asked about older homes in Collierville that are less than 5 acres that have existing gravel not up to the paved that was taken in a few yrs. Ago. Are they going to be required to pave the first inlet?

Atty. Bicks answered they would be non-conforming uses, assuming they were legally put in, they would be grandfathered in as a non-conforming use.

Commissioner Johnson –So they would be able to remain?
Mr. Groce –Yes, they could even add fresh gravel.

Commissioner Kilmurray –Would the sale of a home trigger the need to pave?

Atty. Bicks – answered no.

Vice-Chairman Rozanski – It mentions unless you have changes, but does not distinguish what changes would trigger them to have to do that, per the staff report.

Atty Bicks – With a legal nonconforming use, the rules that apply to all non-conforming uses would apply to this situation.

Atty Bicks - New construction, new curb cuts, new driveways would have to comply with this change.

Mr. Groce– If a house or business changes use, and had a gravel driveway and they added a commercial park lot and meet ADA standards, then we would ask them to pave it.

Chairman Cotton – If there was a storm and they had to rebuild a house, would this apply?

Atty Bicks – No. They would not have to pave.

Motion by Vice-Chairman Rozanski and seconded to approve Ordinance 2021-06 – An Ordinance to Amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by amending § 151.115 (D) related to parking lots and driveways.

Roll call:

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

Motion Approved.

Other Business:

Chairman Cotton asked if there was any Other Business.

Atty Bicks – PC Bylaws Amendment - Chairman should be able to appoint Secretary to sign in an emergency situation. The position of Secretary and the requirements are set out in the bylaws. The PC should make an amendment to permit the Chairman to designate an acting Secretary if the current Secretary is unable to fulfill his/her duties. The acting secretary would do this temporarily.

Motion by Vice-Chairman Rozanski and seconded to amend the bylaws to permit the Chairman to appoint Secretary to sign in an emergency situation.

Roll call:

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

Mr. Groce – stated this would be Shari’s last meeting after 20 years. The Town gave flowers to Mrs. Shari Michael, retiring on May 17th, and there will be a reception for her next Friday 3-4pm. He wanted to recognize Mrs. Michael and also to thank her for the years of service. Mrs. Michael moved here in 1997 and raised three children in Collierville.

Hearing no further business, Chairman Cotton adjourned the meeting at 8:04 p.m.

Secretary, Commissioner Jeremy Given