

A regular scheduled meeting of the **Planning Commission** was held on Thursday, July 1, 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. Sheryl Jones.

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### **Pledge of Allegiance**

Chairman Cotton led the Pledge of Allegiance.

### **Roll Call to establish a Quorum**

Cotton – Present, Rozanski – Present, Kilmurray – Present, Goddard – Absent, Johnson – Present, Given – Absent, Gilbert – Absent, Jordan – Present, Worley – Present.

**Quorum Present.**

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### **Approval of Minutes**

Chairman Cotton asked if there were any changes or corrections to the minutes from the June 3, 2021 meeting.

Hearing none, Chairman Cotton called for a motion to approve the minutes from the June 3, 2021 meeting.

***Motion by Commissioner Johnson, and seconded, to approve the minutes from the June 3, 2021 meeting.***

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

### **Roll call:**

Kilmurray – Yes, Jordan – Yes, Worley – Yes, Johnson - Yes, Rozanski – Yes, Cotton – Yes.

**Motion Approved.**

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### **Approval of Agenda**

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

Mr. Groce noted there were a few changes to go over, about Item 6a which is the Schilling Farms Plat. It should read Phase 60 instead of 70. There are two other items that are eligible for the Consent Agenda, The Civic Center and Market Subdivision showed on the Agenda twice and it should be on the Consent Agenda. Mr. Groce also talked with the Applicant of 459 Washington Street, Conditional Use Permit, they agree with all of the conditions and staff believes it is eligible for the Consent Agenda.

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

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

### **Roll call:**

**Motion Approved.**

**Consent Agenda:**

**Case #216000 – Schilling Farms PD, Phase 60, – Request approval of a Final Subdivision Plat for 1 lot located on the south side of Poplar Avenue and the west side of Schilling Boulevard West.**

*To approve the Final Subdivision Plat for 1 lot located on the south side of Poplar Avenue and the west side of Schilling Boulevard West 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. Add the number of lots to the title block.
3. Correctly identify Phase 4G as being recorded.
4. The Engineering Division requires the following:
  - a. Prior to plat recording, please provide a 11 x 17 drawing showing the area (s.f.) of all public easements and r.o.w. dedicated with this plat
  - b. The min. F.F.E.s will be reviewed once the As-Built topo is submitted. Changes may be needed before the plat is recorded.
  - c. Surveyor’s Certificate: Change “Class” to “Category”.

<b>EXHIBITS</b>
The staff report plus the following:
1. PC Conditions of Approval (5/28/21)
2. Applicant’s Cover Letter (4/7/21)
3. Woodgrove Master Plan (4/10/18)
4. Plat Recording Checklist
5. Final Subdivision Plat (received 4/7/21)

**Case #216914 – Civic Center & Market Subdivision – Request approval of a Final Plat for a 1 lot commercial subdivision located at the southwest corner of Market Boulevard and Civic Center Drive.**

*To approve the Final Plat for a 1 lot commercial subdivision located at the southwest corner of Market Boulevard and Civic Center Drive 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 side and rear yard setbacks may be removed since the property is part of a Unified Development.
3. Remove the instrument number for the Civic Center, LLC from the title block.
4. Clarify the location of the private drainage easement referenced in Note #8 on Sheet 1.
5. Change the name of the subdivision in the Plat Data Chart to Civic Center & Market Subdivision.
6. Clarify the 10’ landscape easement beyond the west property line on the McLean Land Company property.
7. The widths of the required buffer yards shall be labeled unless otherwise altered by the DRC and BMA.

<b>EXHIBITS</b>
The staff report plus the following:
1. Conditions of Approval (6/25/21)
2. Applicant’s cover letter (6/8/21)
3. April 1999 Master Site Plan
4. Proposed Final Subdivision Plat (6/8/21)
5. Proposed Final Site Plan for Market Boulevard Centre (6/8/21)
6. Major Road Plan

**Case # 216909 – 459 Washington Street – Request approval of a Conditional Use Permit (CUP) for an Auto Repair Garage on 4.99 acres.**

***To approve a Conditional Use Permit (CUP) for an Auto Repair Garage on 4.99 acres 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. Provide parking lot striping during the submittal of the Site Plan Modification application.
3. Vehicles being serviced/maintained shall not be stored on the exterior of the building (i.e., in the parking lot, drive aisles, or in the green space).
4. Any required parking spaces and related drives shall be paved with asphalt or concrete.
5. There shall be no exterior storage, outdoor display, or outdoor activity.
6. The applicant shall demonstrate that the building complies with all applicable building and fire codes, subject to the approval of the Building Department through the Certificate of Occupancy (without a permit) process.
7. This Conditional Use Permit (CUP) limits the site to auto repair garage and ancillary automobile repair and detailing uses. Auto-body repair and auto-paint shops are expressly prohibited.
8. Any activities related to this Auto Repair 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, additional parking areas, and/or activities that increase parking demand.
9. Any services performed at the site shall comply with the Town's Anti-Noise Regulations (§ 130.022)

**EXHIBITS**

The staff report plus the following:

1. Conditions of Approval (6/22/21)
2. Cover Letter & CUP Responses (6/8/21)
3. Lease Agreement (6/8/21)
4. Existing Conditions (6/8/21)
5. Conceptual Site Layout (6/8/21)
6. Traffic Letter (6/14/21)
7. Staff CUP Test Analysis (6/22/21)

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

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

**Roll call:**

Rozanski – Yes, Jordan – Yes, Kilmurray – Yes, Johnson – Yes, Worley – Yes, Cotton - Yes.

**Motion Approved.**

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**Formal Agenda**

**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.**

Ms. Donquetta Singleton reviewed the staff report, which is included in the record as an exhibit. The applicants are Glenda and Charles Perkins and Property Solutions. The property is in the Historic District. The home is eligible for the National Register. The applicant is proposing to divide lot 1 of the Skinner Subdivision Plat. Currently the lot is 228 feet wide. After the denial at the March HDC meeting, the applicant revised the plat to satisfy spacing concerns. Lot 1 decreased from 128 feet to 118 feet and Lot 2 increased from 100 feet to 110 feet. While the HDC did grant the Certificate for Appropriateness for the Plat, some members expressed concerns about lots getting smaller along Poplar Avenue and damages to the Historic integrity of the home. Certificates of Appropriateness do not expire. The HDC approves the general design of driveways. The HDC does not approve curb cuts. The applicant has provided a Tree Preservation Easement 15 feet between Lot 2 of the Perkins plat and Lot 1 of the Cooper College Subdivision. This matches the Tree Preservation Easement of the Cooper College Lot 1 to the east. A note shall be added to the plat that says “The Town of Collierville will not enforce easements as it relates to tree removal.” As both of the lots will be less than an acre, the Town cannot regulate tree removal. The applicant states that one or two trees will be removed during the construction of the new home on Lot 2.

Chairman Cotton asked if there were any questions for the staff.

Mr. Mark Underwood, Property Solutions, 784 Deans Creek, Collierville along with Ms. Glenda Perkins, property owner. They have received the permit from TDOT for the second driveway. This subdivision far exceeds the R-1 zoning requirements. To ease the concern about the trees, the Perkins have given up an additional 15 feet on the eastern boundary, combined with the original 5 foot setback, to create a Tree Preserve 20 feet wide on a private easement. This will ensure the privacy of the eastern neighbors. Mr. Underwood did reach out to the adjacent neighbor to discuss the property. The rhythm and flow in the Historic District will be matched to the north and with the lots running down Poplar.

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

Commissioner Rozanski expressed a concern about the traffic on Poplar Avenue and how the lanes go from multiple lanes down to one single lane as a safety issue.

Commissioner Jordan stated that he knew Mr. Skinner and Mr. Skinner had the same house design built in Forest Hill with the same type of driveway. He questioned the redesign of the drive which may take away from the character of the Historic District.

Chairman Cotton asked Dale Perryman, Town Engineer if he had talked to TDOT and Dale indicated that he had not. Dale was asked if it is illegal to back out on a state highway and Dale spoke with a TDOT person that confirmed it is illegal to back out on a state route.

Chairman Cotton asked for public comments.

Mrs. Erin Daniels, 299 College Street, Collierville, TN. Prior to living in the Historic District of Collierville, they lived for 20 years in Terra Oakes Subdivision. She is opposed to building a new home in the Historic District in this way.

<p style="text-align: center;"><b>EXHIBITS:</b></p> <p>The staff report plus the following:</p> <ol style="list-style-type: none"><li>1. Conditions of Approval (5/28/21)</li><li>2. Cover Letter (04/08/21)</li><li>3. Perkins Subdivision Final Plat (04/08/21)</li><li>4. March HDC Minutes (03/25/21)</li><li>5. Color Subdivision Plat (06/21/21)</li><li>6. Neighborhood Aerial Views (06/21/21)</li><li>7. Plat Recording Checklist 8. May HDC Minutes (05/27/21)</li></ol>
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Ms. Lucia Outlan, 165 Kelsey Street. It is currently dangerous to walk up and down the street and she is opposed to this Plan and thinks it is unsafe.

Mr. Charles and Mrs. Linda Cozzens, 189 Kelsey St. and Ms. Sylvia Pass, 354 College St. have donated their time to Ms. Kristianne Wargo, 345 W. Poplar Ave. Ms. Wargo stated that at the HDC meeting in May 2021, the applicant presented that a second driveway was approved via HDC back in December, 2012, this is incorrect. The driveway that was approved was for a relocation of the driveway along with the existing driveway to be partially removed. There was not going to be two driveways. Ms. Wargo quoted from the 2012 Staff report, "Other proposed alterations include enclosing an existing 70 square foot porch, relocating the existing drive west with an attached retaining wall constructed of masonry stones. The applicant is making the house more accessible for elderly and impaired guests. The new garage at the rear of the lot reduces the use of steps. The relocated drive will continue to the rear of the house between two new masonry pillars used in a permeable surface drive to propose for the rear garage." It also states that within the requirements of the Historic District Guidelines in the 29 page staff report that the requirement should ensure that paving materials are compatible with the "character of the area." The response to that guideline is the drive will be relocated to the west to give direct access to the home. The existing drive was to be partially removed. The HDC opposed the Certificate of Appropriateness 4 to 3 in March 2021. At the HDC May meeting, the Certificate of Appropriateness was approved with one flipped vote solely based on the incorrect information about the second driveway. Commissioner Rozanski stated this as his reasoning prior to voting yes. Therefore the approval of the Final Subdivision plat should be voted no. As the information that was given to get to this point in the process was incorrect and misrepresented. In continuation, the applicant states that according to the Downtown Plan, more people need to live in the Historic District, presented by the applicant at the last HDC meeting. However, the Downtown Plan study qualifies "by adding new residents and retail activity to the southside of the railroad tracks and downtown Washington Street the plan will seek to ensure the downtown Collierville will continue to be a living neighborhood for generations to come." Nowhere does it define a vibrant and living neighborhood to include the expansion on Poplar Avenue, the gateway to the Historic District. The applicant also stated that they would leave the stone columns for the entrance to the new home, as this would leave some familiarity. It will only bring confusion. It's a limestone house. They are not building a limestone house, if the lot is approved. The historic home built in 1934 does not need to be changed including the lot it sits upon. The Skinner subdivision was established in 1977. The 15 foot tree preserve has no bearing on this sub divide. Safety is a great concern. Poplar Avenue is becoming busier. Drainage needs to be addressed. Cutting another driveway and squeezing another large home requiring trees and plantings to be removed will erode more land and impact on drainage. The Poplar Avenue corridor should remain a gateway into the Historic District.

Chairman Cotton called for a motion.

***Motion by Commissioner Rozanski, and seconded, to approve the Final Subdivision Plat for a 2-lot residential subdivision on 1.20 acres at 369 West Poplar Avenue 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 new driveway connection to Poplar Avenue must be submitted to TDOT for approval. A copy of the approval shall be provided to the Town. If TDOT does not approve the drive, an access easement shall be provided so that Lots 1 and 2 can share the existing driveway.
3. The side yard setbacks in the data chart shall be corrected to match the side yard setbacks depicted on the subdivision plat and as approved by the Historic District Commission.
4. Add a note to the subdivision plat explaining the purpose of the fifteen (15) foot preservation easement along Lot 2 and that the Town of Collierville shall not enforce the preservation easement as it relates to existing tree removal.

5. Provide a CAD file prior to the recording of the plat.
6. Any new construction shall be reviewed and approved by the Historic District Commission and a building permit shall be obtained prior to construction.

Chairman asked if there were any discussion.

Attorney, Nathan Bicks, explained that this is a Final Subdivision Plat and under the law the Planning Commission is the ultimate law on this decision and to base your decision on the general design concepts – external factors, land use, and impacts on the natural environment and historic resources and suitability of land.

Discussion ensued about the traffic on Poplar and the eligibility of the house for the Historic National Register.

Commissioner Jordan expressed concern about traffic on Poplar and how putting another drive is a safety issue.

Chairman Cotton believes it has a negative impact on the historic area and a safety concern.

Commissioner Worley is not in favor of the Final Subdivision Plat due to the traffic and safety issues.

Commissioner Johnson is not in favor due to backing out on a state highway is dangerous.

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

**Roll call:**

Worley – No, Jordan – No, Rozanski – No, Johnson - No, Kilmurray – No, Cotton – No.

**Motion Failed.**

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**Other Business:**

Chairman Cotton asked if there was any Other Business.

Mr. Jaime Groce mentioned about the required training hours for the Commissioners.

The Parke at Houston Levee – PD application – they may want to have a work session in August to discuss some of the staff comments they will receive later this month.

Ashby PD – They may return in September for a called voting meeting after revisions are made to address staff comments and the results of a sewer capacity study.

The Town has a new Town Website: [www.collierville.tn.gov](http://www.collierville.tn.gov).

Hearing no further business, Chairman Cotton adjourned the meeting at 7:05p.m.

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Secretary, Commissioner Jeremy Given

