

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

Staff members present were: Development Director, Mr. Jay Cravens; Town Planner, Mr. Jaime Groce; Assistant Town Planner, Nancy Boatwright; Deputy Town Engineer, Tim Gwaltney; Planner, Donquetta Singleton; Chief of Fire Prevention, Paul Witt; Traffic Consultant, James Collins, Administrative Specialist, Sr., Mrs. Amy King; and Administrative Specialist, Sr., Mrs. Gina Salvatore.

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 – 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 September 30, 2021, meeting.

Hearing none, Chairman Cotton called for a motion to approve the minutes from the September 30, 2021, meeting.

Motion by Commissioner Rozanski, and seconded, to approve the minutes from the September 30, 2021, meeting.

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

Roll call:

Rozanski – Yes, Kilmurray – Abstain, Goddard – Yes, Johnson – Yes, Given – Yes, Jordan – Yes, Worley – Yes, Cotton – Yes.

Motion Approved.

Chairman Cotton asked if there were any changes or corrections to the minutes from the October 7, 2021, meeting.

Hearing none, Chairman Cotton called for a motion to approve the minutes from the October 7, 2021, meeting.

Motion by Commissioner Rozanski, and seconded, to approve the minutes from the October 7, 2021, meeting.

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

Roll call:

Kilmurray – Yes, Goddard – Yes, Johnson – Yes, Given – Yes, Jordan – Yes, Worley – Yes, Rozanski – Yes, Cotton – Yes.

Motion Approved

Approval of Agenda

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

Mr. Groce stated that there was one deletion. The McGuiness Lumberyard subdivision has been removed, and there was a work session held today by the BMA in regards to the project. There are two items on the consent agenda and both applicants agree with all of the conditions of approval.

Chairman Cotton called for a motion to approve the Agenda as amended.

Motion by Commissioner Johnson, and seconded, to approve the amended agenda.

Chairman Cotton asked Mrs. King to call the roll.

Roll call:

Goddard – Yes, Johnson – Yes, Given – Yes, Jordan – Yes, Worley – Yes, Rozanski – Yes, Kilmurray – Yes, Cotton – Yes.

Motion Approved.

Approval of Consent Agenda

Chairman Cotton called for a motion to approve the Consent Agenda.

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

Chairman Cotton asked Mrs. King to call the roll.

Roll call:

Johnson – Yes, Given – Yes, Jordan – Yes, Worley – Yes, Rozanski – Yes, Kilmurray – Yes, Goddard – Yes, Cotton – Yes.

Motion Approved.

CONSENT AGENDA

6. a. Case #218485– Shelby Post Point Subdivision – Request approval of Final Subdivision Plat for 8 single family lots on 5.293 acres located on the southwest corner of East Shelby Drive and Byhalia Road.

MOTION: To approve the Final Subdivision Plat (Exhibit 5) for the Shelby Post Point Subdivision, subject to the conditions in Exhibit 1

PC 11-04-21

EXHIBITS

The staff report and the following:

1. PC Conditions of Approval (10/29/21)
2. Applicant’s Cover Letter (9/30/21)
3. Sidewalk Waiver Letter (9/30/21)
4. Final Plat Check List

CONDITIONS OF APPROVAL

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. Before the Final Plat can be recorded, provide a waiver letter from the United States Postal Service (USPS) allowing the use of standard mailboxes for each lot.

6. b. Case# 218528 – 160 Poplar Avenue – Request approval of a Final Plat for a 2-lot subdivision on 1.07-acre located on the north side of E. Poplar Avenue west of N. Main Street.

MOTION: Approve the Final Subdivision Plat for the 160 E. Poplar Avenue Minor Subdivision (Exhibit 5) on 1.07 acres located on the north side of E. Poplar Avenue and west of N. Main Street, subject to the conditions in Exhibit 1.

CONDITIONS OF APPROVAL

1. New driveways and walks shall not be gravel. A note stating this shall be placed on the Final Plat.
2. There shall be no additional curb cuts for either lot in the subdivision beyond the one (1) for Lot 1.
3. Change the front yard setback for Lot 2 to 200 feet.
4. Show the lot width for Lot 2 at E. Poplar Avenue and at the 200-foot building line.
5. The proposed rear lot line for Lot 1 will create a new nonconformity for the existing accessory structure. Either demolish the structure or move the rear lot line to meet the Zoning Ordinance requirement that accessory structures in conventional zoning districts must have a setback from a property line that is equal to or greater than its height.
6. Label Lot 1 and provide the square footage/acreage and finished floor elevation.
7. Show the typical 5-foot utility easements along all property lines.
8. Confirm the ownership of 225 N. Main Street. The public records show Wesley and Loir Worden.
9. Change the name to 160 E. Poplar Avenue Minor Subdivision in the title block.
10. Label Poplar Ave. on the Final Plat as E. Poplar Ave.
11. On the Subdivision Plat Data Chart, provide required bulk requirements and proposed bulk requirements for the lots. In addition, make the following changes:
 - a. Split the bulk requirements into 3 columns with a column for the required, a column for what is provided for Lot 1, and a column for what is provided for Lot 2.
 - b. On the Subdivision Plat Data Chart, remove the footnotes but add one to explain the nonconforming minimum lot widths based on the existing nonconforming status with language such as, “Because the two existing, unrecorded lots are nonconforming and do not meet the required minimum lot width of 100 feet, the nonconformity is allowed per §151.137 of the Zoning Ordinance to be modified and continued provided there is reasonable space for such expansion on the property so as to avoid nuisances to adjoining landowners. The existing, nonconforming side setback for Lot #1 can continue. If the house on Lot #1 is demolished and is not rebuilt within one year, the side setback shall be 10 feet, not 5 feet.”
12. Provide a note on the Final Plat that explains that the HDC approved a Certificate of Appropriateness for the demolition of the existing structures on Lot #1 on May 27, 2021, and that these structures could be removed.

EXHIBITS
<p>The staff report and the following:</p> <ol style="list-style-type: none"> 1. Conditions of Approval (10/22/21) 2. Applicant’s Cover Letter (10/5/21) 3. Plat Recording Checklist 4. 160 E. Poplar Avenue lot layout with ingress/egress easement (10/20/21) 5. Final Subdivision Plat (10/5/21)

13. The Town's Engineering Review is not a comprehensive technical design review. It is the Engineer and/or Surveyor of Record's responsibility to verify all existing and proposed data and property boundaries. Our review is to determine general conformity to Town standards and requirements. It is the Design Professional's responsibility to ensure the plans meet the Town's Specifications. The Town is not responsible for any errors or omissions made by Design Professionals or their employees.
14. Any additions to previously reviewed plans need to be annotated and specified as part of answers to comments. Only changes that are brought to our attention will be reviewed upon resubmission. Any plan item that was not specifically commented on will be assumed to have remained unchanged from the previously submitted plans.
15. Please provide a CAD file.
16. Please provide a DAIS for preparation of the Development Agreement.
17. Marked up PDFs have also been provided by Engineering. Please see those for additional comments.

FORMAL AGENDA

Commissioner Worley recused himself from this item.

7. a. Case #218152 – Resolution 2021-A (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 134.85-acre tract bisected by Maynard Way, north of Poplar Avenue, south of White Road, and east of New Byhalia Road, also known as The Ashby Planned Development.

7. b. Case #73523 – Resolution 2021-05 – Ashby Planned Development – Request approval of a Planned Development Overlay for a 134.85-acre mixed-use development bisected by Maynard Way, north of Poplar Avenue, south of White Road, and east of New Byhalia Road.

7. c. Case # 218150 – Ordinance 2021-03 – Ashby Planned Development – Request approval to rezone a 134.85-acre+/- tract bisected by Maynard Way, north of Poplar Avenue, south of White Road, and east of New Byhalia Road, from 25.57 acres of MPO: Medical Professional Office, 11.64 acres of GC: General Commercial, 45.08 acres of SCC: Shopping Center Commercial, 24.77 acres of R-4: High Density Residential, 10.47 acres of R-2: Medium Density Residential, and 6.55 acres of R-1: Low Density Residential, and 10.98 acres of R-1A: Low Density Residential, to 55.87 acres of MU: Mixed-Use, 67.63 acres of TN: Traditional Neighborhood, 4.22 acres of SCC, and 7.12 acres of MPO.

7. d. Case #218154 – Update to the Town's Major Road Plan related to the future extension of Queen Oak Street between White Road and Maynard Way.

Ms. Donquetta Singleton and Mr. Jaime Groce reviewed the Staff reports and presented items 7a, 7b, 7c, and 7d together, which are included in the record as an exhibit.

PC 11-04-21

EXHIBITS (7a, 7b, & 7c)

The staff report and the following:

1. Applicant's cover letters:
 - a. Land Use Plan Amendment (10/12/21)
 - b. Rezoning (10/12/21)
 - c. PD with justifications for amendments & exceptions (10/12/21)
2. Resolution 2021-A, with Attachments (10/29/21)
 - A. Existing Place Types
 - B. Proposed Place Types
 - C. Proposed Gross Residential Density
3. Ordinance 2021-05, with Attachments (10/29/21)
 - a. Existing Zoning
 - b. Proposed Zoning
 - c. Legal Descriptions
4. Resolution 2021-03 with Attachments (10/29/21)
 - a. Outline Plan
 - b. Pattern Book
5. Staff Analysis Grounds for Amendment (10/29/21)
6. Buchart Horn's Sewer Study (8/13/21)
7. Applicant's Detention Report 11/3/20)
8. ETI's Drainage Report Response (4/28/21)
9. Applicant's Traffic Impact Study (10/2019)
10. Kimley-Horn's Traffic Analysis #1 (3/9/21)
11. Applicant's Responses to Recommended Roadway Improvements (9/7/21)
12. Kimley-Horn's Traffic Analysis #2 (9/21/21)
13. Neighborhood Meeting Minutes (3/17/20)
14. Parks Advisory Board Meeting Minutes (2/9/21)
15. Town-Wide Multi-Family Map (9/24/21)
16. Letters of Opposition (11/4/21)
17. Addressed Conditions of Approval (10/12/21)

Mr. James Collins came forward and discussed the traffic study.

Chairman Cotton asked if there were any questions for Staff.

A discussion ensued about adding population to areas that were not intended for growth. The PC discussed how it affects the schools, traffic, emergency services, etc. They addressed the issue of how the population of this area could change in the future. There was mention of where the apartments would be built. The plan is to have them across Maynard Way from the proposed single family dwellings. There is a street stub-out to connect Queen Oak Street from White Road to Maynard Way that has been planned since 2000. The development presented tonight wants to move it westward where it would intersect White Road. This development could have 8 different zonings. It will limit their density, and the resolution is clear on a cap on the maximum number of dwellings that could be built.

Chairman Cotton asked the applicant to come forward.

Mr. Carson Looney, with LRK, 50 S BB King Boulevard, came forward and addressed the Commissioners.

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

A discussion ensued about whether Queen Oak Street had been designed to be extended or if they had thought about moving it to the east or west, and what they propose as internal roads.

Mr. Johnathan Flint came forward, with LRK, 50 S BB King Blvd, and explained some of the aspects of the development.

A discussion ensued about there being tree lined streets, and on-street parking in the proposal. The applicant is bound by the road designs in the outline plan and subdivision regulations, but the Town may consider changes to the road designs in the subdivision regulations that could benefit this development over time.

<p style="text-align: center;">EXHIBITS (7d)</p> <p>The staff report and the following:</p> <ol style="list-style-type: none">1. Cover Letter regarding Queen Oak Street Amendment (April 6, 2021)2. Excerpt from Subdivision Regulations (1/1/21)3. Town of Collierville Road Section TOC-5294. Town of Collierville Road Section TOC-5285. Proposed Road Section within Ashby PD6. Collierville 2040 Plan Excerpt7. Public Comments (11/4/21)8. Collierville Major Road Plan (last amended January 2021) showing areas proposed for

The first motion tonight would change the designation to the 2040 Plan.

The following residents spoke in opposition to the rezoning, major road plan amendment, Planned Development, and at the Public Hearing for the land use plan amendment:

1. Neil Allen, 320 W White Road, Collierville TN 38017.
2. Rob Coleman 538 Fox Run, Collierville TN 38017.
3. Katie Richins – 628 Fox Lair Cove, Collierville TN 38017
4. Bud Swihart 308 W White Road, Collierville TN 38017.
5. Karen Swihart, 308 W White Road, Collierville TN 38017.
6. Max Ammons 608 Forestdale Drive, Collierville TN 38017.
7. Alexander Herbold, 525 Six Crowns, Collierville TN 38017
8. Scott Hinshelwood, 330 W White Road, Collierville TN 38017
9. Herb Cummings, 295 Spring Mill Road, Collierville TN 38017.
10. Heather Benedetti, 443 Queen Cove, Collierville TN 38017
11. Lydia Eppic, 559 Queen Oak, Collierville TN 38017.

12. Barbara Patterson, 483 Dove Valley, Collierville TN 38017.
13. Michael Dorr, 444 Pine Grove Dr., Collierville TN 38017.
14. Carol Hall, 830 W Tree Cove, Collierville TN 38017.
15. Ruth McFall, 432 Royal Elm, Collierville TN 38017.
16. Joe Stinnett, 423 Quail Crest Drive, Collierville TN 38017.
17. Harold Gregory, 267 Hound Ridge Cove, Collierville TN 38017.
18. Margaret Walker, 685 Queen Oak, Collierville TN 38017.
19. Sheila Townes, 464 Burley Road, Collierville TN 38017.
20. Brian Rushing, 261 Songbird, Collierville TN 38017.
21. Ally Scott, 375 Scarlett's Way, Collierville TN 38017.

Mr. Mark Underwood, 784 Deeds Creek, Collierville TN 38017, spoke in favor of the development.

Mr. Carson Looney came forward again and stated that the concerns of the residents can be addressed. He said the current zoning is for businesses that would bring in more traffic than apartments and single family homes would.

A discussion ensued about the current roads in the Town. The studies show the traffic on White Road is the same as it was in 2009. It would be best to align the road extension with either King Oak Road or Queen Oak Road. The Town's plan has been for the cut through. They talked about this area being near the "downtown" area and it was zoned for a certain purpose.

Commissioner Given said it is a great Planned Development but he does not feel it is appropriate to approve this plan for this property at this time.

Commissioner Kilmurray agreed with Commissioner Given and knows the appropriate plan for this property will be built at the correct time.

Commissioner Rozanski felt the owner has rights and they should be able to have apartments if they want, but he wants to see more specific details before he approves the development.

Commissioner Jordan said it reminds him of Schilling Farms. He would rather have more houses next to existing homes than businesses.

Hearing no more discussion, Chairman Cotton called for a motion on the land use plan development.

Motion by Commissioner Kilmurray, and seconded, to approve Resolution 2021-A.

Chairman Cotton asked if there was any discussion.

A discussion ensued that clarified if the Commissioners vote yes, it would change the Town's vision for the area.

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

Roll call:

Given – No, Jordan – No, Rozanski – No, Kilmurray – No, Goddard – No, Johnson – No, Cotton – No.

Motion Denied.

A request was made by the applicant to defer the remaining items pertaining to the Ashby Planned Development and rezoning. The Chairman suggested that the deferral include the major road plan amendment as well.

Motion by Commissioner Given, and seconded, to defer Ordinance 2021-03 B, C and D.

Chairman Cotton asked if there was any discussion.

Hearing none, he asked Mrs. King to call the roll.

Roll call:

Jordan – Yes, Rozanski – Yes, Kilmurray – Yes, Goddard – Yes, Johnson – Yes, Given – Yes, Cotton – Yes.

Motion Approved.

Commissioner Worley rejoined the Commission.

7. e. Case #218083 – 1088 W. Poplar Avenue Subdivision, Lot 3 (Whataburger) – Request approval of a Preliminary Site Plan for a 3,751-square foot restaurant on 1.21 acres located on West Poplar Avenue.

Ms. Donquetta Singleton reviewed the Staff report, which is included in the record as an exhibit.

Chairman Cotton asked if there were any questions for Staff.

Hearing none, the Chairman asked the applicant to come forward.

Ms. Lindsey Hearon, Kimley Horn, 6750 Poplar Avenue, came forward to say the applicant was in agreement with all of the Conditions of Approval.

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

A discussion ensued about the change in the building orientation. They will still use a shared drive to exit on to Poplar and there is an alternative to using the same exit as Chic-fil-A so traffic will be reduced. There was a consensus that there is a real traffic problem on Poplar Avenue.

Mr. Tim Gwaltney came forward and said the Town is looking at the issues on Poplar Ave.

Mr. Doug Sweat, Kimley Horn, 6750 Poplar Avenue, came forward and explained they will be providing a cross access to the businesses to the east to alleviate traffic problems.

Hearing no more discussion, Chairman Cotton asked for a motion.

Motion by Commissioner Goddard, and seconded, to approve Preliminary Site Plan for a 3,751-square foot restaurant on 1.21 acres located on West Poplar Avenue subject to the conditions of approval.

- | EXHIBITS | |
|-----------------|---|
| 1. | PC Conditions of Approval (10/29/21) |
| 2. | DRC Conditions of Approval (10/29/21) |
| 3. | Applicant’s Cover Letter (10/12/21) |
| 4. | Applicant’s Addressed Comments (10/12/21) |
| 5. | Traffic Impact Study Executive Summary (9/14/21) |
| 6. | Storm Water Drainage Summary (10/12/21) |
| 7. | Preliminary Site Plan Package (10/12/21) |
| 8. | Color Preliminary Site Plan & Landscape Plan (10/12/21) |

CONDITIONS OF APPROVAL

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. During the submittal of the Final Site Plan, removal the deltas and clouds from the site plan.
3. No signage will be approved with the site plan. Submit sign permits for review for any proposed signage before it is installed.
4. 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.
5. Retime the Poplar Avenue and Market Boulevard light with the Final Site Plan and Development Agreement.

Chairman Cotton asked if there was any discussion.

Hearing none, Chairman Cotton asked Mrs. King to call the roll.

Roll call:

Rozanski – Yes, Kilmurray – Yes, Goddard – Yes, Johnson – Yes, Given – Yes, Jordan – Yes, Worley – Yes, Cotton – Yes.

Motion Approved.

7. f. Ordinance 2021-16 – An Ordinance to Amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by Amending §151.150 through §151.160, Planned Developments, §151.003, Definitions, and §151.210, Single Family Design Standards, Related to Planned Development Overlays.

Mr. Jaime Groce reviewed the Staff report, which is included in the record as an exhibit.

Mr. Groce said the current minimum open space requirements for PD’s are not clear. This ordinance will fix that.

EXHIBITS
1. Ordinance 2021-16, with Attachments A, B, and C (10/29/21)
2. Hidden Creek PD Open Space Plan (2018)
3. Public comments

Chairman Cotton asked if there were any questions for Staff.

A discussion ensued regarding the reason changes are presented to a planned development that has been adopted. The plans are made but sometimes changes are necessary. This Ordinance would help the Boards with new PD’s that request changes from the standards of to the established “base” zoning.

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

Motion by Commissioner Rozanski, and seconded, to recommend approval of Ordinance 2021-16, Amending §151.150 through §151.160, Planned Developments, §151.003.

Chairman Cotton asked if there was any discussion.

Hearing none, Chairman Cotton asked Mrs. King to call the roll.

Roll call:

Kilmurray – Yes, Goddard – Yes, Johnson – Yes, Given – Yes, Jordan – Yes, Worley – Yes, Rozanski – Yes, Cotton – Yes.

Motion Approved.

Other Business:

Chairman Cotton asked if there was any Other Business.

Mr. Groce mentioned that it is time to reapply if they want to continue as Commissioner. The forms are on-line.

Mr. Groce also reminded the Commissioners emails have been sent to them about training.

Hearing no further business, Chairman Cotton adjourned the meeting at 10:07 pm.

Secretary, Commissioner Jeremy Given