

A regular scheduled meeting of the **Planning Commission** was held Thursday, May 5, 2022, 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; Town Attorney, Mr. Josh Whitehead; Chief of Fire Prevention, Mr. Todd Johnson; Deputy Town Engineer, Mr. Tim Gwaltney; Engineer, Mr. Shane Richardson; Assistant Town Planner, Ms. Nancy Boatwright; Planner, Mr. Scott Henninger; and Administrative Specialist, Sr., Ms. Lynette Denzer.

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**Pledge of Allegiance**

Chairman Cotton led the Pledge of Allegiance.

**Roll Call to establish a Quorum**

Cotton – Present, Rozanski – Present, Goddard – Present, Given – Present, Jordan – Present, Green – Present, Sunkara – Absent, Fletcher – Present, Worley – Absent.

**Quorum Present.**

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**Approval of Minutes**

Chairman Cotton asked if there were any changes or corrections to the minutes from the April 7, 2022 meeting.

Hearing none, Chairman Cotton called for a motion to approve the minutes.

*Motion by Commissioner Goddard, and seconded, to approve the minutes.*

Hearing no discussion, Chairman Cotton asked Ms. Denzer to call the roll.

**Roll call:**

Rozanski – Yes, Goddard – Yes, Jordan – Yes, Green – Yes, Sunkara – Absent, Fletcher – Abstain, Worley – Absent, 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 stated there are no additions or deletions to the agenda. However, there is a change to Item 6.c Case #221075 – Belfair PD Subdivision, Phase 2 adding condition 3 to the Conditions of Approval - add cluster mailboxes as requested by the Post Office. There is a change to Item 6.e also. Case #221209 – Byhalia Commons P.D. Area 3, Phases 3B & 3C there has been a change to the conditions related to the garbage pads. Public Services is in agreement with the changes. One or both of these Items can be moved to the Formal Agenda if the Commission would like to hear the Staff presentation.

Chairman Cotton called for a motion to approve the Agenda.

*Motion by Commissioner Given, and seconded, to approve the agenda as published.*

Chairman Cotton asked Ms. Denzer to call the roll.

**Roll call:**

Jordan – Yes, Green – Yes, Sunkara – Absent, Fletcher –Yes, Worley – Absent, Rozanski – Yes, Goddard – Yes, Cotton – Yes. Given - Yes

**Motion Approved.**

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**Approval of Consent Agenda**

Discussion ensued about the changes to Items 6.c and 6.e. These items will remain on the Consent Agenda.

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

*Motion by Commissioner Rozanski, and seconded, to approve the Consent Agenda with the revised conditions presented by Staff.*

Chairman Cotton asked Ms. Denzer to call the roll.

**Roll call:**

Given – Yes, Jordan – Yes, Green – Yes, Sunkara – Absent, Fletcher –Yes, Worley – Absent, Rozanski – Yes, Goddard – Yes, Cotton – Yes.

**Motion Approved.**

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**CONSENT AGENDA**

**6. a. Case #220839 – Lockwood PD Subdivision, Phase 1 – Request approval of a Final Subdivision Plat for 39 lots on 11.74 acres located south of Shelby Drive on the east side of Houston Levee Road.**

**6. b. Case #220840 – Lockwood PD Subdivision, Phase 2 – Request approval of a Final Subdivision Plat for 48 lots on 23.69 acres located south of Shelby Drive on the east side of Houston Levee Road.**

**EXHIBITS**

The staff report and the following:

1. Phase 1 Conditions of Approval (4/29/22)
2. Phase 2 Conditions of Approval (4/29/22)
3. Applicant’s Cover Letter (dated 3/15/22)
4. Outline Plan Excerpt (May 2021)
5. Phase 1 Final Subdivision Plat (3/15/22)
6. Phase 2 Final Subdivision Plat (3/15/22)

MOTION (PHASE 1): To approve Lockwood PD, Phase 1, a Final Subdivision Plat for 39 lots on 11.74 acres located south of Shelby Drive on the east side of Houston Levee Road, subject to the conditions in Exhibit 1.

**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. There are two (2) Open Space Area A's shown on the Plats for Phase 1 and 2 which will require one to be relabeled and the open space tables updated.
3. On a new sheet, show the location of Phase 2 and the remaining portion of the subdivision as the "Parent Parcel" labeling the area of the remaining parcel on the plat.
4. In the Plat Data Table, include the acreage of the parent parcel removing the acreage of Phases 1 and Phase 2 breaking them out separately from the parent parcel.
5. The Declaration of Covenants, Conditions, and Restrictions for Lockwood Homeowners Association shall be recorded and the instrument number included on the plat.
6. The Engineering Division requires the following:
  - a. Prior to the Final Plat recording, provide a 11 x 17 drawing or PDF showing the area (sq. ft.) of all public easements and R.O.W. dedicated with the plat.
  - b. The minimum Finished Floor Elevations will be reviewed once the As-Built topo is received.
  - c. 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.
  - d. 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.
  - e. Street names shall be approved by MLGW. A copy of the MLGW address assignment shall be submitted to the Engineering Dept.
  - f. Street Signs shall be installed before the plat is recorded. Please contact the Engineering Inspector and the Town's Sign Shop before installation to verify that all signage meets the current requirements.
  - g. See the marked-up PDF's provided for additional comments.

MOTION (PHASE 2): To approve Lockwood PD, Phase 2, a Final Subdivision Plat for 48 lots on 23.69 acres located south of Shelby Drive on the east side of Houston Levee Road, subject to the conditions in Exhibit 2.

#### 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. There are two (2) Open Space Area A's shown on the Plats for Phase 1 and 2 which will require one to be relabeled and the open space tables updated.
3. On a new sheet, show the location of Phase 1 and the remaining portion of the subdivision as the "Parent Parcel" labeling the area of the remaining parcel on the plat.
4. In the Plat Data Table, include the acreage of the parent parcel removing the acreage of Phases 1 and Phase 2 breaking them out separately from the parent parcel.
5. The greenbelt dedication in Phase 2 shall include 6 feet of land on either side of the path for a total width of 22 feet. The greenbelt dedication shall be depicted differently on the Future Development Tract since it is not being dedicated and constructed at this time. Add a note on the Future Development Tract that says, "approximate location of greenbelt trail to be dedicated to the Town in future phases".
6. The Declaration of Covenants, Conditions, and Restrictions for Lockwood Homeowners Association shall be recorded and the instrument number included on the plat.
7. The Engineering Division requires the following:
  - a. Prior to the Final Plat recording, provide a 11 x 17 drawing or PDF showing the area (sq. ft.) of all public easements and R.O.W. dedicated with the plat.
  - b. The minimum Finished Floor Elevations will be reviewed once the As-Built topo is received.

- c. Being that the Greenbelt is being dedicated to the Town, it needs to be dimensioned.
- d. The Final Plat shall not be recorded until the LOMR is approved by FEMA.
- e. 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.
- f. 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.
- g. Street names shall be approved by MLGW. A copy of the MLGW address assignment shall be submitted to the Engineering Dept.
- h. Street Signs shall be installed before the plat is recorded. Please contact the Engineering Inspector and the Town's Sign Shop before installation to verify that all signage meets the current requirements
- i. See the marked-up PDF's provided for additional comments.

**6. c. Case #221075 – Belfair PD Subdivision, Phase 2 – Request approval of a Final Subdivision Plat for a 26-lot residential subdivision on 8.20 acres and a 4.11-acre Future Development Tract for Phase 3, located north of Shelton Road, south of the Wolf River, and west of Collierville-Arlington Road.**

**EXHIBITS**

The staff report and the following:

1. Example Conditions of Approval (5/4/22)
2. Applicant's Cover Letter (3/30/22)
3. Checklist for Final Plat Recording
4. Final Subdivision Plat (received 4/18/22)

MOTION: To approve the request for a Final Subdivision Plat for Phase 2 of the Belfair PD Subdivision, with the conditions listed in Exhibit 1.

**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. The Engineering Division requires the following:
  - a. 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.
  - b. The Min. F.F.E.s will be reviewed once the As-Built Topo is submitted. This information must be depicted on the plat before it is recorded.
  - c. Label the Horizontal Datum.
  - d. For the Surveyor's Certificate, change "Class" to "Category".
3. Prior to recording, the plat shall be revised to provide a common open space (COS) lot for the cluster mailbox units (CBUs), if they are required by the USPS. All buildable lots shall comply with the minimum bulk standards for the PD. Revised construction drawings shall be provided to staff for review and approval for the COS for the CBUs.

**6. d. Case #220351 – Gipson Subdivision – Request approval of a one lot Final Subdivision Plat (Minor) for 0.568 acres located on the northwest corner of Harris Street and U.S. Highway 72.**

**EXHIBITS**

The staff report and the following:

1. Conditions of Approval (4/29/22)
2. Applicant's Cover Letter (/3/22)
3. Plat Recording Checklist
4. Final Subdivision Plat (3/15/22)

MOTION: To approve the one lot Final Subdivision Plat for Gipson Subdivision, subject to the conditions in Exhibit 1.

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.Adjust the title text above the site data chart to ensure it is not cut off.
- 3.Show the typical five-foot (5) utility easement around all property lines.
- 4.Add the lot number and lot acreage (square feet) within the lot boundaries.
- 5.The F.F.E. shown in the building footprint should be minimum F.F.E. for the lot. Suggest going to the nearest half foot for the F.F.E.
- 6.Remove the provided building setbacks from the site data chart.
- 7.Change the maximum building height to reflect maximum allowed by the MPO: Medical Professional-Office Zoning District.
- 8.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.
- 9.All work in/along U.S. 72 will need to be submitted to TDOT for approval. Provide a copy of the approval to the Town.
- 10.Provide a CAD file prior to recording the Final Plat.

**6. e. Case #221209 – Byhalia Commons P.D. Area 3, Phases 3B & 3C (The Towne at Byhalia Commons) – Request approval of a Final Subdivision Plat for 119 attached dwelling (townhouse) lots on 21.417 acres located on the north side of Collierville Road, west of Byhalia Road.**

<p style="text-align: center;"><b>EXHIBITS</b></p> <p>The staff report and the following:</p> <ol style="list-style-type: none"><li>1. PC Conditions of Approval (4/29/22)</li><li>2. Cover letter (4/12/22)</li><li>3. Final Plat Recording Checklist</li><li>4. Public Services Garbage Pad Mark-Up</li><li>5. Final Plat (4/12/22)</li></ol>
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MOTION: To approve the Final Subdivision Plat for Phases 3B and 3C of the Byhalia Commons PD, Area 3 (The Towne at Byhalia Commons) subject to the conditions in Exhibit 1.

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.On the Subdivision Plat Data chart, add the 45-foot minimum setback from Collierville Road for Lot 151 based on the Minor PD Amendment approved by the Town Planner in 2019.
- 3.On the Subdivision Plat Data chart, add the 135-foot minimum setback from the north boundary to the lots along Alley A.
- 4.Include a table that lists all the common open spaces and their sizes.
- 5.Update all references to the Plat Book and Page to the June 17, 2021, recorded Outline Plan: Plat Book 291 Page 35.
- 6.Confirm for the Sanitation Division of Public Works that Alley A has a through connection to Aldwick Drive.
- 7.Prior to plat recording, provide an amendment to the Declaration of Covenants, Conditions, and Restrictions for The Towne Homeowners’ Association that adds Phases 3B and 3C to the HOA.
- 8.Show the phasing line for 3B and 3C.
- 9.Show the portion of COS M within Phase 3B as COS N.

10. Show the portion of COS A within Phase 3B as COS O.
11. Show the portion of COS A within Phase 3C as COS P.
12. Show only the revised Tree Preservation Area within COS K approved in an amendment to the Outline Plan in 2017. Remove "Proposed" from the identifying text.
13. Remove Lot 43 from the table on Sheet 2. That lot is in Phase 3A.
14. Prior to the recording of the Final Subdivision Plat, submit for Phases 3B and 3C for review by the DRC, the layout of the buildings on the lots, landscaping for each building type, all proposed building elevation types for the townhouses, the location, design and color of any centralized mailbox units or mail kiosks, and the location of the garbage can pads. Submit all proposed elevations and provide complete information on the materials (roofing, brick, shutter type, etc.), colors, lighting, and landscaping. Use the Final Subdivision Plat to show each building type on each lot.
15. Any modifications to approved elevations must be submitted for approval by staff, or the DRC if they are substantial revisions, to ensure timely approval of a Certificate of Occupancy (CO) for the residences. All proposed changes shall be clouded with notes explaining the modifications.
16. The following updates/additions/corrections shall be made to the construction drawings for The Towne at Byhalia Commons based on previous conditions of approval for Phase 3A and upon the approval of a Final Site Plan for Phases 3B and 3C. The Final Subdivision Plats for neither Phase 3B nor 3C shall be recorded until the updates/additions/corrections are made to the construction drawings.
  - a. Show all existing and proposed centralized mail kiosk locations. Provide approval for the location by the United States Postal Service, and the design, color, and proper access for the cluster mailbox units.
  - b. Provide the location of all garbage can pads with a minimum of 5.75' per cart with 7' of clearance to accommodate 2 carts per household (recycling & solid waste for each unit) for each townhouse serviced. The appropriate radius shall be provided at corners. Provide a plan for review by Public Services. Once approved, a supplemental plan shall be provided to be added to the construction drawings.
  - c. The garbage can pads shall be marked as easements or be within a common open space.
  - d. Remove the garbage can pad on Lot 148 as recommended by the Sanitation Division of Public Works.
  - e. The garbage can pad on Lot 147 shall be designated for Lots 148, 149 and 150.
  - f. Provide an appropriate radius on both corners of Alley G at Adner Drive.
  - g. Provide "No Parking From Here To Curb" signs for appropriate access at the intersection of Alley I and Alley D.
  - h. "No Parking" signs will be required in the private alleys. The signs shall be installed before the Final Plat is recorded.
  - i. The following unmet Conditions of Approval apply to the October 2021 revisions to COS C (Phase 3A) and F (Phase 3C) for the approval of the CBUs:
    - i. Provide an accessible route to the CBUs in COS F.
    - ii. Install the landscaping for the CBUs in COS F.
    - iii. Revise the plans for COS C and F to show the nearest location of light fixtures. Provide a lighting plan if there is to be additional lighting for the CBUs.
    - iv. The Building and Codes Division shall approve the access to the CBUs.
    - v. Revise the greenspace percentages on the Final Plat based on the addition of the concrete pads.
17. The Engineering Division requires the following:
  - a. Prior to plat recording, please 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
  - b. The Min. F.F.E.s will be reviewed once the As-Built Topo is submitted
  - c. 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.

- d. 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.
- e. Street names shall be approved by MLGW. A copy of the MLGW address assignment shall be submitted to the Engineering Dept.
- f. Street Signs shall be installed before the plat is recorded. Please contact the Engineering Inspector and the Town's Sign Shop before installation to verify that all signage meets the current requirements
- g. Please provide a CAD file prior to the recording of the Final Subdivision Plat.
- h. MAIL – Please provide a letter from the Post Office stating that they will deliver mail to individual mailboxes or show a centralized mail area.

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## **FORMAL AGENDA**

**7. a. Case #220395 – Ordinance 2022-03 – Request rezoning approval of 4.99 acres, known as the Peravali Property, from FAR: Forest Agricultural Residential to R-25 Low Density Residential and R-1 Low Density Residential located on the west side of Fleming Road, south of Midnight Sun Drive.**

**7. b Case #220403 – Resolution 2022-08 – Peravali Planned Development (PD) – Request approval of a residential PD on 4.99 acres located on the west side of Fleming Road, south of Midnight Sun Drive.**

Ms. Nancy Boatwright reviewed the Staff report, which is included in the record as an exhibit. Ms. Boatwright presented Cases 220395 and 220403 together. The applicant agrees to all Conditions of Approval except improving the off-site road improvements (which are determined at the time of Development Agreement review by the BMA).

Chairman Cotton asked if there were any questions for Staff. Discussion ensued about the width of pavement proposed for the private alternative right-of-way, consistency among homes facing Fleming Road, and if septic for adjoining property will be addressed with this project.

Hearing no further questions, Chairman Cotton asked the applicant to come forward.

Mr. Cory Brady, 9967 Bentwood Creek Cove, came forward and addressed the Commissioners.

Mr. Brady stated the adjoining property will be given an easement to tie in to municipal sewer if wanted and the proposed private right-of-way is a typical private drive width. The architecture of Lot 1 is to be consistent with Fleming Rd. The developer and owner would like to better  
PC 5-5-22

### **EXHIBITS**

#### **The staff report and the following:**

1. Applicant's Rezoning Cover Letter (3/25/22)
2. Applicant's PD Cover Letter (4/28/22)
3. Staff Analysis of Grounds for Amendment to Zoning Ordinance (4/29/22)
4. Ordinance 2022-03 with Attachments (4/29/22):
  - A. Existing Zoning
  - B. Proposed Zoning
  - C. Legal Description
5. Future Land Use Map
6. Maximum Gross Residential Density Map
7. Bulk Requirement Comparison
8. Traffic Generation Letter (2/8/22)
9. Neighborhood Meeting Summary and Attendees (3/14/22)
10. Property Survey with Zoning (3/29/22)
11. 2040 Plan Excerpt
12. Adequate Transition Policy
13. Resolution 2022-08 A. Outline Plan
14. Public Comments

understand what offsite road improvements mean. Hinton Preserve is a factor in all traffic going south and should bear more financial responsibility of road improvements; they are agreeable to talking about a proportionate plan.

Staff explained that a condition says there will be no on-street street parking and no parking signs are required at the turn around.

Chairman Cotton asked for comments from the audience.

Mr. Phillip Witherspoon, 10613 Midnight Sun Drive, came forward. He expressed concerns with impacts to an existing spring-fed pond and drainage. Fencing is also a concern.

Mr. Groce stated drainage will be studied by Town Engineering in depth at the Development Agreement and Construction Drawing Approval stage. Ms. Boatwright stated a preliminary drainage plan has been submitted and will be reviewed.

Mr. Joon Kim, 10623 Midnight Sun Drive, expressed concerns with drainage, and privacy with a road in front and in back of his property.

Mr. Brady spoke about drainage plans and how post-development drainage will not exceed pre-development drainage, and a 15' landscape buffer with a 6' fence and trees will be provided between Midnight Sun Drive homes and the proposed private drive.

Ms. Boatwright stated COA Item 23 calls for No Parking signs on both sides of the street.

***Motion by Commissioner Rozanski, and seconded, to recommend approval Ordinance 2022-03 (Rezoning).***

Chairman Cotton asked if there was any discussion.

Discussion ensued about the consistency in lot size relative to the subdivision to the north.

Hearing no further discussion, Chairman Cotton asked Ms. Denzer to call the roll.

**Roll call:**

Jordan – Yes, Green – Yes, Given – Yes, Sunkara – Absent, Fletcher – Yes, Worley – Absent, Rozanski – Yes, Goddard – Yes, Cotton – Yes.

**Motion Approved.**

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***Motion by Commissioner Jordan, and seconded, to recommend approval of Resolution 2022-08.***

Discussion ensued about the requirement to provide off-site road improvements. The commission feels it is appropriate for the development to pay a percentage based on number of lots, restating condition 23 dealing with parking signs is not needed, and sidewalks should not be required.

A friendly amendment was made, and seconded, to remove condition 23, parking signs, and to replace it with a condition stating sidewalks are not required.

CONDITIONS OF APPROVAL:

PC 5-5-22



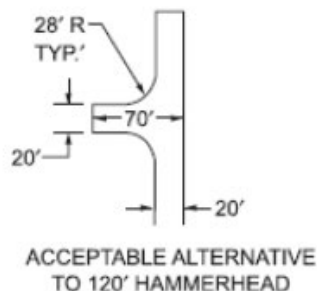
*OUTLINE PLAN:*

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 PD is considered by the Board of Mayor and Aldermen (BMA), include on the Outline Plan a list of the requested exceptions to, and waivers from the development standards indicating the section number of the Zoning Ordinance or Subdivision Regulations that are being requested.
3. Remove the side setback call outs from the conceptual lot layout. The 15-foot and 10-foot side setbacks will be determined at the time of building permit approval.
4. Clarify the width of the private drive that is labeled as 25 feet in one location and 24 feet in another.
5. Clarify the “9.5-foot-wide utility and pedestrian easement” noted in Section V. Roads, Access, and Circulation. No sidewalks are shown on the lots adjacent the private drive and the cover letter requests a waiver of internal sidewalks.
6. Lot 1 has one front yard on the private drive frontage. There is no front yard for Lot 1 along Fleming Road due to the presence of COS A.
7. Make the following changes to IV. G. Building Setbacks
  1. Increase the front yard setback for all lots to 34.5 feet based on §151.156(F) that does not allow the front yard for a single family detached lot to be less than 34.5 feet for an alternative right-of-way.
  2. ~~Street Side (Lot 1 Fleming Road)~~  
Side:  
Lot 1: 50 feet adjacent to COS A/  
10 feet adjacent to detention
  3. ~~Interior Side:~~  
Lots 2-6: 25 feet total, neither side less than 10 feet
8. Make the following changes to the PD Data Table:  
Building Setbacks  
~~Front (Fleming) 50'~~ (Remove this as this is a side yard adjacent to COS A)  
Front (~~Private Drive~~) 34.5' (see requirement above)  
~~Street Side (Lot 1 Fleming Rd.)~~ 50 feet adjacent to COS A/  
10 feet adjacent to detention  
~~Interior Side (Lots 2-6)~~ 25' Total (10' Min.)  
Minimum Lot Width  
Lot 1 137 feet  
Lots 2-6 155 feet  
Minimum Lot Size  
Lot 1 34,100 SF  
Lots 2-6 24,095 SF
9. Encroachments into required yards shall not be altered from the requirements of §151.005.
10. Label COS B on Sheet 1.
11. Explain the need for Shared Access Easements for shared driveways for lots that are at least a half-acre in size.
12. In Section VII. Signs, add the following language: *In lieu of a Comprehensive Sign Policy*, signs are permissible...
13. In Section VIII. Drainage Facilities and Services, clarify what “existing pond” will be utilized to comply with the detention requirements. The existing pond shown on the survey is not in the same location as the “Area Reserved for Detention” on the Outline Plan map.
14. In Section IX. Utility and Sanitary Sewer Services and Facilities, clarify where the 10-foot private sanitary sewer easement would be in conjunction with the “Area Reserved for Detention” shown on the Outline Plan map.
15. To meet the required minimum of 9% usable open space for a PD, add site elements, such as seating areas and lighting, to COS B for it to be considered usable per the Design Guidelines.

16. Replace the 25' Private Drive (COS C) street section with one that matches the proposed private drive that does not show sidewalks.
17. Plate A – 15' Streetscape/Buffer shall note that the cedar fence shall be stained or painted.
18. The materials and colors for the cedar, brick and gates for all fencing may be determined with the Preliminary Subdivision Plat review.
19. The DRC shall review the common open spaces.
20. The USPS must approve the location of a centralized mailbox unit or the developer must provide a letter allowing individual mailboxes for the lots.
21. The developer will be required to provide off-site road improvements to the Liddy property immediately to the south. The applicant will be required to improve a portion of the 190 feet of road frontage of the Liddy property. Coordinate with the Town Engineer prior to submitting a Preliminary Subdivision Plat and Construction Drawings for the first phase of the Peravali PD.
22. Correct Section V.A. to read, Fleming Road shall be dedicated at 72 feet public right-of-way along the development frontage and improved with a 48-foot urban cross section as per the current Major Road Plan.
23. ~~Add to Section V. Roads, Access, and Circulation that no parking will be allowed on the private drive and that no parking signs shall be installed on both sides of the private drive.~~ **REPLACE WITH: Internal sidewalks will not be required.**
24. Add this statement to the Outline Plan: "Post-development stormwater runoff shall not exceed pre-development runoff."
25. Replace all references to Patterson Place PD with Peravali.
26. Correct the dates in the PC and BMA certificates.

#### *FIRE PROTECTION*

27. The private drive is a fire lane and shall be 26 feet wide at hydrant locations for a length of 20 feet each direction of each hydrant (total of 40 feet).
28. Maximum hydrant spacing shall be 500 feet, measured from an existing hydrant, for this residential development. Two will be required.
29. The Fire Lane Easement shall be identified with signage.
30. The Fire Lane access easements at the driveways for Lots 5 and 6 shall not be used for parking.
31. The Fire Lane Easement on Lots 5 and 6 shall be a minimum of 70 feet as determined by the Fire Marshal.



32. Additional driveway parking must be provided beyond the 70-foot Fire Lane Easement to ensure the Fire Lane Easement is not obstructed.
33. All homes shall have automatic fire sprinkler systems per Town of Collierville Ordinance 91.21(5)(C).

Hearing no further discussion, Chairman Cotton asked Ms. Denzer to call the roll.

**Roll call:**

Green – Yes, Sunkara – Absent, Fletcher –Yes, Worley – Absent, Rozanski – Yes, Given – Yes, Goddard – Yes, Jordan – Yes, Cotton – Yes.

**Motion Passed.**

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**7.c. Case #220139 – Villages at Shelby Station, PD – Request approval of a Preliminary Subdivision Plat for 60 single-family lots for attached townhouses on 13.38 acres located on the west side of Houston Levee Road south of Shelby Drive.**

Mr. Scott Henninger reviewed the Staff report, which is included in the record as an exhibit. This Planned Development was created in June 2004, prior to the 2014 Vested Property Rights Act. The Town’s attorney has advised that this 2004 development is not vested and the town can apply current development standards. Exhibit 9 has been added, which is from the applicant about whether the Town can apply new standards adopted after 2004.

**EXHIBITS**

**The staff report and the following:**

1. PC Conditions of Approval (4/29/22)
2. Applicant’s Cover Letters (dated 3/15/22 & 4/25/22)
3. Traffic Impact Analysis (1/14/22)
4. Villages at Shelby Station PD (6/14/04)
5. Lockwood Preliminary Plat (9/2/21)
6. Preliminary Subdivision Plat (4/27/22)
7. Illustrative Site Plan & Elevations (4/25/22)
8. Villages at Shelby Station Timeline (4/29/22)
9. Evans-Petree Opinion Letter (4/14/22)

Chairman Cotton asked if there were any questions for Staff.

Discussion ensued about the lot size requirement for properties to be sold “fee simple”, the 20-foot setback vs 35-foot set back, and what vesting (substantial construction in reliance on the 2004 plan) means in this case.

The applicant did not agree with the frontage/buffer requirement.

Hearing no further questions, Chairman Cotton asked the applicant to come forward.

Mr. John McCarty, 198 Progress Road, came forward and addressed the Commissioners.

Mr. McCarty stated they believe the PD is still legal and allows 60 attached, street-fronted dwellings. It was also discussed how the applicant believes the PD is contextual with other properties, particularly to the north and which area of the design guidelines in the buffer plate this area would fit.

The applicant explained the type of fence and landscaping proposed.

Mr. Jay Cravens, Director of Development Town of Collierville, came forward. Mr. Cravens referenced Staff Report Exhibit 4 page 9 of 10, the document references some contemplation of 48 single-family detached residential homes for this site as well as 60 single-family attached homes. In addition, the Town believes the 2004 PD Resolution allows for the Town to apply additional requirements before the final approval. Page 10 of 10 does show the simple buffer as referenced by Mr. McCarty.

***Motion by Commissioner Given, and seconded, to recommended to approve a Preliminary Subdivisions Plat for the Villages at Shelby Station PD, consisting of 60 attached dwelling (townhouse) lots on 13.38 acres located on the west side of Houston Levee Road south of Shelby Drive, subject to the conditions in Exhibit 1.***

Chairman Cotton asked if there was any discussion.

Discussion ensued about the single point of access being adequate for the fire department; the reduction of lot size width for fee-simple sale purposes; and whether single-family detached dwellings should be required along Houston Levee.

A friendly amendment to remove condition 8, was agreed to by Commissioner Given and seconded.

Some commissioners asked that the minutes reflect that the Planning Commission believes that the DRC should not apply the opaque requirement in this context.

## 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. The Planning Commission grants a waiver from the from the Subdivision Regulations requirement to provide a stub street when exceeding 50 lots.
3. There shall be no porch encroachments into the 40-foot Streetscape Area or within 20 feet from the back of curb along interior streets.
4. The applicant shall provide a Preliminary Site Plan Application that includes the layout of building footprints on the lots, porches, the sidewalk and trail system, streets, alleys, driveways, and other site features. A site data table is needed to verify that there is adequate parking, open space, building heights, etc. This Site Layout Plan should show building numbers and typology that matches with the building elevations.
5. Prior to the BMA considering a Development Agreement, the applicant shall provide in writing a development schedule that indicates approximate dates of when construction shall begin and be completed.
6. Remove the building type references (letters) from the lots on the Preliminary Plat, the PC is not approving building locations at this time. The BMA will have the final decision after site plan recommendations from the DRC.
7. The Planning Commission recommends that the minimum lot size be 2,100 square feet (interior lot) with a minimum combined lot area for each 3-unit structure is 7,500 square feet and a minimum lot width of 21 feet (interior lot) for a combined minimum lot width of 75 feet total for each 3-unit structure.
- ~~8. The lots facing Houston Levee shall be single family detached and comply with the bulk regulations allowed by the PD.~~
9. The remaining right-of-way shall be dedicated, the roadway constructed, and shall include a greenbelt crossing at the south end of the alignment of Houston Levee Road.
10. The Homeowners Association Documents will be forwarded to the Town's attorney for review; comments will be issued at a later date. The HOA Documents shall be recorded and the instrument number included on the Final Plat.
11. The Engineering Division requires the following:
  - a. A Final Plat Application will need to be filed for approval before it can be recorded.
  - b. Off-Site Drainage Easements will require for that property owner to sign the plat after appropriate certificates are added.
  - c. A LOMR will be required and the plat will not be recorded until it is approved by FEMA.
  - d. Prior to the Final 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 the plat.
  - e. The minimum Finished Floor Elevations will be reviewed once the As-Built topo is submitted.
  - f. 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. Exhibit 1 Page 1 of 2
  - g. 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.
  - h. Street names shall be approved by MLGW. A copy of the MLGW address assignment shall be submitted to the Engineering Dept.
  - i. Street Signs shall be installed before the plat is recorded. Please 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 Ms. Denzer to call the roll.

**Roll call:**

Green – No, Given – Yes, Sunkara – Absent, Fletcher –Yes, Worley – Absent, Jordan – Yes, Rozanski – Yes, Goddard – Yes, Cotton – Yes.

**Motion Approved.**

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**Other Business:**

Chairman Cotton asked if there was any Other Business.

Mr. Groce said that the PC may have a called possible Called Meeting on Tuesday, May 26, 2022 at 5:00PM to consider Mid-South Gifted Academy.

We have a new planner, Josh Hankins, starting soon.

Hearing no further business, Chairman Cotton adjourned the meeting at 6:53 pm.

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Secretary, Commissioner Jeremy Given