

A regularly scheduled meeting of the **Planning Commission** was held Thursday, August 4, 2022, at 6:00 p.m., in the Board Chambers of Town Hall.

Staff members present were: Town Attorney, Mr. Nathan Bicks; Deputy Chief of Fire Prevention, Todd Johnson; Town Developer, Jay Cravens; Town Planner, Mr. Jaime Groce; Planner, Ms. Donquetta Singleton; Planner, Mr. Josh Hankins; Administrative Specialist, Sr. Angela Gizzarelli

Pledge of Allegiance

Chairman Cotton led the Pledge of Allegiance.

Roll Call to establish a Quorum

Cotton	Rozanski	Goddard	Given	Jordan	Green	Sunkara	Fletcher	Worley
Present	Present	Present	Present	Absent	Present	Absent	Absent	Present

Quorum Present.

Approval of Minutes

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

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

Motion by Commissioner Green, and seconded, to approve the minutes.

Hearing no discussion, Chairman Cotton asked for roll call.

Roll call:

Jordan	Green	Given	Sunkara	Fletcher	Worley	Goddard	Rozanski	Cotton
Absent	Yes	Yes	Absent	Absent	Yes	Yes	Yes	Yes

Motion Approved.

Approval of Agenda

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

Mr. Groce stated the following the applicants for items 6A, 7A, 7B, 7C and 7D have asked for deferrals to future meetings.

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

Motion by Commissioner Worley, and seconded, to approve the agenda, granting the requested deferral for items 6.a, 7.a, 7.b, 7.c, and 7.d.

Chairman Cotton asked for roll call.

Roll call:

Green	Given	Jordan	Sunkara	Fletcher	Worley	Goddard	Rozanski	Cotton
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Yes	Yes	Absent	Absent	Absent	Yes	Yes	Yes	Yes
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Motion Approved.

CONSENT AGENDA

6. a. Case # 221214 – Hidden Creek PD, Phase 2 – Request approval of a Final Subdivision Plat for a 39-lot residential single-family subdivision on 19.204 acres located directly west of Phase 1 on Crooked Creek Road.

THIS CASE WAS DEFERRED, AT THE REQUEST OF THE APPLICANT, TO THE SEPTEMBER 8, 2022, PC MEETING.

FORMAL AGENDA

7. a. Case # 222047 – Resolution 2022-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 51.38-acre+/- tract north of Maynard Way, south of White Road, east of New Byhalia Road and at the terminus of Old Byhalia Road, also known as the Ashby Planned Development.

THIS CASE WAS DEFERRED, AT THE REQUEST OF THE APPLICANT, TO THE OCTOBER 6, 2022, PC MEETING.

7. b. Case # 73523 – Resolution 2021-05 – Ashby Planned Development (PD) – Request approval of a Mixed-Use PD on a 51.38-acre+/- tract north of Maynard Way, south of White Road, east of New Byhalia Road and at the terminus of Old Byhalia Road.

THIS CASE WAS DEFERRED, AT THE REQUEST OF THE APPLICANT, TO THE OCTOBER 6, 2022, PC MEETING.

7. c. Case # 218150 – Ordinance 2021-03 – Ashby Planned Development - Request approval to rezone a 51.38-acre+/- tract north of Maynard Way, south of White Road, east of New Byhalia Road and at the terminus of Old Byhalia Road from 0.63 acres of SCC: Shopping Center Commercial, 23.7 acres of MPO: Medical Professional Office, 10.4 acres of R-2: Medium Density Residential, 11.2 acres of R-1A: Low Density Residential, and 6.38 acres of R-1: Low Density Residential, to 6.95 acres of SCC: Shopping Center Commercial, 10.34 acres of R-TH: Townhomes, 28.24 acres of R-3: High Density Residential, and 5.85 acres of R-1A: Low Density Residential.

THIS CASE WAS DEFERRED, AT THE REQUEST OF THE APPLICANT, TO THE OCTOBER 6, 2022, PC MEETING.

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.

THIS CASE WAS DEFERRED, AT THE REQUEST OF THE APPLICANT, TO THE OCTOBER 6, 2022, PC MEETING.

7. e. Case #222241– Ordinance 2022-09 – Request rezoning approval of 4.88 acres, known as the DiMento Property, from FAR: Forest Agricultural Residential to R-L: Large Lot/Estate Residential, located at 835 Bray Station Subdivision on the west side of Bray Station Road.

Mr. Jaime Groce, came forward and reviewed the Staff report, which is included in the record as an exhibit. He said additional resident comments as well as a petition being produced after the staff report was published were received and are part of exhibit 6.

Mr. Nathan Bicks, Town Attorney came forward and stated that the case before them was specific to the rezoning and the Town cannot condition zoning under Tennessee law, operations are under the public sphere not private sphere and when considering the rezoning the standards are listed in Exhibit 4 of the staff report. He stated that private deed restrictions are irrelevant on deciding to rezone.

Chairman Cotton asked if there were any questions for Staff.

Discussion ensued for clarification of right-away and the FAR-zoned lots on Bray Station Road could possibly be less than the required 5 acres for FAR zoning, those lots are preexisting and would be legally nonconforming. Based on the R-L zoning lot width, the front lot would be restricted to one house per lot.

A discussion ensued about any future plans for expanding Bray Station Road. Currently there are no plans for construction and there is still the need for the Town to study to determine just how wide would be a suitable expansion.

A discussion ensued about whether the applicant could ask for a variance to the use of land and zoning. The decision was made to ask for an ordinance as that is more discretionary and to ask for a variance the applicant requires to show the burden of proof. Additionally, to ask for a variance to a zoning would go before the Board of Zoning and Appeals, it is the position of the Planning Commission to take the requirements of the ordinance and see if the proof meets those requirements.

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

Steven Williams with McCarty Granberry Engineering, 198 Progress Road Collierville, TN stated that the design process for two lots and the drive on the north side of the property was to preserve the water feature. There was also consideration for Lot 2, referred to as the flagpole lot, to install an access easement that would meet fire code and there would be additional access from Bray Station Road which has been vetted with Engineering and would be fine. The final plat that is in the pre-station is what the PC would see if the ordinance were approved.

John and Cassandra DiMento, 835 Bray Station Road Collierville, TN, stated a brief history of their residency to Memphis area and their residency into Collierville. Mrs. DiMento made a case that the only reason that Lot 1 is less than 5 acres is due to the town's requirement of right-away and that the rezoning to do things the right way for Collierville and to stay in compliance. Mrs. DiMento began to speak towards precedent of FAR zoned

EXHIBITS

The staff report and the following:

1. Applicant's Cover Letter & Responses to Standard Criteria for Rezoning (6/28/22)
2. Ordinance 2012-09, (7/29/22)
 - Attachment A – Existing Zoning
 - Attachment B – Proposed Zoning
 - Attachment C – Legal Description
3. Traffic Letter (4/20/22)
4. Standard Criteria for Rezoning (7/29/22)
5. Bulk Requirements Summary Table (January 2022)
6. Public Comments Revised (8/4/22)
7. 2040 Plan Place Type Map/Future Land Use Map (7/29/22)
8. Excerpts from 2040 Land Use Plan (2012)
9. Cohen Subdivision Example (2016)
10. Example Lot Layout (8/4/22)

to R-L referencing the Cohen properties from 2015. Statements made about other FAR lots on Bray Station not meeting FAR requirements, such as some being less than 5 acres, some not meeting the required minimum of frontage distance. Mrs. DiMento spoke to a concern about area home values could potentially decrease, however, one of the Cohen R-L lots recently listed and sold for \$2.6M.

Chairman Cotton asked if there were any questions for the Property Owner(s).

Hearing no questions Chairman Cotton asked if any questions for Applicants.

Hearing no further question, Chairman Cotton asked for public comment.

Susie Scott of 660 Bray Station Road Collierville, TN. She is opposed to rezoning, She stated that due to the Town's eComment system not being user friendly, she decided to start the signed petition again the rezoning. Mrs. Scott informed that the petition was able to get support from, 19 of the 23 homes on Bray Station Road (82%) who were opposed to the rezoning.

Question asked by Commissioner Given if the petition was clear to the signer, that there wouldn't be an additional home built on Lot 1. Mrs. Scott stated that when she approached homeowners, she provided the material from the staff report that showed both planned lots. That Mrs. Scott had discussion with homeowners and was invited into homes to further discuss the rezoning.

Mr. Murray Scott of 660 Bray Station Collierville, TN, is opposed to the rezoning. Spoke to all the changes of Collierville and the zoning changes in 2000 on Bray Station Road was to preserve that area and to keep a more rural characteristic of Bray Station Road. The real concern should this rezoning be approved that this will set precedent for any future homeowners asking for a rezoning.

Tom Kissell of 800 Bray Station Collierville, TN, is opposed to the rezoning. Stated that most of the homeowners all feel the same way about Bray Station Road and the character of the area. The issue isn't 4.88 acres, but that the idea to build on Lot 2 would not give the same feel to Bray Station Road. That there would be a house built with no frontage, it would be a house behind a house.

W. Lee Moffat of 880 Bray Station Collierville, TN, did not want to speak or donate time. He submitted a comment card so he could go on the record as being opposed to rezoning.

John Adams of 3170 Shea Rd Collierville, TN, stated he and his wife are opposed to the rezoning. Concern that many of the lots on Bray Station Road could be rezoned to R-L and would create a new precedent. That the rezoning would change the character of Bray Station Road.

Dave Ryland of 470 Bray Station Collierville, TN, this issue is about character. In 2000 the homeowners were asked to consider changing the zoning from R-L to FAR to keep Bray Station Road and its character and at the time there was no other street in Collierville that was like that. In keeping with the character of Bray Station and Shea Road, opposed to the rezoning.

Discussion ensued about the character of Bray Station Road and the potential of other lots being split and would they still meet all the requirements of FAR. It was discussed that the right-away and the potential of changing the two-lane road would affect the character more than the idea of the possibility of a house set further back than on Lot 1. The concern was not knowing what could happen in the future for Lot 2 that could potentially change the character and feel for Bray Station Road. The rezoning could have the possibility of changing the character of Bray Station Road for any future precedent.

Discussion ensued about the access easement meeting minimum requirements of fire code of 150' from road and minimum standard 20' width. That the existing pond as well as the grading of the property the access easement is best suited for the north side of the property.

Discussion ensued if the existing driveway is part of the acreage of Lot 1 and that the driveway would be a shared driveway should Lot 2 ever have a dwelling, there would be an easement for the shared driveway.

Commissioner Goddard said he supports keeping with character keep consistent and does not want to set new precedent for the area.

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

Motion by Commissioner Rozanski and seconded, to approve the request of Ordinance 2022-09 (DiMento Property Rezoning)

Hearing no further discussion, Chairman Cotton asked for roll call

Roll call:

Goddard	Given	Sunkara	Worley	Jordan	Fletcher	Green	Rozanski	Cotton
No	Yes	Absent	Abstain*	Absent	Absent	No	Yes	No

Motion Failed.

*Commissioner Worley stated for record a vote for Abstain due to Chick-Fil-A and possible future road changes.

Mr. Groce stated that the applicant could go on to the BMA without a positive recommendation if they want.

Other Business:

Mr. Groce stated an overview for the upcoming PC meeting in September such as the Schilling Farms 2-lot Commercial Subdivision dedicating to the Town a public street. There will also be a new lot for a new hotel presenting later this year. The Ashby Springs Apartments site plan, a South Rowlett rezoning to Traditional Neighborhood for a few houses still working through how many, a Conditional Use Permit and for the Mount Pleasant Road Residential Condos. Mr. Cartwright is also asking for annexation for the Cartwright Nursery Annexation, related to land transaction that is planned before the end of the year. The October meeting will have the deferred Ashby PD items and Major Road Plan Amendment request.

Hearing no further business, Chairman Cotton adjourned the meeting at 7:23 pm.

Secretary, Commissioner Jeremy Given