

A regularly scheduled meeting of the **Planning Commission** was held Thursday, November 3, 2022, at 6:00 p.m., in the Board Chambers of Town Hall.

Staff members present: Town Attorney, Mr. Nathan Bicks; Town Planner, Mr. Jaime Groce; Chief of Operations Fire Prevention, Chief Todd Johnson; Deputy Town Engineer, Mr. Tim Gwaltney; Traffic Engineer, Ms. Neetu Singh; Director of Economic Development, Mr. John Duncan; Planner, Mr. Josh Hankins; Administrative Specialist, Sr., Ms. Lynette Denzer

Pledge of Allegiance

Chairman Cotton led the Pledge of Allegiance.

Roll Call to establish a Quorum

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

Quorum Present.

Approval of Minutes

Chairman Cotton asked if there were any changes or corrections to the minutes from the October 6, 2022, meeting.

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

Motion by Commissioner Rozanski, 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
Yes	Yes	Yes	Yes	Abstain	Absent	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 there are no changes or additions to the agenda.

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

Motion by Commissioner Goddard, and seconded, to approve the agenda.

Chairman Cotton asked for roll call.

Roll call:

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

CONSENT AGENDA

6. a. Case #223450 - 268 Andrew Way Road – Request approval of a 1,240 square foot accessory structure.

MOTION: To approve a 1,240 square-foot residential accessory structure at 268 Andrew Way Road subject to the conditions in Exhibit 1.

CONDITIONS OF APPROVAL:

1. The materials and colors of the accessory structure shall be compatible with the existing accessory structure.
2. Before a building permit is issued, reduce the size of the accessory structure to be 962 square feet or less or obtain a Variance from the BZA.
3. Remove the inappropriate encroachment in the side yard setback prior to the completion of the addition.

EXHIBITS

The staff report and the following:

1. Example Conditions & Next Steps (10/28/22)
2. Cover Letter (9/27/22)
3. 2-Prong Test for Approval (10/28/22)
4. Carport Building Permit & Plans (6/20/78)
5. Accessory Structure Plans (9/27/22)
6. Photos of Nearby Accessory Structures (10/21/22)
7. Photos of the Existing Accessory Structure and Home (10/25/22)
8. Neighbor Support Letters (10/24/22)

6. b. Case # 223445 - Rolling Meadows Planned Development (PD), Phase 3E – Final Subdivision Plat.

MOTION: To approve the Final Subdivision Plat for Rolling Meadows PD, Phase 3E, subject to the conditions in Exhibit 1.

CONDITIONS OF APPROVAL ROLLING MEADOWS PD, PHASE 3E

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. Phase 3E Amendment to the Declaration of Covenants, Conditions and Restrictions of the Rolling Meadows PD will need to be recorded prior to recording the Final Subdivision Plat. HOA documents shall include the Declaration of Covenants, Conditions and Restrictions, By-Laws, and the Charter for the HOA. The Charter will be required to be filed with the Secretary of State prior to the final approval of the HOA documents and the recording of the Final Plat.
3. 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.
4. 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.
5. The Min. F.F.E.s will be reviewed once the As-Built Topo is submitted.
6. Please add the following note: “All Home Builders are responsible for the proper drainage of their lot. Developers, with proper review from the Town Engineers, have the right to address any issues that may arise that will improve the subdivision until all homes are built. Builders should be aware of other drainage that affects their lot.”
7. Add the following note to the Final Plat: “Prior to the issuance of a Certificate of Occupancy, at least two (2) trees of at least two (2) inches in caliper shall be installed on each lot. Existing viable trees may be counted

EXHIBITS

The staff report and the following:

1. Conditions of Approval (10/28/22)
2. Applicant’s Cover Letter (9/26/22)
3. Traffic Generation Letter (9/28/18)
4. Final Plat Recording Sheet (10/28/22)
5. Final Plat (9/26/22)
6. Rolling Meadows Outline Plan (7/18/14)

towards this requirement. Homebuyers not desiring trees can submit a waiver request in writing to the Building Department; however, the Town of Collierville is not obligated to grant such a waiver.”

8. Add the following note to the Final Plat: “For single family lots greater than 1 acre in size, approval by the Development Director is required before healthy trees 8 inches or larger in diameter can be removed. For single family lots of 1 acre in size or smaller, the Town does not regulate tree removal.”

6.c. Case #222795 - Deborah Kelsey Subdivision – Request approval of a Final Subdivision Plat of a 2-lot subdivision. The property is on 2.26 acres located at 401 South Rowlett Street.

MOTION: To approve the Final Subdivision Plat for the Deborah Kelsey Subdivision (revision of Lot 2), 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. Fix the discrepancy between “NET ACREAGE”, “GROSS ACREAGE” and the Title Block.
3. Fix the square footage discrepancy between “MINIMUM LOT SIZE” for LOT 2A and what is shown on the plat.
4. Add “First Revision” in the Title Block.
5. 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.

Motion by Commissioner Fletcher, and seconded, to approve the consent agenda.

Roll call:

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

Motion Approved.

FORMAL AGENDA

7. a. Case #223483 – Ordinance 2022-14 – Project Solution – Request rezoning of 47.70 acres from R-1: Low Density Residential to MPO: Medical Professional Office, located on the west side of Bailey Station Road, east of Houston Levee, and south of Winchester Boulevard.

Mr. Jaime Groce reviewed the staff report, which is included as an exhibit, Mr. Groce stated the applicant approached the Town about an office-related development which the existing R-1 zoning does not support. There are 17 different parcels with varying ownership with equitable ownership interest. Some of the properties are vacant, some have detached dwellings.

Should the Rezoning and Planned Development be approved they would demolish all the dwellings. Mr. Mullis has an existing contract with the different parcel owners giving Mr. Mullis the ability to be the

EXHIBITS

The staff report and the following:

1. Conditions of Approval (10/28/22)
2. Applicant’s Cover Letter (8/16/22)
3. Plat Recording Checklist (10/28/22)
4. Final Subdivision Plat (9/22/22)

EXHIBITS

The staff report and the following:

1. Applicant Cover Letter (9/30/22)
2. Trip Generation Data (9/30/22)
3. Affected Parcels (9/30/22)
4. Existing Land Use Map (12/31/21)
5. 2040 Plan Place Types Map (10/28/22)
6. Ordinance 2022-14, with Attachments (10/28/22): A. Existing Zoning B. Proposed Zoning C. Legal Description
7. Staff Analysis Grounds for Zoning Map Amendment (10/28/22)
8. Conceptual Site Layout (9/30/22)
9. Conceptual Elevations & Renderings (9/30/22)
10. 2040 Plan Place Type Excerpts (2018)

representative throughout the development process, Mr. Mullis has an equitable interest naming him as the applicant. The current zoning of this area is R-1, the zoning context to this area varies. The current FedEx offices being placed in this area years ago has changed the trajectory from residential. The location that is part of the Bailey Station PD is currently zoned R-3 but the Planned Development does allow for office type uses. The area just south of the property is zoned R-1 called the Bailey Station Business Campus PD and it is an office campus that is undeveloped. There is another parcel that is currently zoned Medical Professional Office (MPO) where S Houston Levee Road and Bailey Station Road meet. There are tracts to the west that have current MPO zoning. When referring to the Collierville 2040 Land Use Plan the subject property is designated as a Mixed-Use Plan Type, which means residential, retail, office with a walkable setting. However, now with FedEx and Orgill offices near this subject property this is more of an Office Institutional Place Type character. The Town may want to consider changing the Place Types at some point in the future. The Public Service Department believes that Town has sewer plant and sewer transmission capacity to accommodate intended use for a MPO Zoning. An on-site detention pond will likely be needed, stormwater drainage patterns will need to be looked at further during the Planned Development process. The next steps should the PC recommend approval of MPO Zoning, the MPO zoning will go to the BMA for three readings, November 28, 2022, December 12, 2022, and January 9, 2023. The Planned Development will go to the December 1, 2022, PC meeting and the January 9, 2023, BMA meeting. The Final Site Plan possibly being submitted this month, be reviewed by staff, and will then possibly be presented to BMA January and February of next year. They will also need to apply for a final plat to merge all the lots together.

Chairman Cotton asked if there were any questions for Staff.

Discussion ensued about the 2040 Land Use Plan and clarification was made that the 2040 Land Use Plan was adopted in 2012 and that the FedEx campus was developed prior to that.

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

Michael Mullis, J. M. Mullis, Inc., 3753 Tyndale Drive, Memphis, TN, 38125 stated he is available for questions.

Discussion ensued about how this will function as an office/showroom by invitation only, clarification was made that this is not a warehouse. That it is a big structure, where the inside will have various components for vendors and their customer base, this business is not open to the public.

Discussion ensued that the concept of this structure is parallel to the furniture wholesale markets and how that is not customer based but vendor based. That this is not furniture but would be the closest concept to compare.

Discussion ensued about the different parcels as a collected group and that the majority of the parcels are Bailey Stations and Associates. A question was asked about the single-family dwellings along Bailey Station Road, that they are rental houses that are apart of the Bailey Stations and Associates and are included in this rezoning request.

Discussion ensued about what is the benefit to Collierville. Mr. Mullis stated that this structure is an expensive structure, and the property tax revenue will significantly be higher than what Collierville is currently receiving. Additionally, the facility anticipates 1,000 people visiting in the course of year bringing sales tax revenue and hotel/motel stays.

Discussion ensued if Medical Professional Office (MPO) is the correct zoning with the intent of the building. Mr. Groce stated that MPO best fits the intended use and vision of the area. Mr. Mullis stated that his client is building a structure for vendors to invite customers from around the country, the building will be designed like

a showroom to see various layouts of stores. The building will have 100,000 sq ft for office space and the remaining would be for their vendors.

Discussion ensued about the surrounding area and whether MPO would be appropriate. There are not many residential areas that would be affected by this rezoning.

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

Motion by Commissioner Jordan and seconded, to recommend approval of Ordinance 2022-14 (Exhibit 6).

Motion made and seconded, Chairman Cotton called for any discussion from the Commissioners.

Commissioner Goddard stated he is going to vote no. He understands that this motion is for rezoning but is hesitant not knowing what is going to happen with the property. The applicant is being vague, and he would be more comfortable voting yes if the applicant stated more clearly what the intent is for the building. Added that if the property is rezoned that different property rights go with that, you may not be able to stop a project that submits a plan for property. That is the only reason for hesitation.

Discussion ensued that some of the affected parcels zoned R-1 to the south, have an existing Planned Development overlay for office instead of those R-1 parcels intended for houses. Question was raised if anyone has come before the board to use this property as R-1. No one has come before the board about R-1 projects in recent years. Over ten years ago, was the last time this property was seriously discussed and that was for the possibility of a conference center. It was the current ownership group that decided to not build residential as it was clear that is not what the market was calling for with the existing FedEx building nearby. The ownership group has been holding out for a large project that would be better suited for the land and similar use as FedEx. Commissioner Jordan gave some history to that area and how in the 1950s there were many occupied houses in that area, most of those people have passed on and left the property to their kids and became vacant for about 20 years now.

Commissioner Fletcher stated she too had some concerns about the applicant not stating the intended use of the building but does understand confidentiality provisions and hopes to not be kept in the dark forever about this project. Mr. Groce stated that Mr. Mullis will have to respond to when he feels like he can disclose the name of the user. The Planned Development that will come forward in December will have a stated use, it will be a Single-Use Planned Development, and its documents will describe exactly what the use is and how it functions. It will not name the entity, but it will describe in much more detail.

Commissioner Given stated he struggles with having a new 500,000+ sq ft building, that if the entity doesn't succeed that would leave a huge empty building. Mr. Groce stated that is concern that is why in the PD that it will be written that it can't be morphed into something else without then having a lot of oversight. Commissioner Given asked Mr. Groce if MPO zoning has an ordinance for a limit on the amount of square footage. Mr. Groce stated that there is no FAR requirement, there is a maximum building height of 25' and some buffers that would apply, it requires 30% green space. The question was asked simply that with a MPO zoning, and an applicant asked for a 500,000 sq ft building will there be anything preventing the PC from voting yes or no for a proposed building.

Attorney Bicks clarified that the motions are recommending moving forward to the BMA for their readings and motions and the BMA would decide if the site plan for the use is an appropriate development for Collierville.

Discussion ensued that this structure would mirror the FedEx building in size. Chairman Cotton stated that the discussion is straying away from what the motion is, we need to be discussing the rezoning. This area is better

served with MPO no matter what goes in there. Commissioner Given spoke to that is exactly right, but if there are questions related to the building that we should be asking some of those now. That this project will be coming back to us, and the applicant will be spending time and money on architects, civil engineers and more, we should be asking the questions, so they do come back to us with a good project. Chairman Cotton said there is no disagreement to asking questions to the building; however, we need to focus on the issue of rezoning, ultimately, we are going to vote on this motion and then when we get a project, to vote on it accordingly and not speculation.

Hearing no further discussion, Chairman Cotton asked for roll call.

Roll call:

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

Motion Approved.

Other Business:

Mr. Groce stated new Town Administrator starts November 14th. The development activity map has been updated with 3rd quarter activity and a new format. He reminded them of the state required training hours to be completed by December 31, 2022. The commissioners’ terms expire as of December 31, 2022, please reapply with any new and updated information for Town records. Items for December meeting to include; the Project Solution PD and Ashby will have their PD, Rezoning, the Land Use Plan Amendment and Major Road Plan Amendment, the Preliminary Site-Plan for a Medical Office at Strathmore. Currently no January meeting items, but there is still time for some to come in.

Hearing no further business, Chairman Cotton adjourned the meeting at 6:35 pm.

Secretary, Commissioner Jeremy Given