

A regular scheduled meeting of the **Planning Commission** was held on Thursday, April 4, 2024, at 6:00 p.m., in the Board Chambers of Town Hall.

Staff members present: Town Attorney, Mr. Nathan Bicks; Fire Marshal, Mr. Todd Johnson; Transportation Engineer, Ms. Neetu Singh; Town Planner, Mr. Jaime Groce; Planner, Mr. Josh Hankins; Planner, Ms. Nabanita Nira; and Administrative Specialist, Sr., Ms. Lynette Denzer

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**Pledge of Allegiance**

Chairman Cotton led the Pledge of Allegiance.

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**Roll Call to establish a Quorum**

Chairman Cotton asked to call the roll.

|         |         |         |         |          |          |         |        |         |
|---------|---------|---------|---------|----------|----------|---------|--------|---------|
| Worley  | Green   | Goddard | Jordan  | Rozanski | Fletcher | Virani  | Given  | Cotton  |
| Present | Present | Present | Present | Present  | Present  | Present | Absent | Present |

**Quorum Present**

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**Approval of Minutes**

Chairman Cotton asked if there were any changes or corrections to the minutes from the March 7, 2024, meeting.

Hearing none, Chairman Cotton called for a motion.

*Motion by Commissioner Rozanski, and seconded, to approve the minutes from the March 7, 2024, meeting.*

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

**Roll call:**

|       |         |        |          |          |         |        |        |         |
|-------|---------|--------|----------|----------|---------|--------|--------|---------|
| Green | Goddard | Jordan | Rozanski | Fletcher | Virani  | Given  | Worley | Cotton  |
| Yes   | Yes     | Yes    | Yes      | Yes      | Abstain | Absent | Yes    | Abstain |

**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 published Agenda.

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

*Motion by Commissioner Fletcher and seconded, to approve the Agenda as presented.*

Chairman Cotton asked to call the roll.

**Roll call:**

|         |        |       |          |        |        |        |          |        |
|---------|--------|-------|----------|--------|--------|--------|----------|--------|
| Goddard | Jordan | Green | Fletcher | Virani | Given  | Worley | Rozanski | Cotton |
| Yes     | Yes    | Yes   | Yes      | Yes    | Absent | Yes    | Yes      | Yes    |

**Motion Approved**

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**Citizen Comments**

Chairman Cotton called for citizen comments.

Hearing none, Chairman Cotton moved forward with the meeting.

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**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 called for Discussion.

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

**Roll call:**

|        |         |          |        |        |        |       |          |        |
|--------|---------|----------|--------|--------|--------|-------|----------|--------|
| Jordan | Goddard | Fletcher | Virani | Given  | Worley | Green | Rozanski | Cotton |
| Yes    | Yes     | Yes      | Yes    | Absent | Yes    | Yes   | Yes      | Yes    |

**Motion Approved.**

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**CONSENT AGENDA**

**7. a. Case #217749 – Byhalia Commons Planned Development, Area 1 (Radiant Group)– Request a one (1) year extension of the approval of a Final Subdivision Plat for a 2-lot subdivision totaling 48.92 acres located at the northwest corner of the Byhalia Road and Collierville Road.**

**MOTION: To extend approval of the Final Subdivision Plat for Area 1, Lot 1 of the Byhalia Commons PD for one (1) year, subject to the May 4, 2023, Planning Commission conditions of approval 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. Provide Engineering a CAD file.
3. Revise the Bulk Requirement section of the Final Plat Data Chart for side yard setback to read 15 feet instead of 10 feet.
4. The maximum building height in SCC zoning districts is 70 feet, which should be shown separately from the actual building height and canopy heights.
5. Include a note referencing the Instrument Number of the Property Owners Associations Covenants, Conditions, and Restrictions.

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| <b>EXHIBITS</b>                                    |
| The staff report and the following:                |
| 1. Conditions of Approval (5/4/23)                 |
| 2. Cover Letter (3/18/24)                          |
| 3. Final Plat Recording Checklist                  |
| 4. Final Plat (2/27/24)                            |
| 5. Market Core (Area 2)<br>Preliminary Site Layout |
| 6. Buffer Plate Modification                       |

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**FORMAL AGENDA**

**8.a. Case #231354 – Collierville Marketplace, Phase 9, Outparcel 5 (Advance Auto Parts) – Request approval for a Conditional Use Permit (CUP) to allow an auto parts (new) store on a 1.0-acre tract located on the west side of Market Boulevard.**

Commissioner Goddard has recused himself for this case.

Ms. Nabanita Nira reviewed the Staff report which is included in the record as an exhibit. The applicant is requesting approval for a CUP to allow a auto parts (new products) store on a 1.0-acre tract located on the west side of Market Boulevard. The property is currently vacant and undeveloped.

A separate Final Plat and a Final Site application were submitted with the CUP application. The BMA will tentatively review the CUP on April 22, 2024. The Final Site Plan and Development Agreement will not be considered by the BMA until the Final Plat is recorded, which could be later this spring.

A Traffic Generation Letter was provided by the applicant. The applicant proposes to have 31 parking spaces including 2 ADA spaces.

It has been determined the proposed site has adequate water and sewer capacity for the proposed 6,912 SF retail building. There will be no curb cut from Market Blvd.

The applicant agrees with all conditions of approval.

Chairman Cotton asked if there were any questions for Staff.

Discussion ensued about the applicable required rear yard setback for this property.

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| <b>EXHIBITS</b>  |
| The staff report and the following:                      |
| 1. Conditions of Approval (03/28/24)                     |
| 2. Applicant’s Cover Letter & CUP Responses (05/15/2023) |
| 3. Staff Analysis of 6-Prong CUP Test (03/28/2024)       |
| 4. Traffic Generation Letter (03/28/24)                  |
| 5. Drainage Narrative (03/28/24)                         |
| 6. Final Plat (02/27/24)                                 |
| 7. Site Plan Excerpts (02/27/24)                         |
| 8. Color Elevations (02/27/24)                           |

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

David Bray, The Bray Firm, Bartlet, TN came forward and Chris Neill, 1100 E. Morehead St, Charlotte, NC, joined the meeting via Teams.

Discussion ensued about the purpose of Exhibit 8, which was included for informational purposes. The signage and architecture are being reviewed separately by staff and are not being approved at this time.

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

***Motion by Commissioner Worley, and seconded, to recommend approval of a Conditional Use Permit (CUP) to allow an auto parts (new) store on a 1.0-acre tract located on the west side of Market Boulevard, subject to conditions in Exhibit 1.***

**CONDITIONS OF APPROVAL:**

1. This development is subject to all standard conditions of approval as adapted by the Board of mayor and Aldermen, Resolution 2006-54.
2. There shall be no vehicle repair, detailing, vehicle body repair or painting, oil changes, and similar services on the subject property.
3. Parking on Market Boulevard is not permitted.
4. There shall be no outdoor display of products on the subject property.
5. There shall be no outdoor storage on the subject property.
6. This CUP allows for the sale of used auto parts as a customary accessory use; however, used auto part sales shall be incidental to the primary use of new auto parts sales.
7. This Conditional Use Permit (CUP) applies only to the 1.0-acre property known as Lot #5 of the Collierville Marketplace Subdivision.
8. Approval of this CUP will become void if the use is not established within 2 years of the BMA approving the request. Establishing of vesting shall constitute establishment of the use.
9. Any activities that would increase the intensity of the use shall not be allowed without an amendment to this CUP. Increases in intensity shall be considered expanding the building size beyond 7,000 square feet and/or increases in the number of parking spaces beyond 31 spaces related to this use.

Chairman Cotton asked if there was any discussion.

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

**Roll call:**

|          |        |        |        |       |         |        |          |        |
|----------|--------|--------|--------|-------|---------|--------|----------|--------|
| Fletcher | Virani | Given  | Worley | Green | Goddard | Jordan | Rozanski | Cotton |
| Yes      | Yes    | Absent | Yes    | Yes   | Recused | Yes    | Yes      | Yes    |

**Motion Approved.**

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Commissioner Goddard rejoined the meeting.

**8.b. Case #240843 – 280 Moore Lane (Pharmacy Operations/Distribution Facility) – Request approval of a Conditional Use Permit (CUP) to allow for the industrial manufacturing, assembly, processing, storage, and distribution of drugs from an existing 38,700-square foot building on 4.158 acres located on the east side of Moore Lane.**

Mr. Jaime Groce reviewed the Staff report which is included in the record as an exhibit. Mr. Groce stated this application is for a CUP for the industrial manufacturing, assembly, processing, storage, and distribution of drugs (mail order pharmacy). The site is Zoned GI: General Industrial and surrounded by GI zoned properties.

Approximately 25 people will be employed in 2025 with a potential business growth to 125 employees by 2030.

A Site Plan Modification/Exterior Alteration application to add more parking spaces is anticipated soon.

There are currently 23 parking spaces, and an additional 16 spaces will be requested. The need for on-site detention will be evaluated with the parking expansion. There are currently no traffic concerns and adequate water and sewer exists for the requested use and current building site. If the CUP is amended to increase the intensity of the site, this will be reevaluated.

Within limits, retail pharmaceutical sales are permitted as a customary accessory use for industrial warehousing and storage uses. The request is consistent with the Grounds for Issuance of a CUP, and 2040 land use plan.

The applicant agrees with all Conditions of Approval.

Chairman Cotton asked if there were any questions for Staff.

Discussion ensued about the types of activities that would occur with this use and how drug manufacturing may not be part of this request.

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

Michael Hess, of Bass, Berry, & Sims, PLC, came forward and provided an overview of the business. The applicant is a specialty pharmacy. State law requires a retail license for this type of business but walk in business is not expected. Most products are shipped via overnight delivery in cold packaging. The intent is to grow the business employing pharmacists, pharmacy technicians, and call center staff.

Discussion ensued about other locations (there is a facility in Pittsburg, PA), the Collierville location will be a redundant facility. Safety and security issues were discussed. The applicant explained the industrial manufacture and/or compounding of drugs is not planned at this location.

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

***Motion by Commissioner Goddard, and seconded, to approve a Conditional Use Permit (CUP) for the industrial manufacturing, assembly, processing, storage, and distribution of drugs at 280 Moore Lane, subject to the conditions in Exhibit 1.***

EXHIBITS

The staff report and the following:

1. Example Conditions (3/28/24)
2. Applicant's cover letter (3/4/24)
3. Trip Generation Letter (3/7/24)
4. Staff Analysis of Standards for a CUP (3/28/24)
5. Aerial Photo (2024)
6. Photo from Moore Lane (2024)
7. Final Site Plan (2011)

**CONDITIONS OF APPROVAL:**

1. The Conditional Use Permit (CUP) allows for the ~~industrial manufacturing~~, assembly, processing, storage, and distribution of drugs applies only to the 4.158-acre tract known as Lot #8 of the South Street Industrial Park (280 Moore Lane).
2. Pharmaceutical sales (retail) is permitted as a customary accessory use provided it complies with §151.025(D)(16) of the Zoning Ordinance.
3. Any activities that would increase the intensity of the use shall not be allowed without an amendment to this CUP. Increases in intensity shall be considered expanding the building size beyond 38,700 square feet and/or increases in the number of parking spaces beyond 39 spaces related to this use.
4. A Site Plan Modification/Exterior Alteration application is needed for expanding parking areas and/or outdoor storage, along with any other minor exterior site changes, prior to installation.
5. The applicant is required to fully establish the conditional use within two years of BMA approval of the CUP. Failure to establish the conditional use within the prescribed time period shall result in the voiding of approval of the CUP.

Chairman Cotton asked if there was any discussion.

Discussion ensued about removing manufacturing from the Conditions of approval. A friendly amendment to the motion was made and the second agreed.

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

**Roll call:**

|        |        |        |       |         |        |          |          |        |
|--------|--------|--------|-------|---------|--------|----------|----------|--------|
| Virani | Given  | Worley | Green | Goddard | Jordan | Rozanski | Fletcher | Cotton |
| Yes    | Absent | Yes    | Yes   | Yes     | Yes    | Yes      | Yes      | Yes    |

**Motion Approved.**

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**Other Business:**

Chairman Cotton asked if there was any Other Business.

Mr. Groce stated Robert’s Rules of Order training will be conducted Thursday, April 11, 2024, from 3:30-4:45 pm in Board Chambers.

There is a called meeting scheduled for Thursday, April 18, 2024, at 5:00 pm in Board Chambers, and the regularly scheduled May meeting will be held Thursday, May 4, 2024, at 6:00 pm. There are currently two cases to be heard, Freed Subdivision, and 901 Pickleball CUP (formation Bed, Bath, and Beyond Space).

Hearing no further business, Chairman Cotton adjourned the meeting at 6:28 pm.

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Secretary, Commissioner Jeremy Given