

A scheduled meeting of the Planning Commission was held on Thursday, June 6, 2024, at 6:00 p.m., in the James H. Lewellen Board Chambers in Town Hall, at 500 Poplar View Parkway.

Staff members present were: Assistant Town Administrator, Mr. Adam Hamric; Fire Marshal, Mr. Todd Johnson; Town Attorney, Mr. Ed McKinney; Assistant Town Planner, Ms. Donquetta Singleton; Planner, Mr. Josh Hankins; Planner, Ms. Nabanita Nira; Planner, Ms. Maria De Mesa; and Administrative Specialist, Sr., Ms. Angela Gizzarelli

Pledge of Allegiance

Chairman Cotton led the Pledge of Allegiance.

Roll Call to establish a Quorum

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

Quorum Present

Approval of Minutes

Chairman Cotton asked if there were any changes or corrections to the minutes from the May 2, 2024, meeting.

Hearing none, Chairman Cotton called for a motion.

Motion by Commissioner Goddard, and seconded, to approve the minutes from the May 2, 2024, meeting.

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

Roll call:

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

Motion Approved

Approval of Agenda

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

Ms. Singleton stated there were no changes to the published agenda.

Chairman Cotton called for a motion to approve the agenda.

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

Chairman Cotton asked to call the roll.

Roll call:

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

Motion Approved

Citizen Comments

Chairman Cotton called for citizen comments.

Hearing none, Chairman Cotton moved forward with the meeting.

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:

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

Motion Approved.

CONSENT AGENDA

7. a. Case #240822 – Grand Oaks of Collierville Subdivision – Request approval of a Preliminary Subdivision Plat for a four-lot single-family subdivision comprised of 1.56 acres located south of South Rowlett Street and east of West Street.

MOTION: To approve the Preliminary Subdivision Plat for Grand Oaks of Collierville, 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. The approval of this Preliminary Subdivision Plat will expire on 6/6/27 (three years from PC date of approval) if the applicant fails to obtain approval of the related Subdivision Instructure Construction Plans and Development Agreement. Per Article II, Section 3(E)(1) of the Subdivision Regulations and §151.313 of the Zoning Ordinance, not obtaining a Development Agreement and commencing site preparation within that timeframe, will also cause the Preliminary Subdivision Plat to lose its vesting PC 6-6-24

<p>EXHIBITS</p> <p>The staff report and the following:</p> <ol style="list-style-type: none"> 1. Example Conditions of Approval (5/31/24) 2. Cover Letter (3/4/24) 3. Construction Plans (4/24/24) 4. Preliminary Plat (4/24/24) 5. Drainage Statement (3/4/24) 6. Single Family Design Standards
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protections. If those thresholds are met, the expiration date and vesting period will be extended to 6/6/29 (five years from the PC’s approval of the Preliminary Subdivision Plat).

3. A Final Plat must be reviewed and approved by the Planning Commission before it is recorded.
4. Add a note to Sheet 2 that says, “Any new home built within the subdivision shall comply with the Single-Family Design Standards that apply in the TN: Traditional Neighborhood Zoning District”.
5. If required by the USPS, the Cluster Box Unit (CBU) for the subdivision shall comply with §151.025 (D) of the Zoning Ordinance.

7. b. Case #241584 – Price Farm PD Subdivision, Phase 2 (Indoor World) – Request approval of a Conditional Use Permit (CUP) to allow an amusement arcade (indoor play space) at 4670 Merchants Park Circle, Suite 660.

MOTION: To recommend approval of a Conditional Use Permit to allow an amusement arcade (indoor play space) in Phase 2 of the Price Farm PD at 4670 Merchants Park Circle, Suite 660, subject to the 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. This use, an indoor amusement arcade, is approved for any portion of the 62.35-acre parcel that is part of Area 2 of the Price Farm PD.
3. The applicant shall demonstrate that the building complies with all applicable building and fire codes, subject to the approval of the Building and Codes Department through the Certificate of Occupancy process.
4. The portion of the building containing this use shall be equipped with Town-approved sound baffling.
5. 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 tenant space beyond 4,300 square foot or holding outdoor events expected to have over 250 people at any one time attending or comprised of any series of related events on consecutive days, weekends, or dates that are expected to have a cumulative total of over 500 people attending during the course of a calendar year.
6. There shall be no outdoor display of products on the subject property.
7. There shall be no outdoor storage on the subject property.

EXHIBITS
The staff report and the following:
1. Conditions of Approval (5/31/24)
2. Applicant’s Cover Letter with 6-Prong Test (4/30/24)
3. Staff Analysis of Standards for a CUP (5/31/24)
4. Price Farm Planned Development Outline Plan (2018)

7. c. Case #241542 – Criss Cross Village Subdivision, Lot 1 (Music Box) – Request approval of a Conditional Use Permit (CUP) for an Art & Music School use on 0.685 acres located at 1950 W. Poplar Avenue.

MOTION: To recommend approval of a Conditional Use Permit (CUP) for Art & Music School use on 0.685-acres located at 1950 W. Poplar Avenue, subject to the conditions in Exhibit 1.

CONDITIONS OF APPROVAL

1. The Conditional Use Permit (CUP) allowing Art & Music Schools applies only to the 0.685-acre tract of the Criss Cross Village Subdivision (1950 W. Poplar Avenue).

EXHIBITS
The staff report and the following:
1. Example Conditions of Approval (5/31/24)
2. Applicant’s Cover Letter & CUP Responses (4/22/24)
3. Staff Analysis of 6-Prong CUP Test (5/31/24)
4. Survey (4/22/24)
5. Interior Floor Plan (4/22/24)
6. Aerial of Property (2024)

2. A Site Plan Modification/Exterior Alteration application is needed if there are future plans to expand parking areas and/or outdoor storage, along with any other minor exterior site changes, prior to installation.
3. 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.
4. No signs or fences are being approved with the CUP. A separate fence or sign application will be needed.
5. 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 (but not limited to) expanding the building beyond 3,386 square feet, adding more than 20 on-site parking spaces, or outdoor events expected to have over 250 people at any one time attending or comprised of any series of related events on consecutive days, weekends, or dates that are expected to have a cumulative total of over 500 people attending during the course of a calendar year.

6:03pm Town Attorney arrived

Chairman Cotton announced when the Planning Commission takes Citizen Comments to upcoming presentation, please note the Planning Commission as a board is not able to address all concerns, such as Development Agreement terms.

FORMAL AGENDA

8. a. Case #240356 – Villages at Porter Farms PD Subdivision, Phase 26 – Request approval of a Preliminary Subdivision Plat for seven single-family detached lots on 4.76 acres located on the east side of Shea Road and south of Winchester Blvd.

Ms. Donquetta Singleton reviewed the Staff report which is included in the record as an exhibit. Ms. Singleton stated that the Villages at Porter Farms PD was approved without minimum lot width requirements. There is a note on the approved Conceptual Lot Layout Plan stating all Preliminary Subdivision Plats will need to be substantially consistent with the conceptual master plan – layouts will require additional review as each phase is platted. Ms. Singleton stated lots 114 and 115 each are estimated to have widths of 64'. The Conceptual Lot Layout Plan appears to show a lot width of approximately 86', resulting in Lots 114 and 115 being inconsistent with the Conceptual Lot Layout Plan. There are two Common Open Space areas with this phase of development. Common Open Space A is part of the tree save area to allow for a buffer between the larger lot 116 and the smaller lot 115. Ms. Singleton stated traffic generated by these seven lots will have minimal impact on adjacent roadways. Ms. Singleton explained the seven lots will have access from Nuthatch Rd, there will be a temporary turn-around but will not have a connection to Winchester Blvd.

EXHIBITS

The staff report and the following:

1. PC Conditions of Approval (5/31/24)
2. Applicant's Cover Letter (1/31/24)
3. Drainage Narrative (1/31/24)
4. Conceptual Lot Layout PD Outline Plan (5/8/17)
5. Preliminary Subdivision Plat (4/29/24)
6. Grading & Drainage Plan (4/29/24)
7. Tree Mitigation Plan (4/29/24)
8. Utility Plans (4/29/24)
9. Planning Commission Meeting Minutes (3/4/21)

Chairman Cotton asked if there were questions for Staff.

Discussion ensued for clarification on the lot width which will be further explained by the applicant.

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

John McCarty, 198 Progress Rd, Collierville, TN, came forward. Mr. McCarty stated the conceptual lot width exhibit shows that there are multiple lots less than 86' in width, the smallest lot width is 67'. The thought is to allow for flexibility to allow for some lots to be smaller as each phase becomes developed.

Chairman Cotton asked if there were questions for the Applicant.

Discussion ensued that the PD was approved without having a defined minimum lot width.

Discussion ensued about the lot width of Lots 116 -119 being substantially larger than the neighboring lots, those lots are not being divided and developed smaller in a later phase.

Clarification was made that the landscaping plan for COS and tree protection will allow for grading of the site and new trees will be planted.

Chairman Cotton called for public comments.

Mark Moll, 393 Catava Valley Dr, Collierville, TN, came forward. Concerns about construction vehicle traffic and street damage. Concern about the four big lots requesting a future request for additional street rather it be public or private with access to Winchester Blvd.

Linda Dalton, 367 S Shea Rd, Collierville, TN, came forward. Concerns about traffic and construction vehicles damage to neighborhood streets, requesting for a temporary construction road for this phase's development. Concerns for tree plantings that are too large for the developed lot sizes.

Jerry Heimlicher, 282 S Shea Rd, Collierville, TN, came forward. Concerns for the HOAs lack of ability to maintain and follow the HOA rules, damaged streets due to construction vehicles, dying trees not being replaced.

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

Motion by Commissioner Jordan, and seconded, to approve the Villages at Porter Farms, Phase 26, Preliminary Subdivision Plat (Exhibit 5), subject to the conditions in Exhibit 1.

Chairman Cotton called for Discussion.

Discussion ensued that the new road being built for the seven lots with a temporary turn around is due to cost, roads ways are developed per phase. The new road will be completed in future phases.

Discussion ensued about the lot sizes on completed phases being similar to Lots 114 and 115.

Clarification was made that the Planning Commission does not have the control to ask the applicant to build a temporary construction road.

Discussion ensued about Condition of Approval number eight and changing the language to apply the 86' lot width minimum to lot 114.

Commissioner Jordan amended his motion, and the seconded agreed, to amend Condition of Approval 8 to read 'Lot 114 to have a minimum lot width of 86 feet and Lot 115, in Area 5 removed from Plat'.

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

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. This site is within The Villages at Porter Farms (VPF) Planned Development and is subject to the conditions in the Outline Plan and Pattern Book.
3. The applicant must enter into a Development Agreement with the BMA for the construction of the public and private improvements. Fence and sign permit applications should be submitted when development fees are paid and a letter of credit is provided:
 - a. Sign Permits are required for all signage before it is installed. No signage is reviewed with this application type and no approval for signage is granted without a sign permit application.
 - b. Fence permits are required for all fencing before they are installed.
4. Provide a letter from the Post Office stating that they will deliver mail to individual mailboxes or show a centralized mail area.
5. Revise page one (1) on the Homeowner’s Association document to state, “...*WHEREAS*, the Developer has a plat of the Property describing Lots 113-119, as shown on...” per the Town Attorney’s review on April 2, 2024.
6. Prior to recording the Final Plat for Phase 26, update and re-record the Declaration Cover Page and “Exhibit A” to include all areas of the PD to be subject to the Declaration of Covenants, Conditions, and Restrictions for Shea Station Homeowners Association. Provide space for the new instrument number to be written.
7. Provide a Landscape Plan for tree planting and common open space.
8. ~~Lots in Area 5 shall have a lot width that is consistent with the Conceptual Lot Layout Plan in The Villages at Porter Farms (VPF) Planned Development. Revise all lots to an appropriate lot width of at least 86 feet.~~ **Lot 114 shall be a minimum of 86’ and lot 115 in Area 5 shall be removed from the Plat.**
9. Site Data Chart: Correct the minimum rear yard setback of “Standard Lot” to twenty feet (20’).
10. Clarify who will be responsible for Fire Department turn around maintenance until additional phases are constructed with a note on the plans.
11. Verify that Lot #113 will access their garage from a private drive coming off of the side of the existing alley at the rear of the lot.
12. Prior to plat recording, a drawing showing the area (sqft) of all public sewer, water, and drainage easements and R.O.W. dedicated with this plat must be submitted.
13. The Min. F.F.E.s will be reviewed once the As-Built Topo is submitted. 14. 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.”
15. Horizontal Datum still needs to be labeled.
16. Vertical Datum still needs to be labeled.
17. The plat will still need to be filed for final approval before it is recorded. The approval of this Preliminary Subdivision Plat will expire on 6/6/27 (three years from PC date of approval) if the applicant fails to obtain approval of the related Subdivision Instructure Construction Plans and Development Agreement. Per Article II, Section 3(E)(1) of the Subdivision Regulations and B151.313 of the Zoning Ordinance, not obtaining a Development Agreement and commencing site preparation within that timeframe, will also cause the Preliminary Subdivision Plat to lose its vesting protections. If those thresholds are met, the expiration date and vesting period will be extended to 6/6/29 (five years from the PC’s approval of the Preliminary Subdivision Plat).

Roll call:

Rozanski	Jordan*	Fletcher	Given	Worley	Goddard	Virani	Green	Cotton
Absent	Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes

Motion Approved.

Commissioner Worley announced that as a member of the Planning Commission and Board of Mayor/Alderman we understand but do not have any control over the issues raised by the public today. As a town we cannot assist in the concerns, it would be a legal matter to seek council.

*6:57pm Jordan excused himself from the meeting.

Other Business:

Chairman Cotton asked if there was any Other Business.

Ms. Singleton stated the July will have the Final Plat for Schilling Farms Phase 74, Final Plat for Holmes Oaks Subdivision, and a non-voting discussion of the Zoning Ordinance and Town Code. Future projects coming up for the summer will be Price Farms PD – Candlewood Suites Hotel, Price Farm PD – C-Store with carwash and Bailey Station PD will have an amendment and rezoning for a senior living development.

The July meeting will be on Tuesday, July 2 because of the July 4th holiday.

Hearing no further business, Chairman Cotton adjourned the meeting at 6:59 pm.

Secretary, Commissioner Jeremy Given

APPROVED