

A scheduled meeting of the Planning Commission was held on Thursday, August 1, 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; Town Attorney, Mr. Nathan Bicks; Fire Marshall, Mr. Todd Johnson; Town Planner, Mr. Jaime Groce; Planner, Mr. Josh Hankins; and Administrative Specialist, Sr., Ms. Angela Gizzarelli

Pledge of Allegiance

Acting Chairman Rozanski led the Pledge of Allegiance.

Roll Call to establish a Quorum

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

Quorum Present

Approval of Minutes

Acting Chairman Rozanski asked if there were any changes or corrections to the minutes from the July 2, 2024, meeting.

Hearing none, Acting Chairman Rozanski called for a motion.

Motion by Commissioner Jordan, and seconded, to approve the minutes from the July 2, 2024, meeting.

Hearing no discussion, Acting Chairman Rozanski asked to call the roll.

Roll call:

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

Motion Approved

Approval of Agenda

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

Mr. Groce stated there are changes to the published agenda. Items 8d and 8e are related the applicants have requested to be deferred for 30 days.

Acting Chairman Rozanski called for a motion to approve the agenda as amended.

Motion by Commissioner Green, and seconded, to approve the agenda as amended.

Acting Chairman Rozanski asked to call the roll.

Roll call:

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

Motion Approved

Citizen Comments

Acting Chairman Rozanski called for citizen comments.

Hearing no further comments, Acting Chairman Rozanski moved forward with the meeting.

CONSENT AGENDA

Hearing no items for the Consent Agenda, Acting Chairman Rozanski moved forward with the meeting.

FORMAL AGENDA

8. a. Case # 241969 – Resolution 2024-18 – Request approval to amend Parcel 8 of the Bailey Station Planned Development to allow for a 25-lot Senior Housing Planned Development, located southeast of the Winchester Boulevard and Peyton Parkway intersection.

8.b Case # 241968 – Ordinance: 2024-06 – Bailey Station Planned Development, Parcels 8A and 8B – Request approval to rezone 7.93 acres from R-3: High Density Residential to R-3A: High Density Residential and 1.17 acres from R-3: High Density Residential to MPO: Medical Professional Office, located southeast of the Winchester Boulevard and Peyton Parkway intersection.

Mr. Josh Hankins reviewed the Staff reports which are included in the record as an exhibit. Mr. Hankins stated there are two separate but related requests for the Baily Station PD. Mr. Hankins stated the applicant would like to amend Parcel 8 to allow for two parcels, parcels 8A and 8B. Parcel 8A is requesting to be rezoned to R-3A: High Density Residential to allow for a 25-lot age restricted development on 7.93-acres and Parcel 8B rezoned to MPO: Medical Professional Office on 1.17-acres. Mr. Hankins stated Parcel 8A has a conceptual drawing with common open space and a pickleball court and Parcel 8B will be a two-story building, each parcel will have access to the Town’s Greenbelt Trail. Mr. Hankins stated the PD Amendment has the following waiver requests.

1. Allow for modified R-3A bulk requirements to create low-maintenance community. The Senior Housing PD standards were created for age-restricted developments that are contained in one building which is not applicable to this proposed development.
2. Remove Senior Housing PD requirements of having 10 square feet of indoor recreational area per unit as the requirements were intended for a large single building being developed. This proposed development is

EXHIBITS-case #241969

The staff report and the following:

1. Location Map (7/24/24)
2. Cover Letter (5/31/24)
3. Exceptions and Justifications (5/31/24)
4. Existing Land Use (12/31/23)
5. Aerial Map (5/31/24)
6. 2040 Place Type Map (6/26/24)
7. Traffic Generation Letter (5/30/24)
8. Drainage Narrative (5/31/24)
9. Neighborhood Meeting Notice (7/15/24)
10. Conceptual Development Plan (5/31/24)
11. Road Improvements (1/28/16)
12. Resolution 2024-18 with Attachments A, B (7/26/24)

for detached single-family homes, each resident can create their own indoor recreational areas, such as a home gym.

3. Remove special design standards for Senior Housing PD, the standards were written to reduce visual impact of large multi-unit senior living facilities. The special design standards for Senior Housing PD will be replaced with Outline Plan Standards, the applicant has provided a Pattern Book that will be used for the design standards.
4. Substitute the Senior Housing PD parking standards for the Town's existing parking requirements for detached single-family dwellings of two parking spots per detached dwelling.
5. Remove the requirement for providing a centralized personal emergency response system. There is no centralized facility therefore this standard is not applicable. The Fire Marshall agrees, stating the standard was not meant for detached single-family dwellings.
6. Increase the maximum building height of Parcel 8B MPO from 25 feet to 35 feet. The limited height of the two-story building will limit the roof articulation and screening options. Additionally, the single-family detached dwellings on Parcel 8A and the lot to the east of Parcel 8 are allowed to have a height up to 35 feet.

EXHIBITS-case #241968

The staff report and the following:

1. Location Map (7/26/24)
2. Cover Letter with Grounds for Zoning Amendment (5/31/24)
3. Ordinance 2024-06 with Attachments A, B, C (7/26/24)
4. Staff Analysis of Grounds for Amendment (7/26/24)
5. Existing Land Use and Place Type Map (5/22/17)
6. Traffic Generation Letter (5/30/24)
7. Drainage Narrative (5/31/24)
8. Conceptual Dev Plan (5/31/24)

Mr. Hankins stated the applicant is proposing to amend the Outline Plan by getting rid of the requirement of using Landscape Buffer Place C along the southern and eastern property lines of Parcel 8. The buffer plate was designed to buffer commercial properties next to residential, therefore Place C does not make sense for this property as it is a residential property. Buffer Plate D has been proposed for use between Parcels 8A and 8B. Mr. Hankins stated the Collierville 2040 Land Use Plan and Zoning Map supports the requested rezoning changes. Mr. Hankins stated the traffic generated with this proposed development is minimal. Parcel 8A will have one access point on Peyton Parkway and Parcel 8B will use a shared entry along Winchester Blvd. Mr. Hankins stated the developer will not be required to improve Winchester Blvd for this development based on an agreement between the developer, Shelby County, and the Town. All waivers of improvements will be decided at the Preliminary Plat stage. Mr. Hankins stated the site will require on-site stormwater detention, staff will analyze the applicant's sewer and water data further with a future plat. Mr. Hankins stated the PC will need to discuss and decide if the six waivers and one amendment and proposed rezoning is appropriate. Mr. Hankins stated the applicant is in agreement with all conditions of approval.

Acting Chairman Rozanski asked if there were any questions for Staff.

Hearing no more questions, Acting Chair Vice Chairman Rozanski asked the applicant to come forward.

Michelle Ye, 6465 North Quail Hollow Rd, Suite 401, Memphis, came forward stated request for the PD amendment is the higher demand and success of communities for 55 and over coupled with decrease in demand for Medical Profession Office.

Discussion ensued that the Fire Marshall finds the access layout to comply with Town standards.

Discussion ensued about the agreement with the Shelby County when the land was dedicated to Shelby County, which says the developer would not be responsible for Winchester Road improvements. It was clarified that the Planning Commission and Board/Mayor Alderman will review the applicant's responsibility for road improvements and sidewalks with a Preliminary Site Plan should the Amending and Rezoning requests be approved.

Clarification was made that there will be a greenbelt connection made.

Hearing no more discussion, Acting Chair Vice Chairman Rozanski called for a motion.

Motion by Commissioner Worley, and seconded, to recommend approval of Resolution 2024-18 (Exhibit 12), subject to the adoption of Ordinance 2024-06.

CONDITION 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. Add a reference to the Outline Plan that a Pattern Book is applicable for Area 8A and it addresses the design of the dwellings, fencing and streetscape/landscape. Reference the date of the final version of the Pattern Book and mention no fence or sign permits will be issued unless they are consistent with the standards in the Pattern Book.
3. Add a date to the Pattern Book.
4. Revise the Pattern Book to state that garages shall be located at the rear half of the lots.
5. Show changes to Sheet 1 of the Outline Plan in red.
6. Add certificates to the last page of the Outline Plan for the mayor and PC Secretary to sign. Put the 2nd and 3rd “deltas” next to those certificates. Reference the two resolution numbers used to amend the PD in the certificates.
7. Before the Town will enter into a Development Agreement for Parcel 8A or 8B, the Outline Plan shall be revised and re-recorded. Res. 2024-18 2
8. Add a note to the Pattern Book stating that all Preliminary Subdivision Plats and/or site plans will need to be substantially consistent with the conceptual lot layout.
9. Please note, the conceptual lot layout is not an engineered drawing and has not been fully reviewed by staff. Changes may be needed at the Preliminary Plat stage.

Acting Chair Rozanski asked if there was any discussion.

Hearing no further discussion, Acting Chair Rozanski asked to call the roll.

Roll call:

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

Motion Approved.

Motion by Commissioner Fletcher and seconded, to recommend approval of Ordinance 2024-06 (Exhibit 3).

Acting Chair Rozanski asked if there was any discussion.

Hearing no further discussion, Acting Chair Rozanski asked to call the roll.

Roll call:

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

Motion Approved.

8.c Case # 242402 - Midnight Star & Café Eclipse - Request approval of a Conditional Use Permit (CUP) for reoccurring outdoor events on a 3.17-acre property located at 269 S. Center Street.

Mr. Jaime Groce reviewed the Staff report which is included in the record as an exhibit. Mr. Groce stated the applicant is requesting a Conditional Use Permit for reoccurring outdoor events. Mr. Groce provided the details of the parcel and the two buildings. The building with address 279 S Center Street is not used for the outdoor events. The business uses that building for storage. The location of the business is in the Central Business District and is surrounded by multiple different zoning types, there are various residential uses to the south, east and west, and there is mixed-use and medical professional office to the east and north. The applicant has requested two outdoor events earlier this year, neither outdoor event request would host more than 250 people on the property at one time. However, now the applicant's request there is the potential for a cumulative total of people on the property exceeding 500 in 2024. That is where the Town's Ordinance requires a CUP as the property is not designed as an event venue. Mr. Groce stated each building on the parcel is part of the National Historic Registry. Mr. Groce stated the grounds for issuance of a Conditional Use Permit are addressed provided the events remain small and infrequent. There will be negligible impacts on water and sewer from these outdoor events, as property contains an existing commercial business. Since these events will be occurring outside of the peak hours of traffic, there will negligible traffic impacts to surround area. There is a proposed condition for the Conditional Use Permit to have an expiration date, which will help Town ensure applicant is complying with conditions of approval. The applicant could ask to extend approval if they want to continue having reoccurring outdoor events. Mr. Groce stated the conditions for the Conditional Use Permit are to prevent Midnight Star and Café Eclipse from becoming an outdoor event venue. The applicant is not allowed to have more than three outdoor events per month with no more than two events per calendar year allowed to exceed 75 people at one time, the minimum amount of parking for reoccurring outdoor events based on size of the vent is 30 parking space (75 or less people) or 80 parking spaces (more than 75 people) and the main building limited to no more than 49 people at any one time. Mr. Groce stated outdoor events must be kept away from adjacent residential uses and existing vegetation must be retained as a buffer, the Town's anti-noise regulations will apply the applicant has agreed to end outdoor events by 10:00pm. Mr. Groce stated that, should the applicant want to more frequent and/or larger events, the applicant will require adding additional paved parking spaces to the property which would be reviewed by the Historic District Commission.

EXHIBITS-case #242402

The staff report and the following:

1. Location Map (7/26/24)
2. Example Conditions (7/26/24)
3. Cover Letter (6/24/24)
4. Outdoor Event Plan (5/31/24)
5. Staff CUP Test Analysis (7/26/24)
6. Downtown Plan Excerpts (2010)
7. 2024 Event Summary (7/26/24)

Acting Chairman Rozanski asked if there were any questions for Staff.

Clarification was made from a typing error on the end time for Condition of Approval 15, the agreed end time for outdoor events is 10:00pm.

Discussion ensued about the outdoor end time being adjusted to an early end time out of concern for the adjacent residential area being affected by noise and lighting.

Hearing no more questions, Acting Chair Vice Chairman Rozanski asked the applicant to come forward.

Briana Kesler, 269 S. Center St, Collierville, TN, came forward stated the outdoor events would be for families and youth in mind. They are in agreement with the conditions and limits on parking and possible future parking lot. The outdoor events with music entertainment would be complimentary to the outdoor event, likely would be using one speaker.

Discussion ensued security and crowd control for outdoor events will be serviced with tickets or pre-registration for events and hired security.

Discussion ensued about marketed age groups, which would vary for the theme of the outdoor events.

Discussion ensued about staff being inside the building to monitor capacity during outdoor events.

Discussion ensued that the residential neighborhoods have been informed and aware of the outdoor events and they have been supportive.

Clarification was made by the applicant the outdoor event end times would be 8:00pm or 9:00pm to allow event staff to clean up from the events.

Clarification was made that Midnight Star and Eclipse Café would be hosting and running the outdoor events, there would be no third party 'renting' of the facility.

Discussion ensued that Midnight Star and Eclipse Café are not licensed with a beer/alcohol license. The only time an outdoor event would be able to serve beer/alcohol would be through a catered event.

Discussion ensued about amending Conditions of Approval 15 to have the event end time change from 10:00pm to 8:00pm, the applicant is in agreement.

Clarification was made by the applicant that outdoor events would begin at 6:00pm as to not disrupt the normal business hours of Midnight Star and Eclipse Café clients.

Clarification was made the shotgun house is used for storage only.

Discussion ensued about parking for larger outdoor events, the applicant would need to show a parking plan for staff's approval.

Hearing no more discussion, Acting Chair Vice Chairman Rozanski called for a motion.

Motion by Commissioner Given, and seconded, to recommend approval of a Conditional Use Permit (CUP) for reoccurring outdoor events on a 3.17-acre property located at 269 S. Center Street, per the conditions in Exhibit 2.

CONDITIONS OF APPROVAL

1. Common gathering areas (outdoors) may be used for social or business events, subject to the BMA's conditions of approval, until December 31, 2025. Failure to fully comply with any of these conditions shall constitute grounds for the BMA to revoke the CUP.
2. No more than 3 outdoor events are permitted per month. No more than 2 events per calendar year are permitted that exceed 75 people at one time. The applicant will provide an annual list of event dates to the Planning Division along with a summary of the type and scope of the event.
3. The total number of people (guests and workers) on the subject property event at any one time shall be limited to the ability to provide adequate parking as provided below. Parking for the outdoor event shall be provided at a rate of 1 parking space per 2.5 expected attendees on site (including workers) to avoid adverse impacts to the area.

Size of Event [3]	Parking Requirements [1][5][6]
Small events (75 people at one time or fewer)	At least 30 on-site parking spaces shall be provided. Parking may occur on the paved areas or the lawn.
Large Events (up to 200 people at one time) [2][4]	A parking plan is needed to avoid adverse impacts to the surrounding neighborhood and spillover parking on streets. No events with more than 75 people at one time are allowed on the subject property until a parking plan is provided that shows access to at least 80 parking spaces (on-site and off-site combined) within 500 feet of the subject property, which could include off-street private spaces or on-street public parking (where allowed). On-site parking may occur on the paved areas or the lawn.

- [1] An alternative parking plan must be on file with the Development Department that has been approved by both the Fire and Police Departments. It is anticipated that the parking plan may be updated from time to time. In approving the Alternative Parking Plan the Town in no way guarantees access to public parking spaces or gives preferential treatment to the applicant for use of such spaces. The Town retains the right to use the public parking areas for other purposes.
- [2] For any outdoor event that will exceed 49 people, at least two handicap accessible outdoor toilets (either temporary or permanent) shall be provided.
- [3] No more than 49 people shall be allowed in the house at any one time, which includes customers of Midnight Star & Café Eclipse.
- [4] No more than 200 people shall be allowed on the subject property at any one time, which includes customers of Midnight Star & Café Eclipse.
- [5] Any off-street parking location shall be nonresidentially zoned and be under the direct control of Midnight Star & Café Eclipse, with a copy of the agreement on file with the Development Department, or public parking. All on-street parking shall comply with § 72.28 of the Town Code.
- [6] Pursuant to the Fire Marshal, on-street parking on Center Street (south of South Street) or South Street is prohibited. The Alternative Parking Plan shall indicate the areas where parking will and will not occur. The applicant shall make provisions during events to ensure that any temporary no parking zone and the provisions of § 72.28 are met, such as with signs, barricades, and/or cones.

- 4. No event shall occur within 50 feet of the westernmost and southernmost property lines to avoid impacts to the surrounding residential uses.
- 5. The existing vegetation within 50 feet of the westernmost property line shall remain to mitigate visual and sound impacts from outdoor event venues and maintain compatibility with the residential character of the area.
- 6. Access to the building must be maintained at all times.
- 7. Fire lanes to be kept clear of vendors, tents, food trucks or any other obstruction. Set up must be limited to the grass to the North of the rear access or along the South curb and grass at rear access.
- 8. Food Trucks require current Fire Department inspection and permit.
- 9. Food trucks cannot, “occupy any portion of any public street, alley, sidewalk or right-of-way for the purpose of storing, selling or exhibiting any goods, wares, merchandise or materials” (Town Code §92.01).
- 10. Tent permits are required for tents 400 sq. ft. or greater. Contact the Chief of Fire Prevention directly at 457-2482. The tents will be taken down and removed following the event. No open flames or combustibles are allowed in the tent as described in IFC 2012.
- 11. Signs displayed on the day of the event are allowed without a permit but must meet the sign regulations. Signs displayed more than 24 hours before the event require a permit. Exhibit 2 Page 1 of 2 2
- 12. An electrical permit may be required for lighting or other electrical needs. Inspection of electrical hook-ups and generators (if applicable) will be required prior to the event. Please contact the Codes Division at 457-2310 for an electrical permit and to set up an inspection prior to the event.
- 13. The Town’s Anti-Noise Regulations will apply. The Anti-Noise Regulations are enforced by the Collierville Police Department upon complaint by a citizen or upon issuance of a citation.
- 14. Site must be cleaned and returned to its original state at the end of the event.

15. This Conditional Use Permit expressly allows for the use of generators, musical instruments, loudspeakers, or similar amplification devices in this residential area to be audible off the premises until 8:00 pm, with event lights off by that time as well. Outdoor activity will end by between 10:00 am and 10:00 pm 9:00 pm for events on Friday and Saturday; however, gas generators and amplified sound systems shall not be used for any event held Sunday through Thursday. Per §130.016 DISTURBING THE PEACE, it shall still remain “unlawful for any person to make or assist in making any noise, disturbance or any other improper diversion, any rout, riot or ring or sound any gong by which the peace, harmony or good order of the neighborhood are disturbed or be guilty of disorderly conduct” at all times.
16. Pole-mounted fixtures, wall-mounted lights, and spotlights and floodlights shall comply with §151.190 of the Zoning Ordinance. No new exterior lighting above 60 watts (or equivalent) (permanent or temporary) shall be installed without prior approval of the Town and unless it complies with these provisions.
17. Any subsequent principal or accessory structure or use on the subject property that would increase the intensity of the facility shall not be allowed unless there is an amendment to the Conditional Use Permit to increase the approved scope. At that time, issues must be addressed such as phasing (expansion) of the use over time, the scope of the proposed use (number of employees, max number of people on site, parking provided, hours of operation, number of buildings and sizes, use of buildings), the ability to address both the General Provisions set forth in §151.024, and how the improvements have been designed to respect the existing historic and residential character. For the purposes of this condition, increases in intensity shall be measured as increases in impervious surface, such as additional on-site parking spaces above the proposed 10, or new permanent buildings intended for human occupancy (excluding permanent bathrooms).
18. Adequate traffic control shall be provided to prevent blocking of public streets. The Fire Department requires that the drive aisles have 20’ of clearance at all times. Access to the building must be maintained at all times.
19. Midnight Star & Café Eclipse does not hold a beer permit that allows for on-premise consumption, thus a licensed caterer or vendor will be needed to serve.
 - a. A TABC licensed caterer is required in instances where a business does not have an on-premise beer permit. Verify event rules relative to this with the State, it’s our understanding that
 - Licensed caterers must also provide food at the event. No caterer can provide only alcohol.
 - No third party shall receive any proceeds from the sale of alcoholic beverages at a catered event.
 - b. Outdoor alcohol sales and consumption must be limited to a defined, temporary barricaded area restricted to patrons 21 years of age or older. Open containers of alcohol cannot be taken out of the defined area. Alcohol possession and consumption at the site will be limited to the day and hours of the event.
 - c. The location of the defined alcohol area must be shown on an exhibit and indicate that the boundaries will be roped off and there will be an ID check at the entrance where wristbands will be issued.
 - d. Event organizers are responsible for contacting the State and follow the regulations for outdoor sales of liquor.
20. The event sponsor, at its sole expense, is required to obtain Comprehensive General Liability Insurance, issued by a responsible insurance company and in a form acceptable to the Town, proving coverage for the Event Sponsor or an occurrence basis against claims for bodily injury, death or property damage. Provide the Town with Certificates of Insurance on such policies in forms acceptable to the Town. Said Comprehensive General Liability Insurance policy shall provide that the Town be an additional insured.
21. The property owner must obtain a Certificate of Appropriateness for the exterior alterations (façade changes, additional parking or structures, etc.) from the Historic District Commission prior to commencing work.

Acting Chair Rozanski asked if there was any discussion.

Hearing no further discussion, Acting Chair Rozanski asked to call the roll.

Roll call:

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

Motion Approved.

8.d Case # 242347 - Ordinance 2024-07 - An Ordinance to amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by amending §151.021 Uses Permitted in each Zoning District, to allow indoor Used Car Sales in the CB: Central Business Zoning District through the Conditional Use Permit (CUP) process.

8.e Case # 242346 - Wildveld Expedition Motor Company Showroom - Request approval of a Conditional Use Permit (CUP) for Used Car Sales (indoor) within an existing building located at 135 Main Street.

Items 8d and 8e deferred 30 days.

Other Business:

Mr. Groce stated the September 5th meeting has several items for review, Schilling Farms PD Subdivision, Area 1-Dutch Bros Coffee Preliminary Site Plant that will discuss Poplar Ave traffic, Morrison Village Price Farm PD Preliminary Site Plan is a complex mixed use project, Price Farm PD Area 2 Convenience Store/Service Station with a Car Wash for a Conditional Use Permit, The Parke PD Northern Expansion a Resolution to Land Use Plan Amendment requesting to expand the Planned Development.

Mr. Groce announced staff changes, Michael Clark has taken the position of Director of Community and Economic Development starts next Monday, August 5th and will be formally introduced at the next meeting. Mr. Groce stated some internal changes the staff who reviews sign permits is transferring into Engineering. Building and Codes has hired Sher Dunn as the Chief Codes Compliance Officer, who will help assist by being another staff member out in the field monitoring and ensuring properties are being in compliance with town ordinance and policies.

Hearing no further business, Acting Chairman Rozanski adjourned the meeting at 7:04 pm.

Secretary, Commissioner Jeremy Given