

A regular meeting of the **Planning Commission** was held on Thursday, June 2, 2016, at 6:00 p.m. in the Board Chambers of Town Hall, at 500 Poplar View Parkway.

Staff members present were: Town Attorney, Mr. Nathan Bicks; Town Administrator, Mr. James Lewellen; Town Planner, Mr. Jaime Groce; Town Engineer, Mr. Dale Perryman; Deputy Town Engineer, Mr. Jason Walters; Assistant Town Planner, Mrs. Nancy Boatwright; and Administrative Specialist, Sr., Mrs. Shari Michael.

**Pledge of Allegiance**

Chairman Cotton led the Pledge of Allegiance.

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**Roll Call to establish a Quorum**

Cotton – present, Worley – absent, Tebbe – present, Netherton – present, Murdock – present, Rice – present, Jordan – present, Rozanski – present, Bradford – present.

**Quorum Present.**

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**Approval of Minutes**

Chairman Cotton asked if there were any additions or deletions to the minutes from the May 5, 2016 meeting.

Hearing none, he called for a motion to approve as presented.

***Motion by Commissioner Murdock and seconded, to approve the minutes as presented from the May 5, 2016 meeting.***

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

**Roll call:**

Rozanski – yes, Netherton – yes, Bradford – yes, Rice – yes, Cotton – yes, Tebbe – yes, Murdock – yes, Jordan - yes.

**Motion Approved.**

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**Approval of Agenda**

Chairman Cotton asked if there were any changes to the agenda as presented.

Mr. Jaime Groce stated there are several changes.

Mrs. Boatwright explained that item A. PC16-23 Ordinance 2016-09 - Cartwright Farms under the Formal Agenda was advertised as being 78 acres, but the correct acreage is 76.9.

Mr. Groce stated that due to some further information about the application for the item advertised under the 6. Consent Agenda, staff would like to move item A. PC16-29 – Bumpus Harley Davidson, to the Formal Agenda and he will give a formal presentation on the item.

Hearing no further discussion, Chairman Cotton called for a motion to approve the agenda as amended.

***Motion by Vice-Chairman Rozanski, and seconded, to approve the agenda as amended.***

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

**Roll call:**

Netherton – yes, Bradford – yes, Tebbe – yes, Rice – yes, Rozanski – yes, Jordan – yes, Murdock – yes, Cotton – yes.

**Motion Approved.**

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**Formal Agenda:**

**PC16-29-Bumpus Harley Davidson – Request approval of an amendment to the 2003 Conditional Use Permit to allow reoccurring outdoor events on 5.354 acres at 325 South Byhalia Road.**

Mr. Jaime Groce gave the staff presentation. He explained that in 2015 the PC and BMA heard and approved a very similar request at the same time they requested outdoor display. The part of the 2015 CUP related to outdoor events has expired as the approval was conditioned as only being approved for 1 calendar year. In 2011 the business asked for approval of a much larger event and the board did not approve the request because it would have involved off-site parking and a large portion of the site. The PC and BMA did approve a smaller request in 2015, which only involved about 5% of the site, for outdoor display and outdoor event area to and area right in front of the dealership. The 2016 request includes some large scale events this calendar year and there is one going on this week that has been approved through a separate permit process through the CPARD for a Type 1 Special Event. When Town Services are needed, applicants will go through the Parks and Rec Department’s Special Event Committee to receive their permits. The applicant would like to continue to hold these planned events and they plan another event like this one later in the fall of this year. The event times vary per event, but they have given us an updated calendar and most events happen between 8 am to 4 pm and usually is held on a Saturday. According to the forms that they have given staff, they do not plan on selling or distributing alcohol during any event and they don’t need Town Services for parking, crowd control or trash collection. Even though the 2015 CUP has expired, the applicant’s website shows that they held events in March, April and May of this year. It looks like they were smaller type events and had no more than 500 people total, which would have triggered the requirement for a CUP for such events. The event this month, they are clearly going over that 500 people mark and that is when they met with staff and it was noted that they needed to come back before the PC and BMA to have their CUP approved again. The applicant is planning two small events in June 2016 as well as the large event which is going on this week. For the large event this week they are expecting around 1,200 people over a 4 day period and they have closed off the cove adjacent to their property for this purpose. In September 2016, Bumpus plans to participate in The Dixie

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| <p style="text-align: center;"><b>EXHIBITS:</b></p> <ol style="list-style-type: none"><li>1. Applicant’s cover letter (rcv’d 5/18/16) with list of planned Outdoor Events in 2016</li><li>2. Outdoor Event Questionnaire with Bumpus H.D.</li><li>3. 2015 CUP Outdoor Event Layout and Conditions (rcv’d 5/18/16)</li><li>4. April 2015 PC Minutes</li><li>5. April 27, 2015 BMA Minutes</li><li>6. 6-Prong Test for a conditional use permit (5/27/16)</li></ol> |
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Thunder Run and they will be going to the CPARD for a Special Event permit soon. He reviewed the example motion and the conditions of approval as attached to the staff report. He explained that basically the request is the same as last year, however, during the month of June, they would like to have three events. The main question for the PC is how many events can be held, regardless of what process they go through and should it be just one event per month, or can they have multiple events in a month if they go through the separate CPARD process.

Chairman Cotton asked if there were any questions of staff.

Commissioner Jordan asked about what the difference is between the applicant going to the Parks Department or BMA for a special event.

Mr. Groce explained that if an outdoor event involves Town property and/or they need Police, Fire or Town services then it must go to the CPARD for a permit. If there is a large number of attendees on private property with no Town services needed, then it needs a CUP and the applicant must come before the PC and BMA for approval.

Hearing no further questions, Chairman Cotton called the applicant to the podium.

Mr. Tim Bumpus, owner of Bumpus Harley Davidson, addressed the commissioners. He explained that they are a fun and recreational business and they try to create events to involve their patrons to get out and ride their motorcycles. The events that they have throughout the year are mostly from spring through fall and not very large. Most of the events are small and that's why they didn't request a Special Event permit.

Ms. Kelly Quinn, marketing representative with Bumpus Harley Davidson, addressed the commissioners. She explained that she was available for any questions the commissioners might have.

Vice-Chairman Rozanski asked about the 1 event per month CUP, and given that most events are held during the nice weather months, would it be ok if they were limited to 12 events per year.

Mr. Bumpus stated yes and they would actually be below that number each year. They have a 30 year anniversary coming up soon and they want to be able to advertise for an event as they have 5 stores across Tennessee and they would like to advertise this in all their stores.

Hearing no further discussion, he called for a motion.

***Motion by Vice-Chairman Rozanski, and seconded, to recommend that the BMA approve the request (Exhibit 1) from Bumpus Harley Davidson for amendment to their 2003 Conditional Use Permit to allow reoccurring outdoor events on 5.354 acres at 325 South Byhalia Road, subject to the conditions in the staff report and amending number 1 to add that no more than 12 events would be allowed in a calendar year.***

Commissioner Jordan asked about the limitation of 12 per year and if that was limited to the number of days per event, per month.

There was a brief discussion regarding how many events they could have in any one month during the summer months regardless if the event was small or went to the CPARD and the consecutive days an event is going on now.

Commissioner Netherton stated that it would be necessary to clarify this in the CUP conditions. We don't want to have to argue that they had a 5 day event and whether or not that was considered 1 event, or 5.

A discussion ensued regarding how to word the motion in order to limit the number of days the events could be.

Mr. Bumpus stated that their events are rarely more than 1 day. There are a few a year that would run more than 1 day, but they are rare.

***Vice-Chairman Rozanski stated that he would accept a friendly amendment to Condition 1 in his motion that would add a 3 calendar days per small event for a total of 12 events, encompassing no more than 16 days, and the second agreed.***

1. A maximum of ~~one (1)~~ 12 small-scale ~~(no more than 75 people outdoors at one time)~~ outdoor events (e.g. bands or music, tents, food vendors) a ~~month~~ year will be allowed encompassing no more than 16 calendar days total with small-scale events (less than 75 people ) being no longer than 3 days in in duration. Large-scale events (more than 75 people outdoors) will be administered through the Parks Department's Special Events Committee.
2. Special events shall be associated with fundraisers or non-profit efforts. Charitable solicitor permits may be applicable per §111 of the Town Code.
3. The applicant shall provide a calendar of the reoccurring events at least 30 days in advance of all events to the Development Department that includes the specific dates and times of the event and a brief description of the nature of the event.
4. Parking for events shall be prohibited on Byhalia Road and Harley Oaks Cove.
5. There shall be no outdoor sales of any alcoholic beverage.
6. There shall be no outdoor serving of any alcoholic beverage.
7. Outdoor events shall not be held between the hours of 11:00 p.m. and 7:00 a.m. or at any time so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence or of any person in the vicinity.
8. No electrical cords shall be allowed to run across the ground, through doors or windows per building codes and fire regulations.
9. Outdoor event equipment (tents, chairs, stages, etc) shall not remain outdoors overnight.
10. Outdoor storage is prohibited.
11. Any additional permits (tent, electrical, signage) shall be obtained prior to the event.
12. If "Non-basic" Town Services as defined by §151.026 are required, the applicant shall contact the Parks Department to determine if review by the Special Events Committee is required. Fees may be applicable for such services.
13. Approval for outdoor events is valid until December 31, 2016. Bumpus Harley Davidson may request extensions on an annual basis from the Development Department staff. If Bumpus Harley Davidson does not meet the conditions of the CUP and the requirements of the Zoning Ordinance, the Development Department staff will not grant an extension. The BMA may amend the CUP to revoke the ability to have recurring outdoor events through a majority vote at a BMA meeting once the proposed action has been advertised and noticed.
14. Any subsequent principal or accessory structure or use on the subject property that would increase the intensity of events to be held at 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), and the ability to address both the General Provisions set forth in §151.024. For the purposes of

this condition, increases in intensity shall be measured as increases in impervious surface, such as additional on-site parking spaces or new hardscape area, or new permanent buildings or pavilions intended for human occupancy (excluding permanent bathrooms).

**Roll call:**

Rice – yes, Netherton – yes, Rozanski – yes, Bradford – yes, Jordan – yes, Tebbe – yes, Murdock – yes, Cotton – yes.

**Motion Approved.**

**PC16-23 – Ordinance 2016-09 Cartwright Farms Partnership/Strickland Properties LP Industrial Rezoning – Request approval to rezone 76.901 acres located on the northwest side of Sycamore Road, between Highway 72 and Nonconnah Creek, from FAR Forest Agricultural Residential to RI Restricted Industrial.**

**Commissioner Murdock recused herself from the meeting at this time.**

Mrs. Nancy Boatwright gave the staff presentation. She showed an aerial view of the property and explained the applicant’s request. She explained that there are three key questions that she will discuss tonight.

- 1. Why does the applicant want to rezone the property from FAR to RI?
- 2. Is the rezoning consistent with the Land Use Plan?
- 3. Is the existing infrastructure adequate to serve the increased density enabled by the rezoning?

<b>EXHIBITS</b>	
	1. Applicant’s Cover Letter (4/29/16)
	2. Ordinance 2016-09, with legal description and location map (6/2/16)
	3. Composite Plat of Cartwright Farms Partnership Property & Strickland Properties, L.P. (4/29/16)
	4. Current Zoning Map (4/29/16)
	5. Proposed Zoning Map (4/29/16)
	6. Collierville 2040 Future Land Use/Place Type Map showing subject property
	7. Collierville 2040 Technology/Employment Center Place Type (2012)
	8. Major Road Plan Future Road Alignment (2015)

The 2040 Land Use Plan recommends that the property develop as Technology/Employment Center. The RI zoning implements the policies of that designation and is being marketed as a “super site” for such a center. The Major Road Plan was amended in 2015 to reflect the extension of Winchester Boulevard and Commerce Parkway across this property. The extension of those roads will allow improved accessibility and more marketability for the land. With the subdivision of the property, the developer will be required to construct those roads and extend water and sewer across the property. The Town does have the water and sewer capacity for the future industrial development of the property.

The Greenbelt Master Plan shows that both the north and south path and the east and west path will connect this area to the Town’s Square and to the Nonconnah Creek Greenbelt system. She showed the sidewalk connection on the PowerPoint slide and explained the regional trail that runs along Nonconnah Creek.

She reviewed the Bulk Regulation comparison that was included in the staff report and stated that the property is zoned FAR which is low intensity and undeveloped land. Usually, RI is developed with locations near major roadways or railroads and in Collierville these are usually found along the major corridors such as Highway 72 and Progress Road.

According to the Zoning Ordinance, the PC in its review in its recommendation to the BMA should make specific findings with regard to the grounds for the amendment and shall note the same in the official record. The request to amend the official zoning map is in conformance with the Land Use Plan. The legal purposes for which rezoning exists are not contravened. It is consistent with the intent and purpose of the Zoning Ordinance. There should be no material adverse effect upon adjoining property owners as the majority of the surrounding properties are shown to develop as the Technology/Employment Center placetype with the exception of some greenspace and retail to the north. The adjacent FAR property is largely undeveloped or undevelopable due to the floodplain. When the property is developed, the Town's stormwater regulations will ensure that the increase in imperviousness does not impact due to stormwater runoff. The state will also require stormwater quality buffers along the creek. It has been determined that no one property owner or group of property owners will benefit materially from the change to the detriment of the general public. Transportation and utility services are not currently adequate to serve the full range of permitted uses of the RI district here. The property is currently inaccessible except for a small frontage on the west side of Sycamore Road. As the property is developed, the developer will be required to extend both Commerce Parkway and Winchester Boulevard, opening it up for greater development. The developer will also be required to submit a Preliminary Subdivision Plat and show that they will provide water and sewer to all lots. The Town is preparing to run a sewer line down Sycamore Road to the east of the property. With the planned extension of Commerce Parkway and Winchester Boulevard, Sycamore Road, now classified as a local street, will no longer be needed to accommodate light industrial through traffic. Though not a part of the latest Major Road Plan update, it may be appropriate at some point to cul de sac Sycamore Road near the home at 475 Sycamore Road to prevent cut-through and industrial traffic in this rural roadway and to allow the right-of-way west of such a cul de sac could then be abandoned. The Greenbelt connection to the Town Square and Nonconnah Creek will be built as the subdivision develops. She explained the next steps for the applicant and reviewed the example motion contained in the staff report.

Chairman Cotton asked if there were any questions of staff.

There was a brief discussion regarding how Winchester Boulevard and Commerce Parkway will run through the property and how a cul de sac could develop in the future.

Hearing no further questions, Chairman Cotton called the applicant to the podium.

Mr. Kevin Vaughan, representative for the applicant, addressed the commissioners. He explained that they have been working with the Town's Economic Development Director in locating parcels that could be developed to increase the economy for the Town. This area is one of 6 parcels that was released in the State's report that was noted as this corridor is too raw. This means that it needs more services and infrastructure in order to advance it to where it would be an appropriate site for development. It is too "green" at the moment. This is what has driven their request to match up with the Land Use Plan so that they can look at investing the capital for the infrastructure to improve the roads in that area.

Chairman Cotton asked if there were any questions of the applicant.

Commissioner Rozanski asked if Winchester Boulevard would be completed in the first phase all the way to Highway 72.

Mr. Vaughan stated no, not in the first phase. That would be a lot of expensive road. They will need to get a prospect first to help pay for that costs. They can't properly market unzoned property and the first step is to get it properly zoned.

Hearing no further questions, Chairman Cotton called forward a citizen who wished to speak.

Ms. Cydney Griffin Tucker, resident at 475 Sycamore Road, addressed the commissioners. She explained that she is against the rezoning request and hates to see this happen. This land has been green space for as long as she has lived on this property, which is all of her life. It has been historically agricultural and she would like to see it left that way as it is part of the only remaining active agricultural acreage left in Town. She doesn't want to live next door to a big factory even though the tax breaks may be good for the Town. Her parents live on the adjacent property.

A discussion ensued regarding where she lives in conjunction with the property request.

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

***Motion by Commissioner Netherton, and seconded, to recommend approval of Ordinance 2016-09 (Exhibit 2) a request to rezone 76.901 acres from FAR: Forest Agriculture Residential to RI: Restricted Industrial, located on the northwest side of Sycamore Road, between Highway 72 and Nonconnah Creek.***

Commissioner Jordan asked if Ms. Tucker's property would abut this rezoned property.

Mrs. Boatwright stated that it would.

Commissioner Netherton asked the applicant if they have plans to leave a large buffer to shield any existing homes from the industrial uses.

Mr. Vaughan stated that he is sure that when they bring in a plan that they would be required to do so. The building frontage would be toward Commerce Parkway and there should be no commercial traffic driving down Sycamore Road, and this would be many years away.

Mrs. Boatwright stated that the Design Guidelines will require a 20 foot buffer between industrial and residential uses when the industrial uses are constructed.

Commissioner Rice stated that this area seems an appropriate place to rezone for RI, especially with all the industrial uses that are being built and coming from Piperton.

Commissioner Rozanski agreed and because industrial uses would be facing the future Commerce Parkway he feels that it will be a good fit and the existing natural buffer can be kept as these properties developed to protect any remaining abutting residential uses.

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

**Roll call:**

Tebbe – yes, Netherton – yes, Jordan – yes, Rozanski – yes, Rice – yes, Bradford – yes, Cotton – yes, Murdock – recused.

**Motion Approved.**

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**PC16-22 – Ordinance 2016-07 – An ordinance to amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by amends 151.115 (B)(4)(c) related to the maximum number of permitted parking spaces for nonresidential uses.**

Mr. Jaime Groce gave the staff presentation. He explained that the applicant is representing two automobile dealerships in Town who would like to add to their inventory, but cannot because they would extend past the maximum number of allowed parking spaces permitted by the Zoning Ordinance. He reviewed the key questions he will be addressing which include:

**EXHIBITS**

1. Cover Letter/Request, April 20, 2016.
2. Ordinance 2016-07, with Attachment A (May 25, 2016)

1. What is the “parking cap”?
2. Why should the “parking cap” be revisited for car dealerships?
3. How could the Town make sure that nonresidential uses with outdoor display of products provide a sufficient amount of greenspace and allow for conversion of the site to another use in the future?
4. What are the Town’s established regulations that apply to uses that customarily display products outdoors?

For nonresidential uses there is a parking cap while there is minimum parking requirements, they are usually tied to the building square footage, and are common to ensure that adequate off-street parking is provided. The intent is to prevent large expanses of paved parking areas that are unused, while allowing a use to provide parking sufficient for peak times of demand and to increase the likelihood of adequate parking in the event of a change in use. The maximum number of permitted parking spaces is one parking space per 200 square feet of gross building area, but there are exceptions for auto dealerships, places of assembly which is based on one space for every two seats provided for within the assembly occupancy, and conditional uses, which if they have a different formula their minimum is the maximum.

The applicant feels that there is no rational basis between the size of the car dealership’s building and the amount of outdoor inventory/display area for vehicles. The applicant also has asked that additional design flexibly internal to display areas be afforded, such as not striping vehicle spaces used for display and reducing landscaping requirements, provided that all other requirements of the Design Guidelines and Zoning Ordinance are met, lighting, screening, buffer yards, minimum site pervious area, etc.

For example, CDJR is a dealership on Byhalia Road and they are already bumping up against their cap. Their maximum cap is 301 spaces based on how we calculate the cap and they currently have 280 parking spaces. They don’t have much room to expand any longer and still meet local zoning requirements. If this change is adopted, then the “cap” exemption would not apply just for car dealerships, but also similar uses (boat dealerships, used cars, etc.). We will look to see they have met the minimum parking requirement and we will make sure that these spaces are available for patrons and employees.

If you approve this you would see landscape islands in the parking lots and no trees, and the parking spaces would be more compact. Another tool that the Town could use to police this, is the Design Guidelines. They require that sites are at least 30% pervious, have parking lot islands, and buffers along the site perimeter. Outdoor display will have to be shown and labeled on the site plan and this helps staff make sure that it is not eating up the required parking spaces. The storage space has to be used for what is being sold on the property as well. They would not be able to put a vehicle on an elevated pad or block the sidewalks, drives, or entrances.

He explained the example motion that was in the staff report and the next steps.

Chairman Cotton asked if there were any questions of staff.

Hearing none, Chairman Cotton called the applicant to the podium.

Mr. Kevin Vaughan, representative for the applicant, addressed the commissioners. He explained that his client is needing to expand their inventory and they own the lot next to the dealership, but they would be over parked according to the ordinance now. The only way they could get more parking spaces now, is to build more building and that is not feasible for any dealership. The large dealerships that we have in Collierville are a great addition to the Town's tax base, and he feels we should accommodate their request to not have a parking "cap" apply to display areas in order to keep their business in our Town.

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

*Motion by Commissioner Jordan, and seconded, to recommend to the Board of Mayor and Aldermen approval of Ordinance 2016-07, an ordinance to amend Title XV, Chapter 151, of the Town of Collierville Code of Ordinances by amending § 151.115 (B)(4)(c) related to the maximum number of permitted parking spaces for nonresidential uses (Exhibit 2).*

Chairman Cotton asked Mrs. Michael to call the roll if there was no further discussion.

**Roll call:**

Bradford – yes, Tebbe – yes, Netherton – yes, Rice – yes, Jordan – yes, Rozanski –yes, Cotton – yes, Murdock – recused.

**Motion Approved.**

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**Other Business:**

**Commissioner Murdock returned to the meeting at this time.**

Chairman Cotton asked if there was any other business.

Mr. Groce reviewed the Development Activity Report. He explained that McDonald's Restaurant has resubmitted an application, as their approval had recently expired. Starbuck's/Mattress Firm is coming back soon with a revised plan based on the worksession that was held several weeks ago and they may even come back to you with another worksession because we have a new traffic study. Orgill Brothers has submitted an application that will be fast-tracked through the development process and you can review those plans on the interactive development activity map online. The Arches has submitted a PD for a residential subdivision plan to be located on the northeast quadrant of Shelby Drive and Fleming Road. The proposal is for 70 lots to remain zoned R-1 and it could be heard at the next PC meeting.

Commissioner Tebbe asked if staff could develop an amendment in July to revisit the 2040 Plan for the area located to the south around where the new high school will be built. He has concerns with the huge tracts of land available currently designated as Emerging Residential will allow for subdivisions zoned for R-2 or R-3.

Chairman Cotton stated that he believes there should be a worksession scheduled for that discussion before a formal amendment is drafted and he suggested the 2<sup>nd</sup> Thursday in July or August and that the BMA be involved.

Mr. Groce stated that staff will set something up and will contact the PC and BMA with a time and date.

**Announcements:**

Hearing no further business, Chairman Cotton adjourned the meeting at 7:08 p.m.

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Secretary, Commissioner David Bradford

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