

The regular meeting of the **Design Review Commission** was held on September 8, 2016, at 5:00 pm in the Board Chambers of Town Hall, 500 Poplar View Parkway.

The following staff members were present: Assistant Town Planner, Mrs. Nancy Boatwright; Planner, Mr. Scott Henninger; and Administrative Specialist, Mrs. Shari Michael.

ROLL CALL:

Patton – absent, Donhardt – present, Lesnick – absent, Sadler - present, Lawhon – present, McCarty – absent, Doss - present.

Quorum present.

APPROVAL OF MINUTES

Chairman Doss asked if there were any changes or additions to the August 11, 2016 minutes.

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

Motion by Commissioner Donhardt, and seconded, to approve the August 11, 2016.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Donhardt – yes, Lawhon – yes, Sadler – abstain, Doss - abstain.

Motion Approved.

APPROVAL OF AGENDA:

Chairman Doss asked if there were any changes or additions to the agenda.

Mrs. Boatwright stated that there were none.

Chairman Doss asked for a motion to approve the agenda as presented.

Motion by Commissioner Lawhon, and seconded to approve the agenda as submitted.

Hearing no further discussion, Chairman Doss asked for a roll call.

ROLL CALL:

Donhardt – yes, Lawhon – yes, Sadler – yes, Doss - yes.

Motion Approved.

FORMAL AGENDA

DRC16-19 – Discount Tire Store – Appeal of a staff decision related to the landscape buffer between the Discount Tire Store and Collierville Auto, located at 595 West Poplar Avenue.

Mr. Matthew Wilkinson gave the staff presentation. He explained that there are 5 Key Questions to consider this evening:

- Why is the applicant appealing the decision made by staff?
- Does the additional right-of-way dedication justify the reduction of the subject landscape buffer?
- Will the reduced buffer cause adverse impacts to the neighboring property?
- Is there something unusual about the site?
- Are there other alternatives?

EXHIBITS:

1. Email chain between staff and the applicant (8/16/16)
2. Applicant's letter of appeal to DRC (8/19/16)
3. Proposed Discount Tire site layout (8/16/16)
4. Aerial photo
5. Landscape Plan (9/1/16)
6. Collierville Auto Site Layout (7/20/16)

The Design Guidelines require a 10-foot landscape buffer along the western property boundary. The Town required sidewalk improvements along Abbington Road and Poplar Avenue to be in the public right-of-way. The requirement caused the dedication of land and pushed the front yard setbacks and buffers farther into the already tight site, which has made the applicant's proposed parking area extend into the required landscape buffer.

The applicant is appealing the staff decision that the full buffer yard width should apply on the basis that the improvements being made to the site are bringing a nonconforming site closer to being compliant and how Collierville Auto has added more green area to their side as well as more landscaping and fencing to separate the two sites.

The applicant has shifted their proposed building and parking improvements to not encroach into the adjusted setbacks and buffers along Abbington Road and Poplar Avenue; however, to maintain their desired parking amount, as approved by the BZA, the applicant has some of the parking area encroaching into the required landscape buffer along the western property line.

The tire sales and service use being proposed by the applicant is compatible with the neighboring land use to the west, which is used automotive sales. Both uses are automobile oriented businesses.

The current bank site has no buffer, nor does it have sufficient landscaping. Discount Tire will be adding landscaping to the site, including along the western property line. They will also be adding a sidewalk to Abbington Road and improving the sidewalk along Poplar Avenue.

The applicant could reduce the 27' wide drive aisle to 24' by taking the remaining portion from the concrete pad in front of the garage doors. The 27' wide drive aisle is preferred by Discount Tire to increase the maneuverability of vehicles they are working or preparing to work on around the site.

He reviewed the next steps for the applicant and the example motion in the staff report. He explained that if the commissioners are to vote for overturning the staff's decision, they should clearly state their reason for such so as not to set a precedent.

Chairman Doss asked if there were any questions of staff.

Commissioner Lawhon asked how much space is between the parking lot and the property line.

Mr. Scott Henninger, staff Planner, addressed the commissioners and explained that there is 10 feet at the south end of the parking lot and about 5 feet as it tapers toward the north portion of the site.

Commissioner Lawhon asked if the questions is whether or not they have to keep the 10 feet all the way down the property line.

Mr. Henninger stated that the Design Guidelines require that it be 10 feet. The buildings are parallel and the uses are compatible. There is heavy landscaping and a fence in that area.

A discussion ensued regarding the size of the parking spaces and the size of the landscape buffer along the property line and how the applicant flipped the building orientation from what was originally proposed, as asked by the Town.

Hearing no further discussion, Chairman Doss called the applicant to the podium.

Ms. Jennifer Peregoy, representative for the applicant, addressed the commissioners. She explained that she did prepare an exhibit that was not submitted prior to tonight's meeting that will help shed some light onto what they are asking. The minimum buffer that they are providing is 5 ½ feet. They did have the full buffer before they had to do the easement. They have an average of over 21 feet of buffer width. There is about 15 ½ feet of landscape buffer in that area at the smallest point, which is a drastic improvement for a nonconforming site. They have changed their building location and elevations for staff and they are very close to getting to a development agreement, when this easement issue came up. They are proposing a 6-foot tall wooden fence with masonry columns along the western property line that will extend up through most of the site for screening and landscaping.

A discussion ensued regarding the type of vegetation being used.

Commission Donhardt stated that she could vote to overturn the staff's decision because of the extra buffer improvements that the applicant has proposed to make.

Commissioner Lawhon agreed and added that the applicant needs more space for safety in the parking lot and they are adding the landscape buffer and this is sufficient.

Chairman Doss, recapped that the encroachment is because of the change required by Engineering to widen the right-of-way, which caused the applicant to shift the building to the west, which encroached into the required setback. Because of the balance of the site being nonconforming in most of its other areas this is the only aspect that is now nonconforming. The site has been improved drastically from what it was and this is the only aspect that it does not fully meet the Design Guidelines.

The commissioners agreed.

Hearing no questions or discussion, Chairman Doss asked for a motion.

Motion by Commissioner Lawhon, and seconded, to recommend to overrule staff's interpretation of the Design Guidelines found in the email to the applicant dated August 16th 2016, as to the applicability of the 10 foot buffer requirement along a side property line.

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

ROLL CALL:

Donhardt – yes, Lawhon – yes, Sadler – yes, Doss - yes.

Motion Approved

Other Business:

Chairman Doss asked if there was any other business.

Mrs. Boatwright explained that the commissioners have been given a copy of the Development Activity Report and she will be available for any questions or comments, or you can contact the Town Planner.

Regarding the decision just made, she explained that it is important to put on the record why you are overturning the staff decision. The staff has to uphold the Design Guidelines, but it is up to the DRC to overturn those decisions, if necessary. There are lots of constraints added to this property by the Town, and they have done everything that staff has asked them do and it has been improved greatly.

Chairman Doss stated that this is the only year he can remember that the DRC has overruled the staff's decisions twice, but this is to avoid things to come up all the time. By giving a reason we protect the Town and the DRC's decisions and it is not setting a precedent.

Hearing no further business, the meeting was adjourned at 5:34 pm.

Cindy Sadler, Secretary