

A regular meeting of the **Planning Commission** was held on Thursday, April 7, 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; Assistant Town Administrator, Mr. Josh Suddath; Town Planner, Mr. Jaime Groce; Town Engineer, Mr. Dale Perryman; Deputy Town Engineer, Mr. Jason Walters; Assistant Town Planner, Mrs. Nancy Boatwright; Planner, Mr. Scott Henninger; and Administrative Specialist, Sr., Mrs. Shari Michael.

Pledge of Allegiance

Chairman Cotton led the Pledge of Allegiance.

Roll Call to establish a Quorum

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

Quorum Present.

Approval of Minutes

Chairman Cotton asked if there were any additions or deletions to the minutes from the March 3, 2016 meeting.

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

Motion by Vice-Chairman Rozanski, and seconded, to approve the minutes as presented from the March 3, 2016 meeting.

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

Roll call:

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

Motion Approved.

Approval of Agenda

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

Mr. Jaime Groce stated there are none.

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

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

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

Roll call:

Rozanski - yes, Jordan – yes, Netherton – yes, Bradford – yes, Rice – yes, Worley – yes, Cotton – yes.

Motion Approved.

Formal Agenda:

PC16-09 - Resolution 2016-16 - The Villages at Porter Farms Planned Development - Request approval of a Major Amendment to the Planned Development to expand areas for Village Townhouse and reduce areas for Village Office.

Mr. Scott Henninger gave the staff presentation. He showed an aerial view of the property and explained the area impacted by the PD amendment. He stated that the PD was originally approved in 2000 and he reviewed some amendments in the past few years, including the amendment in 2013 to allow detached Village Townhouses. In short, this amendment will expand Area 2 Village Townhouses to Shea Road, similar to Area 4, reducing Area 3 Village Office. With this amendment, updates to the Data Table will include increasing the dwelling unit count in Area 2 to 16, increasing the Area 2 acreage, reducing the Area 3 acreage and reducing FAR allowed for Village Office. There are 4 key questions to consider tonight.

- Is the proposed amendment to the PD Outline Plan consistent with the Collierville 2040 Land Use Plan?
- What uses would be allowed in Area 2 per the Amendment?
- Would the proposed development associated with the PD amendment be compatible with the surrounding neighborhood?
- What is the role of the conceptual lot layout for Phase 14, expanded Area 2?

EXHIBITS
1. Applicant’s cover letter (dated 2/23/16)
2. Resolution 2016-16 with Attachments (4/7/16) <ul style="list-style-type: none">A. Villages at Porter Farms PD with Proposed Changes (3/10/16)B. Condition of Approval
3. Justification of Changes (rcv’d 3/10/16)
4. Phase 14 Preliminary Subdivision Plat and Character Photos (2/25/16)
5. February 22, 2016 Neighborhood Meeting Minutes & Attendance
6. 2040 Future Land Use & Place Types

The 2040 Land Use Plan shows that this area is to develop per the Traditional Neighborhood Place Type. The way that the PD currently exists, showing the office in that area is actually inconsistent with the Land Use Plan, and therefore, the requested change would bring the PD into compliance. The expansion of Area 2 of would continue a consistent land use along the north side of the square matching the Land Use Plan.

They will be removing the “Village Office” and replacing it with only “Village Townhouse” use with Townhomes of similar character to those built in Area 4, which is illustrated in Exhibit 4 of the staff report. The conceptual plan for the “detached” Townhouse lots in Phase 4 would be of similar character and density to the 20 lots in Phases 8 & 10. Fifteen homes have already been built in that area. Concerns have been raised about the proximity of the houses to the street and the lack of room for street trees. The current setback range for these houses are 14’ to 20’. Condition of approval number 4 attempts to rectify this concern by changing the setback range in Areas 2 & 4 to 18’ to 20’.

Currently the applicant is allowed to do 6 lots on the north side of Jennings Mill Drive and 4 lots on the south side. Area 2 would allow an increase in the quantity of detached “Townhouse” lots from 10 to a maximum of 16.

He reviewed the example motion and the conditions of approval. The applicant would like to modify number 4 as they are requesting to only change the setback requirements on the north side of the Area to 18' to 20'. The lot depth is not deep enough on those lots to shift the setback and still keep their building envelope.

Chairman Cotton asked if there were any questions of staff.

Alderman Worley asked about the street trees that were already planted along the roads. Are there any street trees currently located where lots 14-20 will be?

Mr. Henninger stated this is still more of a natural area currently.

A discussion ensued regarding the street trees and the common open space.

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

Mr. Jim Kelley, representative for the applicant, addressed the commissioners. He explained that he and Mr. Porter are available for questions. When Mr. Porter completed Phase 10 they opened up Phase 8 which was already under construction and worked with staff to change those street trees from Yoshino Cherries to a more columnar tree that would work on that short setback area. They will use a Japanese Zelkova tree and that was a request by staff so the trees would not conflict with houses. Area 2, which is the first 10 lots, has been approved for 14 to 20 foot setbacks and they have agreed to that, at the request of staff, to the 18 to 20 foot setbacks where they can. They control the property on the north side, but they have no control over the 4 lots on the south side. The easement that the back service drive will be on, is actually a part of Phase 2 and was given at the time when the plat was done to allow for this service drive to be put in now.

Mr. John Porter, applicant, addressed the commissioners. He explained that homes they are constructing is being geared toward "empty nesters" and they prefer smaller yards with still a decent size home built all on one floor. He cannot lose any depth on those particular lots as it is critical that they keep it or they will lose their building envelope for building a profitable home. They originally patterned this planned development after Harbor Town and they are trying to duplicate was developed there.

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

Mr. Bob Cannoles, resident at 1129 Oak Heights Lane, addressed the commissioners and explained that he has never received any kind of notification on this development before. He had a question regarding the buffer zone between The Oak Heights and this particular development, but because this item does not abut where he lives, he stated that he did not have any questions at this time.

Mr. Carey Grant, owner of Grant Homes, LLC, and resident at 1601 Poppy Hills Drive, addressed the commissioners. He stated that he disagrees with the amendment because he feels that it is against the design intent of the overall PD to have houses this close to the street. If you look at the homes that have already been built along S. Shea Road, the back of the sidewalk to the back of the front of the porch, has about three feet there under the 14' setback. You are only talking about moving these houses back an additional 4 feet. He feels that there are going to be a lot of parking issues on this as S. Shea Road is a pretty high traffic area now through the subdivision. There are parking problems now and this will compound it as guests will have to park on S. Shea Road. The street trees along Jennings Mill that were put in when the property was developed, will be removed. The common open area along the south side of Jennings Mill, is owned by the Shea Crossing HOA, and not Mr. Porter.

Alderman Worley asked Mr. Grant about whether or not it is possible that they could work an agreement regarding the common open area if Mr. Porter moves lots 1-4 further back by making them deeper, can they buy or deed that property to one another and work this problem out to get that extra 4 feet.

Mr. Grant stated that he does not control that property and could not answer that on behalf of the owner, which is his father, Mr. Milton Grant. They are in the process of turning the HOA over to the homeowner's management company and so he could not speak on behalf of the homeowners either.

Commissioner Netherton asked if they have plans to develop that common open space.

Mr. Henninger stated that there are no formal plans, unless the developer changes it and puts more overflow parking spaces back there.

Chairman Cotton asked if there had been changes in the setbacks in this area before.

Mr. Henninger stated that it varies based on the product type through this subdivision. The "townhouse" product requires a porch of at least 6 feet and most of the designs have a porch all the way across the front of the façade. It creates a tight area to place a tree in the yard with a shorter setback.

Chairman Cotton asked who put those trees in on the west side of S. Shea Road and are they going to come out?

Mr. Henninger stated that there are some cherry trees along S. Shea Road and there were cherry trees in Phases 8 and 10 that had to be removed to construct the homes, but they have been replaced using the columnar trees.

Mr. Porter stated that what he is not asking for any setback variance on those lots 1-4. What he plans to build is within his current rights per the PD for those lots. They are willing to move the setbacks back on the lots that they control. He is just trying to develop the lots according to the current PD regulations.

Alderman Worley asked about lots 1-4 currently has the setback he is proposing, so the area that was highlighted as office is the only area that comes into play?

Mr. Henninger stated that is correct, that is the only thing that is changing is the permitted uses. Staff was also asking for this conditions to rectify setting those building back a little further to give more space for the trees. Currently they are allowed to do a 14' to 20' setback on those 10 lots.

Alderman Worley stated that they can't force him to move the setbacks then if he already has his zoning.

Mr. Groce stated that you could, but it decreases his buildable envelope if he doesn't have a solution to the south.

Alderman Worley stated that if Mr. Grant was able to create a solution for him, he hopes that they will be able to work something out. He has received feedback from citizens that they would rather have residential there than office space.

Vice-Chairman Rozanski stated that other than lots 1-4, lots 5-10 would get an additional 4 foot setback and alleviate that issue. That would then set a precedent for the other lots in the future.

Mr. Henninger agreed.

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

Motion by Commissioner Bradford, and seconded, to recommend approval of Resolution 2016-16 (Exhibit 2) by the Board of Mayor and Aldermen which amends the Villages at Porter Farms Planned Development, subject to the following conditions, using staff's alternate condition number 4 below:

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. On Sheet 1 of 12, expand Area 4 east of Shea Road to mirror Area 2 extending both areas northward to the existing curb cut on Shea Road.
3. Update the Bulk Regulation Data Table on Sheet 6 of 12 to reflect all changes including the acreage and projected number of lots. In addition, update the floor area ratio calculation for the Village Office.
4. On Sheet 3 of 12, revise the setbacks to change the front setback from between 14 and 20 feet to between 18 and 20 feet for Village Townhome Areas 2 and 4 (***north of Jennings Mill Lane***) to provide adequate room for planting street trees.
5. Add an additional Delta 4 symbol adjacent to D. Village Townhomes on Sheet 3 of 12 to indicate the changes and include a note near the title block summarizing the changes.
6. Rename the term D. "Village Townhomes" and related text on Sheet 3 of 12 to "Village Townhouse" to match the language on the Preliminary Development Plan (Sheet 1 of 12) and the Bulk Regulations (Sheet 6 of 12) for consistency.

Roll call:

Rozanski - yes, Jordan – yes, Netherton – yes, Bradford – yes, Rice – yes, Worley – yes, Cotton – yes.

Motion Approved.

PC16-12 - Wal-Mart Subdivision Lot 3, Murphy Oil - Request approval of a Preliminary Site Plan and Conditional Use Permit for construction of a 1,400 square foot retail building on 1.0 acre for a fuel sales use, located at 560 West Poplar Avenue.

Mr. Scott Henninger gave the staff presentation. He reviewed the proposed location for the gas station. There is a pending application for a Discount Tire Store to be located diagonally across from this proposed site. The Maynard Way street drive connection to the south of Panda Express currently curves and dips down to the south into the Walmart parking lot. The curve correction was created to improve the stacking movement for traffic heading toward Poplar Avenue. This site plan would realign this connection straight across the parking lot, tying Maynard Way with Walmart Drive and Murphy Oil's back parking lot would have direct access to it. The applicant would also be increasing the open space to 35% with landscaping around the perimeter. He reviewed the proposed landscaping plan and elevations.

EXHIBITS:

1. Applicant's cover letter addressing CUP provisions & Site Data Table (3/15/16).
2. Preliminary Site Plan Exhibits & Renderings (3/15/16)
3. Site & Context Photos
4. Conditional Use Permit Test (4/1/16)
5. Traffic Study Findings and Conclusions

He explained that one key question is to review is whether or not there is adequate parking remaining for Walmart with the addition of Murphy Oil?

The applicant would like to re-stripe 50 spaces in an area not currently striped and was once used for garden storage items. Walmart needs 839 spaces based on the tiered parking requirements. There are currently 904 spaces and 114 spaces would go to the proposed Murphy Oil. Using the new 50 re-striped spaces, this would give them a total of 840. PC condition 4 requires that the applicant obtain permission in writing from Walmart

for the re-striping of the parking lot and verification that the parking count exceeds the required 839 spaces. Condition 5 requires that the applicant apply for the off-site parking lot changes in an Administrative Site Plan modification/exterior alteration application for the Walmart site.

What are the traffic impacts created by this use? According to the traffic study submitted with the application, their site could generate 2,604 average trips per day with a PM peak of 216 vehicles. Approximately one half of those trips will already be on the adjacent streets. The conclusions of the applicant's traffic study show the impact of Murphy oil will be only minor changes but the significant increase in delay is the northbound movement at the Poplar/Abbingtion intersection. Mr. James Collins, the Town's Traffic Consultant, has reviewed the traffic study and is available this evening if you have questions.

He explained the next steps for the applicant. Condition of Approval number 3 states that the applicant will have a year from the BMA approval of the CUP and Preliminary Site Plan to execute the development agreement. This applicant has expressed some concerns about this condition and they may speak to you about this during their presentation.

Chairman Cotton asked if there were any questions of staff.

There was a brief discussion regarding the old and new parking spaces on the Walmart site and the parking statues. Mr. Groce stated that staff could make a note on the plat prohibiting Walmart from using that area for storage once the striping is completed.

Chairman Cotton asked if there had been any discussion from the applicant about installing a traffic signal at the Abbingtion Way intersection with Poplar Avenue. He has concerns with the additional traffic that will be coming to an area that is already congested and adding another business across the street to the area.

Mr. Henninger stated that the applicant's traffic study found that Murphy Oil will not warrant a traffic signal there at this time.

Commissioner Jordan asked if Murphy Oil will have an access drive off of Poplar Avenue.

Mr. Henninger explained that the traffic will have to use the adjacent Walmart Drive access point to Poplar Avenue, or the drive behind Panda Express.

A discussion ensued regarding how the traffic will enter the proposed site and how much parking was taken when Panda Express built their site.

Chairman Cotton called the applicant to the podium.

Mr. Wayne Gibson, representative with Murphy Oil, addressed the commissioners. He explained that the state of Tennessee has been good to their business and they would like to start a site in Collierville. He is available for questions if they have any.

Alderman Worley stated that in this area of Abbingtion Way and Poplar Avenue, the traffic study shows this to be at a Level of Service (LOS) in the A.M. of a D, an E at noon, and in the P.M. it is a LOS F and F is "fail". If you are adding 2,000+- trips a day, then this drops all the LOS's another level. We have traffic problems now, and he has major concerns with adding more traffic issues in this area. He is not sure he can approve adding this much more traffic to the area.

Mr. Randy Tolver, representative with Peters and Associates, addressed the commissioners. He stated that the majority (50%) of the traffic that they will generate will be from the cars that are already on the road in that area. The 2,600 volume is a two-way count, which is 1,300 each way. They do not see themselves as a destination point, but rather as a place to stop in while they are already in route and in the area. According to the study, their business should not contribute much more to the traffic at the existing signal intersections. The worst case for the Abbington Way intersection is during the peak P.M. hour where there is a 50 to 60 second delay and once they build their site it will be to about 100 second delay per vehicle. They only see 3 vehicles queuing up at one time and installing another signal at their location just seems too close to the Maynard Way signal and would just cause more issues and delays especially during non-peak times.

Alderman Worley explained that putting signals in less than a quarter mile apart is not a practice that the State really approves of, but they would allow the Town to do that. All three signals would need to be timed together. He feels that this is going to create a traffic jam in an area that is already experiencing traffic issues.

Mr. Tolver stated that Walmart Drive only allows right turn out and this should help with the traffic. If you put a signal in it will only cause more issues with cross traffic.

Chairman Cotton stated that this is a bottleneck traffic issue already in this area and he cannot see this new business not causing more traffic issues.

A discussion ensued regarding the traffic that is currently in the area at this time.

Mr. Gibson stated that he wanted to make it clear that their new business would not be creating the 2,500 car trips per day because the traffic count is already there now. They are just trying to capture a portion of those vehicles for their business. Those vehicles are already there. They have relied on their traffic engineers to complete the traffic study accordingly.

Commissioner Jordan asked if they did install a traffic light would it make things better or worse. He agreed that there is going to be a traffic bottleneck there.

Mr. James Collins, traffic engineering consultant for the Town, addressed the commissioners. He explained that the situation at Abbington Way is similar to everything along Poplar Avenue in the same area. There is a lot of traffic in that area and it gets heavily congested. The existing traffic signals are spaced about a quarter of a mile apart. There are not a lot of gaps along Poplar Avenue for those cars to get out and so some may sit there for a long time. The traffic study that the applicant submitted shows the delay during the A.M./P.M. peak period. This causes the LOS F on Abbington Way, which is measured in the delay of cars trying to make a left hand turn onto Poplar Avenue. When you add the Murphy Oil traffic to that, it reduces the gap for people to turn and runs up the delay. That is not a big issue to him, but he did look at placing a signal in front of their site, and it would triple the delay times and this is why he feels it would create a bigger problem, and would likely increase the number of crashes in that area by around 30% based on accepted statistics.

Chairman Cotton stated that he understands the concept and that this will be just one isolated business right here. But all we are doing is adding to the problem if we approve this as it is. We are not making it better and this is a disservice to the citizens.

Vice-Chairman Rozanski stated that as he sees it, you have to say that because it is bad now, no other businesses can come into that area and asked if they have the right to develop that lot.

Mr. Groce clarified that this is not yet a legal lot and still only surplus parking in the Walmart parking lot.

Commissioner Rice stated that it doesn't seem to be a destination retail and they are going to capture the traffic that is there now. He feels this type of business would create the least amount of traffic, rather than a bank or another restaurant.

There was a discussion about what types of businesses are allowed in the area and permitted zoning uses.

Commissioner Jordan asked if Walmart Drive's right-turn-out-only would create another problem if it is left that way and no traffic signal is installed.

Mr. Collins stated that the vehicles that come out of the site and want to go east will have to go to the Maynard Way signal. That intersection would continue to operate well in his opinion. There will be additional traffic at Maynard Way and there is a signal there to help them get out onto Poplar Avenue.

A discussion ensued regarding whether or not the Town can put the same restriction on Discount Tire Store and make Abbington Way/Poplar Avenue a right-turn-out-only intersection to help reduce traffic impacts.

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

Motion by Commissioner Netherton, and seconded, to recommend that the BMA approve the request for a Preliminary Site Plan and a Conditional Use Permit for Murphy Oil, a 1,400 square foot retail building and fuel center on 1.0 acre located at 560 West Poplar Avenue (Walmart Subdivision, Lot 3) subject to the following conditions:

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. A final subdivision plat shall be reviewed and approved prior to the issuance of a Certificate of Occupancy (CO), and shall include easements for any off-site activities, including, but not limited to, off-site drainage/detention and ingress/egress easements.
3. The Conditional Use Permit for a convenience store with fuel pumps shall become null and void if the approval of the Preliminary Site Plan expires.
4. The applicant shall obtain permission in writing from Walmart for the restriping of the parking lot and the applicant shall verify that the parking count exceeds the required 839 spaces for Walmart.
5. The applicant shall apply for an administrative Site Plan Modification/Exterior Alteration application for the Walmart site for the off-site parking lot changes.
6. Change the name in the title block from Lot 1 of Walmart Subdivision to Lot 3 of Walmart Subdivision.
7. Canopy clearance height shall not exceed 15' (Zoning Ordinance 151.025 (7)(c)).
8. Add a note to the Final Site Plan that says "no outdoor display area except as shown on this plan".
9. On the Final Site Plan, include the full Site Data Table on the Site Layout Plan (Site Plan Checklist).
10. On the Final Site Plan, indicate all structures such as back flow preventer(s), meters, utilities, mechanical equipment, etc. and how they will be screened (Site Plan Checklist).
11. With the Final Site Plan, provide cut sheets for all light fixtures requested for this site on the Final Lighting and Photometric Plans (Site Plan Checklist). All light fixtures shall meet the intent of the Lighting Ordinance and Design Guidelines (full cut-off, etc.). The parking lot pole mounted light fixture for the Murphy Oil site shall match the light pole height for the adjacent Panda Express and the heights of ground mounted fixtures must be indicated.
12. On the Final Site Plan indicate the building address and mail box location on the Elevation Plans (Site Plan Checklist).
13. On the Final Site Plan, indicate Americans with Disabilities Act (ADA) compliant ramps at the building entries and along the parking lot access route to the building. Refer to the Standard Detail

sheets found on [www.collierville.com /Departments/Development/Engineering/Standard Details](http://www.collierville.com/Departments/Development/Engineering/Standard%20Details), for a design that meets Town standard.

14. With the Final Site Plan application, include the Landscape Calculation Table on a Tree Removal and Mitigation Plan that indicates all trees to be preserved, removed, tree protection fencing as well as the tree preservation detail.
15. Provide letter of permission/easement for any offsite work (Site Plan Checklist).
16. All fuel tanks shall be installed and inspected per National Fire Protection Association (NFPA) 30 and International Fire Code (IFC) Chapter 57.
17. A separate flammable liquids permit per tank shall be obtained from the Fire Marshal Office (FMO).
18. With the Final Site Plan:
 - a. The benchmark note should be a description of the on-site temporary benchmark.
 - b. Use the Town's Standard General Notes sheet as found on the Town's website.
 - c. Provide a Demolition Plan.
 - d. Provide a detail for the curb.
 - e. Indicate the upgrading the handicap ramp at the existing entrance drive off of Poplar
 - f. The Tennessee Department of Transportation (TDOT) will have to approve all work in Poplar Ave.
 - g. Use the Town's Standard Detail sheets. Any site specific details can remain.
 - h. Include a more detailed drawing of the parking stalls being added west of Walmart.
 - i. All sheets should be numbered in the bottom right hand corner based on all of the sheets in the plans. If there are 30 sheets they should be labeled "Sheet 1 of 30, 2 of 30" etc. and not be broken down into separate categories. Once sheet numbering is corrected then verify that the sheet numbering matches the Table of Contents on the Cover Sheet.
 - j. Verify that all sheets are in the proper order as found on the Town's website.

Roll call:

Rozanski - yes, Jordan – yes, Netherton – yes, Bradford – yes, Rice – yes, Worley – no, Cotton – no.

Motion Approved.

Other Business:

Chairman Cotton returned to the meeting and asked if there was any other business.

Mr. Groce reviewed the Development Activity Report. He explained that Starbuck's and Mattress Firm will be going to the BMA on Monday, April 11th, and has been reviewed administratively and it meets the zoning requirements. Starbuck's is relocating across the street and will be located in a new outparcel next to Perkin's Restaurant. Collierville First Pentecostal Church will be coming before you in May as they have submitted an application for an expansion, and they are located close to the Carriage Crossing Mall. Because of the size of the addition, it will be coming to you as a CUP and will have to go before the DRC and the BMA. There is a gas pipeline application that has come in called ANR. This is a large interstate type of building at I-269 and Highway 72, between Quinn Road and Shelby Drive. This will be a very large facility and they have a Federal approval to go here and the local review is very limited but they are submitting some applications for the local and extent for a gas pipeline. Screening and buffering will be important as it will be visible from I-269. The March PC & BMA Land Use Plan amendment is likely to be on the May agenda regarding the Houston Levee area, also known as the Haynes Tract. They submitted a revised plan and it reduces the scope dramatically based on the worksession feedback. CCL Label has submitted an application for a new building and has been reviewed at the staff level. It is an economic development "fast-track" project and will go to the DRC next week and then to the BMA. Belfair Subdivision, which is near the Hopper's Tract we will discuss next, was approved last summer and they have submitted a corrected outline plan that will be ready to be recorded soon. You could see this at the June PC meeting. The Meridian Apartments is ready to go to the BMA for their

Development Agreement later this month. AddieGreen has also turned in plans to go to the BMA for a Development Agreement for the sewer and next month for the full Development Agreement. Next month you may also see an application from the Carriage Crossing for a CUP for an outdoor event called “Brewfest” to be held in late September.

Discussion on Ordinance 2016-06

Mr. Groce explained that the PC and BMA held a worksession on this subject and staff is asking for final feedback on Hopper Tract’s Conceptual Land Use Plan and how it would or would not change depending on the “bulk requirements” that are available. He explained that the tract is all R-1 now, and that the applicant had asked for R-2 and R-3A zoning in two other sections. The R3-A appears to be the most controversial aspect to the request and the reason the applicant was asking for this zoning was because they like the 70’ lots that this allows. They were not going after the smaller lot sizes or the duplexes, they were targeting the lot width and the bulk regulations.

He showed aerial views of lot sizes around Town and the tract. R-2 is consistent with the second tier section and its surrounding properties. In the area where they were requesting R-3A, it is across from the same zoning. Staff heard your concerns over the rezoning as it would allow duplexes and 6,000 square foot lots, and there are several alternatives. Option 1 is to approve the original request with R-3A for section 3, Option 2 is to keep conventional R-1 zoning over the whole site, Option 3 is to keep R-1 zoning with the PD overlay, Option 4 is to tweak the R-2 bulk regulations somehow by creating a “cluster” plan, or Option 5 which is to create a new zoning district for smaller lots which could be called R-2A. So depending on which direction the PC would like to go, staff could draft an Ordinance and present it by May 2016 and GIS would come up with a specific color to match the new zoning. If you have concerns with their land plan, we need to know it because we need to pick the path that will get you what you want to see.

Chairman Cotton stated that option 3 would limit the developer to market home designs to what is required by the PD and he has concerns about that.

Mr. Groce explained that it could, but they would have to tell us their land plan and the road network and they would have to commit to not exceeding 2.1 units and acre, architectural features and open space standards, but they could write flexibility into the PD where they would have options for example, The Villages at Porter Farms has a variety of product types and some flexibility.

Chairman Cotton asked if Option 2 would split the difference of the requirements for them.

Mr. Groce stated probably not. If you want to require open spaces, that is possible without a PD but we’d need to make it a zoning requirement for residential subdivisions. Sometimes you can get open space when they are required to provide detention or when they have a drainage conveyance that runs through the property. If you want to require open spaces outside of a PD we need to write it into the Zoning Ordinance.

Alderman Worley stated that around the year 2000 there were not that many PD’s. Some of them need them but some also leave too much discretion open to make a decision on. If the developer wants to bring in a PD, he is comfortable with it. Personally he feels that 99% of what he has done in the past is straight “conventional” zoning and he prefers this method of land development. The Town has updated the PD ordinance over the past years and some PDs have gotten better. He likes the idea of creating a new R-2A zoning district, and 70’ x 125’ is a good lot.

Commissioner Netherton stated that we are not talking about enough footage difference to begin a new zoning over 5 feet.

It was suggested that staff could make 70' x 125' lots as an easy change by just changing the current R-3 district and by also removing duplexes as permitted uses.

Commissioner Rozanski asked if we did this would currently R-3A zoned property would be grandfathered in.

Mr. Groce stated that staff can do some research and show them a map where all the under developed R-3 is located around Town. We are not seeing too many duplexes outside of the downtown area and the first ones to be built in years are currently being constructed along South Street in the TN zoned area.

Alderman Worley asked Mr. Bicks where we stand legally if we can change this zoning to not include duplexes and how that changes the rights of those who currently own property in that zoning.

Mr. Bicks stated that no one's right is vested unless they have expended money on an approved plan or pulled building permits pertaining to the zoning. He would need to do some research to make sure, but he believes if the plan is not vested, then you can change the regulations of a zoning district without any legal consequences. If they have an approved plan that is in the hands of the Town, then you could not stop them from building duplexes because their right has been vested, according to the new State laws.

Announcements:

Hearing no further business, Chairman Cotton adjourned the meeting at 7:40 p.m.

Secretary, Commissioner David Bradford