

A regular scheduled meeting of the **Planning Commission** was held on Thursday, December 1, 2016, at 6:00 p.m. in the Board Chambers of Town Hall, at 500 Poplar View Parkway.

Staff members present were: Development Director, Mr. Jay Cravens; Town Planner, Mr. Jaime Groce; Town Engineer, Mr. Dale Perryman; Deputy Town Engineer, Mr. Jason Walters; and Administrative Specialist, Sr., Mrs. Shari Michael.

In the absence of Chairman Greg Cotton, Vice-Chairman Rozanski presided over the meeting.

Pledge of Allegiance

Vice-Chairman Rozanski led the Pledge of Allegiance.

Roll Call to establish a Quorum

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

Quorum Present.

Approval of Minutes

Vice-Chairman Rozanski asked if there were any changes to the minutes as presented.

Hearing none, Vice-Chairman Rozanski called for a motion to approve the minutes from the November 3, 2016 meeting as presented.

Motion by Commissioner Netherton, and seconded, to approve the minutes as presented.

Hearing no further discussion, Vice-Chairman Rozanski asked Mrs. Michael to call the roll.

Roll call:

Kilmurray – abstain, Tebbe – yes, Jordan – yes, Rozanski – yes, Netherton – yes, Rice – yes, Worley – yes.

Motion Approved.

Approval of Agenda

Vice-Chairman Rozanski asked if there were any changes to the Agenda as presented.

Mr. Groce stated yes, that Item 7 A. PC16-51 - AddieGreen Subdivision, can be removed from the Formal Agenda as this item was heard early this week at a special called meeting of the Planning Commission.

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

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

Hearing no further discussion, Vice-Chairman Rozanski asked Mrs. Michael to call the roll.

Roll call:

Kilmurray – yes, Jordan – yes, Tebbe – yes, Rozanski – yes, Netherton – yes, Rice – yes, Worley – yes.
Motion Approved.

Consent Agenda:

Vice-Chairman Rozanski asked if there were any changes to the Consent Agenda as presented.

Hearing no further discussion, Vice-Chairman Rozanski called for a motion to approve the Consent Agenda as presented.

Motion by Commissioner Netherton, and seconded, to approve the Consent Agenda as presented.

PC16-53 - Scott's Garage and Automobile Service Center - An amendment to the 2011 Conditional Use Permit for an auto repair facility at 104-108 Highway 72 West.

To recommend approval to the BMA the requested amendment to the 2011 Conditional Use Permit for an auto repair facility at 104-108 Highway 72 West, subject to the following conditions:

1. All other conditions of approval from the July 2011 BMA approval of the CUP shall apply.
2. Condition # 1 shall be modified by adding the following text in **bold underline** and deleting the text with a ~~strikethrough~~:

| |
|---|
| EXHIBITS: <ol style="list-style-type: none">1. Applicant's cover letter, 9/23/16.2. July 2011 CUP Conditions from BMA3. Applicant's Phasing Plan (July 2011)4. Before/After Photo Comparisons of Building and Landscaping |
|---|

Limitations to meet basic life/safety requirements, requirements of the Zoning Ordinance, and Design Guidelines:

- a. The applicant shall obtain all necessary permits and work performed by a licensed contractor prior to beginning any work at this site from the Codes Division prior to occupying the building.
- b. The gravel parking and drive areas shall be concreted or asphalted as required by § 151.115 of the Zoning Ordinance.
- c. The applicant must obtain a Certificate of Occupancy for this site, and Phase 1 improvements must be completed prior to the permanent Certificate of Occupancy is granted.
- d. Phase 2 improvements, **with the exception of building facade upgrades,** shall be completed within one year of the substantial completion of the Highway 72 improvements by TDOT. To ensure that these improvements meet the requirements of the Town to the maximum extent practicable given the nonconformity of the site:
 - i. An approved surety to be in place prior to the permanent Certificate of Occupancy; and
 - ii. A plan shall be submitted to the Development Department for review and approval for the exterior alterations prior to work commencing, and, at a minimum, shall show ~~proposed architectural changes,~~ limits of paving, and a more detailed landscaping plan for the area in front of the building.
- e. All signage shall be submitted to the Planning Division for review and approval prior to installation.

Baily Station PD, Phase 10, Chadwick Subdivision – Request approval of a Final Subdivision Plat for 33 lots on 7.83 acres located at the NE corner of Bailey Station Road and Winchester Road.

To approve the Final Subdivision Plat for 33 single-family residential lots on 7.83 acres located at the northeast corner of Winchester Boulevard and Bailey Station Road (Exhibit 2) 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. The min. finished floor elevations will be reviewed once the project is completed and the As-Built topo is submitted
3. There appears to be some layers shown that should not be (rip-rap, fence columns). Please remove.
4. Note #3 – To avoid any issues/confusion at the time of home construction on lots 16-19, we need to be clear as to whether there is the typical 3.75’ utility easement outside of the Drainage/Sewer Easements or if there are not any in these areas. If there will be easements in the area outside of the Drainage/Sewer Easement please make sure that it is shown and labeled. If not, please make sure that it is clearly stated in the note. This has created problems in other subdivisions in the past.

- | EXHIBITS |
|--|
| 1. Applicant’s cover letter (received 11/4/16) |
| 2. Final Subdivision Plat (received 11/21/16) |
| 3. Engineering checklist for plat recording |

PC16-54 - Amend the June 7, 2012, version of the Planning Commission By-laws to correct any conflicts with §150.001 through §150.009 of the Town Code of Ordinances.

Approve the proposed amendments to the June 7, 2012 version of the Planning Commission By-laws (see Exhibit 1).

- | EXHIBITS |
|---|
| 1. Proposed Planning Commission By-laws, December 1, 2016. |
| 2. Zoning Ordinance Provisions that pertain to the Planning Commission. |

Hearing no further discussion, Vice-Chairman Rozanski asked Mrs. Michael to call the roll.

Roll call:

Kilmurray – yes, Tebbe – yes, Netherton – yes, Jordan – yes, Rice – yes, Worley – yes Rozanski – yes.

Motion Approved.

Formal Agenda:

PC16-47 Collierville Canine Club – Request approval of a Preliminary Site Plan for a 4,000 square-foot, canine spa and kennel on 1.238 acres, located on the north side of US Highway 72.

Mr. Scott Henninger gave the staff presentation.

He explained that there are three Key Questions that the PC should consider. The DRC will address the remaining 2 Key Questions on December 8, 2016. The BMA will review the Preliminary Site Plan at their January 9, 2017 meeting.

EXHIBITS:

1. Cover Letter (received 11/08/16)
2. Site Plan Exhibits (received 11/08/16)
3. Color Exhibits (received 11/08/16)

Regarding the Traffic Analysis, the (ITE) Trip Generation Manual does not have a comparable land-use to provide traffic count estimates for the proposed pet boarding facility. The Collierville Canine Club provided methodology for trip generation assuming there will be 20 customers a day and a maximum of 40 to 50 overnight boarders an evening. Using that methodology, the traffic consultant estimates an average of 105 daily trips during the week with 30 trips at the AM and PM peak hour. US Highway 72 has been widened and no additional improvements are needed and there was no need for any further traffic study.

He showed the site layout and explained that the zoning is General Commercial. They are proposing a fenced dog run area to the side of the building which will be located in the front portion of the heavily wooded lot. They are also proposing a pool area for the dogs for therapy for the dogs to swim in. There will be a detention basin in the front of the site along with a 40 foot buffer. They are providing 11 parking spaces, which is comparable to the Claridge Pet Spa. The green space will be 76.68% and they are asking to use an Alternative Tree Mitigation formula of 18 trees per acre post-development, and they would provide trees 52.5 per acre. Setbacks have been met and they are going to provide street and parking island trees. The parking lot will be screened with evergreen shrubs and hedgerow. The east property line will have upright evergreen plantings where it abuts residential property. There will be foundation plants located at the front of the building and along the side. Many of the trees will be preserved and there will be light poles along the parking lot. He showed the grading and drainage plan along with the utility plan. He showed pictures of the elevations and explained that the façade will be primarily tan brick material on 3 sides of the building. They will have a chocolate colored rock faced CMU block base, cream colored manufactured stone water table, cream colored EIFS cornice and parapet, metal storefront, scuppers, lights, downspouts and awnings which will be dark bronze. The applicant was originally asking for a vinyl coated chain link fence along the front of the building where with pool will be located, but this is not allowed in a GC zoned area. There will be a metal picket fence to the right of the entrance to the building and a wood privacy fence to the left and there will be some columns involved.

The use, animal boarding facility is permitted “by right” in the GC zoning, thus a CUP is not required. The use could potentially create adverse impacts on adjacent property; however, the adjacent residence is located over 300 feet from the property line. There will be a 20-foot buffer adjacent to the residential area, and a 10-foot buffer between them and the commercial properties which should provide a sound and visual buffer.

To limit potential noise from barking dogs, PC Condition number 7 would prohibit animals from being kept outdoors between the hours of 11:00 PM and 7:00 AM. The Town has a new law which prohibits barking dogs and a note will be added to the Final Site Plan stating that it is unlawful for any person to make or assist in making any noise, disturbance or any other improper diversion, any 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, per §130.016. The applicant can request altering the time in the motion but that would not change how the noise ordinance works.

The applicant is requesting to use an alternate tree mitigation strategy as tree removal is unavoidable if the property is developed. The applicant would provide, through existing tree preservation a new on-site plantings, a significant number of trees. The applicant plans to remove 47 existing trees, which would normally require 24 mitigation trees per the Town’s typical tree mitigation policy, which is 1 tree per 2

removed, or pay \$7,200 into the Town's Tree Bank based on \$300 per mitigation tree. Wright Construction was required to provide the equivalent of 18 trees per acre on-site instead of planting extra "mitigation trees", and PC condition 8 would establish the same minimum requirement for this applicant. Collierville Canine Club would far exceed the requirement, providing 52.5 post-development trees per acre, including the preservation of 51 existing trees, 4 of those are over 24-inches in diameter. The requested formula provides incentives and credit for existing tree preservation.

The applicant is indicating a 24-foot ingress/egress easement between the proposed parking lot and the adjacent Sunset Inn. The easement will need to be revised to extend from the Sunset Inn property through the parking lot to the curb cut on US Highway 72 and is covered in PC Condition of Approval number 3.

He reviewed the next steps for the applicant and the example motion that was contained in the staff report.

Vice-Chairman Rozanski asked if there were any questions for staff.

Hearing no questions, Vice-Chairman Rozanski called the applicant to the podium.

Mr. Mark Underwood, representative for the applicant, addressed the commissioners. They think this is the perfect non-intrusive use for this piece of property. The site is heavily wooded with a deep buffer to be retained on each side of the property.

Mrs. Margaret Yoder, business owner and applicant, addressed the commissioners. She explained that the main time constraints she is concerned about is not allowing to have the dogs outside before 7:00 AM. She needs to open the facility early to take the dogs outside as they have been in their kennels all night long and they will need to go outside around 6:00 AM in the morning to minimize the messes that could be created in the individual kennels. She asked the commissioners to change this portion only in the condition. She sympathizes with the adjacent homeowners and would not like to hear dogs barking so early in the morning either. Even a wrought iron fence would be nicer than a wooden fence.

Hearing no questions of the applicants, Vice-Chairman Rozanski called citizens forward who wished to speak.

Mrs. Linda Zin, resident at 597 Six Crowns, addressed the commissioners. She stated that she is in favor of this facility and she doesn't see why the pool has to be confined behind a wooden fence. She believes that the pool will be a beautiful feature to the facility and she would like the dogs to be able to look out of the fence while they are swimming. Because it faces a highway, she doesn't see why this would be a nuisance and not be seen.

Mr. Henninger stated that the applicant has designed a wrought iron fence in front of the pool area. You would be able to see the pool from the storefront area as designed.

Mr. Underwood explained that they would like a wrought iron fence with brick columns only in front of the building where the pool area would be.

Mr. Henninger stated that the DRC will look at that feature and make a decision on that feature, but the Zoning Ordinance does prevent chain link fencing in commercial areas.

Mr. Groce explained that in order to get a waiver from that, they would have to get approval of a Variance from the Board of Zoning Appeals through a hardship.

Mr. Dal Dweise, resident at 206 S. Main, addressed the commissioners. He has been a resident of Collierville since 1978 and works part-time for the Collierville Canine Club and he wants it to be a nice and successful place. He would like to see the wrought iron fence as well and feels that it will look great.

Alderman Worley stated that this is a nice business and the fence issue will need to be decided by the DRC, though he does believe that the wrought iron fence would be attractive and look good. It needs to be tall enough that kids don't get in and dogs can't get out. The noise ordinance is what it is, and he doesn't have a problem with the hours of 6 AM but it doesn't change the fact that there is still a noise ordinance.

Mr. Nathan Bicks, Town Attorney, stated that there are two ordinances that apply. One is the general noise ordinance and there is also a specific barking dog ordinance, which the Town recently enacted. The PC can set the hours as they see fit.

Mr. Henninger handed out and read the new barking dog ordinance.

There was a brief discussion about what the time constraint can be.

Mr. Bicks stated that the time can be amended and they are asking for an extra hour.

Mr. Groce stated that the other dog boarding businesses in Town are not adjacent to residential lots. That is why there is a time constraint imposed on this application as a condition of approval.

Mr. Underwood stated that the nearest resident is 320 feet.

Hearing no further questions, Vice-Chairman Rozanski asked for a motion.

Motion by Commissioner Netherton, and seconded, to recommend that the BMA approve the request for a 4,000 square foot, canine spa and kennel on 1.238 acres, located on the north side of US Highway 72, subject to the following conditions and amending condition number 7 to state 6:00 am in lieu of 7:00 a.m.

1. This development is subject to all applicable standard conditions of approval as adopted by the Board of Mayor and Aldermen, Resolution 2006-54.
2. The Subdivision Plat will need to be recorded prior to issuance of building permits.
3. The ingress/egress easement shall extend along the drive isle from the curb cut on US Highway 72 to the property line shared with Sunset Inn.
4. On the Existing Conditions Plan, indicate the Zoning on the subject property and adjoining tracts (Site Plan Checklist).
5. Clearly indicate and label the type and location of all structures, furnishings, and fencing on the Site Layout and Landscape Plan matching the fencing details specified on the Preliminary Architectural Elevation (Site Plan Checklist).
6. Chain-link fencing is not permitted by Fence Ordinance and will not adequately screen the trash bins from adjacent property (D.G. III., E. 7.).
7. Animals shall not be kept outdoors between 11:00 PM and ~~7:00 AM~~ **6:00 AM** (§130.016 and §130.022). Per §130.016 DISTURBING THE PEACE, any time of day it is "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." Notes stating this shall be provided on the Final Site Plan.
8. In lieu of applying the Town's standard tree mitigation ratio, approves the planting of nine (9) new canopy trees (minimum 2-inch caliper) and nine (9) new understory trees (minimum 1.5-inch caliper)

for each acre of the site that is not currently forested. New trees shall be from the Town's approved Plant List in the Design Guidelines. Existing viable trees meeting the minimum size requirements for new plantings, and that are protected by appropriate tree protection fencing, may be credited towards the required number of trees, with specimen trees being counted as the equivalent of three (3) new trees. Specimen trees shall be considered any canopy tree with a diameter of 24 inches or greater, and any understory tree with a diameter of eight inches or more measured four-and-one-half feet above grade.

9. With the Final Site Plan:

- a. Use the General Notes sheet that is on the Town's website.
- b. Use the most recent FEMA Map on the Existing Conditions Plan Certificate of Survey.
- c. Indicate new h/c ramps for the US Highway 72 sidewalk at the curb cut.
- d. The size of the drainage easement will be determined when the Final Plans are submitted.
- e. Provide a detailed drainage study will be required for the detention.
- f. Provide a CAD file.
- g. All work in Hwy. 72 will need to be submitted to TDOT for approval. Provide a copy of the approval to the Town.

Roll call:

Rice – yes, Rozanski – yes, Kilmurray – yes, Tebbe – yes, Netherton - yes, Worley – yes, Jordan – yes.

Motion Approved.

PC16-49 – Landers Ford – Request approval of a Conditional Use Permit for an existing 9.3 acre automobile dealership, with a proposed 2.544 expansion for inventory display and a grading permit, located at the northeast corner of Poplar Avenue and Houston Levee Road.

Mr. Jaime Groce gave the staff presentation. He explained that there are two separate requests with this application, which are a Conditional Use Permit and a grading permit. They will both require its own motion. The property is owned by Crain Investment and Landers Ford is leasing the property where the dealership is located. Ritchey Management IV, LLC, has purchased the adjacent 2.544 acres located at the northeast corner of the existing Landers Ford dealership with the intent of using this property for inventory expansion of parking for automobiles.

The property was originally leased to Curry-Peterman Ford which opened in 1985 when the property was unincorporated in Shelby County. The Town of Collierville annexed this property in 1987 and is to this day a non-conforming site and use. The new expansion area is currently heavily wooded and there are many trees they would like to remove, roughly 240. They are planning to add 187 parking, 108 will be for employees and 100 customer spaces. They are proposing to add 187 inventory spaces to the existing 487 spaces for a total of 674 spaces.

The Town's Zoning Ordinance stated that you cannot expand a non-conforming through the acquisition of land. Because of that, staff has suggested that the applicant should bring the site into conformity under a Conditional Use Permit. The zoning is appropriate for a car dealership but anytime someone makes a change to a site, staff looks for other site improvements as appropriate. You can allow the applicant to just add the

- | |
|---|
| <p>EXHIBITS:</p> <ol style="list-style-type: none">1. Applicant's cover letter with CUP Criteria and Auto Dealers CUP Criteria (11/18/16)2. Overall Site Layout (11/18/16)3. Site Layout (New Inventory Lot) (11/18/16)4. Landscape Plan (11/18/16)5. Grading & Drainage Plan (11/18/16)6. Tree Survey & Protection Plan (11/18/16)7. Specific Provisions for Conditional Uses and Special Conditions for Auto Dealerships |
|---|

additional parking spaces, or you can ask for some additional improvements to the existing site during this process. The Town will ask for road improvements when a site touches a major thoroughfare and this is why the Major Road Plan is important. Houston Levee Road and Poplar Avenue are not as wide as they should be in this area per the Major Road Plan so the question is what extent should the adjacent roads be improved.

The site is supposed to have 40' front yard landscape buffers, with 1'-2' berms within 40' buffer, clusters of shrubs and/or ornamental trees with the buffer, street trees, a 20' side and rear yard landscape buffer, solid masonry fence with deciduous and evergreen trees within 10' buffer. There are currently some shrubs along the perimeter. The Design Guideline nonconformities are large amounts of parking between building and streets, 50 parking spaces per module, 30% greenspace, parking islands and landscaping, 40-foot front yard buffers and street trees, and screening of parking from public view. The Zoning Ordinance addresses the required 1'-2' berms within a 20' buffer, clusters of evergreen shrubs or trees within 20' buffer along all sides and rear yards. The applicant will be asking the BZA for a Variance to give them relief of the required buffer as it relates to the new inventory spaces as they argue that the berms will make no difference.

He reviewed the Major Road Plan's recommendations for Houston Levee Road and Poplar Avenue which would require additional right-of-way dedication, another traffic lane, and curb, gutters, and sidewalks. Mr. Groce then explained the role of the CUP and "The Tests". A car dealership is only appropriate in GC zoned areas if it will not materially adversely affect other property in the area in which it is located, and the PC and BMA get to look at the "the adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways. No traffic impact study was provided with this application and the impacts of the new inventory lot and existing dealership was not quantified.

Regarding the grading permit, the applicant will need to grade this new lot extensively and they would like to do this very soon. If their grading permit is approved, they can move forward possibly as soon as January 2017. They are proposing a reduced tree mitigation ratio of 1:6 in lieu of the standard 1:2 ratio because of the extensive tree removal that will be necessary to create the amount of parking spaces. Using the reduced ratio, they would only be required to mitigate 40 trees. The majority of the trees are pine and the health of them is unknown at this time.

He reviewed the next steps for the applicant and the example motions that are contained in the staff report.

Vice-Chairman Rozanski asked if there were any questions for staff.

There was a brief discussion regarding who owns which piece of property.

Commissioner Tebbe asked if staff is asking for the listed improvements on the previous slide about the nonconformities.

Mr. Groce explained that these items are not a part of the example motion in the staff report; however, it is important to note that improvements are rare on this site. The last improvement was a major façade renovation which started in 2011 and the Town changed some Ordinances to make that possible to allow the use of metal. The proposed site improvements may be the last, one the Town sees for a long time and the Town's last chance to get some of these improvements to address nonconformities. If the PC wants to add any conditions, this would be the time.

A discussion ensued regarding how many spaces they would lose if they were asked to make the full road improvements for the PC. It was estimated to be around 70 spaces.

Mr. Bicks stated that it would not be arbitrary to ask them to make improvements during this time. They are non-conforming because their use was pre-existing before the Town annexed it. When they ask for an expansion this gives the PC the right to ask for improvements.

Mr. Groce explained that the PC doesn't have to ask for all of the improvements at this time, but specific items can be asked for that are reasonable.

There was a discussion regarding the alternative tree mitigation proposal. The applicant has a landscaping plan that shows they can replant the tree canopy, and on certain properties, the alternative plan was put in place by the PC to preserve the tree canopy at a decent level and improve it over time. They are meeting the 18 trees per acre rule.

Hearing no further questions, Vice-Chairman Rozanski called the applicant to the podium.

Mr. Kevin Vaughan, representative for the applicant, addressed the commissioners. He explained that during the recent recession, the automobile dealerships consolidated a lot of dealerships into one. Because of the many different brands that they are selling, they need to add cars to their lot. Landers wants to add more spaces in the back of the lot and they purchased the adjacent piece of property for that purpose. They are currently storing these cars off-site, and people have to drive the extra cars back and forth down Poplar Avenue every day adding traffic. When they submitted the proposal, staff asked them with the pending site plan review to do a lot of other site improvements they don't want to do. They are suggesting an alternative tree formula, and they are planting more than 18 trees per acre plan. They are willing to improve the site with the additional parking lot and they think this plan is very good. They are adding as many trees as what was approved for the dog boarding business which was just heard. They just want reasonable decisions for a reasonable and fairly small request. The owner cannot give you the right-of-way, because he doesn't even own the property where the dealership building is located. A lot of these site improvements are great theoretically, but when it comes down to the practicality of it, it just doesn't work financially. The economics of it go away and the owner will simply chose not to build the expansion and it will all still be the same and they will have gone through a very expensive process for nothing.

Commissioner Rice stated that the Town changed the Ordinance to allow the dealerships to add spaces to be competitive with their Memphis competitors.

Mr. Vaughan stated that is correct and the non-conformities will not exist on their new expansion lot. They are fine with all of the conditions as listed in the staff report.

There was a brief discussion about the traffic flow on Poplar Avenue and Houston Levee Road and who owns the property. Mr. Groce explained that the intersection and road frontage need improvement, but staff has not studied what the dealership impact is at this time.

Alderman Worley stated that the Town is caught in a "catch 22" situation and he does not feel that it would be necessary to ask the applicant to do improvements on the property other than where they are expanding since it is in the back of the property.

Commissioners Tebbe and Rice agreed and stated that this will reduce the traffic some on Poplar Avenue because they won't be moving those cars back and forth.

Vice-Chairman Rozanski stated that he agrees and reminded the group that this will be a CUP for the entire 12 acres. He isn't in favor of anything that would take away the display areas, but it would help to get the right-of-way dedicated so that the roads can be widened in that area.

Mr. Vaughan stated that the property owners would want to be compensated because and they won't agree to that because it will not benefit them as they lease the property to Landers for the dealership.

Commissioner Netherton stated that it's a bad intersection, it is not the fault of the applicant, and it is what it is. He doesn't feel that it would be fair to ask them to pay to improve it.

Hearing no further questions, Vice-Chairman Rozanski asked for a motion.

Motion by Commissioner Rice, and seconded, to recommend approval of the request for the Conditional Use Permit for an existing 9.3-acre automobile dealership, with a proposed 2.544-acre expansion for inventory display, located at the northeast corner of Poplar Avenue and Houston Levee Road, 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. Customer and employee parking spaces shall be designated with either signage or pavement markings to aid in enforcement. Use of required customer and employee parking spaces for automobile inventory is expressly prohibited.
3. Inventory, customer, or employee parking on Poplar Avenue and Houston Levee Road is expressly prohibited.
4. Auto Sales are permitted on parcels C0243 00413C and C0243 00410.
5. Auto Repair is permitted on parcel C0243 00413C only. This CUP but does not permit auto body repair.
6. On the Final Site Plan, provide a site data chart that combines the data for both parcels, in addition to the existing site data chart and the proposed site data chart.
7. Once there is an executed Development Agreement for the related site improvements, the subject property shall be maintained in accordance with approved plans and the following standards:
 - a. Buildings and appurtenances shall be cleaned and painted or repaired as required to maintain an attractive appearance;
 - b. Light fixtures shall be maintained and/or replaced as required to maintain the effect for which designed;
 - c. Landscape materials, other than plantings, which have deteriorated shall be reconstituted or replaced;
 - d. Plantings shall be kept watered, fed, cultivated and pruned to give a healthy appearance during all seasons;
 - e. Parking areas shall be kept in an orderly state, properly marked and clear of litter and debris; and
 - f. The property shall be kept free of refuse and debris and shall have the vegetation cut periodically during the growing season.
 - g. Per §151.249, failure to comply with this condition after a notice of noncompliance has been issued by the Building Official, with a stated time frame for compliance, shall be deemed a violation of this condition and shall be ground for the revocation (through the appropriate processes and after proper notice) of the Conditional Use Permit by the Board of Mayor and Aldermen (BMA).
 - h. Although they may not be a party to the Development Agreement, any future owner shall be bound to maintain the property in accordance with the approved plans and the aforementioned standards.

Roll call:

Rice – yes, Rozanski – yes, Kilmurray – yes, Tebbe – yes, Netherton - yes, Worley – yes, Jordan – yes.

Motion Approved.

Motion by Alderman Worley, and seconded, to grant permission to grade the 2.544-acre expansion lot to be used for inventory display for the automobile dealership located at the northeast corner of Poplar Avenue and Houston Levee Road, 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. The Engineering Division shall review the Grading Plan and provide comments prior to the issuance of a Grading Permit. The Grading Plan shall include all information as required in the Grading Permit Checklist.
3. Provide written permission from adjacent property owners for any off-site grading or other improvements.
4. Include all trees to be removed on a Final Tree Survey & Protection Plan, including any that will be removed to allow for the construction entrance.
5. A tree mitigation of one tree for every six (1:6) removed shall be allowed for the inventory expansion lot.
6. Trees required by the “Special conditions for auto dealerships” in the Zoning Ordinance may not be counted toward mitigation trees. Tree mitigation options are planting on the site, planting on Town property, or payment into the tree bank (\$300 per tree).
7. A Short Form Development Agreement is required for a Grading Permit.

Roll call:

Rice – yes, Rozanski – yes, Kilmurray – yes, Tebbe – yes, Netherton - yes, Worley – yes, Jordan – yes.

Motion Approved.

Other Business:

Chairman Cotton asked if there was any other business.

Mr. Groce explained that staff has not released the Development Activity Report for the month of November yet. Kirkland’s, which is going to be built next to Kohl’s, is being reviewed by staff now and will begin construction in 2017. It will be going in the Gallina Centro Shopping Center. Oakgrove Subdivision submitted some plans and staff will be reviewing those over the next few weeks.

Announcements:

Hearing no further business, Chairman Cotton adjourned the meeting 7:15 pm.

Secretary, Commissioner David Bradford