

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, September 4, 2012**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on September 4, 2012. Chairman David Klevan welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman David Klevan then called the meeting to order at 6:00 p.m. asking the secretary for the roll.

Mrs. Rush called the roll of the Board to establish a quorum:

Commissioners Present: Mike Harless, Alderman John Drinnon, Forrest Owens, David Klevan, Hale Barclay, Dike Bacon, Susan Burrow, and Steve Wilensky.

Commissioners Absent: None

Staff Present: David Harris, Pam Rush, and Wade Morgan.

A quorum for tonight's Planning Commission meeting was established.

1. Approval of Minutes for July 10, 2012

Chairman Klevan stated for those people who just arrived, tonight's agenda is on the front table. The first order of business is the approval of the minutes for July 10, 2012. If there were no additions, corrections or deletions to the minutes of the July 10, 2012, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Harless moved to approve the Planning Commission minutes of July 10, 2012, as submitted, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – abstain; Drinnon – yes; Wilensky – abstain; Bacon –abstain; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

2. Consent Agenda There was none.

3. Amendment to the Zoning Regulations to Create an Office-Technology District

INTRODUCTION: With the constant rapid advancement in technology, the Germantown Economic Development Commission recognizes the need for changes to the City's ordinances to create opportunities for businesses requiring "flex" space and to adapt to emerging fields in biomedical technology. The EDC supports the City's efforts to modify the ordinance, if necessary, to accommodate this currently unsupported use within the City and better position Germantown for business recruitment and retention in this high demand field. The EDC believes that taking this action reinforces the City's financial sustainability in its Triple Bottom Line.

DISCUSSION: The proposed amendment uses the language of the O-51 district to add definitions for "research and development center", "technology", "laboratory, research" and "laboratory, support" to better define the intent of the district and the uses that are allowed. The new district will allow biomedical testing and development labs, computer and technological research and similar uses that are not allowed in traditional office areas. Light assembly of equipment associated with the R and D and truck-loading docks will be allowed as accessory uses. Another significant part of the amendment will be the allowance for storage purposes to

take up a greater portion of the building floor area than is currently allowed in the O-51 district. That district limits storage to 25% of the building's area. The amendment would limit storage to a maximum of 30% of the building floor area.

The attached amendment highlights the sections where the O-51 district would be revised to create the new O-T district. Revisions made since the subcommittee meeting are in **blue highlight**.

COMMENTS:

1. Staff contacted cities and researched ordinances on internet for comparison of parking, loading and accessory use regulations in office and technology districts. A comparison table is attached at the end of the report.

DEFINITIONS:

RESEARCH AND DEVELOPMENT CENTER. Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standards.

TECHNOLOGY. An economic development classification that may include telecommunications, information technology, software, biotechnical/medical, logistics, computer, defense, test and measurement, electronic components, technology-oriented education facilities, training, multimedia, semiconductor and fiber optics.

LABORATORY, RESEARCH. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

LABORATORY, SUPPORT. A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products.

DIVISION 24. – OFFICE-TECHNOLOGY DISTRICT (O-T)

Sec. 23-666. - Scope of division.

The regulations set forth in this division shall apply to the district designation of the O-T Office-Technology district. The purpose of the O-T Office-Technology district is to provide areas for general offices as well as technology production, development and

testing, for biotechnology, biomedical, software and hardware development, and electronics. Sites presently appropriate for this designation are located within the Forest Hill Technology Corridor and within the Wolf River Blvd. Medical Corridor;

Sec. 23-667. - Use regulations.

Within the districts designated as O-T Office-Technology districts, the following activities are permitted:

- (1) Financial, insurance and real estate services such as, but not limited to, banks, credit companies and insurance and real estate offices.
- (2) Professional services such as, but not limited to, architectural, legal and engineering services.
- (3) Medical services such as, but not limited to, doctors' offices and dentists' offices.
- (4) General offices.
- (5) Wireless transmission facilities.
- (6) Laboratory, support;
- (7) Laboratory, testing;
- (8) Laboratory, research;
- (9) Accessory buildings and uses customarily incidental to such uses including, but not limited to, interior storage, loading dock(s) and light assembly associated with research and development functions.

Sec. 23-668. - Plan review.

(a) Any applicant for O-T zoning shall submit an application and a sketch plan that complies with the submittal policies and requirements of the Department of Economic and Community Development. At a minimum, the following shall be submitted:

- (1) Existing and proposed roads and drainage.
- (2) General landscaped areas and planting screens.
- (3) Curb cuts and drives.
- (4) Building setback lines.
- (5) The relation of the proposed development to:
 - a. The existing street system.
 - b. The immediate and surrounding use districts.
 - c. Adjacent tracts.

- d. Zoning of adjacent tracts.
- e. The names of the owners of all adjoining lots or tracts.

(c) Approval of the application and sketch plan by the planning commission shall constitute a recommendation to the board of mayor and aldermen to rezone to O-T all property included on the sketch plan not already zoned O-T. Following planning commission approval of the sketch plan, notices and publication of public hearings shall be initiated and shall conform to the rules of the board of mayor and aldermen and the amendment provisions of this chapter as set forth in article II, division 3. Upon completion of the required public hearing, the board shall approve or disapprove the zoning.

Sec. 23-669. - Final plan approval.

(a) After approval of the sketch plan and the establishment of the O-T district, but prior to the issuance of any building permit or construction contract for development of an existing O-T district, the applicant must submit and have approved by the planning commission a final plan covering the entire tract or that portion to be developed.

(b) The final plan shall comply with the submittal policies and requirements of the Department of Economic and Community Development. At a minimum, the following shall be submitted:

- a. Existing and proposed roads and drainage.
- b. Landscaped areas and planting screens.
- c. Curb cuts, drives and parking areas.
- d. Building lines and the location of all structures.
- e. The total square footage to be used as office space.
- f. The total square footage of the parking areas provided.
- g. The zoning of adjacent tracts.
- h. The names of the owners of all adjoining lots or tracts.
- i. A vicinity map, which shows the location of the proposed development within the city.

(2) Contain a certification by a licensed civil engineer that the boundaries have been surveyed and are true and correct and that all encroachments, easements and rights-of-way are shown.

(3) Provide a form for certification of approval by the planning commission by the secretary of the planning commission.

(4) Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown on the plan and

agree to make any required improvements to adjacent streets as shown on the plan.

(c) The applicant may, if desired, submit only one final plan for the purpose of both securing approval of the development plan, if the plan submitted complies with all the requirements of the final plan. The planning commission may grant final approval to such a plan after only one review.

Sec. 23-670. - Lot coverage.

The aggregate of all buildings in the O-T district shall not exceed 25 percent of the entire lot area of the project.

Sec. 23-671. - Yard requirements.

The yard requirements in the O-T district shall be as follows:

(1) *Front yard.*

a. There shall be a 60-foot building setback for buildings with a maximum building height of 35 feet on lots that provide for parking within the required front yard. Parking shall not be permitted in the first 20 feet adjacent to the proposed right-of-way.

b. There shall be a 40-foot building setback for buildings with a maximum building height of 35 feet on lots that do not have facilities for parking within the required front yard.

c. All buildings, which exceed 35 feet in height, shall have a minimum building setback equal to 50 feet, plus three feet of horizontal distance for every one foot of vertical distance in excess of 35 feet when adjoining all zoning districts.

d. No accessory building shall project beyond the front line of the building on any street.

e. On a corner lot no structure, planting, sign or object of natural growth which obstructs visibility shall be placed or permitted to remain within a triangle formed by connecting the three points which are the intersection of the extension of the adjacent rights-of-way and the points 50 feet from the intersection, along each right-of-way line. A structure, planting, sign or object of natural growth, excluding trees, between the heights of 30 inches to 96 inches, shall be deemed as obstructing visibility. This measurement shall be made from the top-of-curb.

(2) *Side yards.*

a. There shall be a required side yard of 50 feet for buildings with a maximum building height of 35 feet when adjoining a single-family or two-family district (R-E-10, R-E, R-E-1, R, R-1, R-2, and R-3).

b. There shall be a required side yard of not less than 30 feet for buildings with a maximum building height of 35 feet on each side of the lot adjoining a multifamily district (R-T, PUD).

c. There shall be a required side yard of not less than 20 feet for buildings with a maximum building height of 35 feet on each side of the lot when adjoining all other business uses (C-1, C-2, SC-1, and O).

d. All buildings, which exceed 35 feet in height, shall have a minimum building setback equal to 50 feet, plus three feet of horizontal distance for every one foot of vertical distance in excess of 35 feet when adjoining all agricultural and all residential districts, including planned unit developments.

(3) *Rear yards.*

a. There shall be a required rear yard of 50 feet for buildings with a maximum building height of 35 feet when adjoining a single-family or two-family district (R-E-10, R-E, R-E-1, R, R-1, R-2, and R-3).

b. There shall be a required rear yard having a depth of not less than 15 feet for buildings with a maximum building height of 35 feet, except that there shall be a rear yard having a depth of not less than 30 feet when it adjoins a multifamily district (R-T, PUD).

c. There shall be a required rear yard for buildings with a maximum building height of 35 feet having a width of not less than 15 feet on lots adjoining other business uses.

d. All buildings, which exceed 35 feet in height, shall have a minimum building setback equal to 50 feet, plus three feet of horizontal distance for every one foot of vertical distance in excess of 35 feet when adjoining all agricultural and all residential districts, including planned unit developments.

Sec. 23-672. - Landscaping.

(a) Any part of the project area not used for buildings or other structures, parking, loading and access ways in the O-T district shall be landscaped with grass, trees, shrubs and pedestrian walks. The landscaped area shall be sufficient to ensure adequate buffering, meet aesthetic, and design requirements as set forth by the design review commission.

(b) Within the required side yards, a planting screen of sufficient length to obstruct the view from any residential district (R-E-10, R-E, R-E-1, R, R-1, R-2, R-3, R-T, and PUD) shall be required.

(1) There shall be a planting screen of at least 25 feet in width adjoining a single-family or two-family district (R-E-10, R-E, R-E-1, R, R-1, R-2, and R-3).

(2) There shall be a planting screen of at least 15 feet in width adjoining a multifamily district (R-T, PUD).

Sec. 23-673. - Height regulations.

No structure in the O-T district, including a penthouse, bulkhouse, or any other similar protection above the roof, shall exceed 51 feet in height, as measured from the average of the finished ground elevations of the building. This limitation shall not apply to flagpoles, provided that they comply with the provisions of all pertinent codes and ordinances, and provided further that they are located a distance equal to their own height, plus ten feet from the nearest property line.

Sec. 23-674. - Parking and loading regulations.

The following provisions for off-street parking are required in the O-T district in order to provide parking spaces of all public ways; to give necessary ingress and egress; to reduce traffic congestion caused by parking in public ways; and to prevent commercial traffic from parking on residential streets surrounding the O development, thus to promote and protect the public health, safety and general welfare. Off-street parking space shall be provided on the same lot as the principal building in accordance with the following minimum requirements:

(1) At least one off-street parking space shall be provided for each 200 square feet of gross floor area for the following uses. Measurements representing 50 percent or more of the specified number of square feet of gross floor shall require an additional parking space.

- a. Real estate offices;
- b. General office;
- c. Medical services: doctors' offices, dentists' offices; and
- d. Professional services such as, but not limited to, architectural, legal and engineering services.

(2) At least one off-street parking space shall be provided for each 300 square feet of gross floor area for the following uses. Measurements representing 50 percent or more of the specified number of square feet of gross floor shall require an additional parking space.

- a. Insurance offices; and
- b. Security brokers.

(3) Banks/savings and loan associations: At least one off-street parking space shall be provided for every 200 square feet of gross floor area, plus four queue spaces for each drive-in aisle.

(4) **Laboratories (research, testing or support): At least one off-street parking space shall be provided for every 200 square feet of gross floor area devoted to office functions plus. one space per every three employees on the shift with the greatest number of employees.**

Any permitted uses not specifically listed: At least one off-street parking space shall be provided for each 200 square feet of gross floor area, plus four queue spaces for each drive-in aisle. Measurements representing 50 percent or more of the specified number of square feet of gross floor area shall require an additional parking space.

(5) Loading requirements: Business uses shall provide one space with minimum dimensions of ten by 55 feet for loading or unloading of trucks, either within the building or on the same lot for the first 10,000 square feet or total floor area in the building. **Additional loading space shall be subject to the approval of the planning commission at the time of site plan approval.**

(6) General:

- a. Parking shall not be located within the proposed right-of-way.
- b. Parking or paved areas shall not be permitted with 35 feet of any single-family district (R-E-10, R-E, R-E-1, R, R-1, R-2, and R-3).
- c. Parking or paved areas shall not be permitted within 20 feet of any multifamily district (R-T, PUD).

Sec. 23-675. - Storage.

Floor area devoted to storage shall not exceed 30 percent of the building's total floor area. All areas used for storage shall be completely contained within the principal building. No temporary or moveable structures shall be used for storage purposes.

Sec. 23-676. - Outside display.

No outside display and/or storage of merchandise shall be permitted in the O-T district.

COMPARISON OF PARKING, LOADING AND ACCESSORY USE REQUIREMENTS

CITY	PARKING REQUIREMENT	LOADING SPACES	ACCESSORY USES
Plano, TX (Research/Technology Center district)	Offices: 1 space per 300 sq. ft. of floor area for 75% of the floor area	0 -20,000 s.f.: 4 loading spaces; Over 20,000 s.f.: 1 per 10,000 s.f. up to a max. of 12	70% max. floor area in an office/showroom
Round Rock, TX	Office: 1 space per 250 s.f. of gross floor area (gfa); Industrial: 1 space per 500 s.f. of gfa + 1 space per 2,500 s.f. of storage;	As determined by Planning Director at time of site plan approval;	Accessory use must be subordinate in area to the principal use.
Richardson, TX (Technology-Office District)	Research lab – less than 75,000 s.f. of floor area: 1 space per 250 s.f. of gfa; 75,000 or more s.f.: 1 space per 300 s.f. of gfa plus 1 space per 400 s.f. of lab area.	NA	NA
Charlotte, NC	Office – 1 space per 300 s.f. of gfa; Lab – 1 space per 400 s.f. of gfa;	Varies with s.f. of the building, from 1 space up to 6	NA
Longmont, CO	Office – 1 space per 300 s.f. of gfa; Lab/research facility – 1 space Per 400 s.f. of gfa or 1 per every 3 employees.	Less than 20,000 s.f. of gfa -1 loading space; 20,000 s.f. or more – 1 space plus 1 space per ea. 20,000 s.f. of gfa.	Accessory use must be subordinate in area, size, height and extent to the principal use.
Franklin, TN	Office – can range from 2.85 spaces per ea. 1,000 s.f. of gfa to 4 spaces per 1,000 s.f.	3,000 – 25,000 gfa: 1 loading space; 25,001 – 90,000 gfa: 2 spaces; 90,001 – 155,000 gfa: 3 spaces	Maximum of 50% may be for non-office use.

Mr. Harless stated the amendment would limit storage to a maximum of 30% of the building floor area.

The subcommittee met on August 22, 2012 and withheld a recommendation on the amendment.

PROPOSED MOTION: To recommend approval of the amendment to create an Office-Technology zoning district.

Mr. Bacon moved to recommend approval of the amendment to create an Office-Technology zoning district, subject to staff comments, seconded by Mr. Barclay.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Drinnon – yes; Wilensky – yes; Bacon –yes; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

4. Amendment to Article VII the Zoning Regulations (Smart Growth Zoning Districts) Regarding Permeable Parking

INTRODUCTION: When the Smart Code and Smart Growth districts were adopted in 2007, one of the provisions of the parking regulations was a requirement that all surface parking spaces in excess of the minimum required number are to be constructed with permeable paving material. The Smart Code is a standardized set of regulations designed to provide communities and developers a workable and consistent set of requirements for producing a mixed use, energy conserving and pedestrian-friendly community. However, local soil characteristics are not generally conducive to the subsurface drainage requirements of permeable pavement.

DISCUSSION: The proposed amendment will delete the requirement for parking space that exceed the minimum number to be constructed with permeable material. The Technical Advisory Committee will continue to look for opportunities where permeable paving can be effectively used in development projects, and will make that recommendation to the Planning Commission as part of the review of a project.

Sec. 23-767. Development Standards.

(10) Surface parking:

- a. Surface parking shall be organized into small groups or courts of no more than 25 spaces. Courts shall be divided by parking islands.
- b. Parking islands shall be large enough for trees, low shrubs and ground cover. Parking islands shall be a minimum of 180 square feet in area. At least one shade tree and perimeter plantings shall be planted for each 200 square feet of parking area island. Planted islands should include trees of at least 2.5 inches caliper and perimeter plantings at least 18 inches high.
- c. Shopping cart corrals shall be screened with landscaped parking islands.
- d. Pedestrian circulation shall be provided for within parking areas:
 1. Pedestrian paths and crossings shall be provided from parking spaces to main entrances and to the street.
 2. Parking spaces shall be designed so they least interfere with pedestrian access and connections to adjoining developments.
 3. Landscaped medians shall be designed that contain pedestrian walkways. These medians shall be at least 15 feet wide to accommodate shade trees, evergreen plantings, and pedestrian paths.
- e. Maintenance and management of all landscaped areas shall be the responsibility of the property owners.
- f. ~~Surface parking spaces provided in excess of the minimum required shall be constructed with engineered, permeable paving material.~~

The subcommittee met on August 22, 2012 and withheld a recommendation on the amendment.

PROPOSED MOTION: To recommend approval of the amendment to the Smart Growth Zoning Districts Regarding Permeable Parking.

Ms. Burrow moved to recommend approval of the amendment to the Smart Growth Zoning Districts Regarding Permeable Parking, subject to staff comments, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Drinnon – yes; Wilensky – yes; Bacon –yes; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

5. Chairman Klevan asked if there was any old business to come before the Commission. There was none.

6. Chairman Klevan asked if there was any new business to come before the Commission.

Alderman Drinnon asked Andy Pouncey about the status of updating the Germantown land use plan, which has not been updated in several years. Mr. Pouncey responded that the City's consultant is completing an economic development strategy and one of the recommendations of that plan is to prepare small area land use plans for the office and commercial corridors. City staff will begin working on those plans during the next few months.

7. Chairman Klevan asked if there were any liaison reports.

Mr. Owens attended the Tree Board meeting this pass month. They are in process of doing a tree inventory of the entire City for all trees in the public areas. I am also planning to attend a TN Urban Forestry Conference in Nashville, TN in early October.

ADJOURNMENT: The meeting adjourned at 6:35 p.m.