

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, January 8, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on January 8, 2013. Alderman Owens welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Alderman Owens then called the meeting to order at 5:30 p.m. asking the secretary for the roll.

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

Commissioners Present: Hale Barclay, Susan Burrow, Alderman Forrest Owens, George Hernandez, Mike Harless, David Klevan, and Steve Wilensky.

Commissioners Absent: Dike Bacon

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

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

1. ELECTION OF OFFICERS

Alderman Owens declared the floor open for nominations for Chairman.

Ms. Burrow nominated Mr. Klevan for Chairman.

Alderman Owens asked if there were any other nominations. There were none. He said he would entertain a motion that the nominations cease and that Mr. Klevan be elected.

Mr. Harless seconded the motion.

Alderman Owens asked for a roll call.

Roll Call: Barclay – yes; Burrow – yes; Hernandez – yes; Wilensky – yes; Bacon – absent; Harless – yes; Owens – yes; Klevan – abstain. **Mr. Klevan was elected Chairman of the Planning Commission.**

Chairman Klevan stated he would entertain nominations for Vice Chairman.

Ms. Burrow nominated Mr. Harless as Vice Chairman. Mr. Barclay seconded the motion.

Chairman Klevan asked if there were other nominations. There were none. He asked the nominations cease and that Mr. Harless be elected by acclamation.

Chairman Klevan asked for a roll call.

Roll Call: Barclay– yes; Burrow – yes; Hernandez – yes; Wilensky – yes; Bacon – absent; Harless – abstain; Owens - yes; Klevan – yes. **The Commission members voted unanimously to elect Mr. Harless as Vice Chairman.**

Chairman Klevan then asked for nominations for Secretary.

Mr. Harless nominated Ms. Burrow for Secretary. Alderman Owens seconded the motion.

Chairman Klevan asked if there were other nominations. There were none.

Chairman Klevan moved that the nominations cease and that Ms. Burrow be elected by acclamation.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – abstain; Hernandez – yes; Wilensky – yes; Bacon – absent; Harless –yes; Owens - yes; Klevan – yes. **The Commission members voted unanimously to elect Ms. Burrow as Secretary.**

Chairman Klevan stated he would like to welcome Mr. George Hernandez as our new Planning Commissioner.

2. Approval of Minutes for December 4, 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 December 4, 2012. If there were no additions, corrections or deletions to the minutes of the December 4, 2012, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Burrow moved to approve the Planning Commission minutes of December 4, 2012, as submitted, seconded by Mr. Wilensky.

Chairman Klevan asked for a roll call.

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

3. Germantown Greenway, East Side of Miller Farms Rd., North of Hollow Fork Rd. – Request preliminary and final site plan approval of a Wireless Transmission Facility in the “R” Residential zoning district

INTRODUCTION: C-Spire (formerly Cellular South) requests preliminary and final site plan approval for a Wireless Transmission Facility (WTF) within the Germantown Greenway, northeast of Miller Farms Road, near that road's northern end. WTF's are allowed in residential zoning districts, subject to the approval of a Use on Appeal by the Board of Zoning Appeals, site plan approval from the Planning Commission and landscape plan approval from the Design Review Commission. The WTF is to be constructed within the existing MLGW electrical power line tower that is located 247 feet northeast of the northern terminus of Miller Farms Road. A 20 ft. by 30 ft. lease area underneath and to the east of the tower will contain the equipment compound for the antennas.

BACKGROUND: The Board of Zoning Appeals approved the use of the property for a WTF on November 13, 2012.

DISCUSSION: The WTF will consist of a 115 foot-tall pole placed within the 105 foot-tall transmission tower, and an equipment compound located at the base of the transmission tower. The tower is located approximately 247 feet northeast of Miller Farms Road, near that road's northern end. C-Spire will use the existing City of Germantown Greenbelt walkway for access to the site and install pervious pavers to provide access from the Greenway walkway to the tower and equipment enclosure. A 20 ft. by 30 ft. parking area will provide parking off the Greenway walkway for maintenance vehicles.

STAFF RECOMMENDATION: approval, subject to the attached conditions.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: The subcommittee did not meet in December.

PROPOSED MOTION: To recommend preliminary and final site plan approval of a wireless transmission facility at Germantown Greenway, East Side of Miller Farms Rd., North of Hollow Fork Rd.

STAFF COMMENTS:

A. PRIOR TO DEVELOPMENT CONTRACT APPROVAL

1. Provide confirmation that MLG&W has approved the plan;

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Determine the depth of the sanitary sewer line within the sewer easement and provide a cross-section describing how the electrical lines will provide sufficient clearance to the sewer line.
2. Evaluate the most direct/appropriate construction access drive. Existing asphalt path has sharp bends and large mature landscaping, so may be inappropriate for construction access.

C. GENERAL COMMENTS

1. The property lease will include a \$1,000/year assessment for repair to the asphalt path. City staff will perform an annual inspection of the path.

Mr. Harless asked from the BZA meeting were there any citizens who objected.

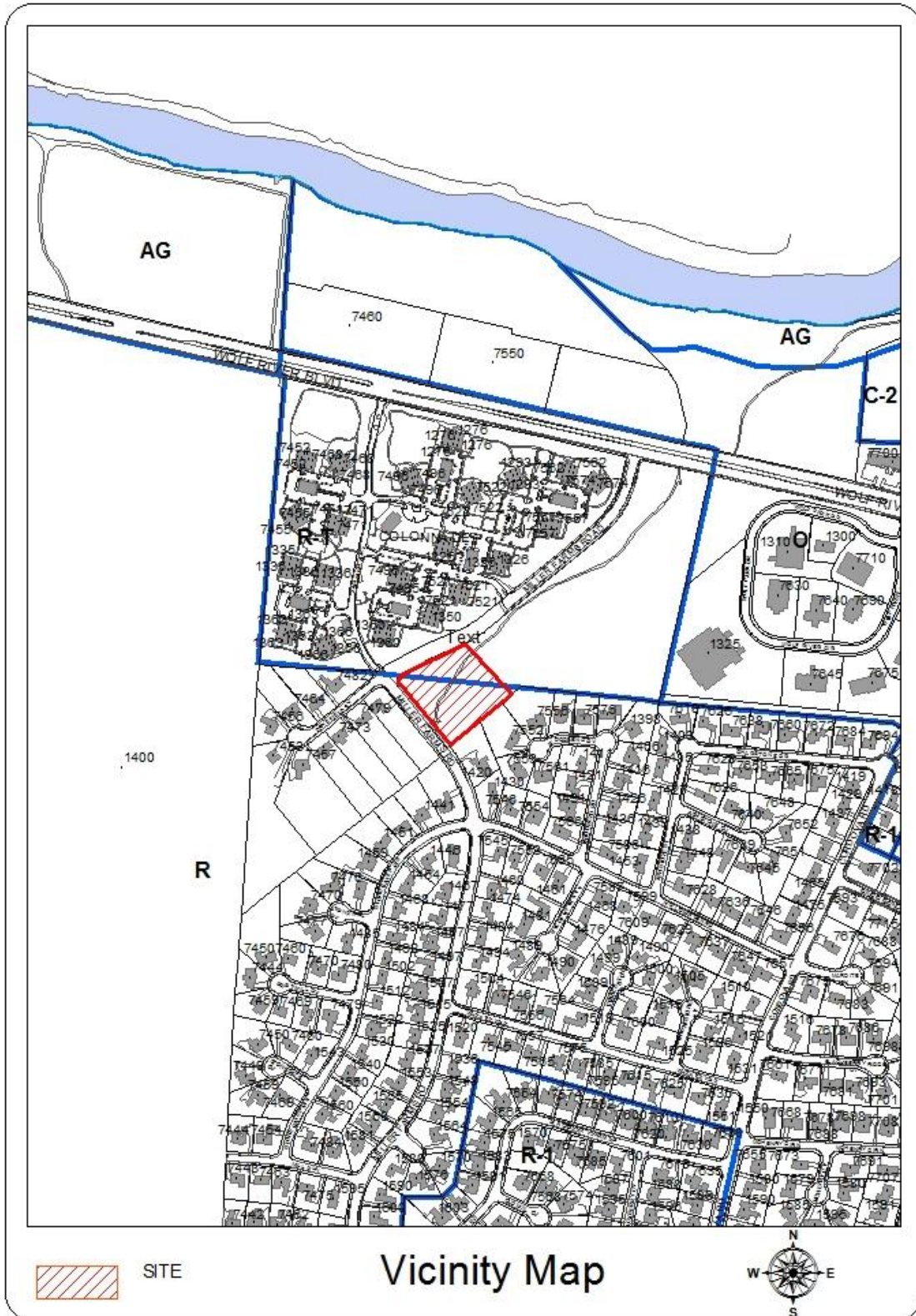
Mr. Morgan answered there was one individual who came up at the meeting. He did not make it in time to talk about the item until after the meeting. Chairman Evans and I talked to him after the meeting. He had questions about the appearance of it.

Chairman Klevan suggested he would like the Planning Commission to look at the cell tower ordinance about adding more height.

Mr. Harless moved to recommend preliminary and final site plan approval of a wireless transmission facility at Germantown Greenway, East Side of Miller Farms Rd., North of Hollow Fork Rd., subject to staff comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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



4. Amendment to the Flood District Regulations of Zoning Ordinance (Chapter 23, Article III, Division 20, Sections 23-601, Paragraph B)

INTRODUCTION: The purpose of this Ordinance amendment is to amend the Flood District Regulations of the Zoning Ordinance, as required by the Federal Emergency Management Agency (FEMA) in order to maintain the City's participation in the flood insurance program.

BACKGROUND: The City of Germantown's Flood District Regulations were first adopted in January 1982, consistent with FEMA's requirements for participants in the National Flood Insurance Program (NFIP). Also as part of the program, Flood Insurance Rate Maps (FIRM), showing the flood zones for the city, are issued by FEMA.

From time to time, FEMA updates the flood maps and requires the cities participating in the program to update their Flood District Regulations. The last update was performed in October 2007. FEMA recently issued new flood maps and has sent to the city various amendments to the Flood District Regulations consistent with the revised maps and new regulations.

DISCUSSION: The new Flood District Maps become effective February 6, 2013 along with various flood studies of various laterals. Also, text amendments to the Flood District Regulations will take effect on February 6, 2013. The city must adopt the text amendments issued by FEMA to remain eligible to participate in the NFIP.

The Board of Mayor and Aldermen has already approved the amendment on first reading (December 10, 2012). Approval from the Planning Commission will place the BMA in position to adopt the proposed Ordinance on January 28, 2013, on Third Reading.

The most significant change from the 2007 FIRM's is along Wolf River Lateral G in the eastern part of the City, south of Wolf River Boulevard southward to Johnson Park. Until now, FEMA had not studied the Wolf River Lateral G area, and, therefore, surrounding properties were not identified as a special flood hazard area. However, the 2013 FIS and FIRM's reflect that the Lateral G area has been studied and placed many properties along this lateral in the special flood hazard area (Zone AE). In this zone, finish floor elevations must be 30 inches above the new base flood elevation. All the affected property owners have been notified of the change. The attached air photos identify the areas that are affected by the changes.

A Public Meeting on the new maps will be held on Wednesday, January 9, 2013 in the Economic and Community Development building from 5:30p.m. to 7:00p.m. at 1920 South Germantown Road.

STAFF RECOMMENDATION: approval.

ZONING AND ANNEXATION SUBCOMMITTEE REPORT: (Susan Burrow, Chairman): The subcommittee did not meet in December.

PROPOSED MOTION: To recommend approval of the amendment to the Flood District Regulations of the Zoning Ordinance.

Mr. Gwaltney stated all the homeowners that are affected have been notified directly from us as you requested.

Mr. Harless asked when were they notified and have you had any calls? The homeowners are going to be affected by their insurance and if they want to add a swimming pool or add on to their house.

Mr. Gwaltney answered sometime in the first week of December. The FEMA meeting will be held tomorrow night from 5:30 to 7:00 p.m. We had some calls, surprising out of 150 notifications less than five calls. Just so, everyone understands it is not something physical has change in this area of the town, to sudden say that it is a flood plain area. It has always been a flood plain area. It has just never been identify of the FEMA maps. FEMA ran an ad in the Germantown Newspaper with the dates; want the issue is, and that the new FEMA maps are coming.

Ms. Burrow moved to recommend approval of the amendment to the Flood District Regulations of the Zoning Ordinance, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

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

5. **Consent Agenda** There was none.
6. Chairman Klevan asked if there was any old business to come before the Commission. **There was none.**
7. Chairman Klevan asked if there was any new business to come before the Commission. **There was none.**
8. Chairman Klevan asked if there were any liaison reports.

Ms. Burrow noted she attended the Economic Development Commission and a presentation by Shawn Massey was made regarding retail trends and recruitment. He stated the following: He was very knowledgeable and did a very positive presentation. He kept saying positive things about Germantown.

Vacancy rates for this region are less than 3%.
Upscale retail is doing well.
Repurposing existing properties is taking place.
Restaurant traffic is up 17%.

9. **ADJOURNMENT:** The meeting adjourned at 6:05 p.m.