

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, July 2, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on July 2, 2013. Chairman 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 Klevan then called the meeting to order at 6:06 p.m. asking the secretary for the roll.

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

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

Commissioners Absent: Steve Wilensky

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

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

3. **Approval of Minutes for June 4, 2013**

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 June 4, 2013. If there were no additions, corrections or deletions to the minutes of the June 4, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Burrow moved to approve the Planning Commission minutes of June 4, 2013, as submitted, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

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

4. **Consent Agenda:** There were none.

5. **Maplewood Planned Unit Development, West side of Forest Hill-Irene Rd., North of Forest Hill-Irene Cove - Request Final PUD Approval**

INTRODUCTION:

Applicant Name: Steve Hooper, w/ ETI, Inc. – Representative

Location: West side of Forest Hill-Irene Rd., immediately south and west of the Taylor Chapel CME Church

Current Zoning District: "R" Low Density Single Family Residential Zoning District

BACKGROUND: The Planning Commission gave preliminary approval on June 4, 2013.

DISCUSSION: Shaw's Creek Builders proposes to develop this 16.99-acre tract into a PUD consisting of 35 lots for single-family detached dwellings on a private drive. The development concept proposes reduced front yard setbacks (to 30 feet) and minimum side yard setbacks of 5 feet on one side and 15 feet on the other side. All driveways will be located on the side with a 15-foot setback.

Provision has been made for the eventual installation of gates at each entrance. The plan as presented for approval does not include gates. Should the developer or Home Owners' Association propose the installation of gates, that request and the plans associated with it will require approval from the Planning Commission. In addition, the existing dwelling is to be retained. (Exhibit 1 – Driveway Locations Plan, describes the proposed layout of dwellings and driveways.)

The PUD requires the following exceptions from the standard development regulations:

1. Allow 30-foot front yard setbacks, instead of standard 40-foot setback.
2. Allow side yard building setbacks of 5 feet and 15 feet on each lot, with a minimum separation of 20 feet between dwellings; instead of the standard 10 feet side yard setback.
3. Allow use of a private drive, with 31 feet of pavement.

PLAN REVISIONS: *The applicant has revised the plans to address the comments made by the Technical Advisory Committee. Temporary construction easements and/or letters from abutting property owners have been obtained.*

STAFF RECOMMENDATION: Approval

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Provide a center left turn lane and additional dedication for full build-out of Forest Hill-Irene Rd. The developer shall provide a payment in lieu of the cost difference.
2. Provide easements for all off-site erosion control measures.
3. Remove the existing dwelling outline from the final plat and identify the existing and proposed building setback distances.
4. Note that the well on lot 33 is to be abandoned per Health Dept. regulations/standards.
5. Provide the design for the improvements to Forest Hill-Irene Rd. across the property's frontage.
6. Provide a demolition plan for existing buildings and utilities.
7. The Shelby County Code, Section 3-25 [Reference 1200-3-11-02 (Asbestos)] require building owners and/or operators to submit a notification of intent to do demolition or renovation at least ten (10) working days prior to the start of the activity even if no asbestos is present so compliance can be verified. Notification also includes the submittal of an asbestos survey report. Please contact the Health Department at (901) 544-7349 for more information.
8. Any existing septic tanks and field lines shall be removed in accordance with the Health Department Regulations. The Construction Plans shall include the location of septic tanks and field lines.
9. Identify all easements as either private or public.
10. Correct the FEMA map dates.
11. Provide a sanitary sewer stub to the Taylor Chapel property, with the location subject to City Engineer approval.
12. The sidewalk on lot 34 (existing dwelling) and Common Open Space areas shall be installed prior to the recording of the plat.

B. GENERAL COMMENTS

1. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
2. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
3. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Design Review Commission.
4. This project must comply with the Tennessee Dept. of Environment and Conservation (TDEC) NPDES regulations governing stormwater discharge. The construction drawings

- shall include an erosion control plan, which is in conformance with these regulations, and provide a copy of the Developer's Notice of Intent (NOI) as submitted to the TDEC.
Before work commences on the project, the contractor/developer must provide the City Engineer a copy of the TDEC Notice of Coverage and a copy of the site specific Storm Water Pollution Prevention Plan.
5. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
 6. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.
 7. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
 8. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
 - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

Steve Hooper with ETI Corporation, 1755 Lynn field Road, Suite 100, Memphis, TN 38109, asked if there were any questions from the board or staff?

Chairman Klevan noted that any reference to gates are to be removed from the plans.

Mr. Bacon has concerns that the corner of the Taylor Chapel Church could fall on a future street right away of Maplewood Drive if the streets do end up going public.

Mr. Hooper noted that we did remove the wall at Taylor Chapel Church.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) – The Subcommittee met on June 19, 2013 and withheld a recommendation.

PROPOSED MOTION: To approve the final plan for the Maplewood PUD, subject to staff comments.

Mr. Harless moved to approve the final plan for the Maplewood PUD, subject to staff comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

6. Piper’s Garden – 8598 Dogwood Road – Request Preliminary and Final P.U.D. Approval

INTRODUCTION:

Applicant Name: David Baker with Fisher & Arnold – Representative

Location: 8598 Dogwood Road

Current Zoning District: “R” Residential Zoning District

Surrounding Zoning: “R” Residential Zoning District to the North, East, and West; “R-E” Residential Estate Zoning District to the South

Description of Request: Request Preliminary and Final P.U.D. Approval

BACKGROUND: On December 31, 1980, this property was annexed into the City of Germantown. At the request of the owner, the property was rezoned to the “R-E” Estate Residential district. The applicant applied for Preliminary and Final PUD approval of Pipers Garden in August 2007, and the Planning Commission approved that plan in October 2007. No development of the project took place.

DISCUSSION: The specific request by the applicant is preliminary and final PUD approval on the 5.637-acre parcel in order to build a 13-lot planned unit development for single-family detached dwellings. The development is proposed to occur in two phases, with the four lots fronting Dogwood Rd. and one lot on Cordes being phase 1, and the remaining eight lots facing Pipers Cove being phase 2. Lot sizes will range from 10,803 square feet to 21,325 square feet.

The PUD requires the following exceptions from the standard development regulations:

4. Allow 5-foot side yard setbacks, instead of standard 10-foot setback.
5. Lots 1, 2, 7, 8, 11, and 12 will be less than the minimum 15,000 square feet required by the R zoning district. (The 13 lots and 5.587 acres yield an average lot size of 17,721 sq. ft.)
6. Allow Lot 1 to have a 20-foot rear yard setback, instead of the standard 25-foot setback.
7. Allow the standard 10 foot-wide sidewalk and grass strip to be within an easement on each lot, instead of within the street right-of-way.

PLAN REVISIONS: *The applicant has revised the plans to address the comments made by the Technical Advisory Committee. Separate plans for the two development phases have been provided. Pipers Cove is to be a public street.*

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL:

1. Tie the water service for lots 1, 2, 3, and 4 directly into the water main. Lot 5 has an existing service.
2. Provide a demolition plan for the removal of the sidewalk, retaining wall, existing driveways, existing utility pole in Dogwood, existing drainage structures and similar structures. Provide a demolition plan for existing utilities serving the former dwelling.
3. Show all proposed easements on the plat, note their dimensions and label them as public or private.

4. Properly refer to the 2013 FEMA maps.
5. Any existing septic tanks and field lines shall be removed in accordance with the Health Department Regulations. The Construction Plans shall include the location of septic tanks and field lines.
6. The existing driveway inlets shall be removed and replaced with curb, gutter and sidewalk.
7. Include a note on the plat stating that fences within rear yard swales shall be designed so as to not impede the flow of water.
8. Lot 9 is double frontage (Dogwood and Pipers Cove). A rear yard fence on lots 9 and 10 shall have a maximum height of six feet, and a minimum setback from Dogwood Rd. of 10 feet, subject to the approval from the City of Germantown of a landscape and fence plan.
9. All lots and dwellings with frontage on Dogwood Rd. shall be designed to allow vehicles to enter Dogwood Rd. in a forward motion.
10. The plat shall include a note regarding the provision of fire sprinklers. Section 10 of the Code of Ordinances (sprinklering) states:
Sec. 10-12. Same--One-family and two-family dwellings.
 - (a) An approved automatic sprinkler system shall be provided for the following new group R3 buildings:
 - (1) All buildings exceeding 7,500 square feet finished floor area, excluding garages.
 - (2) All buildings exceeding 35 feet in height, as measured by the building code.
 - (3) All buildings that are farther than 300 feet from approved fire department access roadway.
 - (4) All buildings that are farther than 500 feet from a fire hydrant that is capable of supplying the minimum required fire flow.
 - (5) All buildings in which the distance between adjacent buildings is less than 20 feet; provided, however, that except within the retirement housing district a monitored fire and smoke alarm system may be installed as an alternative to an automatic sprinkler system in single-family detached houses, which are less than 20 feet apart.

B. GENERAL REQUIREMENTS:

1. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.

2. The applicant/developer during the construction phases of the project shall do the following:
 - (a) Keep all streets clear and free of dirt and debris;
 - (b) Ensure that all construction activity begins no earlier than 7:00 a.m. and ends no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and,

- (c) Provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.
4. Construction activities of one acre or more must be permitted through the EPA Phase II Final Rule NPDES permit coverage.
5. The applicant/developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Planning Commission.

Staff Recommendation: Approval

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) The subcommittee met on June 19, 2013 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final plan for the Pipers Garden PUD, subject to staff comments.

Jeff Old from Fisher and Arnold, Inc., 9180 Crestwyn Hills Drive, Memphis, TN 38125, asked if anyone had any questions.

The Planning Commission had concerns about the visibility of vehicles at the driveways.

Mr. Old was asked to withdraw from the agenda and work to address the concerns about visibility of vehicles in the future driveways from Cordes and Dogwood Road. Mr. Old then withdrew his request.

Chairman Klevan then asked if there was anyone in the audience who wished to speak about the project.

Speaking Against:

- 1) Carol Miraglia 2307 Dogwood Glenn Cove has concerns about drainage issues, grading, size of high water and driveway blind spots.
- 2) William Watt 2218 Wilderness Cove has concerns about safety issues on Dogwood Road.

Mr. Gwaltney answered we are well aware of the drainage issues existing today. The structures are so over grow with vines and leafs and unkempt, that any clean up in that entire area will allow the water to get in those water structures much better. When this detention pond is build 1) the area will be cleaned up; 2) some of the surface water that is draining in the direction of your lot will be detained in that pond. After this is built that will be a benefit to you in particular as well as some other lots upstream.

Jeff Old from Fisher and Arnold, Inc., 9180 Crestwyn Hills Drive, Memphis, TN 38125, withdrew their application for tonight (The Piper's Garden – 8598 Dogwood Road – Request Preliminary and Final P.U.D. Approval).

-
3. Chairman Klevan asked if there was any old business to come before the Commission. There were none.
 4. Chairman Klevan asked if there was any new business to come before the Commission. Alderman Owens wanted to congratulate Hale Barclay for finishing the Leadership Germantown program.
 5. Chairman Klevan asked if there were any liaison reports. There were none.
 6. **ADJOURNMENT:** The meeting adjourned at 6:37 p.m.