

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, November 5, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on November 5, 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 6:02 p.m. asking the secretary for the roll.

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

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

Commissioners Absent: George Hernandez

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 October 1, 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 October 1, 2013. If there were no additions, corrections or deletions to the minutes of the October 1, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Burrow moved to approve the Planning Commission minutes of October 1, 2013, as submitted, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

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

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

5. **Piper's Garden – 8598 Dogwood Road – Request Preliminary and Final Plat 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 Subdivision Plat 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 “R-E” Estate Residential. On April 3, 2007, the Planning Commission recommended approval of the request and the Board of Mayor and Aldermen approved the request on June 25, 2007. The applicant applied for Preliminary and Final PUD approval 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 plat approval on the 5.637-acre parcel in order to build a 7-lot conventional subdivision for single-family detached dwellings. The development is proposed to occur in one phase. Lot sizes will range from 22,558 square feet to 67,928 square feet (including the detention area).

The plan was initially filed for approval as a 13 lot PUD at the July 2, 2013 PC meeting, but was withdrawn at the meeting to allow the consultant and developer to address issues associated with the visibility of vehicles using the proposed driveways on Dogwood Rd. The retaining wall along Dogwood and Cordes has been removed and the frontage along those streets graded.

UPDATE TO PLANS: Revised plans were submitted in response to comments made by the TAC and the Planning Commission subcommittee. The following comments reflect those revisions.

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL:

1. Provide a minimum 10 ft. access easement from the detention area (COS A) to Dogwood or Cordes.
2. An operations and maintenance plan for the detention area and drain inlets will be prepared and approved.
3. The existing driveway inlets shall be removed and replaced with curb, gutter and sidewalk.
4. Provide a demolition plan for any remaining utilities serving the former dwelling.
5. 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.
6. Brick, stone, or masonry mailboxes, driveway entrance structures and similar construction are discouraged along the Dogwood Rd. frontage. The placement (height, location, width) of

such structures are subject to the approval of the City Engineer and shall not adversely affect the visibility of vehicles and pedestrians along Dogwood Rd. or within driveways. A note to that effect shall be included in the Final Plat.

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, subject to the above comments.

David Baker with Fisher and Arnold, Inc., 9180 Crestwyn Hills Drive, Memphis, TN 38125 stated the retaining wall along Dogwood and Cordes has been removed and the frontages along those streets were graded. I am here to answer any questions you may have tonight.

Mr. Harless asked about the back corner where the drainage detention is located. Can you tell us what you have done there to may sure it meets City Code?

Mr. Baker noted the engineering staff studied the water flow from the neighbors and downstream, and we are catching that stormwater where it is running over to the detention.

Mr. Bacon asked how the common open space area would be maintained and does it need to have a separate service driveway entrance?

Mr. Baker answered the Homeowners Associations would be responsible for maintaining the common open space area.

Mr. Morgan stated we would just add one of the requirements from TAC to say the operations and maintenance plan for the detention is part of our requirements from stormwater protection/maintenance.

Frank Uhlhorn at 8559 Dogwood Road talked about the site distance and safety of driveways on Dogwood Road. They need a separate service driveway entrance.

Mr. Baker answered we have looked at the safety on the driveways with TDOT and the Fire Department on the sight lines. There will be matching iron mailboxes.

Alderman Owens requested this be added to the minutes: Brick, stone, or masonry mailboxes, driveway entrance structures and similar construction are discouraged along the Dogwood Rd. frontage. The placement (height, location, width) of such structures are subject to the approval of the City Engineer and shall not adversely affect the visibility of vehicles and pedestrians along Dogwood Rd. or within driveways. A note to that effect shall be included in the Final Plat.

Alderman Owens asked the City Engineer if the sight lines along Dogwood were acceptable for safety reasons in his professional opinion.

Mr. Gwaltney answered yes.

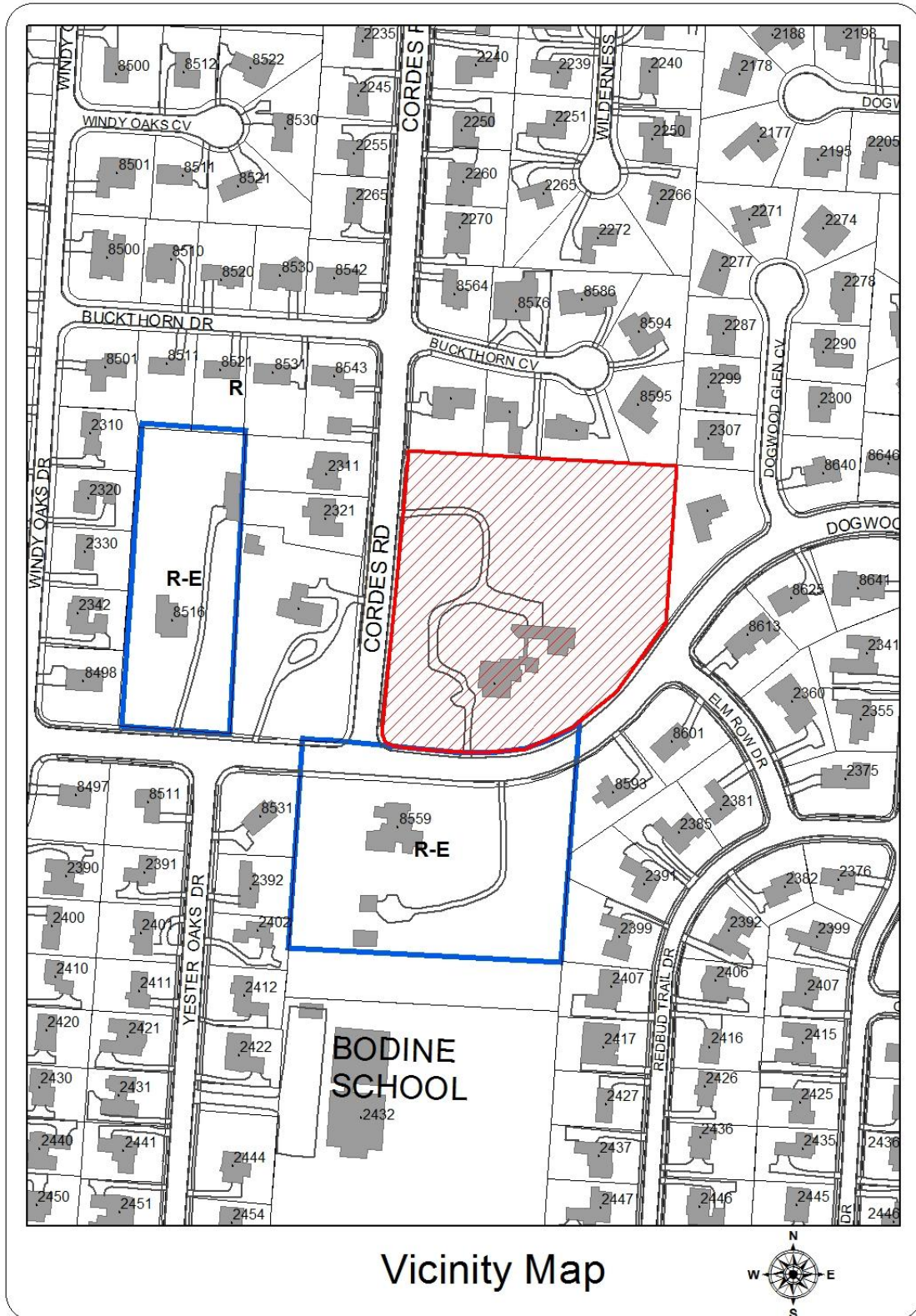
SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT (MIKE HARLESS, CHAIRMAN): The subcommittee withheld a recommendation on this request.

PROPOSED MOTION: To approve the preliminary and final subdivision plat for the Pipers Garden subdivision, subject to the preceding comments.

Mr. Harless moved to approve the preliminary and final subdivision plat for the Pipers Garden subdivision, subject to the preceding comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow –yes; Hernandez - absent; Wilensky – yes; Bacon – yes; Harless – yes; Owens - no; Klevan –yes. **The motion was passed**



Vicinity Map

CITY OF GERMANTOWN

PLANNING COMMISSION APPLICATION FOR PLANNED UNIT DEVELOPMENT (P.U.D.)

(Please all that apply): Sketch Plan; Outline Plan (Master Plan); Amendment to Outline Plan;
 Preliminary Plan (individual phases); Final Plan (individual phases);

Phase: 1 & 2 of 2 Date of Outline Plan (Master Plan) Approval: _____
Other: _____

Submittal Date: June 7, 2013

PROJECT INFORMATION

Name: Pipers Garden Planned Development
Address: 8598 Dogwood Road
Project Location Description: north east corner of Dogwood Road and Cordes Road

No. of Acres: 5.76

PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL WARRANTS OR VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.

OWNER/DEVELOPER INFORMATION

Name: MASCOM Properties Address: 2686 Kirby Whitten Road, Suite 107, Memphis, TN 38131
Phone No.: 901-553-2465 (Ken Spencer) Fax No.: _____
Email Address: kensallyspencer@bellsouth.net

AGENT/REPRESENTATIVE INFORMATION

Name: David Baker Title: Department Head - Planning and Landscape Architecture
Company Name: Fisher & Arnold, Inc. Address: _____
Phone No.: 901-748-1811 Fax No.: 901-748-3115
Email Address: dbaker@fisherarnold.com
Who will represent this proposal at the Planning Commission meeting? David Baker

ENGINEER/SURVEYOR INFORMATION

Engineer Name: Fisher & Arnold, Inc. - Michael Rogers Address: 9180 Crestwyn Hills Drive, Memphis, TN 38125
Phone No. 901-748-1811 Fax No.: 901-748-3115
Email Address: mrogers@fisherarnold.com
Surveyor Name: Fisher & Arnold, Inc. - Bernie Bell Address: 9180 Crestwyn Hills Drive, Memphis, TN 38125
Phone No.: 901-748-1811 Fax No.: 901-748-3115
Email Address: vbell@fisherarnold.com


DISCLOSURE OF OWNERSHIP INTERESTS

In order to assist staff and appointed and elected officials of the City of Germantown in complying with Ordinances of the City relating to conflicts of interest, the following information is required to be furnished:

1. For Profit Entities. If the applicant submitting this Application ("Applicant") is a for-profit entity, i.e. general partnership, limited partnership, corporation, limited liability company, R.E.L.T., a trust, or any other form of for-profit business entity, the authorized representative of the Applicant must list below the respective names and business or home addresses of all persons or entities which own 10% or more of the ownership interests in the Applicant. (If another business entity owns 10% or more of the ownership interests in the Applicant, all persons owning a 10% or more interest in such last mentioned entity must be identified by name and business or home address.) (If a trust owns a 10% or more interest in the Applicant, all beneficiaries of 10% or more of the trust assets must be identified by name and business or home address.) The amount of ownership interest does not have to be disclosed.

Applicant: MASCOM Properties 

Persons or Entities Owning 10% or More of the Ownership Interests of the Applicant:

Name	Business or Home Address
Frank Kassela 	8039 Stage Hills Blvd, Bartlett, TN 38133
Ken Spencer	8039 Stage Hills Blvd, Bartlett, TN Memphis, TN 38199

2. For Profit Entities: If the owner and any lessee of the land which is the subject of this Application ("Owner and Lessee") is a for-profit entity, i.e. general partnership, limited partnership, corporation, limited liability company, R.E.L.T., a trust, or any other form of for-profit business entity, the authorized representative of the Owner and Lessee must list below the respective names and business or home addresses of all persons or entities which own 10% or more of the ownership interests in the Owner and Lessee. (If another business entity owns 10% or more of the ownership interests in the Owner and Lessee, all persons owning a 10% or more interest in such last mentioned entity must be identified by name and business or home address.) (If a trust owns a 10% or more interest in the Owner and Lessee, all beneficiaries of 10% or more of the trust assets must be identified by name and business or home address.) The amount of ownership interest does not have to be disclosed.

Owner and Lessee: _____

Persons or Entities Owning 10% or More of the Ownership Interests of the Owner and Lessee:

Name	Business or Home Address
_____	_____
_____	_____
_____	_____
_____	_____

6. Southeast Corner of Wolf River Blvd. and Kimbrough Rd. – Request Outline Plan Approval for an Office Development

INTRODUCTION:

Applicant Name: Lee Davidson, w/The Reaves Firm – Representative

Location: Southeast corner of Wolf River Blvd and Kimbrough Rd.

Zoning District: Office Zoning District

BACKGROUND: The Planning Commission recommended approval of the rezoning from R-T Multi-family to the “O” Office district on June 4, 2013, and the Board of Mayor and Aldermen approved the rezoning on August 12, 2013 as ordinance 2013-10.

DISCUSSION: The plan proposes two, single story office buildings, to be constructed in 2 phases. A single entrance to Kimbrough Rd. is proposed, to be located on the line between the 2 phases.

TOTAL SITE AREA 2.7 ac.

BUILDING SIZES 13,200 sq. ft. &
8,000 sq. ft.

NUMBER OF PARKING SPACES 131

The PUD proposes the following variances from the standard development regulations:

1. The phase 1 building is located 30 feet from Kimbrough Rd. and 40 feet from Wolf River Blvd., where the standard setback from both streets is 60 feet.
2. The phase 2 building is located 10 feet from Kimbrough Rd., where the standard setback is 40 feet.

PLAN UPDATE: The outline plan has been revised to add an additional right-in/out driveway, with a mountable curb, within Phase 1 to provide a second point of access that meets the requirements of the fire code.

STAFF COMMENTS:

1. A substantial portion of the site is within the 100-year floodplain. A Conditional Letter of Map Revision (CLOMR) from the Corps of Engineers shall be provided prior to final plan approval.
2. After Planning Commission approval, the outline plan shall be forwarded to the Board of Mayor and Aldermen for approval.

Staff Recommendation: Approval, subject to the above comments.

Lee Davidson with the Reaves Firm, Inc., 5880 Ridge Bend Road in Memphis stated the primary goal was to get the setbacks to line up to remove a driveway in the back.

Ms. Burrow asked how much has the traffic slowed down on Kimbrough Road since Wolf River Boulevard has opened?

Mr. Pouncey answered it has been reduced a lot.

Mr. Harless asked about if they would be keeping the roads cleaned every day from the dirt/mud?

Mr. Morgan answered it has not been brought to us yet, but if staff is asked to review a grading permit for this property to make that happen, that would be one of the requirements, that measures be taken to keep dirt out of the streets and use construction entrances.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT (MIKE HARLESS, CHAIRMAN): The subcommittee withheld a recommendation on this request.

PROPOSED MOTION: To approve the outline plan for the Kimbrough Office Park PUD, located on the southeast corner of Wolf River Blvd. and Kimbrough Rd., subject to the preceding comments.

Mr. Harless moved to approve the outline plan for the Kimbrough Office Park PUD, located on the southeast corner of Wolf River Blvd. and Kimbrough Rd., subject to the preceding comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION FOR PLANNED UNIT DEVELOPMENT (P.U.D.)

(Please all that apply): Sketch Plan; Outline Plan (Master Plan); Amendment to Outline Plan;
 Preliminary Plan (individual phases); Final Plan (Individual phases);

Phase _____ of _____ Date of Outline Plan (Master Plan) Approval: _____
 Other: _____
 Submitted Date: _____

PROJECT INFORMATION

Name: Kimbrough Office Park
 Address: _____
 Project Location Description: 2.7 acre located at the southeast corner of Wolf River Blvd. and Kimbrough Rd.
 No. of Acres: 2.7

PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL WARRANTS OR VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.

OWNER/DEVELOPER INFORMATION

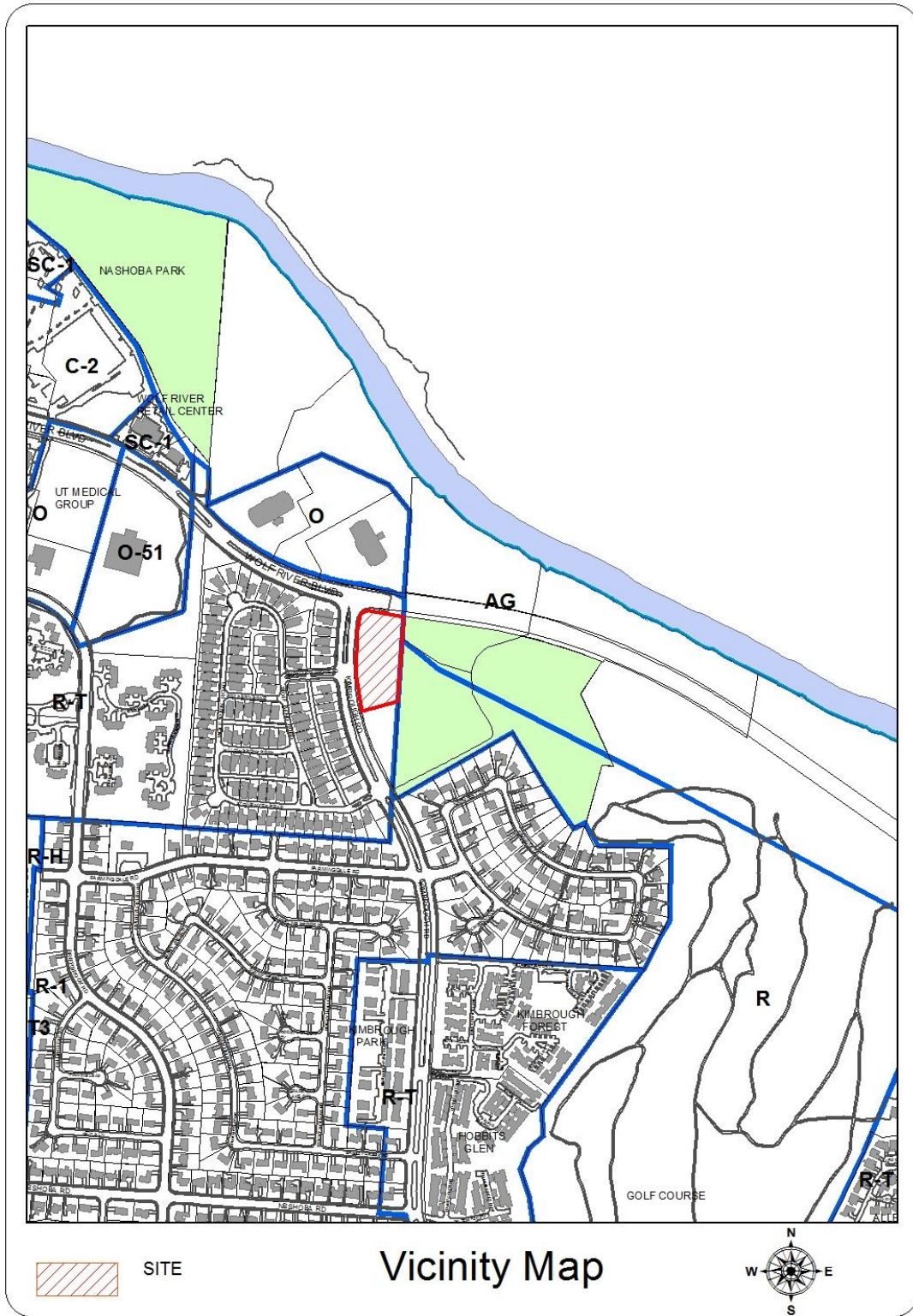
Name: McNeill-Kimbrough, LLC Address: 7700 Wolf River Blvd 38139
 Phone No.: 901-568-7700 Fax No.: 901-754-7668
 Email Address: sfay@mcneillcorp.com

AGENT/REPRESENTATIVE INFORMATION

Name: Lee Davidson, P.E. Title: Vice President
 Company Name: The Reaves Firm, Inc. Address: 5880 Ridge Bend Rd.
 Phone No.: 901-761-2016 Fax No.: 901-763-2847
 Email Address: ldavidson@reavesfirm.com
 Who will represent this proposal at the Planning Commission meeting? Lee Davidson, P.E.

ENGINEER/SURVEYOR INFORMATION

Engineer Name: Lee Davidson, P.E. Address: 5880 Ridge Bend Rd.
 Phone No. 901-761-2016 Fax No.: 901-763-2847
 Email Address: ldavidson@reavesfirm.com
 Surveyor Name: Michael K. Frye, RLS Address: 5880 Ridge Bend Rd.
 Phone No.: 901-761-2016 Fax No.: 901-763-2847
 Email Address: mfrye@reavesfirm.com



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. There was none.
9. **ADJOURNMENT:** The meeting adjourned at 6:35 p.m.