

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, February 4, 2014**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on February 4, 2014. 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 6:00 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, Dike Bacon, Steve Wilensky, Susan Burrow, Hale Barclay, David Klevan, and George Hernandez

Commissioners Absent: Alderman Forrest Owens, and Mike Harless

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

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

3. **Approval of Minutes for January 7, 2014**

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 January 7, 2014. If there were no additions, corrections or deletions to the minutes of the January 7, 2014, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Hernandez moved to approve the Planning Commission minutes of January 7, 2014, as submitted, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

4. **Approval of Minutes for January 21, 2014**

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 January 21, 2013. If there were no additions, corrections or deletions to the minutes of the January 21, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Hernandez moved to approve the Planning Commission minutes of January 21, 2013, as submitted, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

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

5. Madonna Learning Center, 7007 Poplar Ave. – Request Preliminary and Final Site Plan Approval

INTRODUCTION:

Applicant Name: *Scott Fleming, w/Fleming Assoc. Architects – Representative*

Location: 7007 Poplar Ave.

Zoning District: R-1 Low Density Residential Zoning District

BACKGROUND: The Board of Zoning Appeals approved a use on appeal for the expansion of a private school on November 12, 2013.

DISCUSSION: The plan proposes 1) the construction of a 3,770 sq. ft. training building on the southwest side of the site that will house the school's Adult Training Program; and 2) the demolition of the existing chapel in order to construct a 25,580 sq. ft. single-story addition to the existing 2-story classroom building. The larger addition will contain classrooms for grades K-12 and a multi-purpose gym.

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Engineering staff questions the direction/placement of the outlet pipe location in the southern area of the site.
2. Evaluate the possibility of retaining additional trees at the edge of the graded area for detention. There are several that are identified to be removed that appear could be saved.
3. Grading for the detention area appears to extend into the railroad right-of-way. Either provide a statement from the railroad that the plan is acceptable or revise the grading plan to keep the berm out of the railroad ROW.
4. Provide a phasing plan for erosion control.
5. Consider widening the western driveway to provide easier vehicle movement.
6. 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.
7. 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.
8. 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.

9. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
10. 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.
11. 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:
 12. 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.
13. 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.
14. 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.
15. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.

STAFF RECOMMENDATION: Approval.

Scott Fleming with Fleming Associates Architects, 5124 Poplar Avenue made a presentation on Madonna Learning Center. We are in agreement with the staff conditions.

Ms. Burrow asked how many adults would this program add?

Mr. Fleming answered there are 50 adults students now and there will be 80 in the future.

Ms. Joe Gilbert, Madonna Center Executive Director, 7007 Poplar Avenue, made a presentation. We will be able to offer an outreach for summer camp. There are 240 slots available for students to attend the summer program now and we feel it will double with the new gym. It will be a great project.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) – The subcommittee met on January 21, 2014 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for Madonna Learning Center at 7007 Poplar Ave. subject to the comments listed in the staff report.

Mr. Bacon moved to approve the preliminary and final site plan for Madonna Learning Center at 7007 Poplar Avenue subject to the comments listed in the staff report, as submitted, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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



TNSHEL028034NeighObliq2968N 110213.psi



Average Scale: 1 inch = 103.9 feet

Copyright ©2011 Pictometry International Corp.

CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION

(Please all that apply): Sketch Plan; Preliminary Site Plan; Final Site Plan
 Preliminary Plat; Final Plat
 Grading / Tree Removal; WTF (Wireless Transmission Facility)

Rezoning From: _____ To: _____
 Other: Preliminary and Final Site Plan Approval
 Submittal Date: November 8, 2013

PROJECT INFORMATION

Name: Madonna Learning Center Expansion
Address: 7007 Poplar Avenue Germantown, TN 38138
Project Location Description: 25,580 SF addition to be located on the south side of Poplar Avenue east of Poplar Estates Parkway and west of Val Verde Drive.
No. of Acres: 4.711 acres

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

OWNER/DEVELOPER INFORMATION

Name: Madonna Learning Center Address: 7007 Poplar Ave. Germantown 38138
Phone No.: 901.752.5767 Fax No.: 901.752.5039
Email Address: madonna@madonna-learning.org

AGENT/REPRESENTATIVE INFORMATION

Name: Scott Fleming, AIA Title: President
Company Name: Fleming Assoc. Architects Address: 5124 Poplar Ave. Memphis 38117
Phone No.: 901.767.3924 Fax No.: 901.767.7136
Email Address: sfleming@flemingarchitects.com
Who will represent this proposal at the Planning Commission meeting? Scott Fleming

ENGINEER/SURVEYOR INFORMATION

Engineer Name: Greg Bartlett, P.E. Address: The Reaves Firm - 5880 Ridge Bend
Phone No. 901.761.2016 Fax No.: 901.763.2847
Email Address: gbartlett@reavesfirm.com
Surveyor Name: Michael Frye, R.L.S. Address: The Reaves Firm - 5880 Ridge Bend
Phone No.: 901.761.2016 Fax No.: 901.763.2847
Email Address: mfrye@reavesfirm.com

3. Not for Profit Entities. If the applicant submitting the Application ("Applicant") is a not for profit entity, the authorized representative of the Applicant must list below the name and business or home address of the President (or equivalent chief executive officer) and the members of its board of directors:

Applicant: Madonna Learning Center
7007 Poplar Avenue - Germantown, TN 38138
President or Equivalent
Chief Executive Officer: Jo Gilbert-Executive Director

Members of the Board of Directors of the Applicant:

Name	Business or Home Address
_____	_____
_____	SEE ATTACHED
_____	_____
_____	_____

4. Not for Profit Entities. If the owner and any lessee of the land which is the subject of this Application ("Owner and Lessee") is a not for profit entity, the authorized representative of the Owner and Lessee must list below the name and business or home address of the President (or equivalent chief executive office) and the members of its board of directors:

Owner and Lessee: _____
President or Equivalent
Chief Executive Officer: _____

Members of the Board of Directors of the Owner and Lessee:

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

MADONNA BOARD OF DIRECTORS 2013-14
(revised 11-1-2013)

Barney Abis
544 Lexington Circle
Memphis, TN 38120
Home: 901-818-1986
Cell: 901-355-8799
babis@deltaforemost.com
barneyabis@comcast.net
(term expires 6/30/15)

John Bobango
999 Shady Grove Road
Fifth Floor
Memphis, TN 38120
Work: 901-259-7120
Work, direct: 901-259-7124 (Janice)
Home: 901-763-2970
Fax: 259-7180
jbobango@farris-law.com
(term expires 6/30/13)

Barbara Daush
President: St Agnes Academy-St. Dominic School
4830 Walnut Grove Road
Memphis, TN 38117
Home: 901-233-5668
Work: 901-435-5815
Fax: 435-5868
bdaush@saa-sds.org
(term expires 6/30/14)

John Haase
Board President
3604 Classic Drive South
Memphis, TN 38125
Home: 901-748-0183
Cell: 901-619-8463
Fax: 761-8467
jhaase@mcvean.com
(term expires 6/30/13)

Dr. Mike Neel
Vice President
5075 Greenway Road
Memphis, TN 38117
Home: 901-323-3198
Work: 901-259-1600
Cell: 901-626-1655
Nurse asst: 901-259-1638 (Julie)
mneel@orthomemphis.com
(term expires 6/30/13)

Chris Miller
2444 Minda Path
Memphis, TN 38016
Home: 901-385-3233
Cell: 901-603-7738
Work: 901-457-2000
cmiller@sgis.org
(term expires 6/30/13)

Mr. Michael Barrella
9334 William Glen Cove
Germantown, TN 38139
Home: 901-737-5218
Work: 215-1066
mbarrella@hotmail.com
Cell: 860-514-2260
(term expires 6/30/2014)

Mike Glenn
(Mike: Past Board President for SY 2007-08:
2008-09
2009-10)
45 South Pisgah Road
Eads, TN 38028
Home: 901-850-7940
W: 901-818-7355 (Mike/Tricia)
mglenn@fedex.com
(term expires 6/30/15)

Elizabeth Williamson
Board Secretary
94 Pidgeon Road
Memphis, TN 38117
Home: 901-821-0098
Cell: 901-550-3549
elizwilliamson@bellsouth.net
(term expires 6/30/15)

Jimmy Dickey
The Marston Group, PC c/o Anne Caraway
Certified Public Accountants and Bus. Advisors
6055 Primacy Plwy Suite 450
Memphis TN 38119
Cell: 351-4403
761-3003
Fax: 683-7901
jimmy@themarstongroup.com
(term expire 6/30/15)

MADONNA BOARD OF DIRECTORS 2013-14
(revised 11-1-13)

Andy Gattas
Knowledge Tree
5000 Summer Avenue
Memphis, TN 38122
Home: 901-754-7348
Work: 901-324-9251
Cell: 901-848-2877
agattas@theknowledgetree.com
(term expires 6/30/14)

Brother Chris Englert, F.S.C.
Christian Brothers
5900 Walnut Grove Road
Memphis, TN 38120
Work: 682-7801
brchris@cbhs.org
(term expires 6/30/2014)

Mr. John Sampietro
3791 S. Galloway
Memphis, TN 38111
Cell: 826-8994
Work: 213-2301
jsampietro@trestlepoint.com
(term expires 6/30/2014)

Mike Mattingly
8617 Havenhurst
Germantown TN 38138
Work: 901-682-2600
Cell: 901-569-6100
jmattin86@aol.com
(term expires 6/30/2014)

Marianne Hartquist
University of Memphis
Director of Development
Rudi E. Scheidt School of Music
University of Memphis
Music Building 118
3775 Central Avenue
Memphis, TN 38152-3160
Work: 901-678-3625
Cell: 901-833-3986
mrminton@memphis.edu
(term expires 6/30/2014)

6. Closure of a Portion of McVay Rd., North of North St.

INTRODUCTION:

Applicant Name: **Tony Chron, w/Trademark Property Group – Representative**

Location: The Portion of McVay Road North of North Street, Abutting Lots 1, 2 and 3 of the Boyd Arthur Homeplace Subdivision and Lot 4 of Schaeffer Subdivision, Section C

BACKGROUND: McVay Road was dedicated as a public street (50 feet of right-of-way) with the Boyd Arthur Homeplace Subdivision, which was approved by the Planning Commission October 17, 1973. The street extends from North Street, just north of the Norfolk-Southern/CSX Railroad, to its dead-end approximately 300 feet south of Poplar Ave. The actual pavement stops well short of that point, and serves 3 lots in the Boyd Arthur Homeplace Subdivision. The closure of the portion of the street is a component of the Saddle Creek South PUD site plan, which was approved by the Planning Commission on January 7, 2014.

DISCUSSION: The Saddle Creek South PUD site plan proposes the closure of McVay Rd. as a public thoroughfare and the incorporation of the former right-of-way into Buildings W and S, access drives to those buildings and the detention area for the shopping center. One-half of the street right-of-way abutting lots 1 and 2 of the Boyd Arthur Homeplace subdivision are proposed to be incorporated into those lots, with a new driveway constructed for access.

STAFF COMMENTS:

1. Prior to final Planning Commission approval, the owners of Lots 1 and 2 of the Boyd Arthur Homeplace subdivision shall agree to the proposed closure of the street.
2. If recommended by the Planning Commission, the closure will proceed to the Board of Mayor and Aldermen for approval as an ordinance, after three readings, including a public hearing.

STAFF RECOMMENDATION: Approval

Mr. Bacon asked about the proposed motion number 2, with subject to the approval of closure of lots 1 and 2, with approval of the motion being on conditions like creating their driveways and beyond.

Mr. Morgan answered on the proposed motion Trademark will reconstruct the driveways for Lots 1 and 2 of the Boyd Arthur Homeplace Subdivision. The City will give the right-of-way to each one of the property owners.

John Perry with Kimley-Horn and Associates, 6625 Lenox Park Drive, Suite 117, Memphis, TN 38115 made a presentation. He asked why are improvements subject to Arthur family consent?

David Harris answered that the application as we understand it, is from both of the adjoining property owners. With regard to the property that is owned by the Arthurs, we cannot consider a street closure unless both adjoining property owners present that application to us. We cannot get into what it takes between the adjoining property owners to obtain their consent. That is something we have to leave to

you. For those reasons, we have to leave it to the adjoining property owners to work out issues about how it will be built or rebuilt thereafter.

PROPOSED MOTION 1: To recommend approval of the closure of the section of McVay Road that is north of North Street and that abuts Lot 3 of the Boyd Arthur Homeplace Subdivision and subject to the comments contained in the staff report.

Mr. Bacon moved to recommend approval of the closure of the section of McVay Road that is north of North Street and that abuts Lot 3 of the Boyd Arthur Homeplace Subdivision and subject to the comments contained in the staff report, seconded by Mr. Wilensky.

Mr. Hernandez stated he will be voting yes; based on plans that have been developed, the street is no longer necessary, so closing it makes logical sense.

Mr. Wilensky stated he will be voting yes; for the same reasons mentioned early. I had a hard time finding that street.

Ms. Burrow stated she will be voting yes; because it is a small street, basically going nowhere and I think this is a good idea.

Mr. Barclay stated he will be voting yes; that portion of McVay Road is no longer necessary due to the construction plans.

Mr. Bacon stated he will be voting yes; it's a road surrounded by redevelopment.

Chairman Klevan stated he will be voting yes; for the same reasons mentioned early.

Chairman Klevan asked for a roll call.

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

PROPOSED MOTION 2: To recommend closure of that portion of McVay Road that abuts Lots 1 and 2 of the Boyd Arthur Homeplace Subdivision subject to the approval of the closure from the owners of Lots 1 and 2 and subject to the comments contained in the staff report.

Mr. Bacon moved to recommend closure of that portion of McVay Road that abuts Lots 1 and 2 of the Boyd Arthur Homeplace Subdivision subject to the approval of the closure from the owners of Lots 1 and 2 and subject to the comments contained in the staff report, seconded by Mr. Barclay.

Mr. Bacon stated he will be voting yes; primary it is an extension of motion number 1.

Mr. Barclay stated he will be voting yes; it is an extension of the first motion. It is no longer necessary due to the construction plans.

Ms. Burrow stated she will be voting yes; it is an extension of motion number 1.

Mr. Hernandez stated he will be voting yes; for the same reasons as stated by fellow commissioners.

Mr. Wilensky stated he will be voting yes; because it is an extension of motion number 1.

Chairman Klevan stated he will be voting yes; and for the same reasons as stated by fellow commissioners.

Chairman Klevan asked for a roll call.

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



7. Chairman Klevan asked if there was any old business to come before the Commission. There was none.
8. Chairman Klevan asked if there was any new business to come before the Commission. There was none.
9. Chairman Klevan asked if there were any liaison reports. Ms. Burrow stated she attended the Economic Development Commission meeting where they are fired up over the tourist group working on a visitor's guide, marketing group working/expansion on buying local, shop Germantown, expansion, and revitalization with shopping centers, and innovation group working with an innovative ecosystem. They are working hard getting out the business buzz newsletter, and they had a Germantown Business Industry Summit on economic data for Germantown. It will become our marketing piece for promoting and soliciting for new business to come to Germantown. There will be a Business Expo on April 24.
10. **ADJOURNMENT:** The meeting adjourned at 6:30 p.m.