

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, June 2, 2009**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on June 2, 2009. 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.

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

**Commissioners Present:** Rick Bennett, Alderman John Drinnon, David Klevan, Forrest Owens, Lisa Parker, Mike Harless, Dike Bacon.

**Commissioner Absent:** Susan Burrow

**Staff Present:** David Harris, Jerry Cook, Andy Pouncey, Wade Morgan, Josh Whitehead, Tim Gwaltney and Pam Rush.

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

**1. Approval of Minutes for May 5, 2009**

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 May 5, 2009. If there were no additions, corrections or deletions to the minutes of the May 5, 2009, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bennett moved to approve the Planning Commission minutes of May 5, 2009, as submitted, seconded by Ms. Parker.

Chairman Klevan asked for a roll call.

**Roll Call:** Bennett – yes; Burrow – absent; Drinnon – yes; Parker – yes; Bacon – abstain; Harless – yes; Owens - yes; Klevan – yes. **The motion passed.**

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**2. Barzizza Property / Dogwood Ridge – south of Poplar Avenue, east of Kimbrough Road – Request Rezoning of 14.152 acres from “R” Low Density Residential to “R-H” Retirement Housing Residential**

**INTRODUCTION:**

**Applicant Name:** Debra Daws – Representative

**Location:** South of Poplar Avenue, east of Kimbrough Road

**Current Zoning District:** “R” Residential Zoning District

**Surrounding Zoning:** “R” Residential Zoning District, with approved uses-on-appeal to the north and west

**Description of Request:** Request Rezoning from “R” Low Density Residential zoning district to “R-H” Retirement Housing zoning district

**BACKGROUND:** According to the applicant, the 14.152-acre site has been the residence for the Barzizza family for over 60 years. There have been two previous plans approved for the property in recent years. On June 22, 1998, the Planning Commission approved both the Preliminary and Final Plans for the original Dogwood Ridge PUD. On May 13, 2002, the Board of Mayor and Aldermen approved Subdivision Development Contract No. 419 for the construction of a 22-lot subdivision known as the Dogwood Ridge PUD. The developer did not execute the contract due to a downturn in the economy. On January 3, 2006, the Planning Commission granted Final PUD approval for the revised development plan of seven residential lots for the Dogwood Ridge PUD. On March 13, 2006, the BMA approved Subdivision Development Contract No. 472.

**DISCUSSION:** The specific request by the applicant is to rezone the 14.152-acre parcel for a senior living community. The applicant has provided a Concept Plan that illustrates a potential site layout. The applicant has submitted a letter of justification for the change.

***Fiscal Impact:***

It was requested by the Planning Commission subcommittee that staff investigate the fiscal impact of the proposed rezoning, as compared to the current zoning. The proposed concept plan submitted with this rezoning involves 14.152 acres, which is 50% of the acreage at The Village of Germantown. The Village of Germantown is currently appraised at \$36,707,900 and assessed at 40% for a taxable valuation of \$14,683,160. As such, the City nets approximately \$226,120.66 in property taxes from the development each year. Assuming each unit at the proposed development would be valued at the same level as each unit at the Village of Germantown, the proposed rezoning could net \$113,060.33 per year.

Under the current "R" zoning, the site could be developed with approximately 22 housing units, as evidenced by the Dogwood Ridge PUD submitted in 1998. If these homes were priced similar to home in Sanders Ridge, which lies immediately west of Our Lady of Perpetual Help Church, the 22 housing units could be appraised as much as \$21,670,440 (based on average appraisal of \$985,020 of the 15 houses built). At an assessment rate of 25%, the taxable valuation would be \$5,417,610. This would net the City \$83,431 in taxes, or 74% of the amount under the proposed rezoning. Presumably, build-out of the proposed R-H development would occur more quickly than build-out of a 22-lot \$1,000,000-home subdivision given the time Sanders Ridge and other similar subdivisions have taken to develop. In addition, the comparisons with these two scenarios is further complicated by the fact that, at present, there are no interested developers in constructing a 22-lot subdivision on this site, and even when there was ten years ago, it was found to be financially implausible. If the site is developed into seven lots, as was proposed in 2006, the appraised value would be about \$14,000,000, assuming seven \$2,000,000 homes. This results in a cumulative assessed value of \$3,500,000, which will net the City \$53,000 a year in property taxes, or 32% of the amount under the proposed zoning.

***Traffic:***

Sec. 23-346 states that "an R-H district shall be located in a route designated as either a major or a collector street on the official major road plan." The Barzizza property is located on Poplar Avenue. The applicant has submitted a traffic study using procedures from *Trip Generation – An Information Report, 8<sup>th</sup> edition (2008)*, published by the Institute of Transportation Engineers, which shows little affect from the concept plan. Staff agrees with this assessment. A traffic analysis was done in 2000, for the Village of Germantown. The Village of Germantown has 620 nursing home units, 251 detached elderly housing units, 252 congregate care units and 253 attached elderly housing units, for a total of 1376 units. The traffic study estimated a total of 70 employees with 53 arriving between 6 and 7AM. The study showed that during the AM peak hour 69 employee's trips and 26 resident and visitor trips would be generated,

for a total of 95 generated trips. During the PM peak, hour 69 employee trips and 39 resident and visitor trips would be generated, for a total of 108 generated trips. Dogwood Ridge will have a total of 222 units. The traffic study shows a total of 58 generated trips during the AM peak hour, 25 of which will be employees arriving at work, and 82 generated trips during the PM peak hour. In comparing the traffic at The Village at Germantown with the subject site, it should also be noted there are differences in their densities.

The proposed sketch plan represents 222 units on 14 acres, or 16 units per acre. The Village at Germantown, with 1376 units on 28 acres represents a density of 49 units per acre. As such, density at The Village is more than three times the proposed density at the subject site.

***Traffic Accident Report:***

The following are the number of accidents at intersections near existing retirement communities. According to the police department, they have not found an increase in traffic accidents due to the construction of The Villages at Germantown or Germantown Plantation. The first two intersections are the closest to the Village; the fourth intersection if the closest to Germantown Plantation.

**Germantown/Neshoba**

May 2000 thru April 2001 – 11 crashes

May 2008 thru April 2009 – 20 crashes

**Neshoba/Exeter**

May 2000 thru April 2001 – 0 crashes

May 2008 thru April 2009 – 0 crashes

**Poplar/Kimbrough**

May 2000 thru April 2001 – 16 crashes

May 2008 thru April 2009 – 17 crashes

**Poplar/Johnson**

May 2000 thru April 2001 – 7 crashes

May 2008 thru April 2009 – 5 crashes

***Intent of "R-H" Zoning District:***

The "R-H" Retirement Housing zoning district was approved by the Board of Mayor and Aldermen with Ordinance No. 1997-13 on August 11, 1997. Since that time, two developments have utilized this zoning classification: Poplar Grove, a wholly single-family development at the northwest corner of Poplar and Johnson, and The Village at Germantown between Germantown and Exeter north of Neshoba, a mixed-use community with varying degrees of housing types. Among other attributes, a key component of the original "R-H" zoning district was its over-55 age restriction. At the request of the City Attorney, the age restrictions of the "R-H" zoning district were removed from the Zoning Code with the approval of Ordinance No. 2007-20 on December 10, 2007. It was determined by the City Attorney that age restrictions could only be governed by private covenants and contracts, and not through municipal land use restrictions. Prior to being approved by the Board, the Planning Commission recommended approval of this change to the "R-H" zoning district. During the May Subcommittee meeting, several Planning Commission members inquired whether this action had reduced "R-H" rezoning applications to little more than a means through which a developer could more easily build conventional apartment complexes.

To help address this concern, the intent of the “R-H” zoning district should be discussed. The zoning district was originally the idea of the Senior Citizens Advisory Committee, which, when discussing the proposed Allenby Lakes Planned Development at their December 5, 1996, meeting recommended that staff create a new zoning district that would allow for housing of varying types for all stages of life. The recommendation was forwarded to the Zoning and Annexation Subcommittee of the Planning Commission, which by its January 22, 1997; meeting had established the general parameters of the “R-H” zoning district. Chief among these was the allowance of congregate housing, defined below.

**Sect. 23-2 Definitions**

*Congregate care facility* means a facility for longterm residence...which includes common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which might include meal services, transportation, housekeeping, linen and organized social activities.

In addition to congregate housing, apartments, townhouses, duplexes and single-family houses of varying densities were also included in the “R-H” Zoning District to meet the Senior Citizens Advisory Commission’s request that an ideal retirement community would housing for all stages of life. Another important feature of the “R-H” Zoning District is its allowance for limited retails uses within a retirement community, including restaurants and bars. This unique aspect of the “R-H” Zoning District underlies the intent that, even without age restrictions included in the zoning code, this zoning classification was created and continues to exists for the development of primarily retirement housing.

***Sketch Plan:***

In addition to the intent and purpose behind the “R-H” zoning district, a concept plan has also been submitted with the rezoning application. Concept plans are required for all rezoning requests, and the requirement for “R-H” rezoning requests is explicit:

Sec. 23-349. Plan review.

(a) A sketch plan shall accompany all applications for R-H zoning. The sketch plan shall:

- (1) Be drawn to a scale of one-inch equals 100 feet.
- (2) Include the following:
  - a. Existing and proposed roads and drainage.
  - b. General landscaped areas and planting screens.
  - c. Curb cuts and drives.
  - d. Building setback lines.
- (3) Show 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.

(b) Approval of the sketch plan by the planning commission shall constitute a recommendation to the board of mayor and aldermen to rezone to R-H all property included in the sketch plan, which may not be, zoned R-H.

(c) Following planning commission approval of the sketch plan, notices and publications of public hearing 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, of this chapter. Upon completion of the required public hearing, the board shall approve or disapprove the rezoning.

In addition, actual site plans are prohibited during rezoning applications. Section 23-349(b) and (c), see above, states that approval of a sketch plan (or concept plan) by the Planning Commission constitutes a recommendation to the BMA to rezone all property included in the sketch plan to the specified zoning district. The sketch plan then goes forward to the BMA for approval. Therefore, the rezoning is tied to the sketch plan submitted.

Between the intent of the "R-H" zoning district, the concept plan submitted with this application and the site planning powers of the Planning Commission, the City retains the authority over this piece of property if it is rezoned to prevent a conventional apartment complex.

**STAFF COMMENTS:**

1. The Germantown Code (Sec. 23-66) permits changes in zoning districts, "[w]henver the public necessity, convenience, general welfare or good zoning practice justify such action." The basis for a zoning change could include that there was a mistake in the original zoning; or, that there has been a change in the neighborhood. Should a mistake in the original zoning not be the case, Tennessee courts have established the following criteria to help determine what is considered to be a change in the neighborhood:
  - a. Changes in population, both of the area proposed to be rezoned and in the surrounding areas;
  - b. Changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity;
  - c. The need for rezoning based upon changes in whatever is classified as the "neighborhood" (which may not necessarily be limited to what one would think of as a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property; and,
  - d. The effect of the requested change in zoning on adjoining or nearby property.

*The applicant states in the attached letter that the reasoning for the rezoning is "significant growth in the institutional facilities in the area." The applicant stated, "The public need for the proposed development ranks high in our current time and will be even higher in our future. The Developer has studied and worked on this site for approximately one year and has determined the public need is there, and that this request will in turn provide for a very successful senior neighborhood."*

2. The applicant provided a Sketch Plan for the site that illustrates the rezoning request.
3. TAC reviewed the rezoning request on May 14, 2009. Staff found the site to be appropriate for an "R-H" zoning district. The following comments address *site design* issues of which the developer should be aware for a subsequent site plan application.
  - a. The applicant shall stay in contact with surrounding property owners throughout the rezoning and development process.

- b. As the intersection of Poplar and Kimbrough is approximately 340 feet west of the proposed entrance drive, traffic exiting the site may conflict with eastbound traffic queuing at Kimbrough. Staff recommends the applicant explore moving the entrance to the east and / or merging the two entrances to the site into one.
- c. The developer shall make all improvements to Poplar Avenue (i.e. curb, gutter, sidewalk and widening).
- d. Approval of the rezoning request does not signify or imply approval of the proposed development plan for the subject property. If the Planning Commission and the Board of Mayor and Aldermen approve the rezoning, the Planning Commission must review any plans for development of the site. Elements of the concept plan that do not comply with the Zoning Ordinance or that are not shown on the plan shall be corrected or added before it is submitted to the Planning Commission for approval.
- e. If approved, the applicant shall proceed to the Board of Zoning Appeals (BZA) for a use on appeal.
- f. If approved, the applicant shall proceed to the Board of Mayor and Aldermen (BMA) for three readings on the rezoning. If approved by the BMA, the applicant may return to the Planning Commission for plat and site plan approval. Prior to final site plan approval, a plat must be executed deleting all interior property lines.
- g. A Demolition Plan must be submitted to the Design Review Commission and the City Engineer prior to demolition. The applicant may submit the Demolition Plan in conjunction with the Grading Permit to the City Engineer. The demolition plan shall include details of the removal of existing structures, driveway, any accessory structures, and public services, if applicable. On this plan, reference shall be made for the removal and capping of all utilities/wells/septic systems within the subdivision, per Shelby County Health Department regulations.
- h. 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.
- i. An existing sewer easement has been identified east of this development (to Scruggs Drive). A new sewer tap for the parcel east of this development shall be shown on Sanitary Sewer Plans. The construction plans shall clearly indicate the location of the sewer as being within the paved area of Poplar Avenue, after its planned widening (not under the curb, grass strip or sidewalk). A sewer easement shall be obtained, prior to subdivision contract approval, if the sewer is not within the existing right -of-way.
- j. The Grading and Drainage Plan shall reflect a run-off rate of 2 feet per second or less (or a rate that is acceptable to the City Engineer) to prevent erosion and scouring.
- k. Access easements for maintenance of the detention basin shall be provided.

- k. TDOT shall verify the condition of the existing drainpipes under Poplar Avenue and shall determine if replacement is necessary.
- l. All temporary and permanent (utility, construction etc.) shall be shown on the plans, prior to subdivision contract approval.

**Staff Recommendation:** Approval, subject to staff comments.

Debra Daws with Dalhoff Thomas Daws Consultants stated there are five different types of senior housing types, which focus on the active lifestyle of a maturing community in Germantown. This development is addressing a need that was identified by the Senior Advisory Committee in 1996. Since then, such R-H zoning districts in Germantown were approved for several retirement communities that continue to serve the citizens well. We are basing our rezoning application on a need for that community. Mark Maberry, Formation Development Group is buying most of the parcel from Mr. Barzizza. We have researched some changes such as St. George is the north, which is an institutional use and Our Lady of Perpetual Help to the west, which is an institutional use; we feel the institutional use that we are proposing with the retirement community fits in with that and helps support it. Likewise, those churches and schools will help benefit the retirement community and its volunteer service. We have been working closely with staff and the neighborhoods, which we have met three to four times with the neighbors, and addressed their concerns and issues about traffic and drainage issues. We will be working with the engineering department to see what we can do to try and correct some of the drainage issues that they have. The traffic issues they have now are on Scruggs Road and it being a cut-through street on their roadways, and not being able to make a left turn on Poplar Avenue. We want to be good neighbors, we feel like this is going to be a massive improvement for the community. The retirement community itself will be developed on parcel A which is 7 of 14 acres and it will contain 136 independent-living luxury apartments, 32 assisted-living units and 16 memory-care units and parcel B will be single-family houses and 27 garden homes at a later date. We have hired Dr. Martin Lipinski to help us deal with access on the traffic in and out of the facility.

Mark Maberry, Formation Development Group from Atlanta, GA, stated we have developed 150 units like this one all over the United States in the past 19 years. We are buying parcel A only from the Barzizzas. The average age of a resident moving in is 83. We will provide the resident transportation, but about half of the independent living residents have their own cars. The peak number for staff members to be on duty is 25-28. We chose the site in Germantown because it has a high concentration of seniors and it is an older community.

Chairman Klevan stated rezoning is a difficult situation, rezoning is deciding the best use of a piece of property. It requires the applicant to complete a concept plan. The concept plan is valuable to the point that it shows something can be done that meets those zoning requirements, other than that it is totally useless. If we rezone this property tonight to R-H, the developer could be gone tomorrow and a new developer can come in with a completely new concept or development plan for this piece of property. Therefore, I am saying to ask you when you are making your comments for or against, bear in mind what we are looking for are your comments for the best use of this property.

Matthew Sellers, 8312 Scruggs Drive, stated he was against this project. This is not about traffic, drainage or about it affecting my property. This is about an individual that owns a piece of property at a very bad time, when he needs to sell. He has found somebody that does not live in this City to buy this property under certain circumstances. The letter I received from the City was based on the staff's calculations; the proposed rezoning could generate \$113,000 a year in property taxes. That seems like a small amount of money for a huge monstrosity. This would be the only piece of commercial property within less of a mile from a wonderful residential area. Churches make good neighbors, Germantown

likes churches it meets our type of lifestyle. There is only 32 units for assisted and a lot for independent. If you are independent and want to pay 3,200 a month to live in that place you will have a car and go to the grocery store and sometimes you may catch the kitchen on fire. The City is going to have to maintain that infrastructure. The differences between the Village of Germantown are they buy and own the property. People are not going to pay that kind of money to rent. There is no way, there is any proof that this thing will work and if it does not work, we cannot un-build it.

Lou Paris, 8294 Scruggs Drive, President of Dogwood Creek HOA, stated we have had three to four meetings with the developers and this is a list of concerns we have - 1) Drainage-Stormwater on Park Ridge Drive with flooding inside homes and 2) Cut through traffic, more than 10,000 vehicles traffic Scruggs Drive to Poplar Pike and Poplar Avenue in a one-week period according to the traffic study done.

Rob Adams, 8331 Scruggs Drive, stated he disputes the "change" in the neighborhood. We have had increases in population, traffic, and St. George's has moved which is all the changes I know about.

Ellen Fite, 8285 Poplar Avenue, stated she disputes the "change" in neighborhood. There has been no change in the neighborhood since it was originally zoned. What I hear is someone needs to make some money. The existing senior developments are not fully occupied. I think part B will be a huge monstrosity.

Alderman Drinnon asked what brought them together with Barzizzas? Can the owner in parcel B sell to anyone, without regards to age? He stated I could not support the rezoning.

Mark Maberry answered through the Neshoba Group.

Debra Daws answered yes, but covenants will limit ownership to seniors.

Mike Fite 8285 Poplar Avenue, stated one of biggest concerns is property value around this development, drainage and traffic impact. They are not answering questions about what will be done to fix the drainage and traffic problems we have now. Will there be traffic lights put up to help with the traffic?

Mr. Owens stated Parcel B is part of the rezoning, but there are no plans for it and what would be the age restrictions?

Mark Maberry answered no age restrictions. Based on need and desire, there is not an active senior market.

Mr. Bacon asked if there was any infrastructure connection for liability between A and B?

Mark Maberry noted internal emergency vehicle access.

Mr. Bacon noted then parcel A is a stand-alone development.

Mr. Owens asked about sharing of access drives?

Mark Maberry answered yes, we can combine them.

Mr. Harless stated he was opposed, due to traffic congestion already at Poplar Avenue and Scruggs Road. Also, he stated concerns about parcel B, on how it is being developed with access to that property.

Ms. Parker noted she has not observed any change in the neighborhood.



Mr. Bennett stated look at the use of property and change. There has been a change in the community. Also, there is a need for a senior housing in the area. He stated I have some very serious concerns about traffic off this particular site for the access to Poplar Avenue.

Mr. Owens stated the request has merit and will fulfill a need for Germantown. The other low-density residential uses are not appropriate or likely. The traffic is an issue for me to I talked to Mr. Tim Gwaltney and received the traffic study from Dr. Martin Lipinski, which I think we should fall back on since they are experts in this.

Mr. Bacon stated there is no guarantee of development in the sketch plan. The R-H is a low impact zone and I am concerned over the lack of connection between the parcels.

Chairman Klevan noted the aging population makes a need for senior housing. There is a great concept for A, but B is lacking in credibility to make it work properly.

**PROPOSED MOTION:** To recommend approval of the Request for Rezoning from “R” Low Density Residential zoning district to “R-H” Retirement Housing zoning district.

Mr. Bennett moved to recommend approval of the Request for Rezoning from “R” Low Density Residential zoning district to “R-H” Retirement Housing zoning district, seconded by Mr. Owens.

Chairman Klevan asked for a roll call.

**Roll Call:** Bennett – yes; Burrow – absent; Drinnon – no; Parker – no; Bacon – yes; Harless –no; Owens - yes; Klevan – no. **The motion failed.**

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### 3. Neighborhood Traffic Calming Program

#### **INTRODUCTION:**

**Applicant Name:** City of Germantown

**Description of Request:** Approval of a Policy Identifying Appropriate Traffic Calming Measures and a Process for Implementing Them

**BACKGROUND:** The Transportation and Traffic Focus Area Cabinet was created by the City administration as a vehicle for identifying issues related to transportation planning and enforcement and insuring that transportation-related operations and improvements are implemented effectively. The cabinet is composed of representatives from the engineering, planning, public services and police divisions. Individual residents and homeowner associations are increasingly requesting the City to implement measures to slow and/or reduce traffic within their neighborhoods. Those measures are collectively referred to as “traffic calming”. The City’s first response at present is to increase enforcement by Police officers to reduce speeding. Further measures have been referred to the Planning Commission for review and approval. However, Germantown does not have a list of acceptable traffic calming techniques or a process for evaluating them.

**DISCUSSION:** The proposed Neighborhood Traffic Calming Program (NTCP) applies only to local residential streets. It identifies several acceptable traffic calming measures and establishes procedures for requesting them, for review by City staff and for an appeal of that review. The NTCP is based on a similar program in Franklin, Tennessee. Staff is requesting the Planning Commission to review and comment on the program at this time.

The NTCP was previously discussed at the March Planning Commission subcommittee meeting. Subcommittee members suggested that speed tables be included in the list of acceptable techniques. The Technical Advisory Committee had recommended their removal.

**STAFF COMMENTS:**

The Technical Advisory Committee (T.A.C.) met on February 12, 2009, and recommended that speed humps and tables not be an acceptable traffic calming technique.

**TRANSPORTATION SUBCOMMITTEE REPORT:** The Transportation Subcommittee did not make a recommendation on the policy.

Mr. Harless asked do you have a recommendation for the Fire and Police regarding the traffic-calming proposal?

Mr. Morgan stated the recommendation from the Fire Marshall was that he did not like the speed tables. They felt it would slow the response time, and damage the fire vehicles. The Police department has not made a recommendation.

Alderman Drinnon stated you all have done quite a study on this matter based on information presented tonight. Are you still evaluating the information in order to make a recommendation based on what you have presented tonight?

Mr. Gwaltney stated yes to some degree we are. The policy that you are reviewing now does spell out the process that we intend to follow. As we receive a call from a homeowners association, we then do a traffic impact study. The first thing is education for the homeowners association, then increase the signage, striping, street marking and monitor the results of that. If it does not have the desired effect, we would probably make changes visibly to the roadway such as a chicane or again the last results would be speed tables.

Alderman Drinnon stated he thinks there is more to be done before we can make a decision on something of this nature. There are some areas, such as a homeowners association that probably would be precise to the proper type calming device. Mr. Chairman, in lieu of this I suggest this be tabled for a month until we get a little more through information.

Ms. Parker stated the introduction to the program is behind your agenda sheet in which it goes into the steps.

Mr. Bennett had a question about the difference between a homeowners association and a homeowners group. He wanted to clarify that an individual homeowner could not initiate a petition.

Mr. Gwaltney stated we responded to any individual who calls in, but in order to qualify for this traffic calming policy, it does take a homeowners association or a homeowners group. We do not have funding setup for the year 2010 in the Capital Improvement Program. Before implementing physical traffic calming measures, the City of Germantown Engineering Department will work with participating neighborhoods to educate their residents regarding safe, on-street vehicular travel. The Engineering staff will assist the neighborhood associations/groups in developing educational programs for the residents. However, it will be the responsibility of the neighborhood associations/groups to implement the educational programs. In order for a project to be considered for traffic calming measures, the following criteria must generally be met:

- The Average Daily Traffic (ADT) volume is greater than or equal to 500 vehicles per day.

- The 85<sup>th</sup> percentile speed is at least 7 mph faster than the posted speed limit.
- The posted speed limit is 35 mph or less.
- The street is a through street.
- The maximum grade on the section of roadway that is being considered for traffic calming measures does not exceed eight percent.
- The combination of horizontal and vertical curves along the roadway is not such that would result in inadequate stopping sight distance for motorists as they encounter the traffic calming devices.
- The street is not a transit route or a primary emergency access route.

Mr. Harris pointed out a discrepancy between the flow chart and the text of the Traffic Calming Policy, and suggested that it be resolved before the Planning Commission approves this policy.

**PROPOSED MOTION:** To approve the Traffic Calming Policy.

Alderman Drinnon moved to table a month the Traffic Calming Policy, seconded by Mr. Bennett.

Chairman Klevan asked for a roll call.

**Roll Call:** Bennett – yes; Burrow – absent; Drinnon – yes; Parker – no; Bacon – yes; Harless –yes; Owens - yes; Klevan – yes. **The motion was tabled a month.**

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**NEIGHBORHOOD TRAFFIC CALMING PROGRAM (NTCP)  
GERMANTOWN, TENNESSEE**

**Application**

This policy applies to local, residential streets. Collector and arterial streets and streets that are located in commercial zoning districts will not be considered for traffic calming.

**PROCESS**

Projects that are being considered for the NTCP must follow the procedure that is outlined below. A flowchart summarizing this procedure is provided in Appendix A.

**Step 1: Request Traffic Calming**

A homeowner's association or homeowner's group must submit a written request for traffic calming on a specific street segment or segments to the Engineering Department. The request must identify the perceived traffic problem and must include contact information for a representative (the requester) of the association/group. Individual citizens are not eligible to initiate projects for the NTCP.

**Step 2: Conduct Petition**

Upon receipt of the written request, engineering staff will define the petition area. The petition area will typically include the following:

- Properties along the street that is being considered for traffic calming measures
- Properties along streets where access is substantially dependent upon the street that is proposed to be calmed
- Properties along any street that is expected to receive significant increases, as determined by Engineering staff, in traffic volumes or types as a result of the traffic calming installation

Engineering staff will prepare a petition packet that includes the petition form, a copy of the NTCP policy, a map of the study area, the names and addresses of the property owners within the petition area,

and an explanation of the NTCP procedures. The petition packet will be given to the requester, who will be responsible for conducting the petition. Prior to conducting the petition, the traffic calming request and petition must be presented at a neighborhood meeting that is publicized by the City of Germantown in a manner that is consistent with Germantown's standard procedures. Engineering staff will attend the meeting to present the traffic-calming request, identify the study area, and to explain the NTCP procedures. After the meeting, the requester must obtain supporting signatures, or "yes" votes, that represent 51 percent of the households within the petition area. Missing signatures will be counted as "no" votes. The requester will have 90 days after the date of the neighborhood meeting to submit the petition results to the Engineering Department. If the petition is successful, then the proposed project will proceed to Step 3. If the petition fails, or if the petition is not returned by the petition deadline, then the project is terminated, and the neighborhood will be ineligible to submit another request for traffic calming for a period of one year.

### **Step 3: Evaluate Problems and Identify Possible Solutions**

Engineering staff will evaluate the project to determine the need for traffic calming measures. This evaluation will typically include a site visit and the collection of data, such as traffic volumes and traffic speeds. In order for a project to be considered for traffic calming measures, the following criteria must generally be met:

- The Average Daily Traffic (ADT) volume is greater than or equal to 500 vehicles per day.
- The 85<sup>th</sup> percentile speed is at least 7 mph faster than the posted speed limit.
- The posted speed limit is 35 mph or less.
- The street is a through street.
- The maximum grade on the section of roadway that is being considered for traffic calming measures does not exceed eight percent.
- The combination of horizontal and vertical curves along the roadway is not such that would result in inadequate stopping sight distance for motorists as they encounter the traffic calming devices.
- The street is not a transit route or a primary emergency access route.

If Engineering staff determine that the street segment does not have a traffic volume or a traffic speed problem, then the project will be terminated. The project will be ineligible for the NTCP for a period of two years unless Engineering staff determine that changing conditions have resulted in a traffic volume or speeding problem.

If Engineering staff determine that a street segment has a traffic volume or a traffic speed problem, but the above criteria are not met, then Engineering staff will work with the Germantown Police Department and the neighborhood association/group to address the problem with education and enforcement efforts. However, the street will not be considered for other traffic calming measures at this time. In addition, the project will be ineligible for the NTCP for a period of two years unless Engineering staff determine that changing conditions during this time have resulted in a traffic volume or speeding problem.

If Engineering staff determine that, a street segment has a traffic volume or a traffic speed problem, and if the above criteria are met, then the project will be included in the NTCP. Engineering staff will identify feasible and appropriate traffic calming solutions to address the identified traffic problem. Examples of traffic calming techniques are provided in Appendix B. Engineering staff will then attend a publicized, neighborhood meeting to present the results of the analyses and the identified solutions. Based on comments received at the meeting, engineering staff will revise the solutions as appropriate. The project will then proceed to Step 4.

### **Step 4: Conduct Education and Enforcement Efforts**

All projects in the NTCP will begin with education and enforcement efforts, which will involve the coordinated efforts of Engineering staff, the Germantown Police Department, and the neighborhood association/group. The neighborhood association/group must actively participate in this process in order for the project to continue in the NTCP. Education and enforcement efforts will be applied for a period of not less than three months and not more than six months. If Engineering staff determine that these efforts have not sufficiently addressed the identified problem, then the project will proceed to Step 5.

If Engineering staff determine that the education and enforcement efforts have addressed the identified problem, then the project will be considered complete. Engineering staff will continue to monitor the project for a period of one year. If the identified problem returns during this time, then the requester will be notified, and the project will proceed to Step 5. If the identified problem does not develop during this one-year period, then the project will be considered complete. If the identified problem returns after this one-year period, or if a new traffic volume or traffic speeding problem develops after this one-year period, the homeowner's association/group must return to Step 1 in order to be considered for the NTCP again.

**Step 5: Develop Construction Documents**

Based on the feasible and appropriate solutions identified by engineering staff during Step 3, Engineering staff will develop a complete set of construction documents for the proposed traffic calming measures.

**Step 6: Prioritize the Project**

Projects that reach Step 5 will be prioritized by Engineering staff based on a variety of factors, such as traffic speeds, traffic volumes, and implementation costs. Engineering staff will notify the requester of the project's status at this time. This prioritization will be used by engineering staff to develop construction schedules for the projects.

**Step 7: Install the Proposed Traffic Calming Measures**

Projects will be implemented according to priority and the availability of funding. Projects that have the highest priority will be implemented first. If sufficient funding is not available for the highest priority project, then the highest priority project that can be implemented with the amount of funding that is available will be implemented first. A lower-priority project can be implemented ahead of schedule if the neighborhood association/group elects to pay 100 percent of the implementation costs and as long as doing so does not affect the construction schedules of higher-priority projects. Implementation of a project will not occur until all associated maintenance/landscape/payment agreements have been finalized. Installation of the traffic calming measures will be performed by City crews or by a contractor that is selected by the City.

**Step 8: Monitor the Effectiveness of the Traffic Calming Measures**

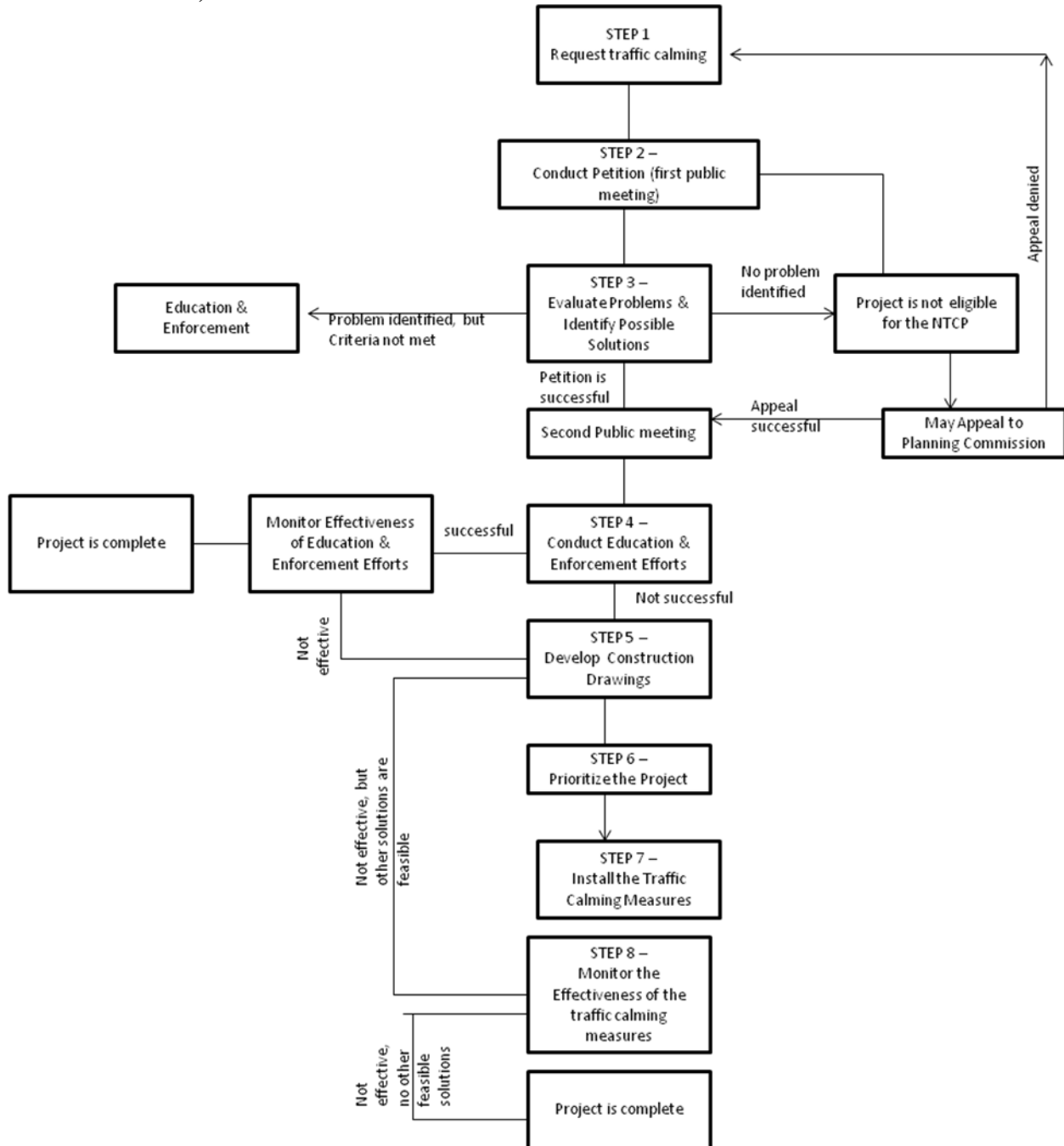
Approximately three months after the proposed traffic calming devices have been installed; Engineering staff will evaluate the project to determine if the traffic calming devices have sufficiently addressed the traffic problem identified during Step 3. If the traffic problem has been resolved, then the project will be considered complete. If the traffic problem has not been resolved, then Engineering staff will consider other solutions that were identified during Step 3. If an alternate solution is selected by engineering staff, then the project will return to Step 5. If Engineering staff determine that there are no feasible alternatives, then the project will be terminated and will not be considered for inclusion in the NTCP again unless changing conditions have resulted in a feasible alternative. If this is the case, it will be the responsibility of the neighborhood association/group to submit another written request for traffic calming to the Engineering Department, and the entire NTCP process must be repeated.

**MODIFICATION OR REMOVAL OF A TRAFFIC CALMING DEVICE**

**Process**

If Engineering staff determine that a traffic-calming device should be modified or removed due to public health/safety reasons, then Engineering staff, with assistance from the Public Services Department, shall modify or remove the device. If the neighborhood association/group wishes to remove or significantly alter a traffic-calming device, then the neighborhood must conduct the same petitioning process outlined in Step 2. If the petition supporting the removal/modification is successful, then the neighborhood must pay for the costs that are associated with the removal/modification. A traffic-calming device will not be removed until all payment agreements have been finalized. If the removal/modification is initiated by the neighborhood association/group, then the neighborhood will be ineligible to participate in the NTCP for a period of five years.

**APPENDIX A  
 PROCEDURAL FLOW CHART FOR THE  
 DRAFT NEIGHBORHOOD TRAFFIC CALMING PROGRAM (NTCP)  
 GERMANTOWN, TENNESSEE**



**APPENDIX B  
 TRAFFIC CALMING TECHNIQUES**

There are varieties techniques that can be used to calm traffic on local, residential streets. Techniques that are specifically permitted, as well as techniques that are specifically prohibited, in the City of Germantown are described below. Techniques that are specifically permitted are summarized in Table A1, which also identifies the potential benefits and disadvantages of each.

**TABLE B1  
 POTENTIAL IMPACTS OF TRAFFIC CALMING TECHNIQUES THAT MAY BE USED IN  
 THE CITY OF GERMANTOWN**

Measure	Potential Benefits			Potential Disadvantages			Cost
	Speed Reduction	Volume Reduction	Conflict Reduction	Limits Local Access	Increases Emergency Response Time	Extent of Maintenance Required	
Chicane	●	●	●	○	◐	◐	\$\$ - \$\$\$
Curb Extension	◐	○	○	○	○	◐	\$ - \$\$
Education	◐	○	◐	○	○	○	\$
Enforcement	◐	○	◐	○	○	○	\$ - \$\$
Lower Speed Limit	◐	○	○	○	○	○	\$
Raised Median	◐	○	◐	◐	○	◐	\$ - \$\$
Road Diet	◐	○	◐	○	○	○	\$ - \$\$\$
Speed Table/Hump	●	◐	●	○	◐	◐	\$ - \$\$
Traffic Circle	●	◐	●	○	◐	◐	\$\$ - \$\$\$

● Substantial Benefits/Disadvantages      ◐ Minor Benefits/Disadvantages      ○ No Benefits/Disadvantages  
 \$ Low Cost      \$\$ Moderate Cost      \$\$\$ High Cost

**TECHNIQUES THAT ARE SPECIFICALLY PERMITTED IN THE NTCP**

A **chicane** shifts motorists' path of travel by creating a horizontal diversion in the roadway. A chicane is usually formed by a series of curb extensions that are placed on alternating sides of the roadway. These curb extensions reduce the roadway width and force motorists to steer from one side of the roadway to the other in order to travel through the chicane.



*A chicane creates a horizontal deflection in the roadway.*

**Curb extensions** are formed by extending the curb on one or both sides of the roadway into the vehicular travel lanes to reduce the paved roadway width. The reduction in width creates "slow points" in traffic flow. Curb extensions are also commonly referred to as chokers, neckdowns, traffic throats, and pedestrian bulbs.





*Curb extensions reduce the width of the roadway at intersections and create shorter crossing distances for pedestrians. The reduction in lane width encourages motorists to slow down when driving through the intersection.*



*Curb extensions can be installed at mid-block locations to calm traffic in residential neighborhoods.*

**Education** is a key component of all traffic calming projects in the City of Germantown. Before implementing physical traffic calming measures, the City of Germantown Engineering Department will work with participating neighborhoods to educate their residents regarding safe, on-street, vehicular travel. Engineering staff will assist the neighborhood associations/groups in developing educational programs for the residents. However, it will be the responsibility of the neighborhood associations/groups to implement the educational programs.

**Enforcement** efforts will be combined with neighborhood education as a first step in all traffic calming projects in the City of Germantown. The Germantown Police Department will work with engineering staff to help resolve traffic problems, such as speeding. Enforcement efforts may involve the use of speed trailers and may include tickets for violators.



*Speed trailers may be used as part of the enforcement efforts to control speeding in neighborhoods that request traffic calming.*

A **raised median** is an elevated island that is constructed on the centerline of a two-way street to reduce the width of the adjacent travel lanes. Raised medians can be paved or landscaped. They create “slow points” in the roadway, can serve as pedestrian refuges for pedestrians crossing the street, and can be used in conjunction with other traffic calming measures.



*Raised medians reduce the width of the adjacent travel lanes.*

Reducing the number of travel lanes or the width of travel lanes, on a roadway can be an effective technique for calming traffic on that street. This process, called a “**road diet**”, can help to reduce vehicular speeds, reduce the number of conflict points for right-of-way users, and can help make streets more bicycle and pedestrian-friendly. Road diets can be accomplished by adding parking lanes, adding bike lanes, adding a median, or by reclaiming some of the roadway width, which can create room for sidewalks and street trees.



*The addition of a bike lane and a parking lane on this street helps to create a narrow travel lane for motorists.*

A **speed table** is a wide and flat undulation that is placed on a street, typically across the width of the roadway, to reduce vehicular speeds. They have a height of three to four inches and a length of 12 or 22 feet. Speed tables should be distinguished from speed bumps, which are much shorter (six to 12 inches long) and have been associated with maintenance, safety, and liability concerns.



*The speed table that may be used in the City of Germantown is 22 feet long and three inches high.*

A **traffic circle** is a raised, circular island that is typically placed in the center of a residential street intersection to allow traffic to flow through the intersection without being controlled by a stop sign or a traffic signal. The design of a traffic circle requires motorists to travel through the intersection in a counter-clockwise direction around the island, which reduces the number of conflict points and reduces vehicular speeds.



*A traffic circle creates a horizontal deflection in the roadway, which causes motorists to slow down as they travel through the intersection.*

### **TECHNIQUES THAT ARE SPECIFICALLY PROHIBITED IN THE NTCP**

**Rumble strips** are raised buttons, bars, or groves that are closely placed on a roadway at regular intervals. They cause both noise and vibration in vehicles as motorists drive over them. Typically, rumble strips are used to alert motorists of unusual conditions ahead. As motorists get used to the rumble strips, the strips become less effective over time. Rumble strips can result in increased noise levels for nearby residents. Also, rumble strips require a high amount of maintenance. For these reasons, rumble strips may not be used as a traffic calming technique in the City of Germantown.



*Rumble strips may not be used as a traffic calming technique in the City of Germantown.*

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4. Chairman Klevan asked if there was any old business or new business to come before the Commission. **There was none.**

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  5. He asked if there were any liaison reports. **There was none.**

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  6. The meeting adjourned at 8:00 P.M.