

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, July 7, 2009**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on July 7, 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, Susan Burrow, Mike Harless.

Commissioner Absent: Lisa Parker, Dike Bacon.

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

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

1. Approval of Minutes for June 2, 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 June 2, 2009. If there were no additions, corrections or deletions to the minutes of the June 2, 2009, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Burrow moved to approve the Planning Commission minutes of June 2, 2009, as submitted, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

2. Preliminary and Final Approval for Chateau Gardens Planned Unit Development

BACKGROUND: Chateau Gardens was originally approved as a 9-lot subdivision on a public cus-de-sac street (Rue de Jordan Cove) connected to Poplar Pike. The Planning Commission approved the preliminary and final plans on October 3, 2006, the Board of Mayor and Aldermen approved the development contract on November 13, 2006, and the Design Review Commission approved the fence and landscape plans on December 19, 2006. One house is currently under construction on Lot 9.

DISCUSSION: The applicant proposes to convert Chateau Gardens from a subdivision to a Planned Unit Development (PUD) in order to vary the minimum front yard setbacks on three of the lots. The lots range in size from 15,027 square feet (0.345 ac) to 20,141 square feet (0.462 ac). The R district Zoning Regulations set the minimum front yard setback line at the point where the lot width equals 100 feet. That requirement pushes the front yard setback line on pie-shaped lots further into the lot than the standard 40-foot setback. In the case of Chateau Gardens, this results in the following front yard setbacks: Lot 5 – 86 feet; Lot 6 – 67 feet; Lot 7 – 51 feet; Lot 8 – 79 feet. The remaining lots have the standard 40 foot front yard setback.

The greater front yard setback pushes the dwelling further into the lot and reduces the useable rear yard area. In addition, the applicant notes that the greater front yard setbacks make the construction of side-load garages difficult and makes for substantial differences in the front yard setbacks of adjacent

dwellings. For those reasons, the developer proposes a PUD so as to allow 40 foot front yard setbacks on Lots 5, 6 and 8.

STAFF COMMENTS:

1. The Chateau Gardens subdivision plat shall be re-recorded as the Chateau Gardens PUD, showing the revised setbacks.
2. The rear (west) property line of Lot 8 is encumbered by 20 feet of easements, which further limits the useable rear yard area.
3. The applicant has agreed to the staff suggestion that Lots 5, 6, 7 and 8 have consistent 40 foot front-yard setbacks, rather than the varied setbacks proposed.

Jeff Old with Old Engineering Services stated we just want to move a few front yard setbacks up to make the houses on the south end of the development look uniform. The builder has had some plans drawn up that will allow them to build houses with side-load garages. We are asking for lots 5, 6, 7 and 8 to have consistent 40-foot front yard setbacks.

Debbie Bolton, Old Elm Cove, stated that her property backs up to this development and complained about maintenance of the property such as drainage problems, holes, mosquitoes and dead trees at the southwest corner of the property.

Teresa Cook stated we have many issues with trust with what has been going on behind us, such as the lay of the land and problems with drainage, rats, high grass and flooding of neighbors' pools. The lot sizes have not changed.

Betty Calandrucchio, 2848 Old Elm Cove, stated the builders need to be cautious of dead trees and take care of my neighbors.

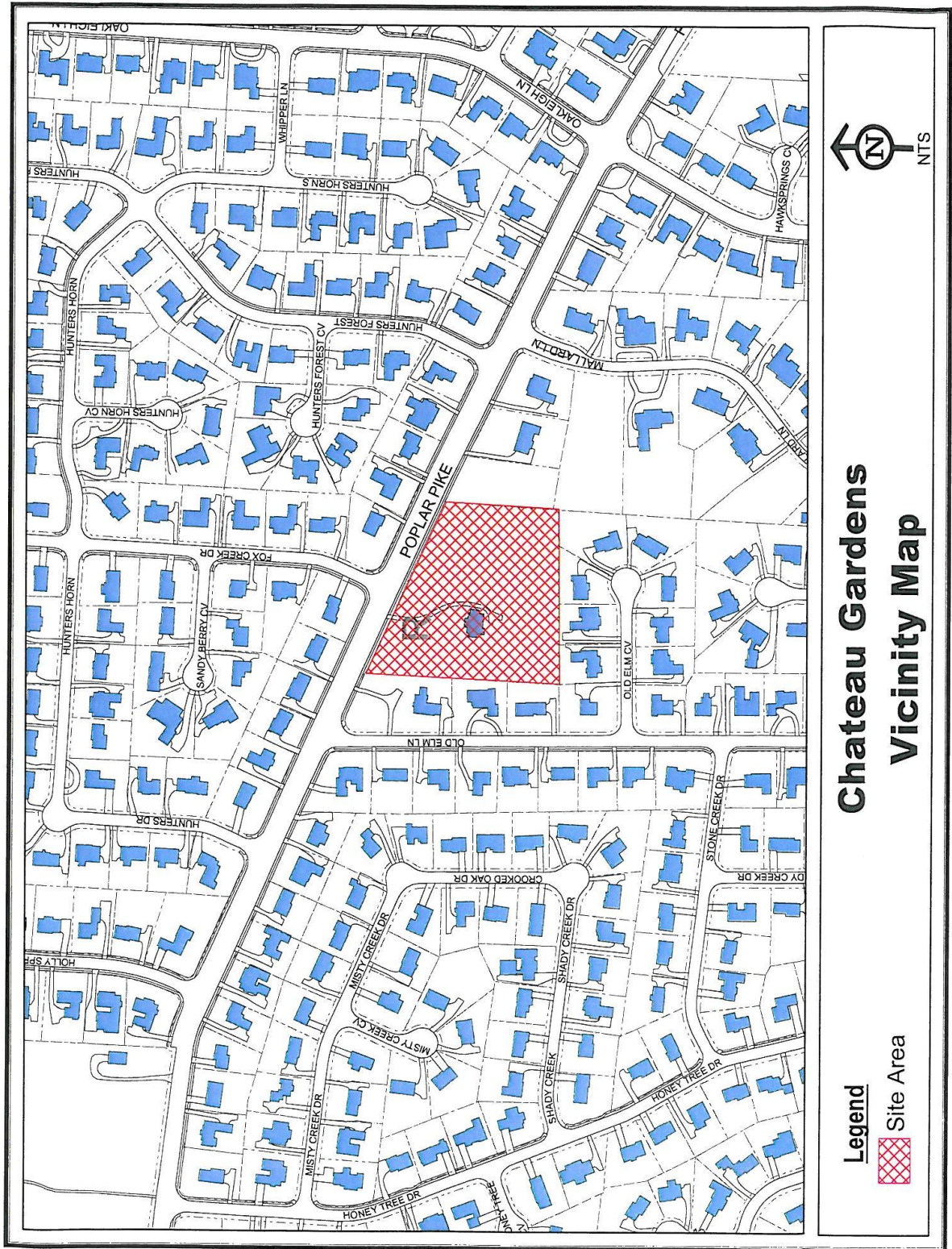
SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT (Forest Owens, chairman): The subcommittee met on June 17, 2009, and recommended that the request be approved.

PROPOSED MOTION: To approve the preliminary and final plan for Chateau Gardens Planned Unit Development, subject to staff comments.

Mr. Owens moved to approve the preliminary and final plan for Chateau Gardens Planned Unit Development, subject to staff comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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



3. Barzizza Property / Dogwood Ridge – south of Poplar Avenue, east of Kimbrough Road – Request Rezoning of 7 acres from “R” Low Density Residential to “R-H” Retirement Housing Residential

BACKGROUND: The 7-acre site was annexed by the City on September 12, 1973. There have been two previous plans approved for the property in recent years. On June 2, 1998, the Planning Commission approved both the Preliminary and Final Plans for the original Dogwood Ridge PUD, a 22-lot residential development. On May 13, 2002, the Board of Mayor and Aldermen approved Subdivision Development Contract No. 419 for Dogwood Ridge PUD. On January 3, 2006, the Planning Commission granted Final PUD approval for the revised development plan of 7 residential lots for the Dogwood Ridge PUD. On March 13, 2006, the BMA approved Subdivision Development Contract No. 472. Neither contract was executed by the developer. The applicant requested the rezoning of 14 acres at the June Planning Commission meeting, which was denied by a vote of 4-3. The applicant has submitted a new application for the rezoning of 7 acres (Parcel A at the June PC meeting).

DISCUSSION: The applicant has revised the request by taking Parcel B (the easternmost parcel) out of the requested rezoning area. The specific request by the applicant is to rezone the 7-acre parcel for a senior living community. The applicant has provided a Concept Plan / Sketch Plan that illustrates a potential site layout. The applicant has submitted a letter of justification for the change.

The following boilerplate language is included in all rezoning staff reports prepared by the Planning Division for the Planning Commission:

The Germantown Code (Sec. 23-66) permits changes in zoning districts, “[w]henever 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.

This language is derived from an October 25, 1999 memorandum from Mr. Tom Cates, City Attorney, to the Board of Mayor and Aldermen and the Planning Commission (see exhibit A, attached to this staff report). The memo goes further to state that municipal Planning Commissions and legislative bodies may take almost any factor in consideration when rezoning a property, so long as it relates to the “public health, safety or welfare” of the community. This broad discretion is codified in Section 23-66 of the Germantown Zoning Code, as cited above, which reads in its entirety:

Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, the regulations, restrictions, districts and boundaries provided for in this chapter may be amended or repealed.

See Staff Comment #1 for further discussion on justification for the proposed rezoning.

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 20, 2009, Zoning & Annexation 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 long-term 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 offer housing for all stages of life. Another important feature of the "R-H" Zoning District is its allowance for limited retail 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 exist for the development of primarily retirement housing.

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, also known as sketch 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, formal site plans are prohibited during rezoning applications. Sections 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.

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, 8th 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 171 apartments, 28 cottages, 10 rooms for assisted living, 8 rooms for dementia care and 30 rooms for skilled nursing, for a total of 247 units (199 independent living and 48 rooms in the health care center). 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 employees 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 184 units (136 independent living units and 48 rooms in the health care center). The traffic study shows a total of 33 generated trips during the AM peak hour, 21 of which will be employees arriving at work, and 54 generated trips during the PM peak hour. The proposed sketch plan represents 184 units. The Village at Germantown has 247 units.

Traffic volumes on Poplar Avenue have actually decreased over the past 24 years, according to counts performed by TDOT. This is most likely due to the construction of Wolf River Blvd. and State Route 385 (Bill Morris Parkway, formerly known as Nonconnah Parkway), both of which were built in large part to relieve Poplar from traffic congestion. TDOT has performed counts from 1985 to 2008 at two locations along Poplar in the City of Germantown: one just west of the Germantown Road intersection, and another just west of the Forest Hill-Irene intersection (the counts are provided with Dr. Lipinski's traffic study). Although there are no annual counts for Poplar at Kimbrough, the historic traffic patterns at Kimbrough can be gleaned from these two locations. At the Poplar and Germantown Road location, the year 2008 represents the lowest volumes during the entire 24-year period. The counts in 2008 were 31% lower than the peak in 1997 and 11% lower than the year before. At the Poplar and Forest Hill-Irene intersection, the 2008 number is 30% lower than the peak in 1994 and 5% less than the year before.

Subsequent to the June Zoning & Annexation Subcommittee, a request was made by a Planning Commissioner on the impact of the proposed use on Scruggs Road. Dr. Lipinski's answer is below in the form of an email to Josh Whitehead dated June 19, 2009.

I really wouldn't expect much of an increase in traffic on Scruggs. Especially from entering traffic. It would seem to be a convoluted maneuver to make a left onto Poplar from Scruggs and then another left into the site. I don't think this would be what many people would want to do. I would expect a few more to use Scruggs leaving the site. However, given the small number of trips generated in total by the site, I would not anticipate much of an impact.

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 is 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

Photos of Poplar @ Proposed Driveway Facing East:



Photos of Poplar @ Proposed Driveway Facing West:



Procedure:

Approval of the rezoning request does not signify or imply approval of the proposed development plan for the subject property. 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 shall proceed to the Board of Zoning Appeals (BZA) for a use on appeal for the proposed congregate care housing. If approved by the BZA, the applicant shall return to the Planning Commission for plat and site plan

approval. Elements of the concept plan that do not comply with the Zoning Ordinance or that are not shown on the plan shall be corrected before it is submitted to the Planning Commission for approval.

Fiscal Impact:

It was requested at the May 20, 2009, Zoning & Annexation Subcommittee that staff investigate the fiscal impact of the proposed rezoning, as compared to the current zoning. The entire 14.09-acre property owned by the Barzizza family is currently appraised at \$1,328,100, assessed at 25% at \$332,025, which nets the City \$5,113.19 annually. The subject site is approximately 7 acres, or about one half of this 14.09-acre property. The proposed sketch plan represents 184 units on 7 acres. The Village at Germantown, with 247 units on 28 acres and 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 that development each year.

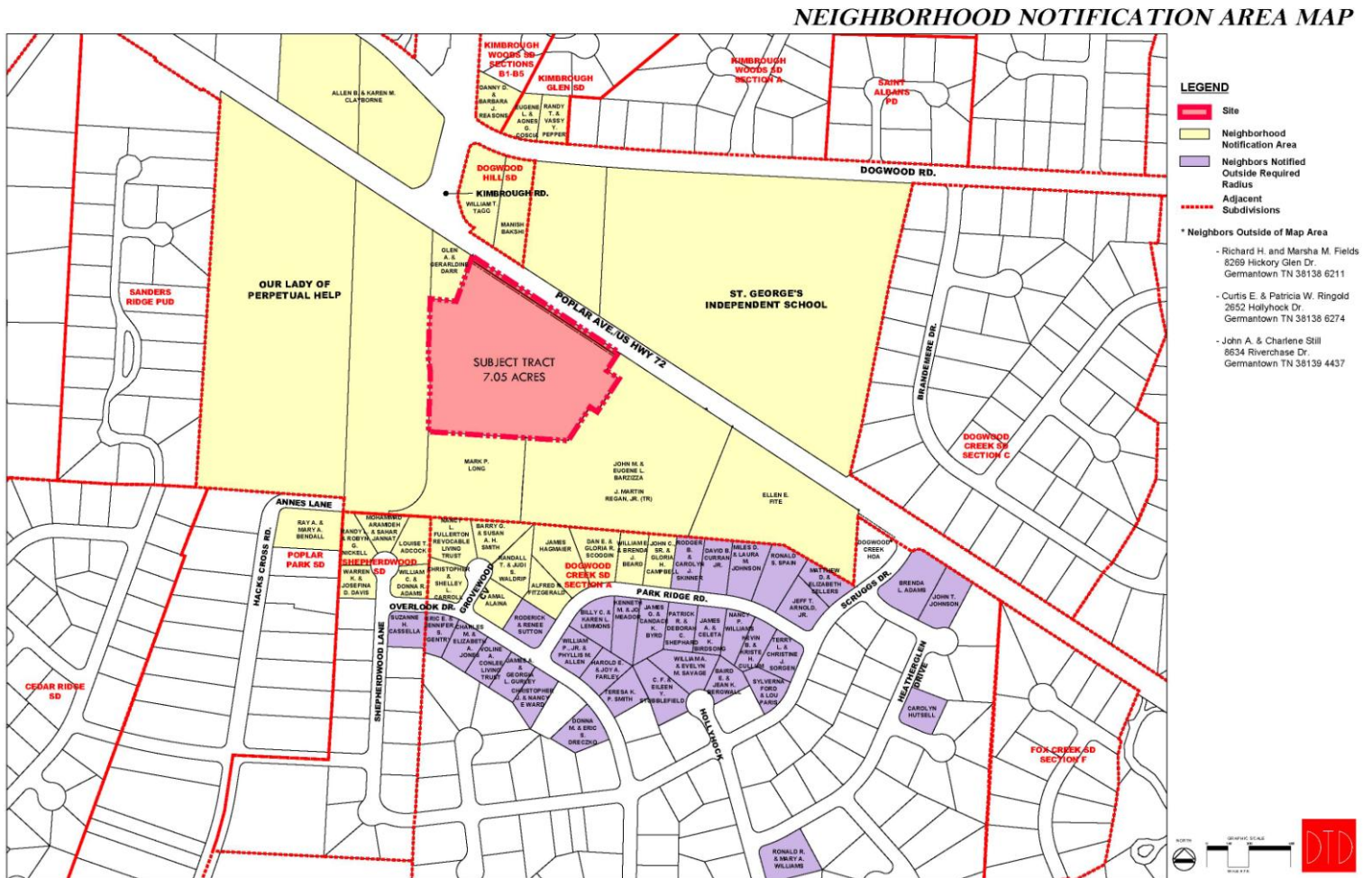
STAFF COMMENTS:

1. Staff bases its recommendation of approval on the general land use and demographic changes alluded to in the applicant's cover letter, as well as the transition of Poplar Avenue from a higher-speed rural highway to a lower-speed urban avenue. As stated under "Discussion," the Planning Commission and Board of Mayor and Aldermen are given broad discretion when considering a rezoning that may be outside of the "change in neighborhood" or "mistake in original zoning" rationale.
 - a. Land Use Changes. As the City has matured and shifted from a suburban outpost of Memphis to one of the more dynamic and economically diverse municipalities in the metropolitan area, the land use along Poplar Avenue outside of the central business district of Germantown has shifted from purely low-density, single-family residential to medium- and high-density residential. This is evidenced by rezoning at Nottaway Planned Unit Development (PUD) at Poplar and Poplar Estates Parkway (rezoned R-2 Medium Density Residential), Rowan Oak PUD at Poplar and New Riverdale (rezoned R-T Multi-Family Residential), Nashoba Plantation PUD at Poplar at Old Riverdale (rezoned R-T), Bavarian Village Condominiums at Poplar and West Farmington (rezoned R-T), Sutherland Place Assisted Living at Poplar east of Methodist Hospital (originally rezoned R-T; later rezoned T-5 Urban Center), Farmington Gates Apartments at Poplar and Brierbrook (rezoned R-T) and Poplar Grove PUD at Poplar and Johnson (rezoned R-H Retirement Housing). The subject site is in the geographic center of these past rezoning cases from the low density, single-family residential zone to a higher residential zone. This land use trend is also evidenced on Germantown's other major roads and collectors, such as Wolf River Blvd., Germantown Road, Kimbrough and Allenby.
 - b. Demographic Changes. As the applicant has explained in her cover letter, the demographic trends of Germantown indicate that a disconnect has arisen between the community's aging population and the availability of a variety of housing types available for seniors. According to staff's count, approximately 81% of the housing units built and approved in the city are single-family houses on low density lots. The 19% balance, which consists of multi-family units and zero-lot line houses, not only attract seniors, but singles, persons with transitional needs and others who choose a lower-maintenance lifestyle. All of these groups, including the 29% of the city's population who are 55 years or older, must compete for the 19% market share represented by multi-family and zero-lot line houses. With what appears to be an over-abundance of low density, single-family housing as a proportion of the total number of housing units, staff believes that

rezoning to “R-H” Retirement Housing enhances the public health, safety and welfare of the community.

- c. Changes to Poplar Avenue. Poplar Boulevard, as it was then called, followed the path of the current Poplar Pike from Ridgeway Road to just east of Johnson until the 1930s, when the current US 72/State Route 57 right-of-way was acquired and the new Poplar was established as a Works Progress Administration project. From that time until today, this roadway has slowly shifted from a rural highway with very limited access points and roadside ditches to a true urban avenue with numerous access points, and, in an increasing number of stretches, curbs, gutters and sidewalks on both sides. An urban avenue is typified by a greater number of access points and turning movements, slower design and travel vehicular speeds and a wider mix of land uses. This is the kind of transition that Poplar Avenue has experienced in the more developed section of the City west of Germantown Road. Staff believes the section of Poplar Avenue adjacent to the subject site is conducive for the proposed rezoning and land use. Not only have sections around the subject site become more developed with higher-intensity uses such as Our Lady of Perpetual Church and School and St. George’s Independent School, but traffic along Poplar has actually decreased due to the construction of Wolf River Blvd. and Bill Morris Parkway (see the section entitled “Traffic” above). The suitability of the subject site for “R-H” zoning is only enhanced by the requirement that “R-H” zoning districts be located on “routes designated as either a major or a collector street on the official major road plan” (per Section 23-346, the introductory paragraph to the “R-H” Retirement Housing zoning district).
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 any subsequent site plan application.
 - a. The applicant shall stay in contact with surrounding property owners throughout the rezoning and development process.
 - b. The developer shall make all improvements to Poplar Avenue (i.e. curb, gutter, sidewalk and widening).
 - c. 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.
 - d. 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.

- e. 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.
- f. 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. All temporary and permanent (utility, construction etc.) shall be shown on the plans, prior to subdivision contract approval.

Alderman Drinnon asked what is the current time limit for TDOT to widen Poplar Avenue?

Mr. Gwaltney stated as of today, it is schedule to bid in September of this year, but it changes daily. If it bids in September, the construction should begin about two to three months after.

Mr. Cook stated currently in our Capital Improvements Program, which is a plan for the next five years, there is not a proposed traffic signal included. If a traffic signal were installed, you should expect the

volume of traffic to increase on Scruggs Road, rather than to decrease. The answer to your question is there is not a plan in the future for the City to put in a traffic signal.

Debra Daws with Dalhoff Thomas Daws Consultants stated the original request was for the Barzizza property, which was 14 acres, has been divided into 2 parcels. There is parcel A and B. Parcel A is going to be developed by Formation Development Group as a Congregate Care Facility. The remaining property is 7 acres that was going to be developed as a single-family residential development with a maximum of 40 units on it. However, as we got into the project and started hearing the issues and concerns of both the Planning Commission members and the neighborhoods, we felt that we would come back with a new application that would address those concerns. The concerns that we heard last month were traffic, increased drainage in the neighborhood of Dogwood Creek and sight lines from Dogwood Creek and the adjacent property owner from the east on what they would be seeing. The property we are proposing today will drain onto Poplar Avenue and no longer go back into the neighborhood. 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. The senior population of Germantown has grown significantly and if the desired housing alternatives are offered, will continue to grow. Based on the ACS demographic and housing estimates for 2005-2007, the population of residents 55 years and older makes up 29% of Germantown's overall population. The retirement community itself will be developed on parcel A which is 7 acres and it will contain 136 independent-living, luxury apartments, 32 assisted-living units and 16 memory-care units. Dr. Martin Lipinski did two traffic studies in and out of the facility.

Debra Daws continued stating that the staff reported that traffic volumes on Poplar Avenue have actually decreased over the past 24 years, according to counts performed by TDOT. This is most likely due to the construction of Wolf River Blvd. and State Route 385 (Bill Morris Parkway, formerly known as Nonconnah Parkway), both of which were built in large part to relieve Poplar from traffic congestion. TDOT has performed counts from 1985 to 2008 at two locations along Poplar in the City of Germantown: one just west of the Germantown Road intersection, and another just west of the Forest Hill-Irene intersection (the counts are provided with Dr. Lipinski's traffic study). Although there are no annual counts for Poplar at Kimbrough, the historic traffic patterns at Kimbrough can be gleaned from these two locations. At the Poplar and Germantown Road location, the year 2008 represents the lowest volumes during the entire 24-year period. The counts in 2008 were 31% lower than the peak in 1997 and 11% lower than the year before. At the Poplar and Forest Hill-Irene intersection, the 2008 number is 30% lower than the peak in 1994 and 5% less than the year before. We had another meeting last night just for your information at the Courtyard by Marriott at 7750 Wolf River Boulevard from 6:00-7:00 p.m. We had four people show up.

Dr. Lipinski's answer is below in the form of an email to Josh Whitehead dated June 19, 2009.

I really would not expect much of an increase in traffic on Scruggs. Especially from entering traffic. It would seem to be a convoluted maneuver to make a left onto Poplar from Scruggs and then another left into the site. I do not think this would be what many people would want to do. I would expect a few more to use Scruggs leaving the site. However, given the small number of trips generated in total by the site, I would not anticipate much of an impact.

Mark Maberry, with Formation Development Group from Alpharetta, 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 residents 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. The retirement community itself will be developed on parcel A

which is 7 acres, and it will contain 136 independent-living luxury apartments, 32 assisted-living units and 16 memory-care units for those in the early stages of Alzheimer's or Dementia. About 11% of seniors communities are "buy in type" (Village of Germantown), but most are residential type. I did want to response to some of the questions raised from the neighbors about the meeting last night. I apologize for that; we try to reach as many folks as we could, in addition to doing the mailing of 500 feet and emailing. We understand there have been some changes in the leadership of the community at Dogwood Creek and that might be why you did not hear about the meeting. We also met with the HOA representatives and some abutting neighbors such as the pastor of Our Lady of Perpetual Help and 12 parishioners, Mrs. Darr, and the contact person at St. George's school along with Mark Long.

Chairman Klevan asked what the notification requirements were? What is our drainage process on any development as far as the developer obligation?

Mr. Whitehead stated, in addition to the state mandate requirement that such a hearing or hearings of a rezoning request be posted in a newspaper for general circulation, the policy of the Planning Commission and the board is to mail post cards to people within 500 feet of the subject site. This comes under the site plan process where we require the stormwater proposed run off from the site to be equal to or less than the existing run off. For the seven acres proposed for grading, it would run north to the infrastructure underneath Poplar Avenue.

W.D. Porter, 8202 Meadow Glen, stated he has lived in Dogwood Creek for 31 years and live on Scruggs Road for 15 years. We really like the area. He thinks this type land use is appropriate in this spot. I might like to move there in 20 years. The traffic numbers from my experience are correct these are very low traffic areas.

Tom Johnson, 8342 Meadow Glen, stated the HOA president, vice president and treasure are no longer officers. The neighborhood opposes the zoning changes and questions keeping the area low density residential. I have a memo from Tom Cates the City Attorney that tells you how to handle rezoning. It has to be reasonably related to the public health, safety and welfare. It has to align with changes in population, both of the area proposed to be rezoned and in surrounding areas. He asked what was the time limit of widening Poplar Avenue from Kimbrough Road to Oakleigh? He also noted there have not been any changes in the neighborhood. He disagreed with the traffic study. The delivery traffic will be substantial, as well as emergency vehicles. 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. The census show the average age being 41. He questions the need for additional assisted living and sales tax generation from residents of senior living places. The trend in Germantown is high end and high density PUD such as Nottoway, Rowan Oak, Neshoba Plantation, etc. which would work in this space. This project needs another access at Kimbrough Road. The demographic trends of Germantown indicate that a disconnect has arisen between the community's aging population and the availability of a variety of housing types available for seniors. According to staff's count, approximately 81% of the housing units built and approved in the city are single-family houses on low density lots. The 19% balance, which consists of multi-family units and zero-lot line houses, not only attract seniors, but singles, persons with transitional needs and others who choose a lower-maintenance lifestyle. All of these groups, including the 29% of the city's population who are 55 years or older, must compete for the 19% market share represented by multi-family and zero-lot line houses.

Jerry Peoples stated he was the owner of Germantown Plantation. The traffic issues is understated, almost all residents own cars and drive themselves. It is not safe for all the drivers coming in and out on Poplar Avenue. We use the Poplar Pike entrance for all delivery, resident, and staff for the traffic in and out.

Chairman Klevan asked what is the occupancy rate?

Mr. Peoples noted 90% full. We had about 600 visitors at our Christmas and special events which makes it a parking and traffic problem.

Alderman Drinnon asked do you consider this as competition?

Mr. Peoples noted yes, but he is not opposed for that reason.

Ellen Fite, 8285 Poplar Avenue, asked whom does the Planning Commission serve? The public? If this development fails, then you are looking at the probability of apartments as the alternative and there is nothing you can do to stop them.

Greg Jones, 2570 Heather Brook Lane, stated if this development cannot be completed then it becomes apartments.

Mark Zellner, 2564 Heather Brook Lane, stated Poplar Avenue traffic is high density. Residential on Poplar Avenue would justify similar high-density uses.

Sidney Kuehn, 8779 Three Chimneys Drive West, stated St. George's has messed up ingress/egress, does not need to make it worse. He questions the need for additional assisted living and sales tax generation from residents of senior living places.

Mr. Klevan directed Mr. Whitehead to answer the questions asked during the public comments section.

Mr. Whitehead said he picked up two questions from the audience: the first from Mr. Jones on what if something occurs to this development once it is built and it turns into apartments. While the City has a great deal of control over all types of development through our Code Compliance Division, it has greater control over non-single-family development through the Design Review Commission provisions of both the City's Code and Tennessee statute. So, the City has more control over a multi-family building that delves into financial trouble than single-family buildings that do the same. The other question was from Mr. Kuehn on the low amount of sales taxes that would be generated from an assisted living community. The greatest increase in tax revenues that the City would witness from the proposed rezoning and eventual assisted living community is not through sales taxes, but increased property taxes. Properties zoned RH such as The Village at Germantown are assessed at 40% rather than 25% for single-family residential.

Mr. Owens asked, if the zoning is approved tonight for R-H zoning then it would have to be R-H housing or one of those types of care facilities. I know we do not have an age restriction, so someone could come back and want multi-family housing. However, in this case we find the average age is 55 and older.

Mr. Whitehead stated that Mr. Jones did have two what if's in his question. The other what if is this property is rezoned and the project goes away? To help answer that question, I go back to an application that was made to the Planning Commission on June 6, 2006, for a proposal at the Fogelman property at Forest Hill-Irene and Poplar. The site plan did not comport with the sketch plan that had been approved many years earlier with the rezoning of that property. The Planning Commission used that earlier sketch plan as the basis to reject the June 6, 2006, application. The other what if, if something happens negative, is answered through our to code compliance that covers the entire City. As I stated earlier, in addition to Code Compliance, the zoning code has teeth over the maintenance of multi-family homes.

Mr. Harless asked applicant about access through the Glen A. and Geraldine Darr property?

Ms. Daws stated the Glen A. and Geraldine Darr property is destined for Our Lady of Perpetual Help ownership. In addition, Father Creary does not want a driveway across the rectory site.

Ms. Burrow asked have you received a certificate of need?

Mr. Mayberry stated it is not required for independent living, it is only required for nursing homes.

Ms. Burrow asked about how much does it rent for a month?

Mr. Mayberry noted it ranges from \$3000-5000 a month, which depends on care level.

Alderman Drinnon stated he commended Mr. Johnson and the neighbors. But he could not support the zoning change, based on information presented at tonight meeting.

Mr. Harless stated he commended Mr. Johnson and the neighbors. The R-H zoning is a correct designation and proper use. However, access is a problem and the traffic must be solved.

Mr. Owens stated he commended Mr. Johnson and the neighbors. He also noted the zoning is good. Dr. Martin Lipinski is highly competent engineer and staff supports the traffic report.

Mr. Bennett stated the is area had drastic change from when it was originally zoned R. A zoning to R-H is warranted. He is concerned over traffic access and the impact on abutting parcels.

Ms. Burrow state it is a good R-H site, but the traffic is a problem.

Chairman Klevan stated he commended Mr. Johnson and the neighbors. The issue is what is the best use of this property. R-H zoning is appropriate for these 7 acres.

Staff Recommendation: Approval, subject to staff comments

Zoning & Annexation Subcommittee (Rick Bennett, CHAIRMAN):

The Zoning & Annexation Subcommittee met on June 17, 2009, and recommended approval.

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 approve the Request for Rezoning from “R” Low Density Residential zoning district to “R-H” Retirement Housing zoning district, subject to staff comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

3. Neighborhood Traffic Calming Program

INTRODUCTION:

Applicant Name: City of Germantown

Description of Request: Acceptance 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 process for evaluating them.

The proposed Neighborhood Traffic Calming Program (NTCP) was previously discussed at the March 18 Planning Commission Subcommittee meeting, at the June Planning Commission meeting and at the June 17 Subcommittee meeting. The NTCP has been revised to focus on the process of the program. The ECD professional staff will evaluate the available traffic calming measures and determine the most appropriate measure(s) for the specific situation.

DISCUSSION: The NTCP is based on a similar program in Franklin, Tennessee. As drafted, it applies only to local residential streets. It establishes a procedure for residents to request City assistance with their traffic issues and for review by City staff. The attached NTCP has been revised to delete all references to specific traffic devices and focus solely on the procedure that must be followed with a citizen group’s request to address neighborhood traffic concerns.

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. Changes made since the June 17 Planning Commission Subcommittee are indicated by **highlighting**.

Mr. Harless asked how long make it take?

Mr. Whitehead noted it depends on the measures. The striping can be done inexpensively, which takes several months. Therefore, the answer to your question is that educational enforcement is a matter of weeks. Roundabouts or traffic circles take about a year and a half.

Mr. Harless asked what is the City position on speed humps?

Mr. Whitehead stated it is based on the Fire Department concerns for no speed humps.

Brian Edmonds, 9535 Fox Hill Circle, asked if residents want humps and were told “no”, they would not be happy. I can accept a 10-second delay caused by a speed table, if it makes children safer on streets.

Chairman Klevan noted the Fire Department is a recommendation not a decision.

Alderman Drinnon directed the question to Mr. Pouncey.

Andy Pouncey commented that first you have to have the policy. We have already approved the budget for this fiscal year. The next time we work on the budget again is in January. That's the time when it is a good time to come forward and request that this be included in the next budget year, which begins in July. It's almost if we approve this policy, the residents will ask what type of control they will get. The question should be, what is the time length from the time that they apply to the time that the decision is made, and from an engineer standpoint, what type of application is the most applicable to the situation here. That's why the amendment was made to remove specific traffic calming measures. Staff would be able to determine the best application from these sets of devices for each case individually. I really want to emphasize that for the record that approving this policy does not mean that the residents will only get one kind of traffic calming measure; it means they only have a policy to go by so that they can then process it.

Brian Edmonds, 9535 Fox Hill Circle, he does agree with the elimination in the beginning saying this is what you can and cannot do. However, it would be nice if you could be honest with the citizens and tell them on the front end. If you get to this point when you are drafting this policy and voting, and your decision is that we are not going to have speed humps that is the end of the story and we are not going to ever consider it. That needs to be part of the policy. The neighborhoods need to know, do we really want a chicane with a sign and clown waving slow down on it or do we just want a speed hump, or if we can't have a speed hump, we just don't worry about it. At least tell us what we can't have and not just leave the door open where we go through all this and just install a yellow strips after five years.

Mr. Gwaltney noted he would address the Fire Department's position on any vertical, what we are calling traffic calming devices, which is the speed humps, speed tables, they would not support anywhere. The reason why the measures were taken out was so we could concentrate on the policy itself. Any HOA that makes an application sets this process in motion. The first two steps is education, enforcement and a monitoring period. At the end of the monitoring period, nine out of ten applications, ends right there. There may be a couple of cases out of ten where we may need to go to the next step, and when that happens, we will address it then.

Brian Edmonds, 9535 Fox Hill Circle, he does agree with the decision to take the language out for speed humps or speed bumps.

Sidney Kuehn, 8779 Three Chimneys Drive West, stated that Aintree Farms had speed bumps nine years ago, and were taken out when we repaved. The residents voted to not re-install them because it was \$2000 each and we had five. So we installed a rubber speed hump at the guardhouse.

Mr. Bennett moved to table this item for a month to include measures that are not allowed. This motion failed for lack of a second motion.

Mr. Whitehead stated that staff would recommend the last sentence in the first paragraph state that following techniques are permitted by the NTCP: curb extensions, education, enforcement, lower speed limit, raised median, "road diet", and traffic circle. He proposed a second sentence right after that to read: no vertical, physical applicants to a street are included in this policy, be made speed cushions, speed bumps, or speed humps rather than to table for a month.

Chairman Klevan asked is this for residential and commercial?

Mr. Whitehead noted it deals with public streets, we do have some commercial drives but they are private.

Chairman Klevan does this deal with the Planning Commission areas?

Mr. Harris stated if you want to incorporate amended language, the way to do it is for a commissioner to make a motion to approve the policy as amended as the staff suggests.

Brian Edmonds, 9535 Fox Hill Circle, requested they table policy to allow some leeway.

Mr. Owens moved to approve as drafted by staff. This motion failed for lack of a second motion.

Mr. Bennett objected to the exclusion of all vertical measures.

Mr. Harless moved to approve, including the exclusion of vertical measures, as stated by Mr. Whitehead.

Chairman Klevan opposed the limitations that measures policy should be open and to delete the last sentence of the first paragraph.

Mr. Harless stated I think we have a major problem here. Number one: I am not sure if the traffic issues relate to the problem over language. I believe if we approve this policy, we are going to alienate a lot of citizens. We need to leave it as it is. The average time to get from step one to step seven may be in the neighborhood of 24 to 48 weeks. That is a long time for a group of citizens to come and say we need speed bumps.

TRANSPORTATION/LONG RANGE SUBCOMMITTEE REPORT (Dike Bacon, chairman): The subcommittee met on June 17, 2009, and withheld a recommendation.

PROPOSED MOTION: To accept the City of Germantown Neighborhood Traffic Calming Program.

Mr. Harless moved to approve, including exclusion of vertical measures, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

Chairman Klevan moved to approve the Traffic Calming Policy without the language of the last sentence of the first paragraph, seconded by Mr. Bennett

Chairman Klevan asked for a roll call.

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

Greg Marcom, 1400 Pecan Trees Drive, stated he was a bit confused. You had a motion and vote on the floor that failed. How many times can you vote on this same item? You had a motion that failed, so should it not come back next month?

Chairman Klevan stated each motion was different.

Mr. Harless stated the first motion was Mr. Whitehead's comment and the second motion was without his comment.

Mr. Pouncey informed the Planning Commission that Jonathan Smith has passed his State Professional Engineer Examination and we now have three registered Engineers.

NEIGHBORHOOD TRAFFIC CALMING PROGRAM (NTCP) GERMANTOWN, TENNESSEE

INTRODUCTION

Application

This policy applies to minor, residential streets as defined in the Subdivision Regulations. Collector and arterial streets and streets that are located in commercial zoning districts will not be considered for physical traffic calming measures under this policy. However, collector, arterial and commercial area streets will be eligible for education and enforcement traffic calming measures, as well as lane striping, bike lanes and similar measures.

DEFINITIONS

Minor residential street: streets used primarily for access to residential properties and typically having 50 feet or less of right-of-way.

Primary emergency access route: a street frequently used by emergency vehicles (fire, police, EMS) for access to other streets and neighborhoods. Arterial and collector streets typically fall in this category.

Homeowner's group: a group representing at least 10 percent of the property owners along a street.

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. It is estimated that Steps 1 through 6 will take between 11 and 14 months to complete. Installation of the traffic calming measures will depend on the type of measure and its placement in the Capital Improvement Program budget).

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 Department of Economic and Community Development (ECD). 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, ECD 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 ECD staff, in traffic volumes or types as a result of the traffic calming installation;

Economic and Community Development (ECD) 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. ECD 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 a majority of the households within the petition area. Missing signatures will be counted as "no" votes. The requester will have 90 calendar days after the date of the neighborhood meeting to submit the petition results to the ECD. 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

ECD 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 85th 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 (8) 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.

In evaluating the data against the criteria, EDC staff may give greater weight to some criteria over others, depending on the unique situation of each street. If ECD staff determines 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 ECD staffs determine that changing conditions have resulted in a traffic volume or speeding problem. If ECD staff determines that a street segment has a traffic volume or a traffic speed problem, but the above criteria are not met, then ECD 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. Also, the project will be ineligible for the NTCP for a period of two years unless ECD staff determines that changing conditions during this time have resulted in a traffic volume or speeding problem.

If ECD staff determines 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. ECD staff will identify feasible and appropriate traffic calming solutions to address the identified traffic problem. ECD 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 ECD 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. The active participation may consist of

neighborhood newsletters, e-mails, association meetings and similar efforts. Education and enforcement efforts will be applied for a period of not less than three months and not more than six months. If ECD staff determines that these efforts have not sufficiently addressed the identified problem, then the project will proceed to Step 5.

If ECD staff determines that the education and enforcement efforts have addressed the identified problem, then the project will be considered complete. ECD 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 ECD staff during Step 3, ECD staff will develop a complete set of construction documents for the proposed traffic calming measures. The construction documents will be referred to the Technical Advisory Committee (TAC) for review.

Step 6: Prioritize the Project

Projects that reach Step 5 will be prioritized by ECD staff based on a variety of factors, such as traffic speeds, traffic volumes, and implementation costs. At present, the Capital Improvement Program (CIP) and Neighborhood Planning Initiative (NPI) are the available means for Germantown to fund the project. ECD staff will notify the requester of the project's status at this time. This prioritization will be used by ECD 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

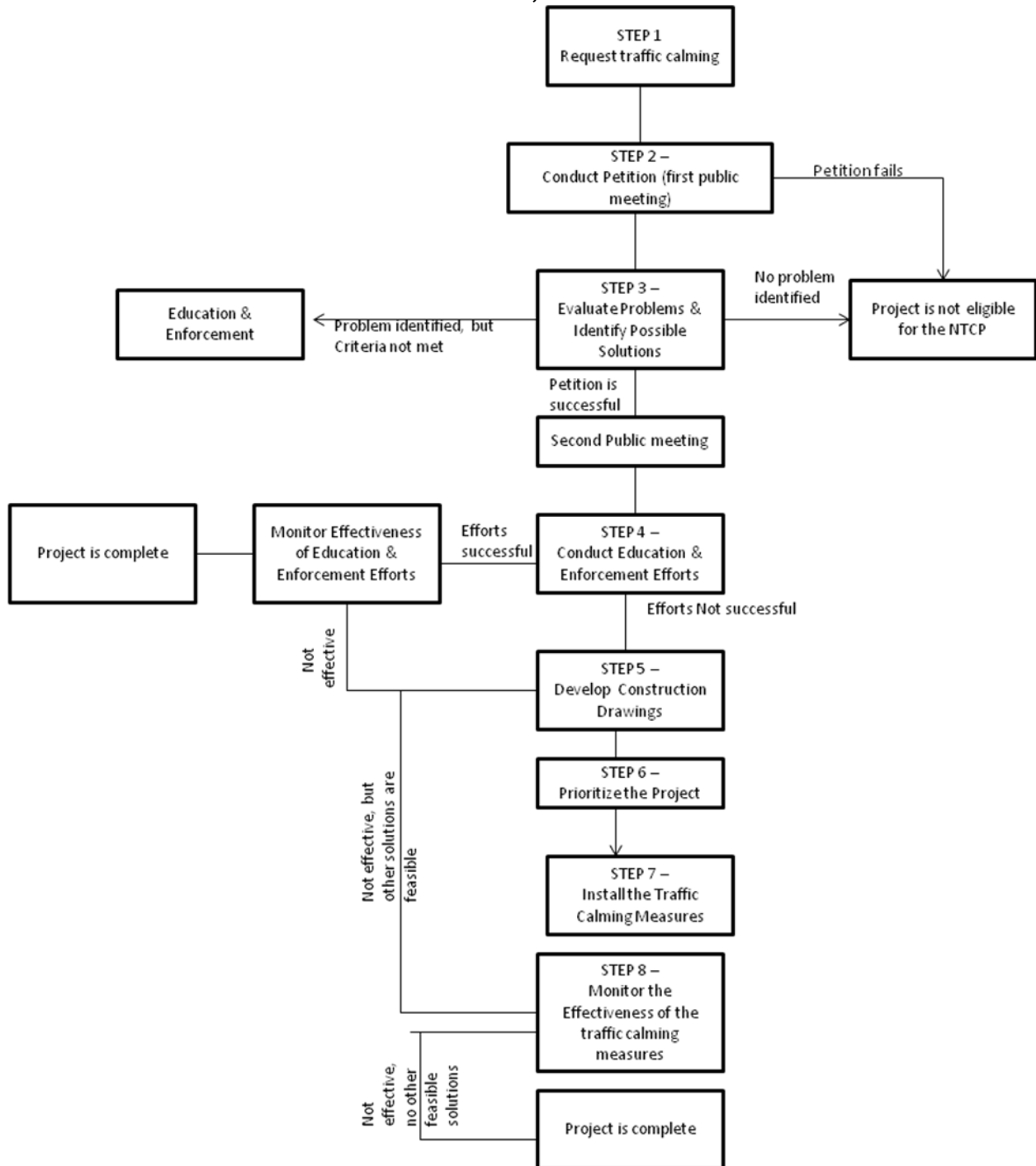
Approximately three months after the proposed traffic calming devices have been installed; ECD staff will evaluate the project to determine if the traffic calming devices have sufficiently addressed the traffic problem identified during Step 3. If the traffic problem has been resolved, then the project will be considered complete. If the traffic problem has not been resolved, then ECD staff will consider other solutions that were identified during Step 3. If an alternate solution is selected by ECD staff, then the project will return to Step 5, but with a higher priority than other, more recent projects. If ECD staff determines 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 ECD, and the entire NTCP process must be repeated.

MODIFICATION OR REMOVAL OF A TRAFFIC CALMING DEVICE

Process

If ECD staff determines that a traffic calming device should be modified or removed due to public health/safety reasons, then ECD 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, unless conditions warrant otherwise.

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



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

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

6. The meeting adjourned at 8:45 P.M.