

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

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on March 4, 2014. Chairman Klevan welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman Klevan then called the meeting to order at 6:00 p.m. asking the secretary for the roll.

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

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

Commissioners Absent: Susan Burrow, George Hernandez, and Dike Bacon

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

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

3. **Approval of Minutes for February 4, 2014**

Chairman Klevan stated for those people who just arrived, tonight's agenda is on the front table. The first order of business is the approval of the minutes for February 4, 2014. If there were no additions, corrections or deletions to the minutes of the February 4, 2014, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Wilensky moved to approve the Planning Commission minutes of February 4, 2014, as submitted, seconded by Mr. Barclay.

Chairman Klevan asked for a roll call.

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

4. **Circle K Convenience Store, 9113 Winchester Road. – Request Preliminary and Final Site Plan Approval**

INTRODUCTION:

Applicant Name:	<u>Michael Fahy, w/Prime Development Group – Representative</u>
Location:	Southeast corner of Winchester Rd. and Forest Hill-Irene Rd., within the Forest Hill Heights PUD.
Zoning District:	C-2" General Commercial Zoning District

BACKGROUND: The Forest Hill Heights PUD was initially approved by the Memphis and Shelby County Land Use Control Board on September 6, 1996, and by the Shelby County Commission on November 1, 1996. The property was annexed into the City of Germantown in July 2000. The

Germantown Planning Commission granted Final Plat approval for Forest Hill Heights PUD August 7, 2001.

DISCUSSION: The plan proposes a 4,000 sq. ft. convenience store with 10 fuel pump islands under a 6,885 sq. ft. canopy.

TOTAL SITE AREA	1.62 ac.
BUILDING SIZES	4,000 sq. ft. convenience store 6,885 sq. ft. fuel pump canopy
NUMBER OF PARKING SPACES	20 provided 20 required

REVISIONS TO SITE PLAN – *The site plan has been revised to 1) locate the dumpster enclosure behind employee parking spaces, and 2) provide additional landscaping between the building's meters, utility connections, and the entrance drive to the Hyatt Hotel.*

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Use Germantown standard title blocks.
2. Use existing sewer stub.
3. Address the existing private drain easement that conflict with the convenience store building.
4. The canopy shall be a minimum 13'6 in height.
5. Provide 5' utility easement on all lot lines.
6. Add note-addressing compaction over box culvert.
7. Provide documentation that all Federal, State and Health Dept. requirements for underground fuel storage tanks have been met. (NFPA 30 and 30A)
8. Provide a phasing plan for erosion control.
9. Provide details on the aboveground measures to capture fuel and oil run-off.
10. The fire truck access plan is subject to approval of the Fire Marshal

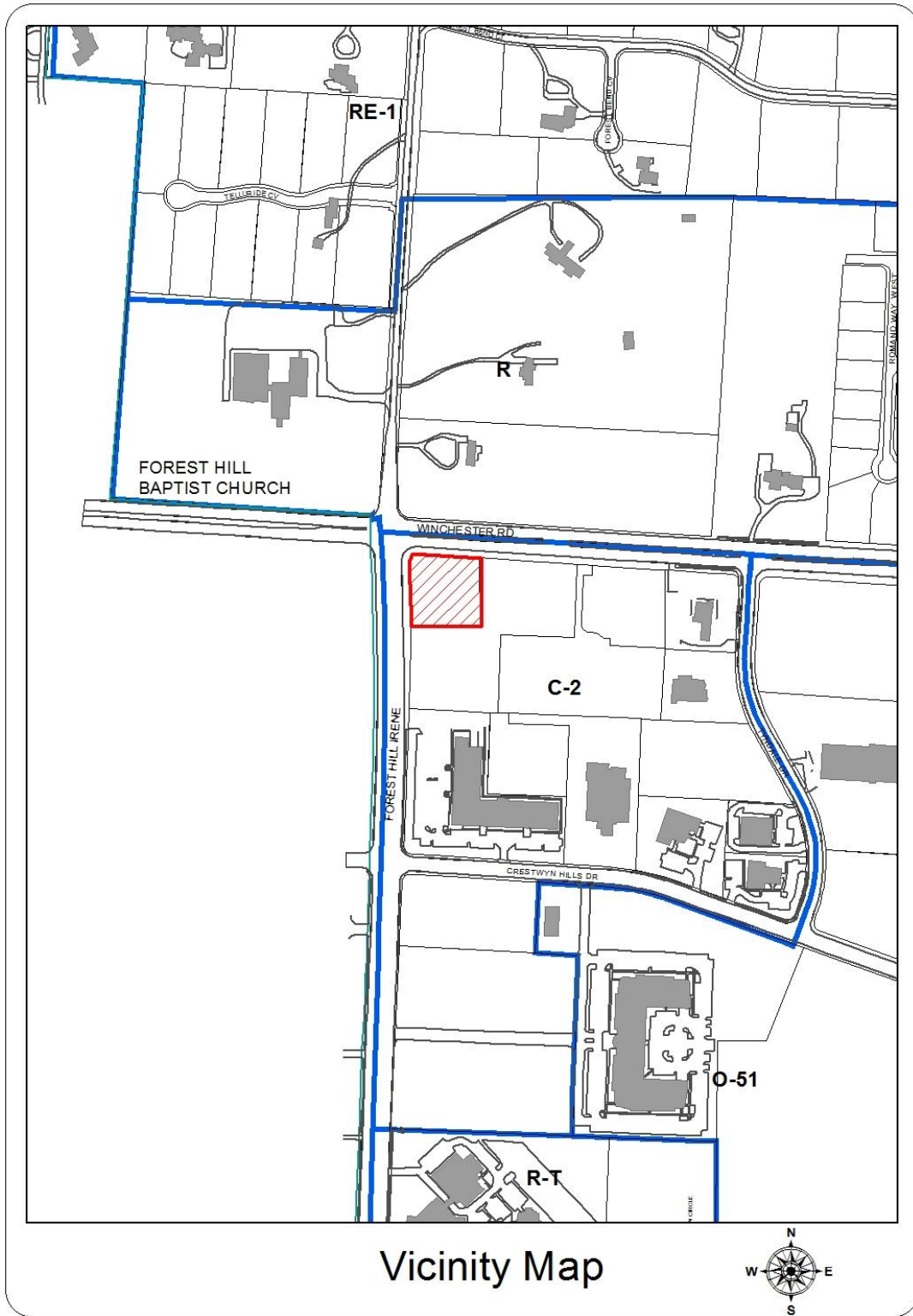
B. GENERAL COMMENTS

1. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.

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

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

3. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
4. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
 - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.



Mike Fahy, President of Prime Development Group, 7520 Capital Drive, Suite 200, stated he agreed with the staff comments and had nothing to add.

Chairman Klevan commented the design of the building is the nicest gas station he has ever seen.

Mr. Fahy noted this building is in a high profile area. In addition, the design of the hotel interrelates with the design.

STAFF RECOMMENDATION: Approval, subject to the comments listed in the staff report.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) – The subcommittee met on February 19, 2014 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for a Circle K convenience store at 9113 Winchester Road, in the Forest Hill Heights PUD, subject to the comments listed in the staff report.

Mr. Harless moved to approve the preliminary and final site plan for a Circle K convenience store at 9113 Winchester Road, in the Forest Hill Heights PUD, as submitted, seconded by Mr. Barclay.

Chairman Klevan asked for a roll call.

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

5. Kimbrough Office Park PUD, Southeast Corner of Wolf River Blvd. and Kimbrough Rd. – Request Preliminary and Final Site Plan Approval

INTRODUCTION:

Applicant Name:	<i><u>Lee Davidson, w/The Reaves Firm – Representative</u></i>
Location:	Southeast Corner of Kimbrough Rd. and Wolf River Blvd.
Zoning District:)’’ Office Zoning District

BACKGROUND: The property was rezoned from the R-T district to the O Office District on August 12, 2013. The Planning Commission recommended approval of the outline plan on November 5, 2013.

DISCUSSION: The plan proposes 2, single story office buildings, to be constructed in 2 phases. Two entrances to Kimbrough Rd. are proposed: one two-way entrance aligned with Kimbrough Grove Rd., and a right-in/out entrance.

TOTAL SITE AREA	2.7 ac.	
BUILDING SIZES	12,594 sq. ft. & 8,000 sq. ft.	
NUMBER OF PARKING SPACES	127 provided	103 required

PLAN REVISIONS: *The site plan has been revised to 1) add a landscape island in the eastern row of parking, which eliminated 1 parking space; 2) provide a fire truck access plan.*

STAFF COMMENTS:

C. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Include a note on the plat referring to the CLOMR & wetland mitigation.
2. Add as-built tables for drainage structures.
3. Consider off site water entering site to pass thru and not be included in detention.
4. Add a note to plat stating that maintenance of the detention area is private.
5. Add a Post Indicator Valve and Fire Dept. Connection for south building.
6. Include a phasing plan for erosion control.
7. The canopy shall be constructed with a minimum height of 13'6" measured from the final grade to the lowest point of the canopy
8. The median on the secondary egress point shall be constructed to withstand the impact load of the fire apparatus.
9. The secondary egress point shall be improved to 26 feet measured face of curb to face of curb and an increase to the right in point from 12 feet to 13 feet and the right out from 12 feet to 13 feet
10. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Design Review Commission.
11. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
12. The southern entrance drive shall be built to its full width as part of phase 1.

D. GENERAL COMMENTS

1. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
2. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of

Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.

3. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
4. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
 - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

Lee Davidson, P.E. with the Reeves Firm, Inc., 5880 Ridge Bend Road made a presentation.

Spence Ray, 7700 Wolf River Blvd., Suite 103, made a presentation.

Mr. Harless asked about the berm of the west side between building one and building two on the street side, how high would that be?

Spence Ray answered 3 feet; it is a 3 to 1 slope on both sides.

Chairman Klevan stated I would like to commend Mr. Ray and the rest of the applicants for working well with the neighbors.

STAFF RECOMMENDATION: Approval, subject to the comments listed in the staff report.

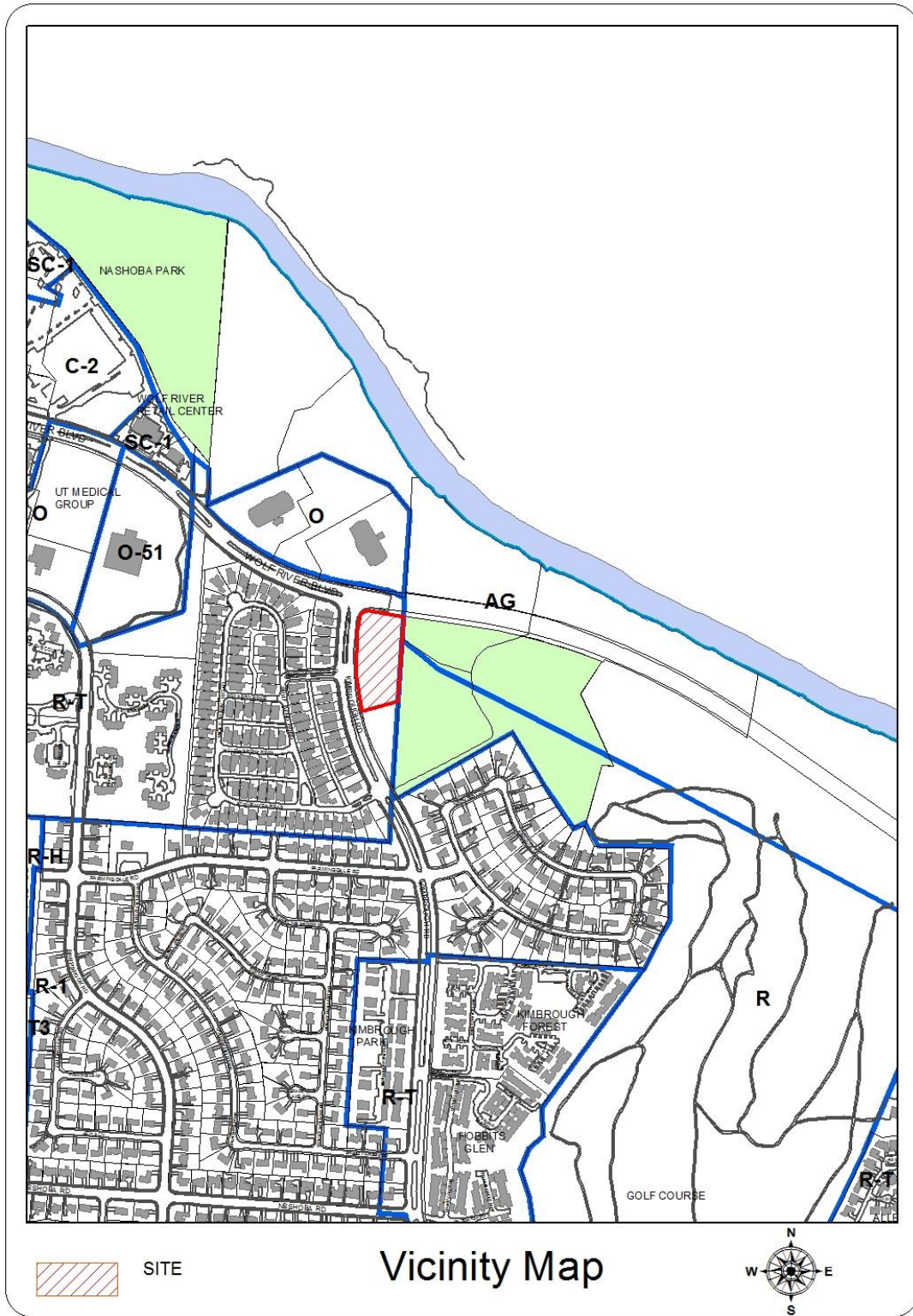
SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) – The subcommittee met on February 19, 2014 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for the Kimbrough Office Park PUD, at the southeast corner of Kimbrough Rd. and Wolf River Blvd., subject to the comments listed in the staff report.

Mr. Harless moved to approve the preliminary and final site plan for the Kimbrough Office Park PUD, at the southeast corner of Kimbrough Rd. and Wolf River Blvd., subject to the comments listed in the staff report, as submitted, seconded by Mr. Wilensky.

Chairman Klevan asked for a roll call.

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



5. The Village at Germantown, 7820 Walking Horse Circle – Request Preliminary and Final Site Plan Approval

INTRODUCTION:

Applicant Name:	<i><u>Tim Mueller, w/SFCS, Architects – Representative</u></i>
Location:	The Village at Germantown
Zoning District:	R-H” Retirement Housing Zoning District

BACKGROUND: The Village at Germantown was initially approved as Project Development Contract #1098 by the Board of Mayor and Aldermen on June 23, 2003. It is a 247-unit continuing care retirement community for seniors and contains varying levels of housing and care, including single-family cottages, independent living apartments, assisted living, skilled care and special care units.

DISCUSSION: The expansion plan proposes the following:

New Memory Care and Assisted Living Facility – a new 3-story building containing 49,705 sq. ft. of floor area. The building will contain 30 assisted living dwelling units, 16 memory care dwelling units and 2 skilled care units;

Rehabilitation Facility – a 1,760 sq. ft. building to be located in the existing northern courtyard.

Kitchen Facility Expansion – the existing building footprint will be expanded by approx. 2,968 sq. ft.

Parking Area Expansion – an additional 17 parking spaces are to be constructed along the southern portion of Walking Horse Circle. These spaces were approved with the original site plan but were not constructed.

The Technical Advisory Committee (T.A.C.) met on February 12 and made the following comments:

STAFF COMMENTS:

PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Include the Germantown standard title blocks.
2. Add as-built tables for drainage structures.
3. Locate all fire hydrants a minimum of 40 feet from the building.
4. Indicate where fire protection service will enter the building and indicate the location of the Post Indicator Valve and Fire Dept. Connection.
6. GENERAL COMMENTS
7. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
8. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

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

9. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
10. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
 - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

Mr. Harless asked why is there special paving for the fire truck bypass that only covers a 5x20 section?

Harvey Marcom from the Reaves Firm, 5880 Ridge Bend Road, answered the space that is occupant by special paving is required by the fire department. Therefore, it will be some parking in that area for the fire truck to be able to get by the buses/vehicles park. They have medical buses that come for testing. All the paving will be the same thickest.

Ron Poe, 1581 Lawton Trail, noted he lived across the street from the Villages for 5 years and do not even know they are there. They are excellent neighbors. He asked about the nice landscape berm parallel adjacent to Germantown Road, where the locations of the new parking spaces will the trees be cut back?

Mr. Morgan answered there in nothing in the Planning Commission plans that would involve changing the berm.

Mr. Marcom stated the changes that might come about are a transformer that will be place with the circular drive. There is an easement that runs west of the drive, so the berm will not be disturb by any of those facilities.

Elizabeth Boyd, 1524 Wolf Bend Road, noted her mother lived there for 7 years. However, there is insufficient parking in both areas. It will not be enough parking with what they are about to do with the plan of adding 17 new parking spaces.

Mr. Morgan answered the parking that is provided with this plan exceeds the zoning requirements for the use.

Mr. Marcom stated with have enough parking to meet the Shelby County code. The expansion plan proposes the following: New Memory Care and Assisted Living Facility. The building will contain 30 assisted living dwelling units, 16 memory care dwelling units and 2 skilled care units; Rehabilitation Facility – a 1,760 sq. ft. building to be located in the existing northern courtyard. Kitchen Facility Expansion – the existing building footprint will be expanded by approx. 2,968 sq. ft.

Parking Area Expansion – an additional 17 parking spaces are to be constructed along the southern portion of Walking Horse Circle. These spaces were approved with the original site plan but were not constructed.

STAFF RECOMMENDATION: Approval, subject to the comments listed in the staff report.

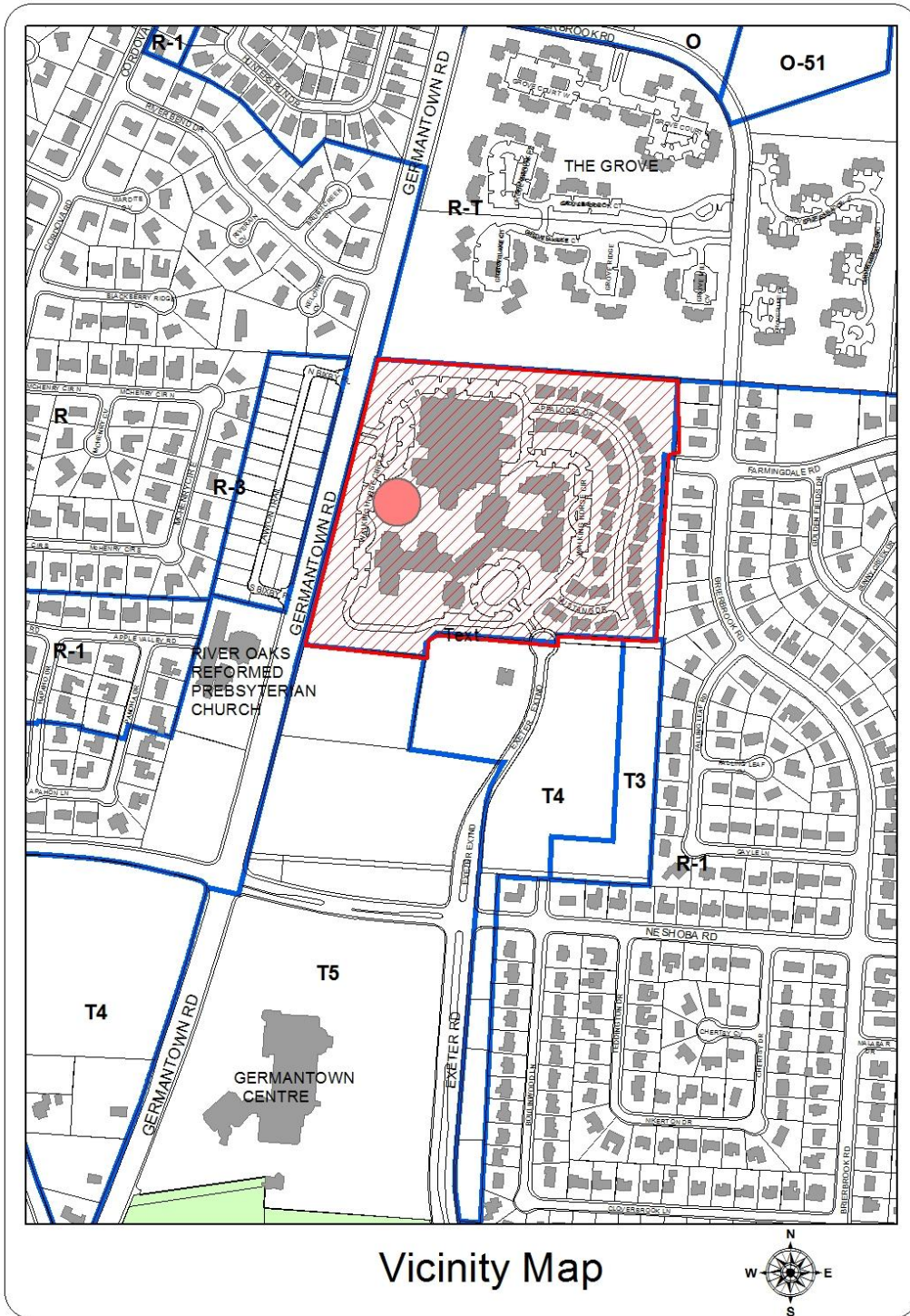
SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) – The subcommittee met on February 19, 2014 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for additional buildings at the Village at Germantown at 7820 Walking Horse Circle subject to the comments listed in the staff report.

Mr. Harless moved to approve the preliminary and final site plan for additional buildings at the Village at Germantown at 7820 Walking Horse Circle subject to the comments listed in the staff report, as submitted, seconded by Mr. Wilensky.

Chairman Klevan asked for a roll call.

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



Vicinity Map

7. Chairman Klevan asked if there was any old business to come before the Commission. There was none.
8. Chairman Klevan asked if there was any new business to come before the Commission. There was none.
9. Chairman Klevan asked if there were any liaison reports. There was none.
10. **ADJOURNMENT:** The meeting adjourned at 6:29 p.m.