

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

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on November 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 6:12 p.m. asking the secretary for the roll. Ms. Rush called the roll of the Board to establish a quorum: A quorum for tonight's Planning Commission meeting was established.

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

Commissioners Absent: None

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

1. Approval of Minutes for September 9, 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 September 9, 2014. If there are no additions, corrections or deletions to the minutes of the September 9, 2014, meeting of the Planning Commission, he would entertain a motion for approval.

Susan Burrow moved to approve the Planning Commission minutes of September 9, 2014, as submitted, seconded by Mr. Hernandez.

Chairman Klevan asked for a roll call.

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

2. Chairman Klevan stated number (9) on the agenda; (Amendment to the Zoning Regulations regarding Sign Regulations in the Smart Growth Districts); the applicant (City of Germantown) has withdrawn.

3. Request Outline Plan Approval of Ansley Park Planned Unit Development (PUD)

INTRODUCTION:

Applicant Name: **Regency Homebuilders, LLC; Charles Goforth, w/Goforth Planning and Management – Representative**
Location: North side of Winchester Rd., between the east City Limit and Crestwyn Road
Current Zoning District: “ R” Low Density Residential District
Land Area: 31.13 Acres

BACKGROUND: The property was annexed into Germantown on June 26, 2000, as part of the annexation of a 1,450-acre area near Forest Hill-Irene Road and Winchester Road.

DISCUSSION: The outline plan will approve a 50 lot residential development with 11.56 acres of common open space. Streets are to be public, with a connection to existing Green Knoll Drive to the west and stub streets to the north and east. A conventional subdivision developed using the “R” district regulations could yield approximately 65 lots. The outline plan established the overall number of lots and density, phasing, the

street layout, common open space, and building setback requirements. Approval of the outline plan will allow the preparation of final plans that provide development details in conformance with the outline plan.

A description of the development concept and bulk regulations is attached.

Approval of the PUD involves the following exceptions from the standard development requirements:

1. Minimum lot area: The PUD's minimum lot area is 9,100 sq. ft., whereas the R district requires a minimum 15,000 sq. ft. lot area.
2. Minimum Lot width: The proposed lot width is 70 ft., whereas the R district requires 100 ft. of lot width.
3. Minimum building setback: The PUD proposes a 5-foot side yard setback in Area B, whereas the R district requires a 10 ft. side yard setback.

STAFF COMMENTS:

A. PRIOR TO FINAL PLAN APPROVAL

1. Provide a common open space plan with details on use areas, walking trails, recreation facilities, etc.
2. Provide a 60 ft. riparian buffer, as required by TDEC regulations, at the top of bank of the portion of the stream that is classified as a blue line stream.
3. Provide a tree survey and tree plan.
4. Provide calculations on a potential dam breach.
5. Provide hydraulic calculations for the detention basins.
6. Provide a 96 ft. radius in Street D. Pavers or mountable curb are acceptable, provided a drivable surface is available.
7. The plat shall include a note regarding the provision of fire sprinklers. Section 10 of the Code of Ordinances (sprinklering) states:
Sec. 10-12. Same-One-family and two-family dwellings.
(a) An approved automatic sprinkler system shall be provided for the following new group R3 buildings:
(1) All buildings exceeding 7,500 square feet finished floor area, excluding garages.
(2) All buildings exceeding 35 feet in height, as measured by the building code.
(3) All buildings that are farther than 300 feet from an approved fire department access roadway.
(4) All buildings that are farther than 500 feet from a fire hydrant that is capable of supplying the minimum required fire flow.
(5) All buildings in which the distance between adjacent buildings is less than 20 feet; provided, however, that except within the retirement housing district a monitored fire and smoke alarm system may be installed as an alternative to an automatic sprinkler system in single-family detached houses, which are less than 20 feet apart.
8. Provide all other standard final plan information.

STAFF RECOMMENDATION: Approval, subject to the comments listed above.

Charles Goforth with Goforth Planning and Management, LLC, 1364 Cordova Cove, Germantown, TN 38138 made a presentation. This will be a 50-lot residential development with 11.56 acres of common open space and the streets are to be public. It will have 50 to 65 lots. The PUD's minimum lot area is 9,100 square feet, where as the R district requires a minimum of 15,000 square feet of lot area. The PUD proposes a 5-foot side yard setback in Area B, where as the R district requires a 10 feet side yard setback. The houses we are building will be in the area of \$300,000. It will be a quality development. Some of the nicest developments in Germantown have 41-foot lots that have \$500,000 houses on it. A 70-foot lot with a \$300,000 house will not devalue anybody property. The drainage issues existed before we got here. We will work with the City on the

drainage problem to resolve these issues. The drainage will be improved. This development will be one to improve the neighborhood.

Mr. Bacon (tape inaudible)

Henry Porter with W. H. Porter Consultants, PLLC, 6055 Primacy Parkway, Suite 115, Memphis, TN 38119 made a presentation. Mr. Porter discussed the existing ditch with the drainage. However, a ditch runs diagonally through the site that affects the ability to properly develop the site without extensive grading and destruction of the national stream that runs through the site. Additionally, a portion of the stream is classified as a "blue line" stream by TDEC. This Planned Unit Development (PUD) seeks to maintain the creek, green space and the environmentally sensitive areas that are surrounding it. We will develop 50 resident lots with 11.56 acres or 37% of common open space. The proposed density of the subdivision is 1.6 lots per acre. Two detention basins shall be wet basins in the open space area.

Mr. Gwaltney stated in the center of the property is where the ditch plays out and where the silt has deposited through the years. This proposed project will have portions of the ditch cleared out. Then from that standpoint and further to the north they are also improving the cross section of the ditch. This will also, help the water leave the Crestwyn Subdivision, which is reducing the 100-year flood by half a foot. Downstream of that area is high and is the blue line stream, which will not be touched from that point all the way to Winchester Road. However, that stream itself is of an adequate side to handle the water that is now being backed up in the Crestwyn subdivision. The situation will be made better; it will not be made perfect.

Against the project

1. Edgar Babian at 3580 Crestwyn Drive – He is the HOA president and has a water/drainage issue problem in my backyard.
2. Joe Garaffa at 9440 Forestwood Road - The drainage from the area builds up and will increase flooding in our existing subdivision. The developer is proposing to build on lots of less than 15,000 square feet. They proposed to have a sustained number of lots at 9,000 square feet.
3. Philip Conner at 3664 Crestwyn Drive – Lot sizes, eighteen lots are between 9,100 and 9,600 square feet; the remainder are between 10,000 and 12, 500 square feet, and a drainage concern.
4. Robert Miller at 3680 Crestwyn Drive – Lots sizes is my biggest concern, power lines, and zoning to R. They are not figuring the approx ¼ of the total land is undevelopable due to it being a stream/ditch, water containment lake, and possible protected wetlands.
5. Samira Jubran at 9384 Green Knoll Drive – Our subdivision is a hidden treasure, and we have lived here for 14 years, why destroy the charm of the hidden treasure of Germantown. It floods every time it rains.
6. Stephanie Marx at 3694 Crestwyn Drive – The proposed development carries the drainage of more than 300 acres. Therefore, drainage is a big concern. In addition, a matter of traffic issues. Should the current exit of our subdivision serve as an exit for the proposed development? Currently as the corner lot, we sometimes have to wait on traffic to pull out of our driveway onto Crestwyn Drive to leave our home or pull into the driveway.

Chairman Klevan noted that the concerns he has, are not necessarily with the drainage. I have confidence in the staff to work with the developer to correct these issues. I am still wrestling with the density. I have some minor concerns about the traffic, but my major concern is with the historical pattern that got us here.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) –

The subcommittee met on October 22, 2014 and withheld a recommendation.

PROPOSED MOTION: To defer any decision of the outline plan for the Ansley Park Planned Unit Development (PUD), until next month.

Planning Commission Minutes

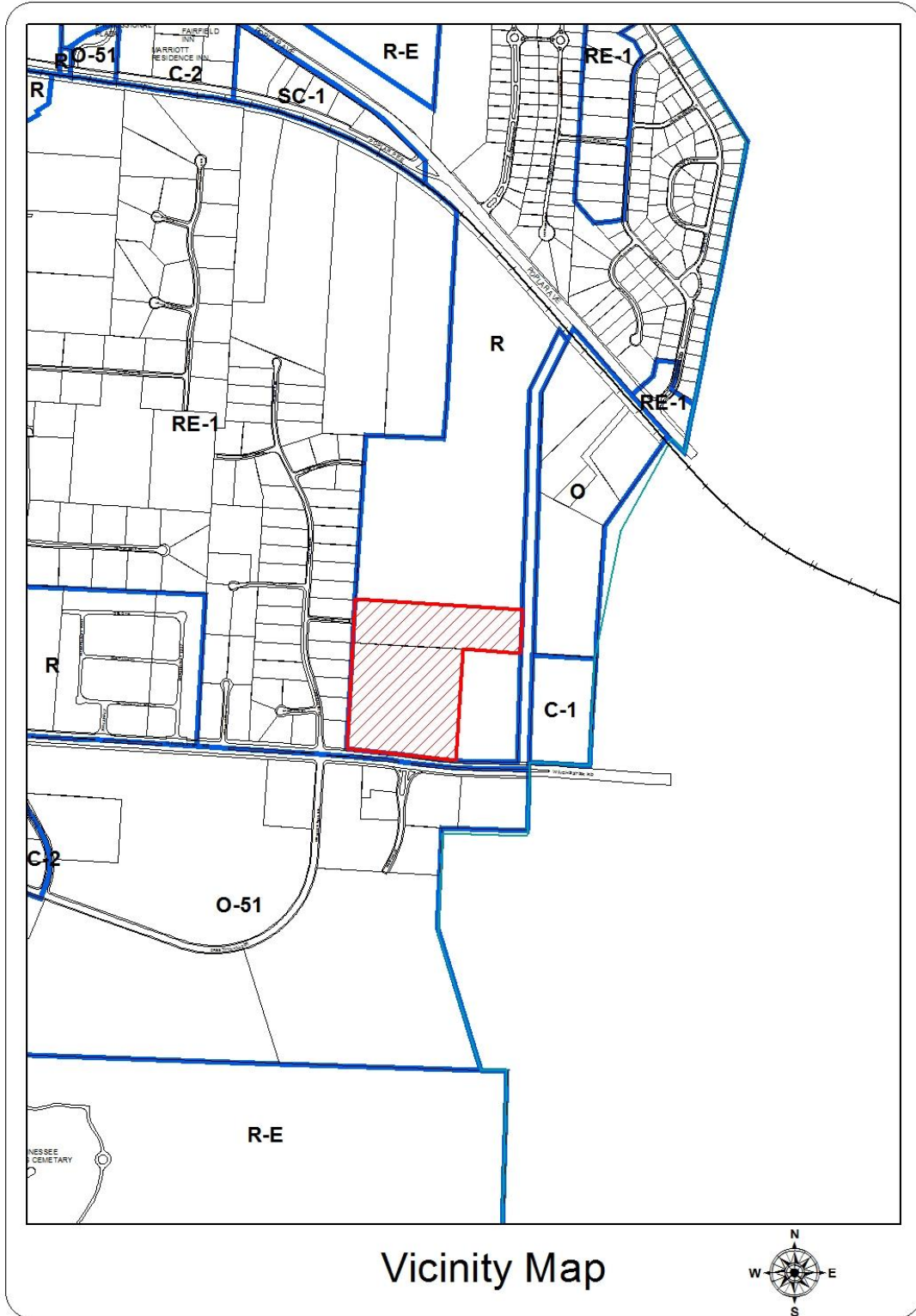
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Mike Harless moved to defer any decision of the outline plan for the Ansley Park Planned Unit Development (PUD), until next month, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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



GO4TH - Golorth Planning and Management, LLC

October 9, 2014

Mr. Wade Morgan, Chief Planner
City of Germantown
Department of Community Development
1920 S. Germantown Rd.
Germantown, TN 38138-2815

Re: The Highlands of Germantown Planned Unit Development

Dear Wade:

Thank you and the staff for taking time to review the Sketch Plan with us. As you know this plan has been in the works for some time. I have been asked to work as a team with W. H. Porter Engineering to assist in the planning of the development. On behalf of our client, Regency Homebuilders, LLC, and the Owner of the property, Magna Bank, we would like to submit this Outline Plan for The Highlands of Germantown Planned Unit Development.

This property is located on Winchester Road, east of Crestwyn and contains 31.13 acres. The site is shown on a clip of your zoning map below. The site is zoned R, Low Density Residential and is bordered by the Winchester-Forest Hill Estates Subdivision to the west. This adjacent subdivision is zoned RE-1 and the lots are one acre or more in area. The land to the north and east is vacant and the property to the north also zoned R. The property is bordered to the east by a utility easement and commercial and office uses to the east. There is a small R, zoned residential tract between a portion of this site and the utility easement.



The property to the south across Winchester is zoned for office uses and is developing as a large office complex. This property is clearly a transitional use between the rural density residential uses to the west and the more intensive office and commercial uses to the east and south.

The existing R, Low Density Residential zoning contains a requirement for lots of 15,000 or greater square feet. In a typical R zoned subdivision, there would be about 2.1 lots per acre or a total of 65 residential lots. However, there is a ditch that runs diagonally through the site that impacts the ability to

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Properly develop the site without extensive grading and destruction of the natural stream that runs through the site. Additionally, a portion of the stream is classified as a "blue line" stream by TDEC.

This Planned Unit Development (PUD) seeks to maintain the creek and greenspace and the environmentally sensitive area surrounding it, and develop a total of 50 residential lots with 11.56 acres or 37% of common open space. The proposed density of the subdivision is 1.6 lots per acre. There are two detention basins that shall be wet basins in the open space area

The proposed Pattern Book and Bulk Regulations for the Planned Development are attached.

Summary

The developer's representatives have met with the adjacent owners in Winchester-Forest Hill Estates Subdivision and have received comments from them. We have met with the staff several times in the development of these plans. While we cannot meet some of the neighbor's comments such as develop only one acre lots, we have tried to accommodate as many of their comments as possible.

Lots 1-22 meet the R, zoning lot area requirement of 15,000 sq. ft. and lots 13-22 have a minimum area of 12,500 sq. ft. The average lot size for the lots west of the creek is over 17,000 sq. ft. The minimum lot area for lots 23-50 is 9,100 sq. ft. and the average area is 10,300 sq. ft. The average size of all 50 lots is 13,368 sq. ft.

Thank you and the staff for your time and assistance. Our team looks forward to meeting with you in the near future to discuss this plan.

Sincerely;



Charles Goforth, Senior Manager

Enclosures:

DATE RECEIVED _____

CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION

(Check all that apply): Sketch Plan; Preliminary Site Plan; Final Site Plan
 Minor Subdivision; Preliminary Plat; Final Plat
 Grading/Tree Removal; WTF (Wireless Transmission Facility)
 Rezoning From: _____ To: _____
 Other: Outline Plan for The Highlands at Germantown Planned Unit Development

PROJECT INFORMATION

Project Name: The Highlands at Germantown Planned Unit Development
 Address: Winchester Road, east of Crestwyn, north of Winchester across from Business Drive (a private street)
 Project Description: This is a Planned Development to provide 50 lots on 31.13 acres in an area zoned R-1 Residential at a density of 1.6 units per acre.
 No. of Acres: 31.1 Parcel Identification Number(s): G0243 00236C
 PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.

OWNER INFORMATION

Name (Print): Magna Bank, Frazer Giesemann, Senior VP Address: 6526 Quail Hollow Road, Suite 513, Memphis, TN 38120
 Phone No.: (901) 259-5470 Fax No.: (901) 259-5630
 Email Address: Frazer.Giesemann@magnabank.com Signed: _____

DEVELOPER INFORMATION

Name: Regency Homebuilders, LLC, Sean Carlson Address: 1364 Cordova Cove, Germantown, TN 38138
 Phone No.: (901) 275-8502 Fax No.: (901) 275-8508
 Email Address: Sean@newregancyhomes.com Signed: _____

AGENT/REPRESENTATIVE INFORMATION

Name: Charles Goforth Title: Senior Manager
 Company Name: Goforth Planning and Management, LLC Address: 4238 Broadway Rd., P. O. Box 134, Ellendale, TN 38029
 Phone No.: (901) 490-2425 Fax No.: N/A
 Email Address: Cgo4th@bellsouth.net
 Who will represent this proposal at the Planning Commission meeting? Charles Goforth

ENGINEER/SURVEYOR INFORMATION

Engineer Name: W. H. Porter Consultants, PLLC Address: 6055 Primacy Parkway, Suite 115, Memphis, TN 38119
 Phone No. (901) 363-9453 Fax No.: (901) 363-2722
 Email Address: Hporter@whporter.com
 Surveyor Name: _____ Address: _____
 Phone No.: _____ Fax No.: _____
 Email Address: _____

DISCLOSURE OF OWNERSHIP INTERESTS

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

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

Applicant: Charles GoForth GoForth Planning & Mgmt. LLC

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

Name	Business or Home Address
<u>Charles GoForth</u>	<u>4238 Broadway P.O. Box 134</u>
	<u>Ellendale, TN 38029-0134</u>
_____	_____
_____	_____

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

Owner and Lessee: Magna Bank by [Signature]

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

Name	Business or Home Address
<u>Dick Leike</u>	<u>6525 Quail Hollow, Memphis TN 38120</u>
<u>Harold Cray</u>	<u>6525 Quail Hollow, Memphis TN 38120</u>
_____	_____



4. Shops of Saddle Creek Center, Northeast Corner of Poplar Ave. and West Farmington Blvd. – Request Preliminary and Final Site Plan Approval

INTRODUCTION:

Applicant Name: *Chris Herman, w/Trademark Properties, Inc. – Applicant*
Location: Northeast Corner of Poplar Ave. and West Farmington Blvd.
Zoning District: "T-5" Urban Center Zoning District (utilizing the pre-existing SC-1 district regulations)

BACKGROUND: The Shops of Saddle Creek center was approved by the Planning Commission and the Board of Mayor and Aldermen in 1987.

DISCUSSION:

TOTAL SITE AREA	9.87ac.
BUILDING SIZE	84,101 sq. ft. existing 5,418 sq. ft. additional
NUMBER OF PARKING SPACES	447 provided 452 required (at 1/200 sq. ft. gross floor area)

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

1. The proposed building is located 12 feet (at the closest point) from Poplar Ave. and West Farmington Blvd., where the standard minimum setback from both streets is 40 feet.
2. The proposed building is located 11 feet from the east property line, where the standard rear yard setback is 20 ft.
3. The plan proposes a total of 447 parking spaces, where the SC-1 district requires a minimum of 452 parking spaces for the total floor area.

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Provide directional arrows in the parking area.

B. GENERAL COMMENTS AND REQUIREMENTS

1. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
2. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
3. 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.
4. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.

5. 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.
6. 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:
7. 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.
8. 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.
9. 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.
10. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.
11. The 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.

STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE COMMENTS LISTED ABOVE.

Mr. Hernandez asked what are the setbacks from Poplar Avenue, West Street, and Farmington Boulevard on the building at the southwest corner; and is it two stories? Is the parking ratio on the southwest comparable to the northeast saddle creek?

Mr. Morgan stated it is elevated from Poplar Avenue and 10 to 12 feet from the right-of-away of Poplar Avenue.

John Perry with Kimley-Horn and Associates at 6625 Lenox Park Drive, Suite 117, Memphis, TN 38115 made a presentation. As far as the southwest corner, the building will have the appearance of two stories. The proposed building on the southeast corner is located 12 feet from the east property line, where the standard rear yard setback is 20 feet. It is a 5,418 square foot building. We are not changing the access to Starbucks,

along with the 15 parking spaces and both driveways. The parking ratio is below 4.5, which is the required ratio. It is a standard setback in the front and on the west side of Poplar Avenue, which is 40-45 feet. We decided to go with the smart code look.

Tony Chron with Trademark Property Co. 1701 River Run, Suite 500, Fort Worth, TX made a presentation about the parking. The side of the building on the Poplar Avenue side will add more glass windows. The usage will be low impact parking from the front and (retail service doors will be from the rear) such as a cell phone company. We went with the smart code style stalls for parking.

Dike Bacon asked about variances and he likes the smart code look (tape inaudible). I like pushing the building closer to Poplar Avenue. Is it a standard setback for SC-1?

Chairman Klevan stated he was trying to visualize the depth; you have the sidewalk with some green space toward the street. Then you have green space abutting the building. I like the other rendering better with the restaurant/valet parking and a wall with wrought iron. This will be a focal point to our City.

Ms. Burrow asked if the tenant would be an upscale retailer, such as a dress shop?

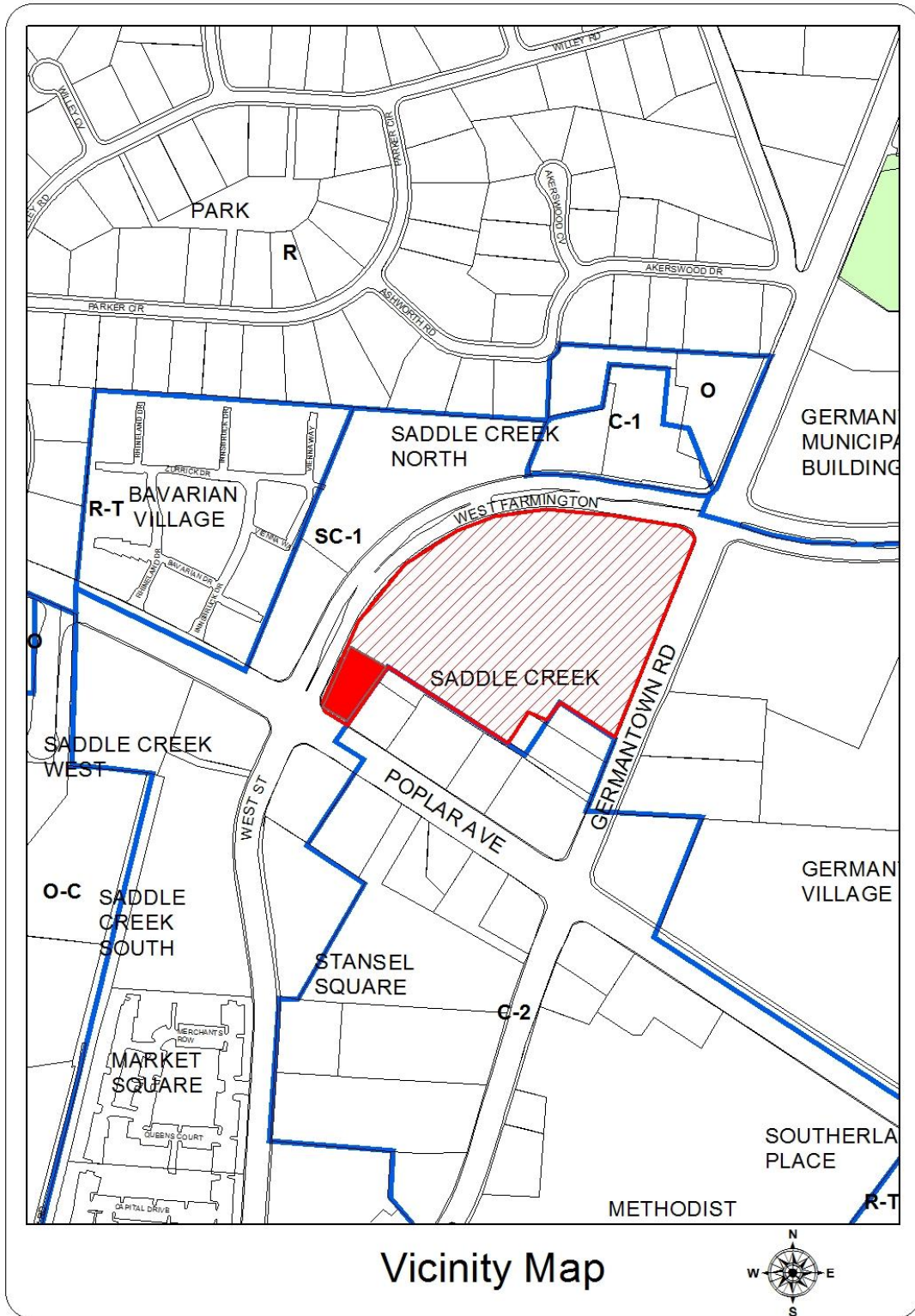
SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) –
The subcommittee met on October 22, 2014 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for an additional 5,418 sq. ft. building in the Shops of Saddle Creek, subject to the comments listed in the staff report.

Mr. Harless moved to approve the preliminary and final site plan for an additional 5,418 sq. ft. building in the Shops of Saddle Creek, subject to the comments listed in the staff report, seconded by Mr. Barclay.

Chairman Klevan asked for a roll call.

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



CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION

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

Rezoning From: _____ To: _____
 Other: _____
 Submittal Date: October 10, 2014

PROJECT INFORMATION

Name: Saddle Creek North
 Address: 7509 Poplar Avenue, STE 1
 Project Location Description: Northeast corner of Poplar Avenue and west Farmington Blvd
 No. of Acres: 9.87
 PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.

OWNER/DEVELOPER INFORMATION

Name: Shops at Saddle Creek, Inc. c/o Heitman Address: 191 North Wacker Dr. Chicago IL 60606
 Phone No.: 312-955-5700 Fax No.: 312-541-6789
 Email Address: mark-hudgins@heitman.com

AGENT/REPRESENTATIVE INFORMATION

Name: Chris Herman Title: Vice President of Construction
 Company Name: Trademark Property Co Address: 1701 River Run STE 500 Ft. Worth TX 76107
 Phone No.: 817-810-5321 Fax No.: _____
 Email Address: cherman@trademarkproperty.com
 Who will represent this proposal at the Planning Commission meeting? Chris Herman

ENGINEER/SURVEYOR INFORMATION

Engineer Name: Kimley-Horn and Associates Address: 6625 Lenox Park Dr. STE 117 Memphis TN 38116
 Phone No.: 901-374-9109 Fax No.: N/A
 Email Address: john.perry@kimley-horn.com
 Surveyor Name: Harris and Associates land SURVEYORS Address: 4074 Apple Tree Dr. STE 14 Memphis TN 38015
 Phone No.: 901-362-2345 Fax No.: 901-797-3456
 Email Address: bharris@harrisassociateslandsurveyors.com

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

Applicant: Shops at Saddle Creek, Inc.

President or Equivalent Chief Executive Officer: _____

Members of the Board of Directors of the Applicant:

Name	Business or Home Address
<u>100%</u>	<u>State Board of Administration of the State of Florida</u>
_____	_____
_____	_____

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

Owner and Lessee: _____

President or Equivalent Chief Executive Officer: _____

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

Name	Business or Home Address
_____	_____
_____	_____
_____	_____



October 10, 2014

Mr. Wade Morgan
City of Germantown
1920 South Germantown Road
Germantown, TN 38138

RE: Shops of Saddle Creek Proposed Development, Planning Commission Application

Dear Mr. Morgan:

Saddle Creek was originally developed in 1987 as a retail center totaling 84,962 s.f. In 2003 Heitman Corporation bought and began managing the properties on both the north and south sides of Poplar through Trademark Properties. The area has been largely successful over the years. Over 48% of the retailers are unique to the Memphis market.

A noticeable decline in the property south of Poplar Avenue has been observed over the past several years. Because of vacancies, Heitman asked Trademark to initiate studies to determine how best to both stabilize and increase value of the center. These studies indicated several areas needing improvement which are currently under construction. Facade improvements on Saddle Creek North will be similar although not as extensive as proposed improvements on the south side. The owner wishes to create a sense of destination and uniformity. A proposed structure on the northeast corner, similar to the structure approved on the southwest corner (under construction) is part of the plan to create a vibrant center that spans Poplar Avenue.

The center will be expanded from 84,962 s.f. to 90,380 s.f. (+5,418 s.f.) with addition of a corner building near Poplar Avenue and Farmington Blvd.

The center was developed under SC-1 zoning guidelines and is currently located within a Smart Growth area, zoned as T5. When consideration was given to developing the project using the Smart Growth regulations it became apparent early on that several warrants would be required. As allowed by the City, an existing center can utilize either procedure. It is the developer's intention to develop the property traditionally under the SC-1 zoning classification as regulated by the Code of Ordinances, Part II – Code of Ordinances, Chapter 23 – Zoning, Article III – Districts, Division 14, Shopping Center District (SC-1). However, this development will also incorporate some of the Smart Growth principals. This project will require the following variances, some of which are allowed under the Smart Growth regulations.

1. Front Setbacks from Poplar Avenue and Farmington Blvd., parking in the front yard, sixty feet (60'). Smart Growth allows buildings to be within ten feet (10') of a public ROW which has been proposed.

2. Front Setbacks from Poplar Avenue and Farmington Blvd., no parking in front yard (40'). Smart Growth allows buildings to be within ten feet (10') of a public ROW which has been proposed.
3. Side Setback from lot at 7570 Poplar Avenue (20'). Smart Growth allows buildings to be within zero feet (0') of an adjoin lot line. An eleven foot setback from the property line has been proposed (6 feet from existing utility easement).
4. On a corner lot, no structure shall be allowed within a triangle formed by connecting points located along the ROW 50' each direction from the intersection. We have proposed following current AASHTO standards for sight distance to determine the required building setback.
5. Required number of parking spaces (less than 1 space /200 s.f. of gross floor area). A total of 452 parking spaces are required. 447 spaces are proposed which is equivalent to 4.95 spaces per 1,000 s.f. compared to the required 5.0 spaces per 1,000 s.f. This provided parking exceeds the Smart Growth requirement of 3 spaces per 1,000 which equals 272 spaces.

Additional smart growth attributes include parking located in the third lot layer, and parking organized into lots less than 25 spaces.

6. Loading areas. The existing center was developed to allow truck parking in drive aisles behind the building. This same concept will be utilized by continuing the existing service road between the existing and proposed buildings.

The Heitman Team looks forward to providing a revitalized Saddle Creek that will attract tenants desired by the City and its citizens. We are looking forward to presenting our plan to the Planning Commission in early December with an anticipated construction start in early 2015.

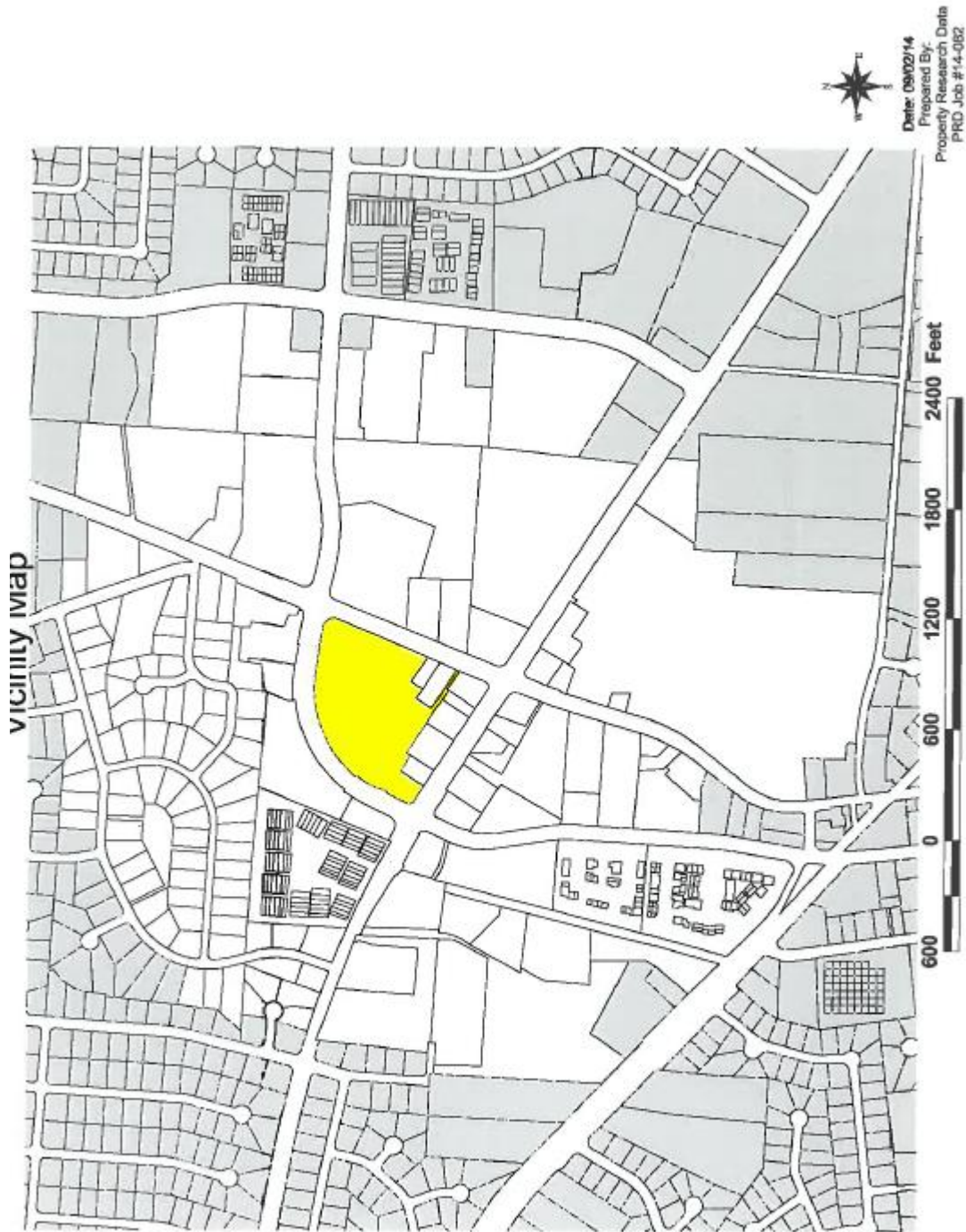
Very Truly Yours,

KIMLEY-HORN AND ASSOCIATES, INC.



John G. Perry, PE
Project Manager

CC: Mark Hudgins, Tony Chron, Chris Herman



5. Swimming Pool Location Regulations

INTRODUCTION: Swimming pools in any of the residential districts are required to be located behind the front line of the building, a minimum of five feet from all property lines and **recorded easements**. (Sec. 23-237) Homeowners must obtain approval of a variance from the Board of Zoning Appeals in order to construct a swimming pool within five feet of an easement. Most residential lots have five-foot wide utility easements along all lot lines, so the effect of that setback requirement is to place the pool ten feet from the side and rear lot lines. The BZA’s practice has been to approve variances to that requirement, provided the homeowner enters into a “hold harmless agreement”. That agreement states that the homeowner understands

that their swimming pool is within five feet of an easement, and that any damage that occurs to the pool because of work done within the easement is not the responsibility of the city or utility company.

The following section is from the regulation for the “R” Single Family District. The other residential districts have similar language. Proposed deletions are ~~struck through~~ and proposed additions are **bold and underlined**.

Sec. 23-237. Swimming pools.

- (a) Swimming pools in the R residential district shall be located behind the front line of the building, a minimum of five feet from all property lines ~~and recorded easements~~. **Swimming pools that are located five feet or less from a recorded easement may be permitted provided the property owner , prior to the issuance of any permit, enters into a hold harmless agreement that releases the City and any easement users from responsibility if the swimming pool is damaged as a result of work being performed within the easement. The hold harmless agreement shall be recorded and shall run with the land.**
- (b) On double frontage lots, in-ground swimming pools may extend 20 feet into the required front yard that is located on the rear side of the principal building. This shall apply only to lots having frontages on two nonintersecting streets. Corner lots and triple-frontage lots, abutting two streets at their intersection, shall be excluded.
- (c) Swimming pools must be located a minimum of five feet from all property lines ~~and recorded easements~~. **Swimming pools that are located five feet or less from a recorded easement may be permitted provided the property owner , prior to the issuance of any permit, enters into a hold harmless agreement that releases the City and any easement users from responsibility if the swimming pool is damaged as a result of work being performed within the easement. The hold harmless agreement shall be recorded and shall run with the land.**

(Code 1986, § 25-96; Ord. No. 1999-16, 12-27-99)

STAFF RECOMMENDATION: APPROVAL

ZONING AND ANNEXATION SUBCOMMITTEE REPORT: (SUSAN BURROW, CHAIRMAN)

The subcommittee met on October 22, 2014 and withheld a recommendation.

PROPOSED MOTION: To recommend approval of the amendment to the regulations on the distance requirements between a swimming pool and recorded easements within the residential zoning districts.

Chairman Klevan moved to recommend approval of the amendment to the regulations on the distance requirements between a swimming pool and recorded easements within the residential zoning districts, subject to the comments listed in the staff report, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

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

6. Smart Code Head-in Parking Regulations

INTRODUCTION: Section 23-826 describes the acceptable thoroughfare assemblies for developments within the Smart Code districts in the Central Business District. The plans for Main Street and Exeter Road illustrate angled parking with vehicles backing into the parking spaces. Under the Smart Code regulations, any deviation from those assemblies requires approval of a warrant.

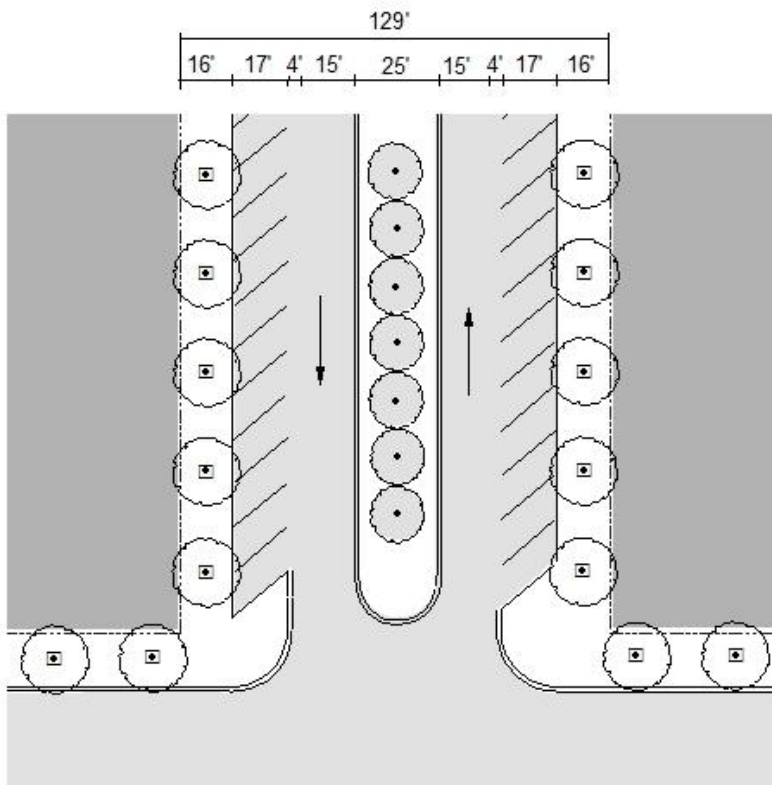
DISCUSSION: Staff recommends that the thoroughfare assemblies be amended in the following manner (the revisions are highlighted on the attached diagrams):

1. Require 16 feet as a minimum sidewalk width;
2. Delete the reference to “Main Street” from assembly CS-90-58, so that it may apply to any street of a similar function;
3. Revise Assemblies CS-90-58 and AV-104-67 BL to allow both reverse angle parking and head-in parking;

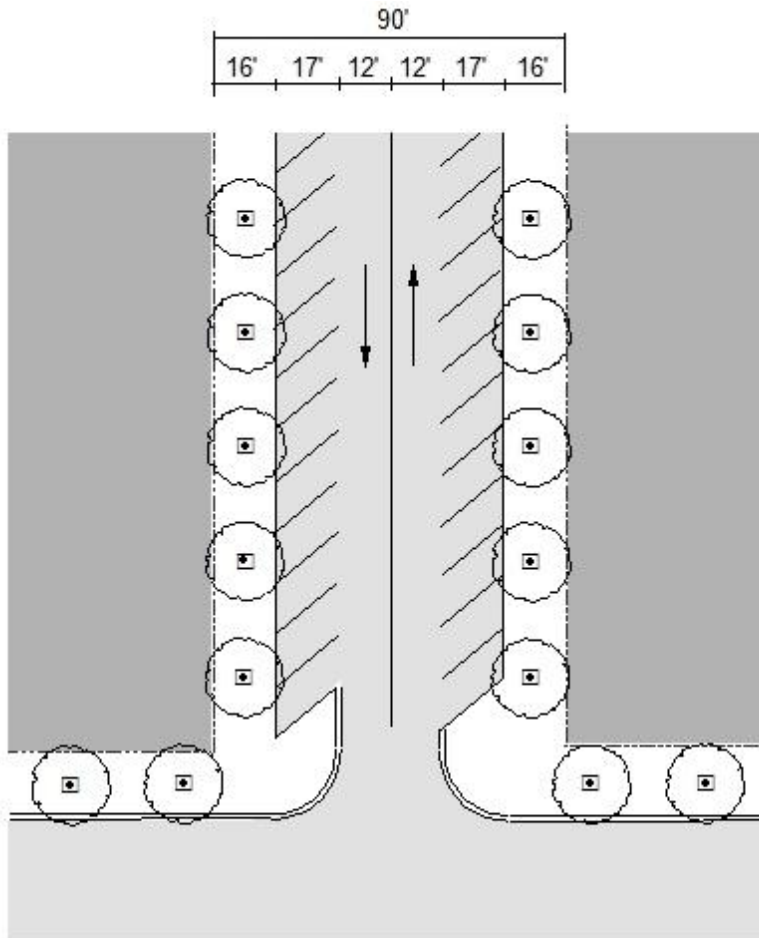
EXISTING TEMPLATES

<p>KEY ST-57-20-BL</p> <p>Thoroughfare Type Right of Way Width Pavement Width Transportation</p> <p>THOROUGHFARE TYPES</p> <p>Boulevard: BV Avenue: AV Commercial Street: CS Street: ST Road: RD Rear Alley: RA Rear Lane: RL Multiuse Trail: MT Bicycle Lane: BL Bicycle Route: BR Path: PT Transit Route: TR</p>	<p style="text-align: center;">CS-90-58 (Main St)</p>	<p>KEY ST-57-20-BL</p> <p>Thoroughfare Type Right of Way Width Pavement Width Transportation</p> <p>THOROUGHFARE TYPES</p> <p>Boulevard: BV Avenue: AV Commercial Street: CS Street: ST Road: RD Rear Alley: RA Rear Lane: RL Multiuse Trail: MT Bicycle Lane: BL Bicycle Route: BR Path: PT Transit Route: TR</p>	<p style="text-align: center;">AV-104-67-BL (Exeter Rd Option A)</p>																																																																																																																								
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ALTERNATIVE TEMPLATES



EXETER ROAD OPTION



CS-90-58

ALTERNATIVE DESIGN

STAFF RECOMMENDATION: APPROVAL

ZONING AND ANNEXATION SUBCOMMITTEE REPORT: (SUSAN BURROW, CHAIRMAN)

The subcommittee met on October 22, 2014 and withheld a recommendation.

PROPOSED MOTION: To recommend approval of the alternative design templates for streets with angled parking.

Susan Burrow moved to recommend approval of the alternative design templates for streets with angled parking, subject to the comments listed in the staff report, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

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

7. Chairman Klevan asked if there was any old business to come before the Commission. There was none.
8. Chairman Klevan asked if there was any new business to come before the Commission. Chairman Klevan stated he would like to welcome a new staff member (Sheila Pounder, Planner) with the development team.
9. Chairman Klevan asked if there were any liaison reports. There was none.
10. **ADJOURNMENT:** The meeting adjourned at 7:35 p.m.