

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, December 2, 2014**

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

2. Approval of Minutes for November 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 November 4, 2014. If there are no additions, corrections or deletions to the minutes of the November 4, 2014, meeting of the Planning Commission, he would entertain a motion for approval.

Susan Burrow moved to approve the Planning Commission minutes of November 4, 2014, as submitted, seconded by Alderman Owens.

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**

3. Chairman Klevan stated there is a change to the agenda tonight on item numbers 6, and 7:

- Thornwood PUD, Northeast Corner of Germantown Rd. and Neshoba Rd. – Request Preliminary and Final Plan Approval of Phase 4
M. Spence Ray, w/McNeill Commercial Real Estate - Mr. Pouncey requested this be defer to next meeting.
- Thornwood PUD, Northeast Corner of Germantown Rd. and Neshoba Rd. – Request Preliminary and Final Plan Approval of Phase 5
M. Spence Ray, w/McNeill Commercial Real Estate - Mr. Pouncey requested this be defer to next meeting.

Mr. Harless made a motion to defer Thornwood Phase 4 and 5 to 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 approved**

-
4. Chairman Klevan asks if any of the Commissioners, or anyone present, would like any of the items on the Consent Agenda presented.

“On all matters concerning the Consent Agenda, the vote of each member will constitute an acknowledgement that the member has read the application or proposal, the staff and the Subcommittee report.”

Consent Agenda: Item 4. (a) The Village at Germantown, 7820 Walking Horse Circle – Request Approval of Entry Gates was approved.

INTRODUCTION:

Applicant Name:	<i>Tim McCaskill, w/McCaskill and Associates – Representative</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. The Planning Commission approved on March 4, 2014, the site plan for the expansion of a new Memory Care and Assisted Living Facility (30 assisted living dwelling units, 16 memory care dwelling units and 2 skilled care units) and a rehabilitation facility. On November 11, 2014, the Board of Zoning Appeals approved a variance to allow the proposed entry gates to be up to 7.5 feet in height.

DISCUSSION: The plan proposes two entry gates: one at the Germantown Rd entrance and the other at the Exeter Rd entrance. The gates will be located sufficient distances from the public streets for fire trucks and will provide means for vehicles that are denied access to turn around and exit in a forward motion. The Fire Marshal has reviewed the plans and found them acceptable, provided the proper access mechanisms are provided.

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. The gate design shall obtain approval from the Design Review Commission.

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.

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 November 19, 2014 and withheld a recommendation.

PROPOSED MOTION: To approve entry gates at the Village at Germantown at 7820 Walking Horse Circle, subject to the comments listed in the staff report.

Mr. Bacon announced the only item on the Consent Agenda is item 4. (a), The Village at Germantown at 7820 Walking Horse Circle, subject to the comments listed in the staff report, seconded by Mr. Hernandez.

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**

5. 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 in the vicinity of Forest Hill-Irene Rd. and Winchester Rd. It was zoned to the RE-1, Residential Estate (1 ac.) district on July 6, 2000 (Planning Commission) and September 11, 2000 (Board of Mayor and Aldermen) as part of its annexation. The property was rezoned to the “R” Low Density Residential district on August 3, 2004 (Planning Commission) and September 11, 2000 (Board of Mayor and Aldermen) in conjunction with the proposed Versailles subdivision. That subdivision was not developed and Magna Bank subsequently acquired the property.

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.

CRITERIA FOR PLANNED UNIT DEVELOPMENT:

The zoning regulations establish the following as criteria for approval of a PUD:

To facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments in order to obtain one or more of the following objectives:

- (1) Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- (2) Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- (3) Functional and beneficial uses of open space areas.
- (4) Preservation of natural features of a development site.
- (5) Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.

- (6) Rational and economic development in relation to public services.
- (7) Efficient and effective traffic circulation, both within and adjacent to the development site.
(Code 1986, § 25-331; Ord. No. 2009-11, 4-13-09)

Modification of district regulations. Planned developments may be constructed in any zoning district as outlined in subsection (a) of this section, subject to the standards and procedures set forth as follows:

- (1) Except as modified by the approved outline plan, a planned development shall be governed by the regulations of the district or districts in which the planned development is located.
- (2) The approval of the outline plan for the planned development may provide for such exceptions from the district regulations governing area, bulk, parking and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided that such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a planned development; and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:
 - a. Inadequate or unsafe access to the planned development.
 - b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity.
 - c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development.
 - d. A development which will be incompatible with the purposes of this division.
 - e. Detrimental impact on surrounding area including, but not limited to, visual pollution.

The burden of proof that the criteria of subsection (b) of this section are not being violated shall rest with the developer and not the staff or the planning commission. Such exceptions shall supersede the regulations of the zoning district in which the planned development is located.

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 driveable 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 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.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) – The subcommittee met on October 22, 2014, and on November 19, 2014 and withheld a recommendation.

Charles Goforth with Goforth Planning and Management, LLC, 1364 Cordova Cove, Germantown, TN 38138 made a PowerPoint presentation. The property was annexed into Germantown on June 26, 2000, as part of the annexation of a 1,450-acre area in the vicinity of Forest Hill-Irene Rd. and Winchester Rd. It was zoned to the RE-1, Residential Estate (1 ac.) district on July 6, 2000 (Planning Commission) and September 11, 2000 (Board of Mayor and Aldermen) as part of its annexation. The property was rezoned to the “R” Low Density Residential district on August 3, 2004 (Planning Commission) and September 11, 2000 (Board of Mayor and Aldermen) in conjunction with the proposed Versailles subdivision. That subdivision was not developed and Magna Bank subsequently acquired the property.

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, whereas the R district requires a 10 foot side yard setback. The houses we are building will be in the area of \$300,000 to \$500,000. 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’s property.

The drainage issues existed before we got here. We will work with the City on the drainage problem to resolve these issues.

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 size 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 stated he has a water/drainage issue problem in my backyard, and I'm concern with the size of the lots, along with some trees well over 100 years and would like to keep them.
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 substantial number of lots at 9,000 square feet. The traffic will alter the neighborhood character.
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. Brandon Wellford at 3366 Hollow Creek Road - Lots sizes is my biggest concern, and the density.

Sean Carlson with Regency Homebuilders, 7745 Kirby Creek Cove, Eads, TN, stated we do not have anything currently that would look like this subdivision. We always pull qualities from the surrounding area in the cities. The prices ranges will be from \$300,000 to \$500,000.

Mr. Wilensky asked what would be the square footage? Do you have any developments under construction?

Mr. Carlson answered 2400, 2800, to 3000 square foot minimum. There are over 100 homes in (2) communities, in Collierville on the higher end.

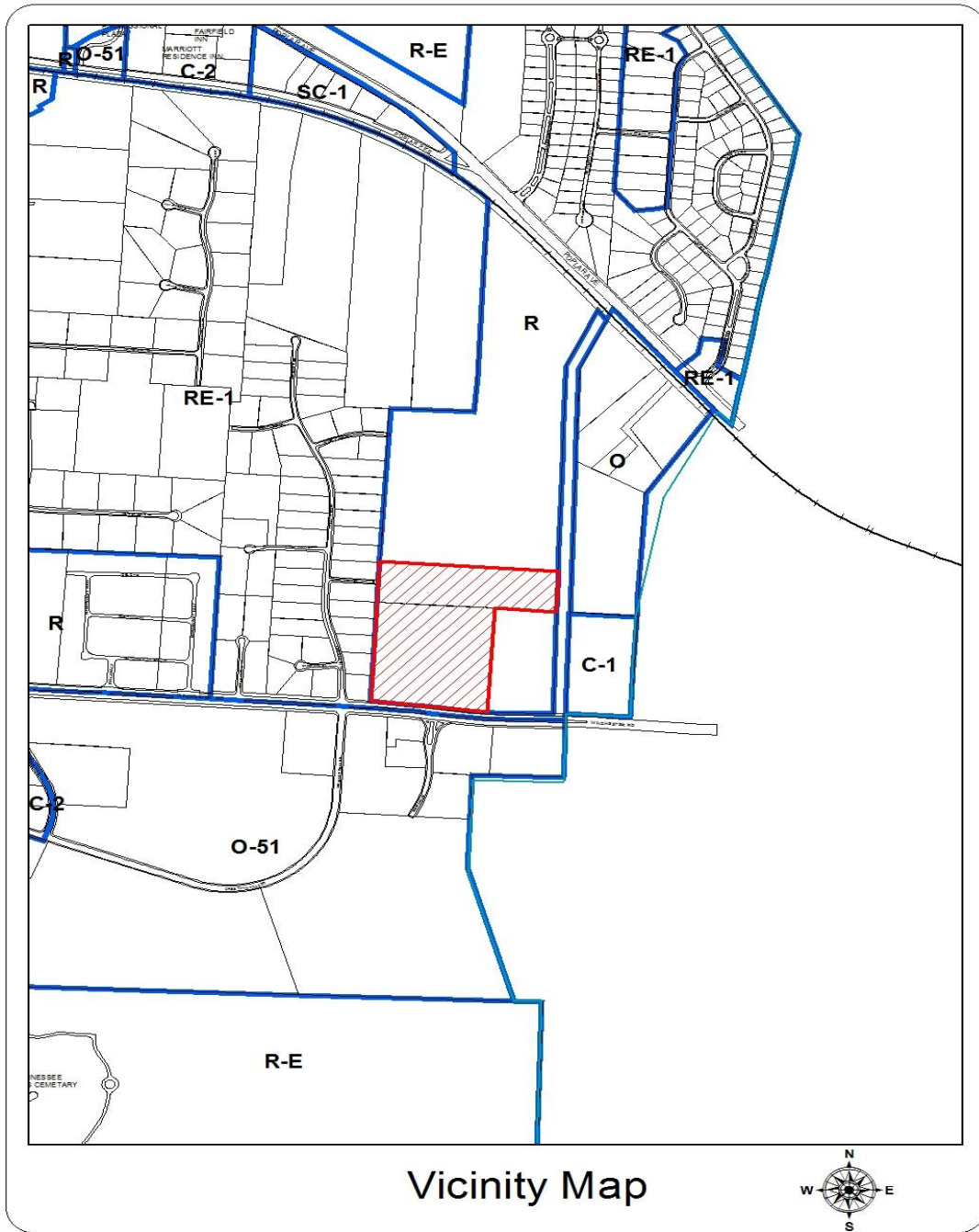
SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (MIKE HARLESS, CHAIRMAN) – The subcommittee met on October 22, 2014 and withheld a recommendation.

PROPOSED MOTION: PROPOSED MOTION: To approve the outline plan for the Ansley Park PUD, subject to the comments listed in the staff report.

Chairman Klevan moved to approve the outline plan for the Ansley Park PUD, subject to the comments listed in the staff report, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

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



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

Planning Commission Minutes

December 2, 2014

Page 9

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 R₁ 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 Gieselmann, 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.Gieselmann@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>
_____	_____



6. Crestwyn Behavioral Health Facility, Forest Hill Heights Amended PUD Phase 9, East side of Crestwyn Hill Dr., South of Winchester Rd. – Request Preliminary and Final Site Plan Approval

INTRODUCTION:

Applicant Name: *Harvey Marcom, PE w/The Reaves Firm – Representative*

Location: East side of Crestwyn Hill Dr., 1,500 feet south of Winchester Rd.

Current Zoning District: "O-51" Office Zoning District

BACKGROUND: The 33.861-acre parcel is part of the Forest Hill Heights Planned Development. It was approved by the Memphis/Shelby County Land Use Control Board and County Commission and then annexed by Germantown in 2000. The Board of Zoning Appeals, on November 11, 2014, approved a variance to allow the proposed security fence to be up to 10 feet in height.

DISCUSSION: The plan consists of a 61,592 sq. ft., single story building, to function as an 80 bed medical facility for behavioral health treatment.

PLAN REVISIONS: The following revisions to the site plan have been made to address TAC and subcommittee comments – 1) the main drive to Crestwyn Hills Dr. will be 48 feet in pavement width to accommodate future development; 2) a 26 foot-wide, access-controlled private drive to connect to Business Dr. will be constructed to provide the Fire Dept. a second point of access for emergency responders.

STAFF COMMENTS:

C. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Contact MLGW, as that agency provides water.
2. Water lines should be private, but shall be built to public standards for possible future transfer to the public when abutting properties are developed later.
3. All utilities shall be private except for Sanitary Sewer along the 100-foot transmission line on the south side of the property.
4. Show water valves.

D. GENERAL COMMENTS

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.

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

Mr. Harless asked how long is the fire public access? I know its 26 feet wide.

Mr. Morgan answered 600 feet.

Mike Davis with the Reaves Firm, 6800 Poplar Avenue, Suite 101, Memphis, TN made a presentation. This plan consists of a 61,592 sq. ft., single story building, to function as an 80 bed medical facility for behavioral health treatment center.

Bill Patterson with Acadia Healthcare, 300 Getwell Road, Memphis, TN made a presentation about short stay for patients with addictions. An average stay with a patient could be 30 days or more with security.

Mr. Wilensky asked if this building would only be a one-story building?

Mr. Patterson answered yes.

Mr. Freeman at 7684 Apahon Lane asked if there was going to be any landscaping at this building?

Mr. Davis answered there will be a landscape plan submitted to the DRC.

Mr. Babian at 3580 Crestwyn Drive said he has a big concern. Are we going to have violent people in this building? I believe they asked for a variance for a fence from the BZA. I need to know how tall the fence is going to be, maybe 10 foot tall. We have children just north of Winchester and if we have violent people who could escape, they could possible head toward our neighborhood.

Mr. Patterson noted it would have a fence and alarm.

Mr. Morgan noted the City mails out notices within 300 feet notification area.

Mr. Miller at 3680 Crestwyn Drive asked if any landscaping would be done for this building? You have already answered my question about no rezoning is required.

Mr. Jones lives in the Vinings on Romano Way and just got my notification on Monday. He wanted to know where this building was located?

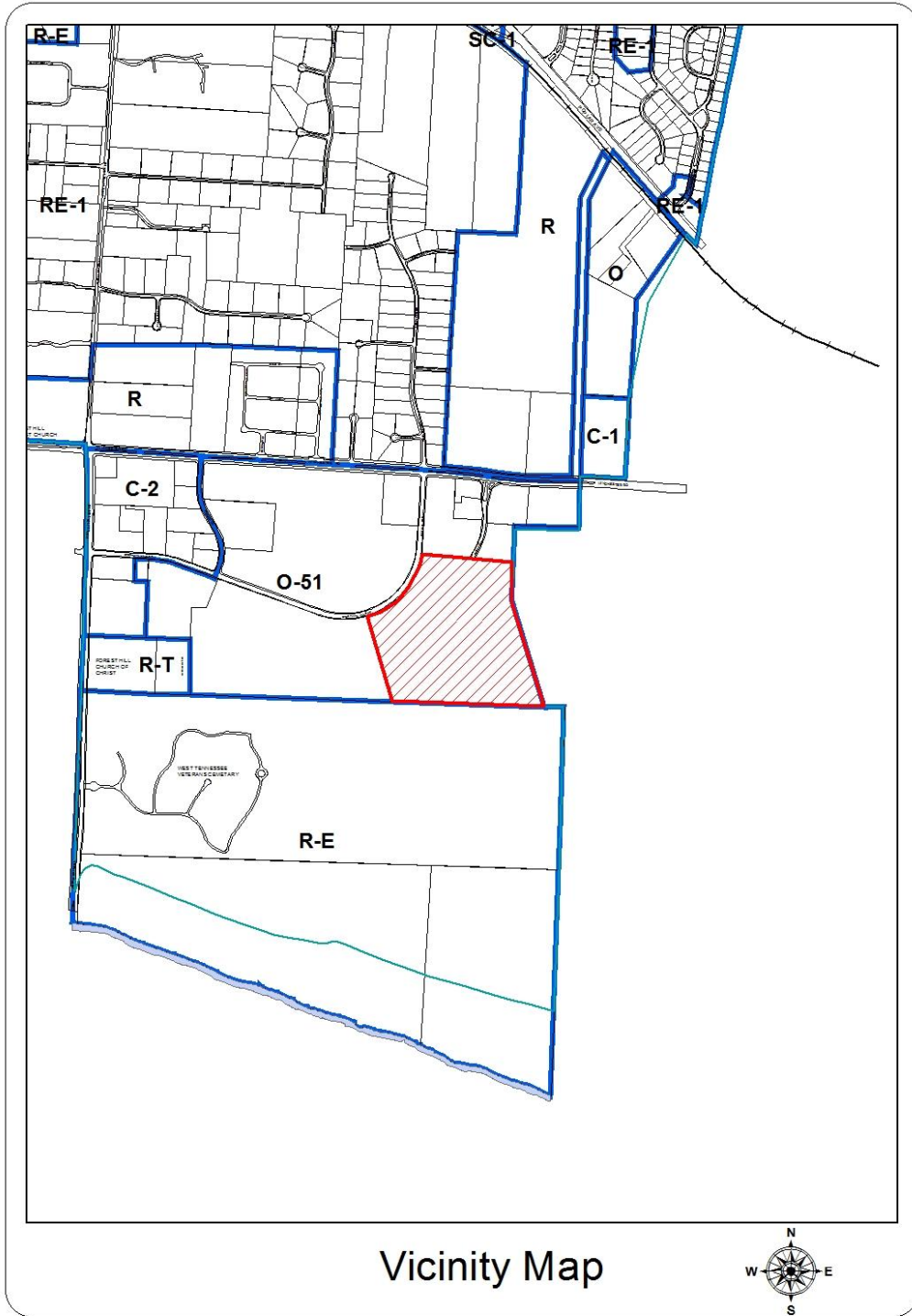
SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT (MIKE HARLESS, CHAIRMAN): The subcommittee met on November 19 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for the Crestwyn Behavioral Health Facility located on the east side of Crestwyn Hills Dr., 1,500 feet south of Winchester Rd., subject to the preceding comments.

Chairman Klevan moved to approve the preliminary and final site plan for the Crestwyn Behavioral Health Facility located on the east side of Crestwyn Hills Dr., 1,500 feet south of Winchester Rd., subject to the preceding comments, seconded by Mr. Harless.

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. Campbell Clinic Expansion PUD, 1400 S. Germantown Rd.: Request Preliminary and Final Plan Approval

INTRODUCTION:

Applicant Name: Harvey Marcom, w/The Reaves Firm – Representative

Location: 1400 S. Germantown Rd.

Current Zoning District: “O-51” Office District

BACKGROUND: The Planning Commission approved the Final Site Plan for the Campbell Clinic development on September 2, 1992. The BMA approved Development Contract No. 948 for the Campbell Clinic on September 8, 1992. The Planning Commission approved the request for Preliminary and Final Site Plan approval of the Campbell Ambulatory Surgery Center (ASC) Addition on September 7, 2004. The Board of Mayor and Aldermen approved Project Development Contract No. 1111 for the Campbell ASC Addition on October 25, 2004. The PC recommended approval of the rezoning from O to O-51 Office district on April 6, 2013. The Planning Commission approved the outline plan for a new medical building on September 9, 2014, and the Board of Mayor and Aldermen approved the outline plan on September 22, 2014.

DISCUSSION: Campbell Clinic proposes a new 120,000 sq. ft. medical office building fronting on Wolf River Blvd.

TOTAL SITE AREA	15 ac. – total site 5 ac. – new building
BUILDING SIZES	120,000 sq. ft. floor area; 62 ft. building height
NUMBER OF PARKING SPACES	736 provided 861 required (at 1:200 sf ratio)

STAFF COMMENTS:

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Move sewer service line out from under HVAC equipment on north side of existing Surgery Center.
2. Provide all drainage calculation’s required for 25-year storm design on the underground detention flow.
3. All capacity of downstream system required.
4. Calculation’s need to include storage volume for underground box-underground box needs to include storage volume to detain all flow for 25 year? What happens to 50 YR & 100 YR events?

C. GENERAL COMMENTS:

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

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

Harvey Marcom with the Reaves Firm, Inc., 6800 Poplar Avenue, Suite 101 made a presentation. We started with plan development seeking some additional heights to the building, parking variances, detention variances, and some green space from 24% to 27%. We will have on site detention and we will be able to retain all the current planting that faces Germantown Road. In addition, we have consolidated some of the islands and added a water garden. This will serve to collect some of the runoff and filter it before it runs off into the storm drains. The plan we have tonight, with our onsite parking, gives us a parking ratio considering the uses of the building, which is one parking space for every 248 square feet of the building.

Mike Davis noted the storm water drainage would be handled by a swell, natural looking dry creek bed with a stone, greenery, and tree/scrubs.

Mr. Gwaltney noted we do have a signed letter from the developer, and it will be made part of the development agreement. They agreed to install the signal and it is warranted prior to use and occupancy of the building. The signal must be up and operational.

Dr. Lipinski discussed the finding of the traffic impact study.

Mr. Harless asked if the signal was going to line up with the driveway across the street.

Mr. Gwaltney answered the proposed driveway location does line up with the driveway to the north. The West Clinic will be one of the participants using the signal.

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

PROPOSED MOTION: To approve the preliminary and final plan for the Campbell Clinic Expansion PUD, subject to the comments listed in the staff report.

Chairman Klevan moved to approve the preliminary and final plan for the Campbell Clinic Expansion PUD, subject to the comments listed in the staff report, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow –yes; Hernandez – recused; Wilensky – recused; 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 noted he would like to thank everyone for serving as a volunteer commissioner. Alderman Owens and Mr. Bacon noted they would like to thanks staff, commissioners, and David Harris for all their hard work.

9. Chairman Klevan asked if there were any liaison reports. There was none.

10. **ADJOURNMENT:** The meeting adjourned at 7:45 p.m.