

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, March 3, 2015**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on March 3, 2015. Chairman Harless welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman Harless then called the meeting to order at 6:00 p.m., asking the secretary for the roll.

Commissioners Present: Susan Burrow, Rick Bennett, Mike Harless, George Hernandez, Alderman Forrest Owens, David Clark, and Dike Bacon

Commissioners Absent: Hale Barclay

Staff Present: Alan Strain, Wade Morgan, Tim Gwaltney, Cameron Ross, Sheila Pounder, and Pam Rush

2. Approval of Minutes for February 3, 2015

Chairman Harless 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 3, 2015. If there are no additions, corrections or deletions to the minutes of the February 3, 2015, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Burrow moved to approve the Planning Commission minutes of February 3, 2015, as submitted, seconded by Mr. Bennett.

Chairman Harless asked for a roll call.

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

3. VMS Germantown Office Building, Lot 2, Forest Hill Heights-Amended PUD, Phase 15, Request Preliminary and Final Site Plan Approval (Case #: 15-507)

INTRODUCTION:

Applicant Name:	Harvey Marcom, PE w/The Reaves Firm – Representative
Location:	9185 Crestwyn Hills Drive, East of Forest Hill Irene Road and South of Crestwyn Hills Drive
Zoning District:	“O-51” Office Zoning District

BACKGROUND: The subject site is Lot 2 in the Forest Hill Heights-Amended PUD, Phase 15, which is within the Forest Hill Heights Corporate Park Planned Development. The subject property was annexed as part of a larger land area (1,450 acres) by the City of Germantown in 2000. On September 11, 2000, the Board of Mayor and Aldermen approved a resolution accepting the Forest Hill Heights Corporate Park Planned Development, as previously approved by the City of Memphis and Shelby County, with certain exceptions. In an effort to maintain consistency throughout the partially developed PUD and incorporate the City of Germantown's Ordinances and Regulations, the BMA approval of the resolution of acceptance included a set of conditions approved by the Planning Commission (shown on Attachment 1).

DISCUSSION: The plan proposes an 8,562 sq. ft., single story, office building.

PLAN REVISIONS: The site plan has been revised to respond to TAC's & PCsc's comments. The finished floor elevation, trash dumpster location, the inclusion of curb stops in parking spaces nearest the building, and looping of the existing water supply system thru this site with an isolation valve, as required by fire code, have been revised on the plat and acceptable information concerning the existing detention area, storm drainage capacity, future sanitary sewer to serve adjacent property, has been provided to the staff.

The applicant has not complied with TAC's comment requiring the provision of a letter of agreement from the adjacent property owner to the east concerning a new 15' x 20' drainage easement on their property for this development prior to final plat approval.

TOTAL SITE AREA	1.139 ac.
BUILDING SIZES	8,562 s.f.
BUILDING HEIGHT	23'.5" (To Top of Parapet)
NUMBER OF PARKING SPACES	42 provided 35 required

STAFF COMMENTS:

A. PRIOR TO FINAL SITE PLAN APPROVAL

1. Provide a letter of agreement with property owner to the east concerning the new 15'x20' drainage easement.

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Show common access easement on plat as a shared or hatched area.
2. Add BMA approved conditions to the plat prior to recording (See attached BMA Resolution).
3. Include easement dedication plat for 5' utility easements and drainage easement (15'x20').
4. Verify that detention basin is "Public" maintenance.

C. DURING THE CONSTRUCTION PROCESS

1. Clean out the detention area so it will function as designed.

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 Economic 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:

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.

STAFF RECOMMENDATION: Approval, subject to the Staff comments.

Harvey Marcom with the Reaves Firm Inc., 6800 Poplar Avenue, Suite 101, Memphis, TN 38138, stated tonight with me we have Troy Valenti, partner of Valenti of the Mid-South. They operate some Chili's and Wendy's and have a desire to build this office building to serve as their office for training. Michael Walker is also here; he is the architect. We were hoping to get on the consent agenda tonight. We have addressed every item that has come up. We satisfied the Fire Department with a workable plan. About two years ago, the detention basin from (1999) had gone into the tax bill for foreclosure. It was purchased in chancery court for \$1500.00. The documents show, when it was purchased, that he is still subject to the requirements of the maintenance for the detention basin. Therefore, what we were hoping for, since this came to life, was to get final approval from the Planning Commission, subject to resolution satisfactory to the staff, with regard to detention basin. It is a rather unusual situation for a plat of a detention basin to be sold, with a possibility it could be a developed piece of property.

Troy Valenti, 4310 Boulder Lake Circle, Vestavia Hills, AL 35242, stated I met with Mr. Rooziman earlier today; he purchased the property for \$1500, subject to the plat and easement agreement he is responsible for cleaning the detention basin. I would like to work with him and pay to have it cleaned up. He wants a couple of days to think about it. It is 1.3 acres and I do not think it is clearly defined as a

detention basin. Five different properties are currently using the detention basin. I told him he purchased a liability and he is responsible for cleaning it and I want to help.

Alderman Owens asked staff if they had applied to the DRC?

Mr. Morgan answered no.

Alderman Owens asked when is your submitted deadline date, and when would the meeting for the DRC be?

Mr. Valenti answered later this month.

Alderman Owens stated we are trying to keep them on track, so if we could get them to apply for the Planning Commission on April 7, only if we table this for a month. Then they can apply for the DRC for April 28.

Mr. Bacon asked staff if the detention basin could be developed? If not, it should not have its own tax ID number.

Mr. Morgan answered it could be changed with the overall planned development; with changing the drainage pattern from a detention area to a buildable lot. It is not its own separate parcel right now. It's part of a common open space. It should not have its own tax ID number.

Mr. Gwaltney stated part of it has a ridgeline, the western part of that lot drains into the detention basin. However, the part further to the south would drain to the south. We will be sending the owner a notification letter on what his obligations are to maintain the property and explain what the use is.

Mr. Clark asked if those properties were done for the City of Memphis or for the City of Germantown?

Chairman Harless said that it has never been in the City of Memphis, it has always been in unincorporated Shelby County.

Mr. Hernandez asked from the planning point of view if we were to approve the preliminary site plan tonight, and standing to logic that the final site plan would come back at the next meeting. If we were to table this application and bring it, back for preliminary and final site plan, which would also occur at the next meeting. Therefore, from the developer perspective they would have nothing-additional tonight that would be at the next meeting.

Mr. Morgan answered that is correct.

Mr. Marcom stated we want to make sure that we have the ability to file the DRC application, prior to the next Planning Commission meeting, without being behind the Planning Commission approval. What we are really looking for is a 15x20 foot drainage easement requested by staff, to get the low flow swale in the detention basin.

Mr. Bacon noted in the conditions of the common open space, you have the ability to do that. There is a little point in the common open space, which is called drainage in multiple parcels at that location.

- Include easement dedication plat for 5' utility easements and drainage easement (15'x20').
- Clean out the detention area so it will function as designed.
- 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.

Mr. Morgan noted, from the staff standpoint, we would allow you to file for the DRC prior to getting the Planning Commission approval.

Alderman Owens asked if there was anything, we could do as the City to help this developer to meet with that property owner and explain to him that he does have some liability.

Rick Bennett stated if this body approves this PUD with a detention basin, you could not do away with it down the road.

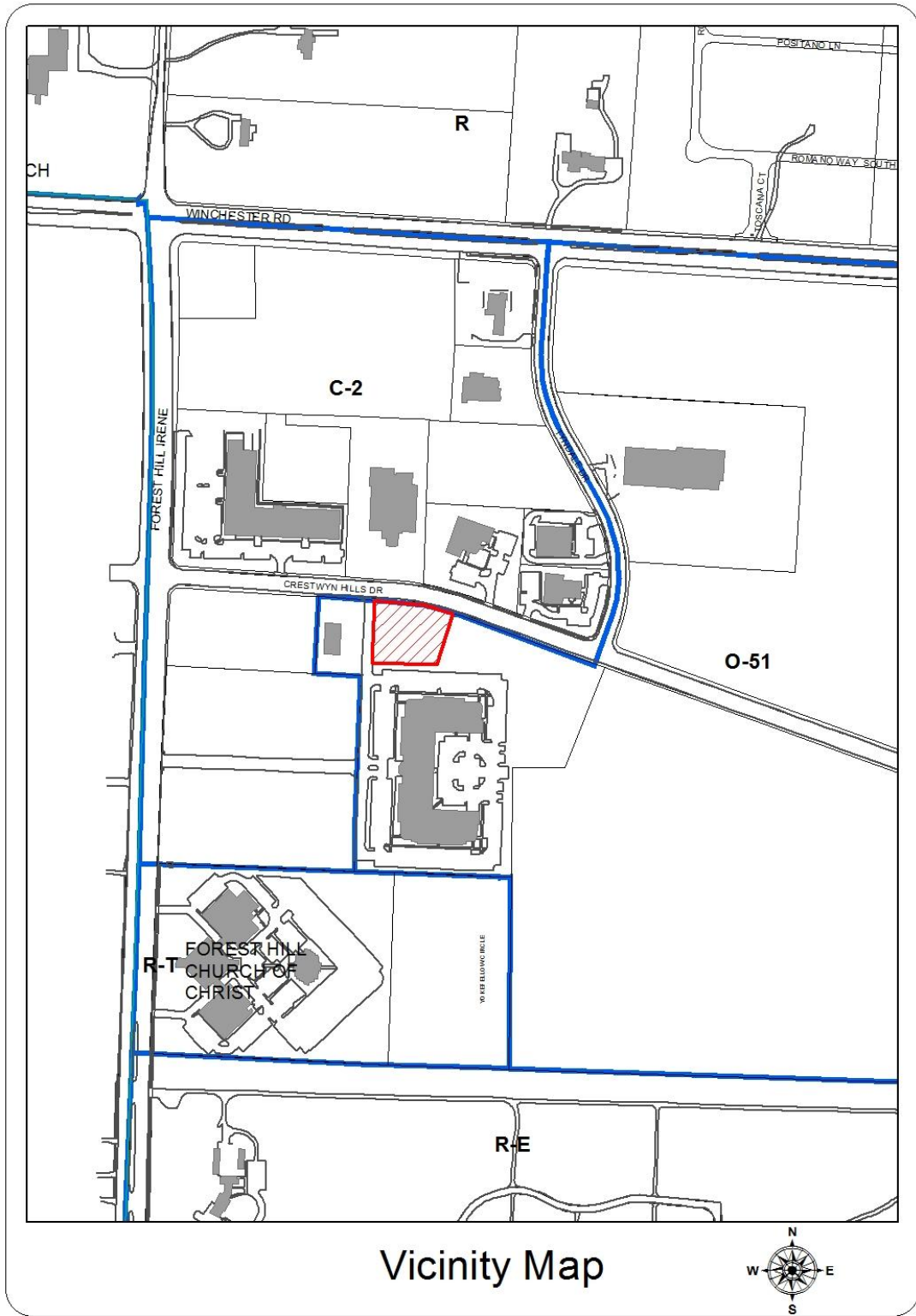
SUBDIVISION AND SITE PLAN SUBCOMMITTEE: The subcommittee met on February 18, 2015, and withheld a recommendation.

PROPOSED MOTION: To approved the preliminary site plan for the VMS Germantown office building on Lot 2, Forest Hill Heights-Amended PUD, Phase 15.

Chairman Harless moved to approve the preliminary site plan for the VMS Germantown office building on Lot 2, Forest Hill Heights-Amended PUD, Phase 15, subject to the comments listed in the staff report, as submitted, seconded by Mayor Palazzolo.

Chairman Harless asked for a roll call.

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



Vicinity Map

4. Cordova Road Subdivision, East side of Cordova Road, south of Apple Valley Road

INTRODUCTION:

Applicant Name: Ryan Anderson - Developer

Current Zoning District: R-1 Residential

Request: *inary and Final Plat Approval of a 2 Lot Subdivision*

The request is to subdivide a 1.012-acre parcel into 2 lots. The property is on the east side of Cordova Road, south of Apple Valley Road, and north of Neshoba Road and is zoned "R-1" Residential. A similar subdivision was approved by the Planning Commission in 2004 but was not developed.

BACKGROUND: The Cordova Road Subdivision was approved by the Planning Commission at its July 1, 2014 meeting. At that time, the developer's intention was to retain and remodel the existing dwelling. After the PC approved the subdivision, and after evaluating in more detail the existing dwelling, the developer concluded the existing dwelling should be replaced with new construction using current designs and construction measures. Proper permits were then obtained to demolish the dwelling and construct a new dwelling.

DISCUSSION: The proposed Lot 1 will be 21,059 square feet and consists of the dwelling under construction. The proposed Lot 2 will be 21,049 square feet and will allow the construction of an additional single-family home. Access to both lots will be by driveways from Cordova Road.

There is also an existing private cemetery on the property that will be on Lot 2. Walker Graveyard was recorded in 1992 in Instruments CZ 7033, V3 7090, and V7 8453 with the Shelby County Registers Office. The cemetery will consume approximately 2,500 square feet of the northeast corner of Lot 2.

STAFF COMMENTS:

A. GENERAL COMMENTS

1. 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.
2. The Developer agrees to include in all contracts between the Developer and purchaser of any part of the Subdivision (Lot Purchasers) the following, 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 through 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.
3. 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.

4. 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 watercourses.

Staff Recommendation: Approval subject to Staff Comments.

PROPOSED MOTION: To approve the preliminary and final subdivision plat for the Cordova Road Subdivision, subject to the comments listed in the staff report.

Mr. Bacon moved to approve the preliminary and final subdivision plat for the Cordova Road Subdivision, subject to the comments listed in the staff report, as submitted, seconded by Ms. Burrow.

Chairman Harless asked for a roll call.

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



NEW HOUSE CONSTRUCTED ON LOT 1

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; WTF (Wireless Transmission Facility)

Rezoning From: _____ To: _____
 Other: _____

Submittal Date: JUNE 5, 2014

PROJECT INFORMATION

Name: CORDOVA ROAD SUBDIVISION
 Address: 1676 CORDOVA ROAD
 Project Location Description: EAST SIDE OF CORDOVA RD, 105' SOUTH OF APPLE VALLEY RD

No. of Acres: 1.01

PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.

OWNER/DEVELOPER INFORMATION

Name: RKA INVESTMENTS, LLC Address: PO Box 111505, MEMPHIS, TN 38111
 Phone No.: 901-674-5522 Fax No.: _____
 Email Address: RYAN@RKA INVESTMENTS.COM

AGENT/REPRESENTATIVE INFORMATION

Name: MARK McGUIRE Title: PRESIDENT
 Company Name: McGUIRE ENGINEERING, LLC Address: 289 MISS CAMRYN LANE
 Phone No.: 901-854-3420 Fax No.: 901-861-3415
 Email Address: MARK@McGUIRE COMPANIES, BIZ
 Who will represent this proposal at the Planning Commission meeting? MARK McGUIRE

ENGINEER/SURVEYOR INFORMATION

Engineer Name: SAME AS AGENT Address: _____
 Phone No. _____ Fax No.: _____
 Email Address: _____

Surveyor Name: HARRIS ASSOCIATES Address: _____
 Phone No.: 362-2345 Fax No.: _____
 Email Address: BHARRIS@HARRISASSOCIATESLANDSURVEYORS.COM

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: RKA INVESTMENTS, LLC

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

Name	Business or Home Address
<u>RYAN ANDERSON</u>	<u>P.O. BOX 111505, MEMPHIS, TN 38111</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.

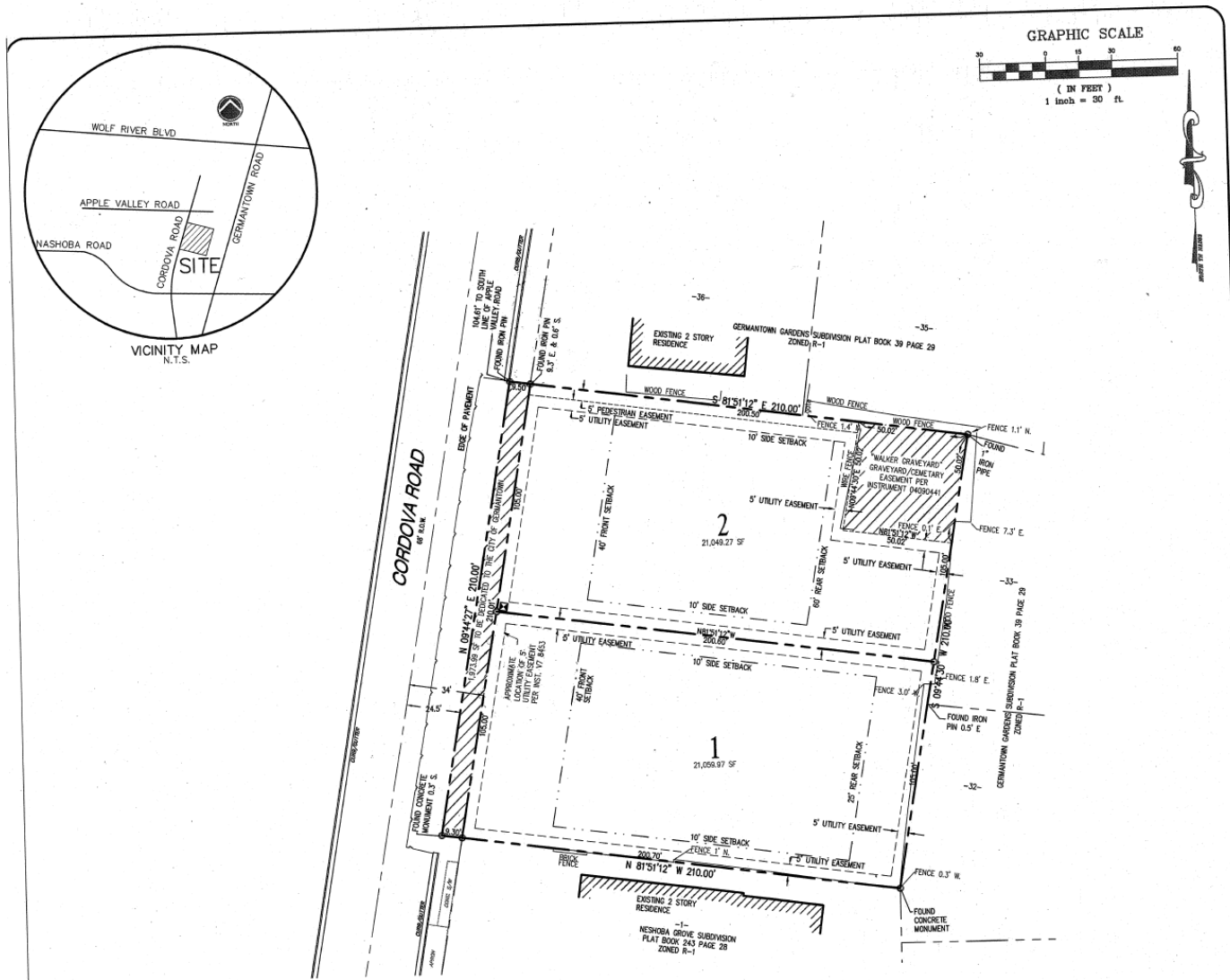
Owner and Lessee: _____

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

Name	Business or Home Address
_____	_____
_____	_____
_____	_____
_____	_____

Vicinity Map





REQUIRED SIDEWALKS

STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
CORDOVA ROAD	5 FT.	EAST	4.5' FROM BACK OF CURB

THE REQUIRED SIDEWALKS SHALL BE INSTALLED ACROSS THE FRONTAGES OF EACH LOT BY THE BUILDING PERMIT HOLDER PRIOR TO USE AND OCCUPANCY OF THE BUILDING. EXISTING SIDEWALKS SHALL BE REPAIRED AS NECESSARY BY THE BUILDING PERMIT HOLDER ACROSS THE LOT FRONTAGE PRIOR TO OCCUPANCY OF THE BUILDING.

NOTES:

- 1) BENCH MARK - CITY OF MEMPHIS BENCH-MARK #1405: LOCATED AT THE NORTHWEST CORNER OF GERMANTOWN PARKWAY & NASHOBA ROAD AT THE BACK OF SIDEWALK AT THE END OF RADIUS ON NESHOBA ROAD SIDE. ELEVATION = 298.66 (NAVD88).
- 2) SITE BENCH MARK - CONCRETE MONUMENT W/CAP LOCATED AT ±10' EAST OF SOUTHWEST CORNER OF SUBJECT PROPERTY. ELEVATION = 308.57 (NAVD88).
- 3) EASEMENT REFERENCED IN INSTRUMENT V7 8453, REFERRING TO UNRECORDED OAKLEY SUBDIVISION HAS BEEN SHOWN.
- 4) FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP NO. 470353 04566, EFFECTIVE DATE FEBRUARY 6, 2013.
- 5) THE MINIMUM SETBACK FROM STREET RIGHT-OF-WAY TO BUILDING IN NO CASE SHALL BE LESS THAN THIRTY (30) FEET FRONT, THIRTY (30) FEET REAR AND SIDE YARDS TEN (10) FEET.
- 6) BEARINGS ARE RELATIVE TO THE TENNESSEE STATE PLANE COORDINATE SYSTEM NAD83.
- 7) THERE IS A 5' UTILITY EASEMENT ALONG THE FRONT, SIDE AND REAR PROPERTY LINES FOR EACH LOT IN THIS SUBDIVISION, EXCEPT WHERE SHOWN OTHERWISE.
- 8) ANY EXISTING WELL AND ANY SEPTIC SYSTEMS, TANKS OR LINES SHALL BE CLOSED PER THE SHELBY COUNTY HEALTH DEPARTMENT STANDARDS AND THE CITY OF GERMANTOWN ORDINANCES.
- 9) IMPROVEMENTS TO CORDOVA ROAD (CURB, GUTTER, SIDEWALK) SHALL BE COMPLETED BY THE DEVELOPER.

**FINAL PLAT
 CORDOVA ROAD SUBDIVISION**

GERMANTOWN, TENNESSEE
 DISTRICT 2 - MAP BLOCK 20 - PARCEL 469
 EXISTING ZONING: R-1
 TOTAL AREA: 1.01 ACRES
 2 LOTS
 DATE: SEPTEMBER 30, 2014 SCALE: 1"= 30'
 DEVELOPER: RKA INVESTMENTS, LLC
 PO BOX 111505
 MEMPHIS, TN 38111

McGuire Engineering
 Civil Engineering - Land Planning
 289 MISS CAMRYN LN COLLIERSVILLE, TN 38017
 PHONE 901.854.3420 FAX 901.861.3415

5. Chairman Harless asked if there was any old business to come before the Commission. There was none.
6. Chairman Harless asked if there was any new business to come before the Commission. There was none.
7. Chairman Harless asked if there were any liaison reports. There were none.
8. **ADJOURNMENT:** The meeting adjourned at 6:35 p.m.