

DESIGN REVIEW COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, December 20, 2016
6:00 p.m.

The regular meeting of the Design Review Commission was scheduled and held in the Council Chambers of the Municipal Center on December 20, 2016.

1. Chairman Saunders called the meeting to order at 6:00 p.m.
2. Chairman Saunders requested the roll call. Ms. Sheila Pounder called the roll of the Commission and established a quorum:

COMMISSIONERS PRESENT:

Mr. Keith Saunders, Chairman; Mr. Paul Bruns, Vice-Chairman; Mr. Ralph Smith; Mr. Steve Landwehr; Mr. Henry Porter; and Mr. Timothy Serfess

DEVELOPMENT STAFF PRESENT:

Mr. Cameron Ross, Economic and Community Development Director; Ms. Sheila Pounder, Planning Division Manager; Sarah Goralewski, Planner; and Mr. Robert McLean, City Attorney

3. Approval of Minutes for November 29, 2016

Mr. Landwehr moved to approve the Design Review Commission minutes of November 29, 2016, seconded by Mr. Bruns, with no further comments or discussions.

ROLL CALL: Mr. Smith – Yes; Mr. Porter – Yes; Mr. Serfess – Yes; Mr. Landwehr – Yes; Mr. Bruns – Yes; Chairman Saunders - Abstain.

MOTION PASSED

4. CONSENT AGENDA

- a. Enclave Estates – North Side of Wolf River Boulevard – East of Forest Hill-Irene Road – Request Approval of an Entrance Feature Plan (Case No. 16-649).
Gregory Lake w/Enclave Estates Homeowners Associate – Applicant/Representative

Comment: The Chairman stated he would like to remind the Commissioners that voting on all matters on the Consent Agenda constitutes an acknowledgement that the member has read and reviewed the application materials/plans/staff reports and determines further discussion or presentation of an item is not necessary. He stated if there was anyone in the audience that would like an item pulled, please request so at this time, and in seeing none, he asked for a motion.

Mr. Bruns made a motion to approve the Consent Agenda, as discussed and seconded by Mr. Landwehr.

ROLL CALL: Mr. Smith – Yes; Mr. Porter – Yes; Mr. Serfess – Yes; Mr. Bruns – Yes; Mr. Landwehr – Yes; Chairman Saunders - Yes

MOTION PASSED

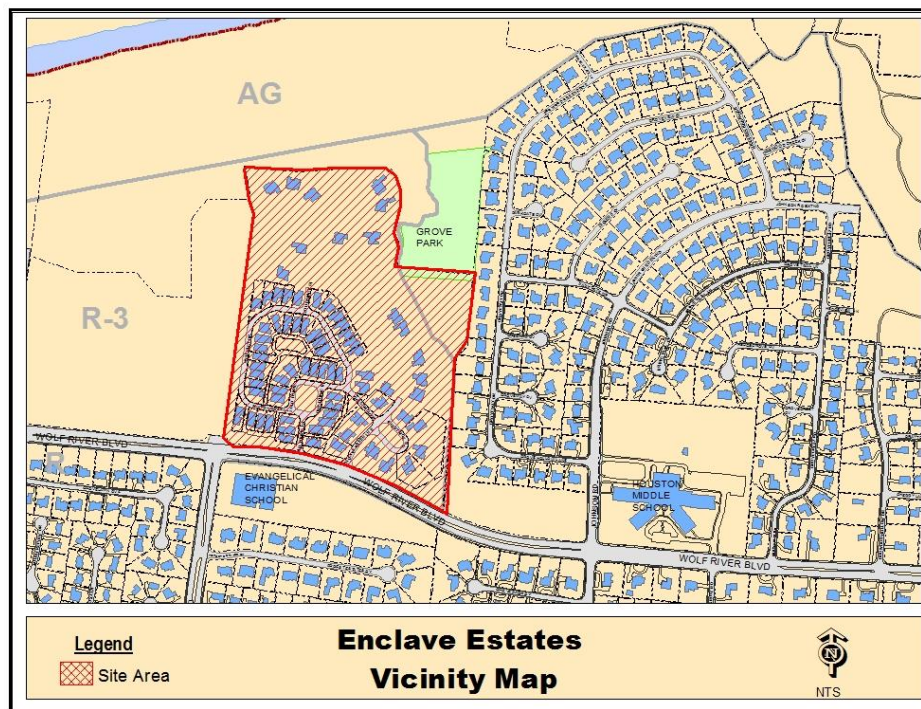
STAFF'S COMMENTS / DISCUSSIONS REGARDING THE CONSENT AGENDA ITEMS

- a. Enclave Estates – North Side of Wolf River Boulevard – East of Forest Hill-Irene Road – Request Approval of an Entrance Feature Plan (Case No. 16-649).

INTRODUCTION:

Case Number:	16-649
Location:	North Side of Wolf River Boulevard, East of Forest Hill-Irene Road
Applicant/Representative Name:	Gregory Lake w/Enclave Estates Homeowners Association
Current Zoning District:	“R” Residential Zoning District
Description of Request:	Request Entrance Feature Approval

*Refer to the Disclosure Form attached for more information



Location is approximated

BACKGROUND: The Board of Mayor and Aldermen approved an Outline Plan for the Enclave PUD on February 9, 2004. The Planning Commission recommended approval of the Outline Plan on January 6, 2004. The Planning Commission approved amendments to the outline plan on May 4, 2004. The Planning Commission also approved the preliminary and final plan of Phase 1 and a Grading Permit for the northern section of the Enclave on May 4, 2004.

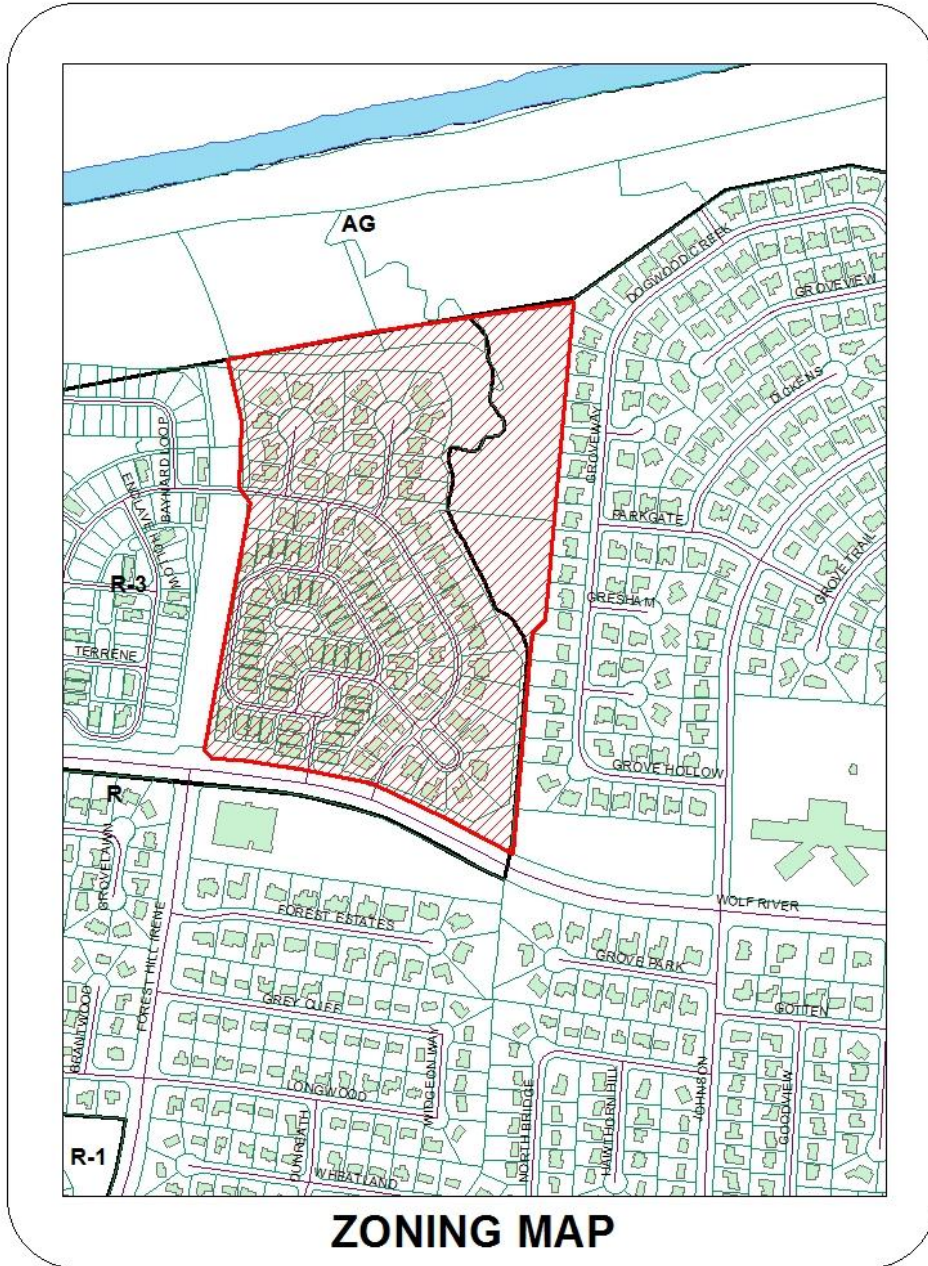
The Design Review Commission approved a landscape plan and perimeter fencing on July 24, 2004. On August 10, 2004, the Board of Zoning Appeal approved a variance to allow a subdivision entrance wall to exceed six feet in Height. The final plat for this planned development was re-recorded in 2012 to change the name from Enclave P.D., Phase 1 to Enclave Estates P.D. Recently, the DRC approved a new landscape and lighting plans at the entrances into Enclave Estates neighborhood on October 25, 2016.

REQUEST SUMMARY: The request is for DRC approval of a new entrance feature at the entrances into Enclave Estates neighborhood from adjacent neighborhoods along Enclave Green Lane. The Enclave Estates neighborhood is comprised of Phases 1 & 2 of Enclave Planned Development.

STAFF COMMENTS:

1. The applicant also seeks approval of entry plaques on brick pillars to be placed at the northern entrance into Enclave Estates development on both sides of Enclave Green Lane. This new entrance feature consist of a center column that is 8' tall by 3' wide with an engraved limestone plaque that reads "Enclave Estates" and two side wings on each side of the center column that is 6' tall and 18" wide. The limestone plaque on each pillar measures 3' tall by 2.5' wide.
2. Section 14-32, Sign Regulations states "One subdivision entrance identification sign shall be allowed per project, except where the project fronts on two or more major or collector streets or has more than one major traffic entrance on the same Major or Collector Streets; then identification shall be allowed at each major entrance.
3. The development currently has subdivision entrance signs attached to a wall along both street corners at the intersection entrances of Old Town and Wolf River Blvd. as well as Enclave Green Lane East and Wolf River Blvd. The approval of this request would add signage at the northern ends of Enclave Green Lane where the development transitions from Enclave Estates (previous Phases 1 & 2) into Enclave PD, Phase 5. Enclave Green Lane East is not technically classified as a major or collector street; however it does function as a residential collector, since it is the main street that funnels traffic through the residential development to access Wolf River Blvd., a major street.
4. Section 6-105, Subdivision Entrance Features (SEF) states the following "Features. A SEF shall be defined as a cohesively designed element(s) to a subdivision, intended to create a unique, identifying entrance area. The SEF shall be located within a common open space area or landscape easement, adjacent to a street on the perimeter of the subdivision, span no more than 25 linear feet, and be composed of at least two of the following components: wall/fence, landscaping, pedestrian gates, signs and associated decorative items such as lights and finials. The proposed pillars will be composed of a sign and landscape planting at the base of them. See attached drawing submitted by the applicant for a list of planting materials to be use in this project.
5. The maximum permitted height of a SEF is ten feet above the surrounding grade, at a setback of 15 feet from the street right-of-way. The proposed pillars at 8 feet are less than the maximum height permitted; however, the setback from the street is not reflected on the plan. If approval, a plan that reflects the required 15 foot setback from Enclave Green Lane, the existing COS easement area where the SEF will be located should be submitted to staff for final stamped approval of the SEF plan.
6. As requested at the October DRC meeting, the applicant has provided pictures of the urns and pedestal to be used within the landscape C.O.S. entry areas. (See attached pictures) The item was not included in the approval of the landscape plan for this development at the October meeting.

PROPOSED MOTION: To approve a Subdivision Entrance Feature Plan for installation at the northern entrance into Enclave Estates development on both sides of Enclave Green Lane, subject to the Board's discussion, staff comments and the documents submitted with the application.





CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

DATE RECEIVED: 10/28/2016
RECEIVED BY: Sarah Goralski

DESIGN REVIEW COMMISSION PROJECT REVIEW APPLICATION

Specific Approval requested:

Preliminary Plan (Site plan, building elevations, landscaping, lighting, etc.) Final Plan Change in Use (Complete "OG" Checklist)

Wireless Transmission Facility Landscaping (only) Lighting (only)

Revision/amendment to an approved plan
Description of requested change: _____

Other; Explain _____

Project Name: Entry Pillars and Plaques

Project Address: Enclave Estates Wolf River Blvd.

Previous Tenant: _____

Applicant's Name: Gregory Luke - Vice President

Mailing Address: 9240 Enclave Green Ln. E.

Email Address: compelake@hotmail.com Telephone: 630-740-8623

Owner's Name: Enclave Estates HOA Deborah Berksdale - President

Mailing Address: 1842 Wellsley : Germantown TN 38139

Email Address: deborahberksdale444@gmail.com Telephone: 901.351.5586

Developer's Name: _____

Mailing Address: _____

Email Address: _____ Telephone: _____

Lessee's Name: _____

Mailing Address: _____

Email Address: _____ Telephone: _____

DRC Project Review Application
Page 2

Zoning District where project is to be located: _____

Describe project item(s) to be reviewed: *(please attach additional sheets or letter of description if needed)*

See Attached

Gregory Lake
Print Name of Applicant

Gregory Lake
Signature of Applicant

Print Name of Owner

Signature of Owner

Print Name of Developer

Signature of Developer

Print Name of Lessee

Signature of Lessee

By my signature, I attest that all of the required information associated with this application has been submitted to the Department of Community Development by the scheduled deadline date. Any failure on my part not to submit any of the required information may result in the removal of the application from the agenda.

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* 2. **Not for Profit Entities.** If the owner of the land which is the subject of this Application (including all owners, lessees and developers) is a not for profit entity, the authorized representative of the Owner 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:

Owner: HOA
Address: _____

President or Equivalent
Chief Executive Officer: Deborah Barksdale
Address: 1842 Wellisley Dr., Germantown TN 38139

Members of the Board of Directors of the Owner:

Name	Business or Home Address
<u>Deborah Barksdale</u>	<u>1842 Wellisley Dr.</u>
<u>Gregory Lake</u>	<u>7240 Enclave Green Ln. E.</u>
<u>Randall Miller</u>	<u>9171 Saxton Green Ln.</u>
<u>Celeste Longo</u>	<u>1741 Iron Cove</u>
<u>Don Toddia</u>	<u>2180 Chestwick Dr.</u>
_____	_____

Note that approval of the application is based upon information provided herein and any change in this information including any change in ownership interests of the subject real property, after filing the application, may result in reconsideration of any approval.

The Applicant/Owner/Lessee acknowledges and agrees that if the developer of a project is not the owner of the subject real property, the owner/lessee and developer shall be required to join in the project development contract with the City and the obligations of the project development contract shall be the joint and several obligations of the developer, owner, and lessee.

ENCLAVE ESTATES

Entry Plaques

The board of directors of the Enclave Estates HOA located on Wolf River Blvd. propose the following enhancement and addition.

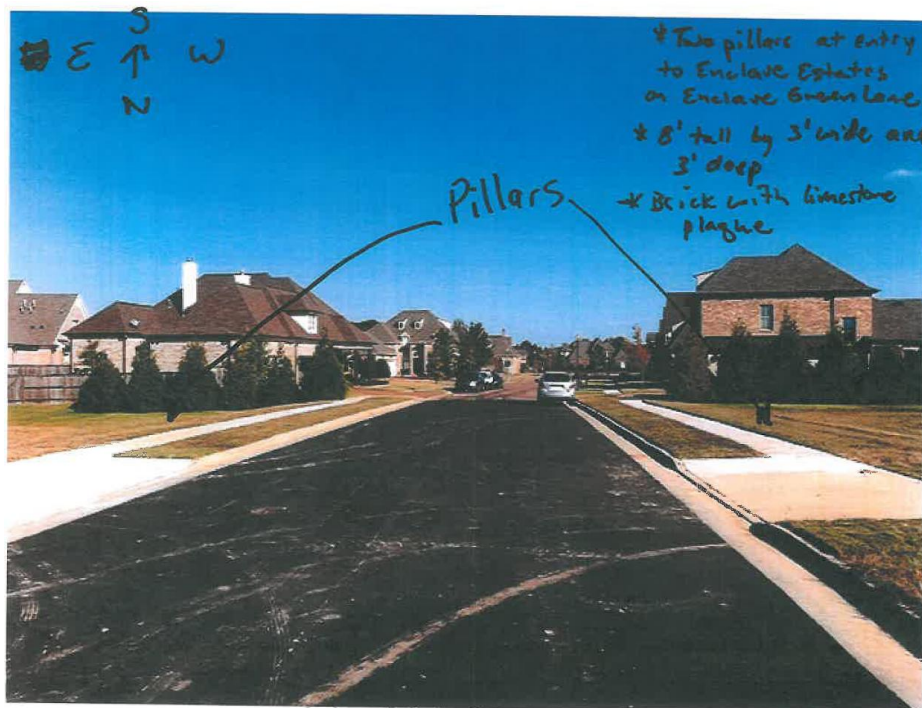
Currently on Enclave Green Lane (in the back of the subdivision) there are no entry markers denoting or differentiating between the Enclave Estates and the "newer" Enclave subdivision. The board recommends and approved placing pillars/plaques on both the north and south sides of Enclave Green Lane. These pillars/plaques will be in harmony with the front entrance both in brick color and engraved plaque that reads "Enclave Estates"

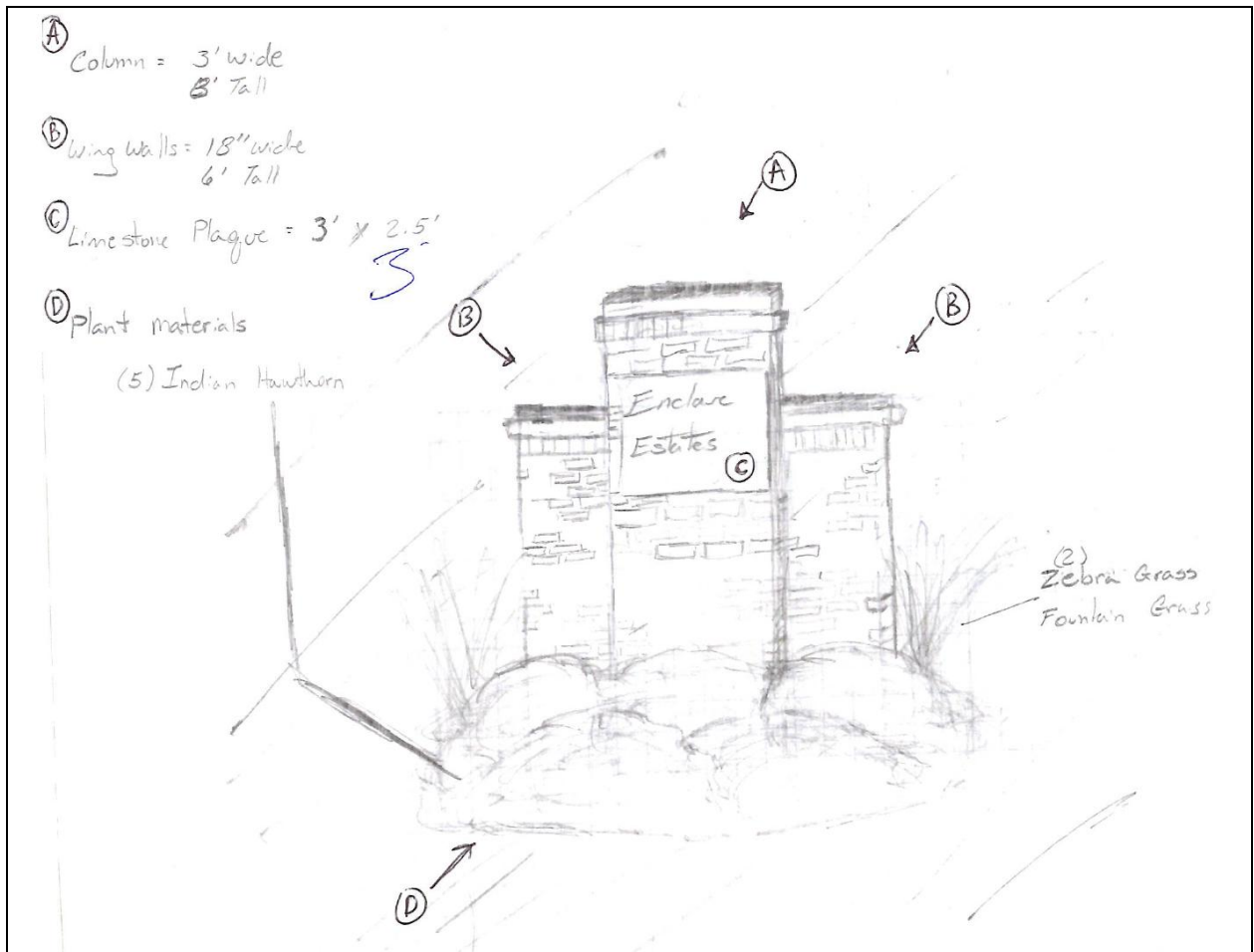
- Brick Pillars 8' tall by 3' wide and deep
- Engraved limestone plaque that state "Enclave Estates"
- In harmony with look of front entry columns to create campus feel
- Columns to be placed in the common area property of Enclave Estates on the non-street side of the sidewalk

Additional Information from Applicant:

Column Details (also represented on attached drawing)

1. The column structure is "winged" with the:
 1. center column being 8' tall by 3' wide, it will include a limestone plaque that reads "Enclave Estates" and will be 3' tall by 2.5' wide
 2. the wings on each side of the center column will be 6' tall and 18" wide
2. Plant material will be used to accent the wall
 1. Zebra grass, two 3 gallon plants, will flank each side of the wall
 2. Indian Hawthorn, five 3 gallon plants, will be in front of the wall



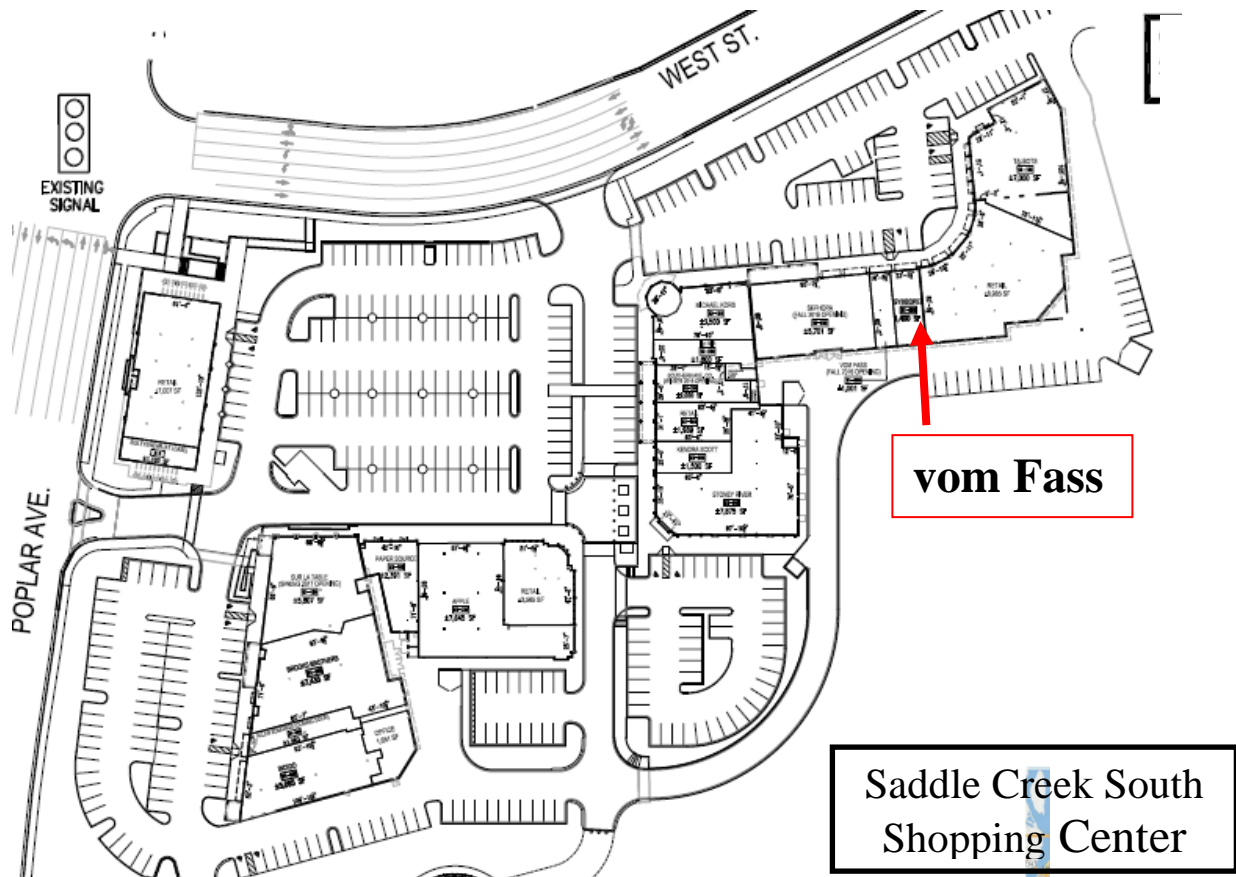




5. vom Fass – Saddle Creek South Shopping Center – 2055 West St. Ste 12 – Request Approval of an Awning with Signage (Case No. 16-659).

INTRODUCTION:



Case Number:	16-659
Location:	2055 West St., Ste. 12 – Saddle Creek South Shopping Center
Applicant Name/ Representative:	Russell Harms – Applicant
Zoning District:	“T-5” Urban Center District, using the pre-existing “SC-1” Shopping Center zoning district sign regulations
Description of Request:	Request Approval of a Storefront Awning for New Tenant



BACKGROUND: The Shops of Saddle Creek Center was approved by the Planning Commission and the Board of Mayor and Aldermen in 1987. On December 15, 2015, the Design Review Commission approved a landscape plan and building façade modification and renovation plans. The vom Fass store is located between Sephora and Gymboree. Applications for permanent wall and blade signs that conforms to the City’s sign regulations, as well as to the approved sign policy for Saddle Creek South Shopping Center, have been submitted for administrative approval.

DISCUSSION: An awning without any writing or logo has already been installed on the building façade without approval by the City of Gemantown. The applicant is now requesting approval of an awning for the vom Fass store that consists of a design incorporating the corporate logo and descriptive language.

(As vom Fass is a relatively unknown German brand, the applicant is requesting the descriptive language to enhance visibility and viability of the business).

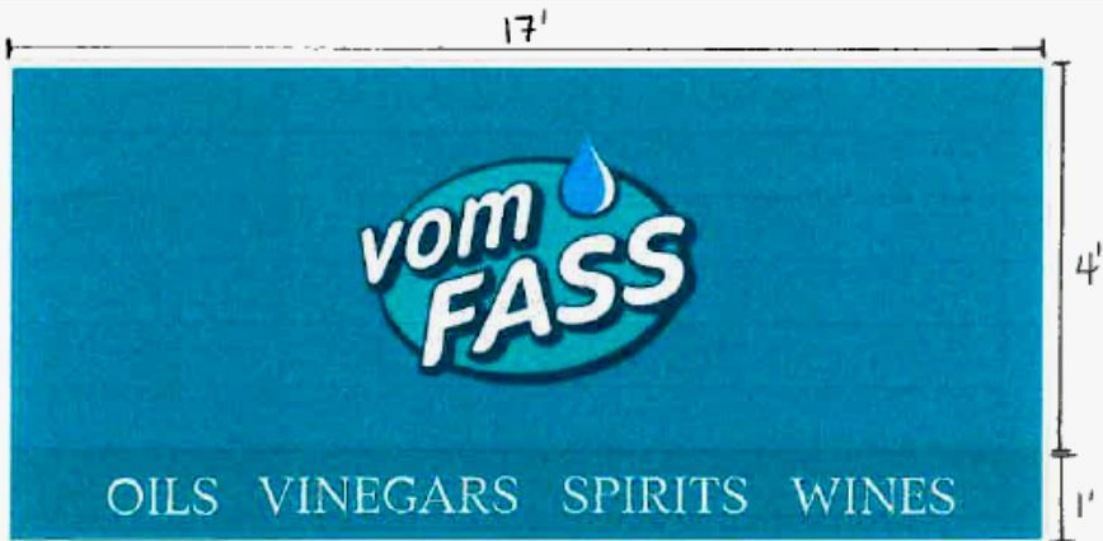
Location & Height:	The proposed awning will be mounted on the storefront façade below the existing tenant identification wall sign. The lowest part of the awning will be 8'-5" high from the ground.
Awning Area:	68 sq.ft. (17' x 4') – without valance 17 sq.st. (17' x 1') – valance area
Colors & Materials:	Aluminum tube frame with a turquoise covering. Logo and lettering will be silk-screened onto awning. (See attachments for cross-section and paint colors.)
Proposed Logo Design:	
Proposed Logo Area and Colors:	2.5 square feet Off-white lettering, blue water drop, navy lettering outline, teal background
Proposed Lettering on Awning Valance	
Proposed Lettering Area and Color	6.5 sq.ft. (12'10" x 6") = area of descriptive lettering on awning Off-white lettering
Mounting Structure:	Frame mounted to building wall with metal lag anchors
Lighting:	None

STAFF COMMENTS:

1. The total allowable signage for this site is 25.5 square feet. The total amount of signage proposed, including the logo and descriptive text on the awning, as well as the administratively approved wall sign, is 24.75 square feet.
2. An awning has already been installed on the building façade without approval by the City of Germantown or a building permit from Shelby County.
3. The proposed awning includes a logo and descriptive language, both of which are design elements requiring approval by the Design Review Commission.
4. The proposed awning design, including the logo and descriptive language, has been reviewed and approved by the shopping center management, Trademark Properties.
5. If approved, the applicant must obtain a permit from the Memphis/Shelby County Office of Code Enforcement.

PROPOSED MOTION: To approve a storefront awning for the vom Fass store in the Saddle Creek South Shopping Center, 2055 West St., Ste. 12, subject to the Board's discussion, staff comments, and the documents submitted with the application.





Note: Descriptors located on awning valance. Valance shown darker here for clarity.

Awning area: 68 sq. ft. (17' x 4')
(without valance)

Awning valance area: 17 sq. ft. (17' x 1')

Lettering on valance : 6.5 sq. ft. (12'10" x 6")

Color of lettering: off-white

Logo area: 2.5 sq. ft. (1'10" x 1'4½")

Awning color:



Base of Design:
Sunbrella "Turquoise"

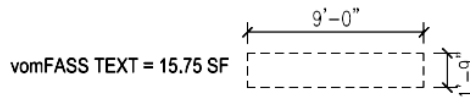
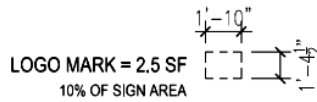
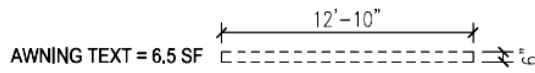
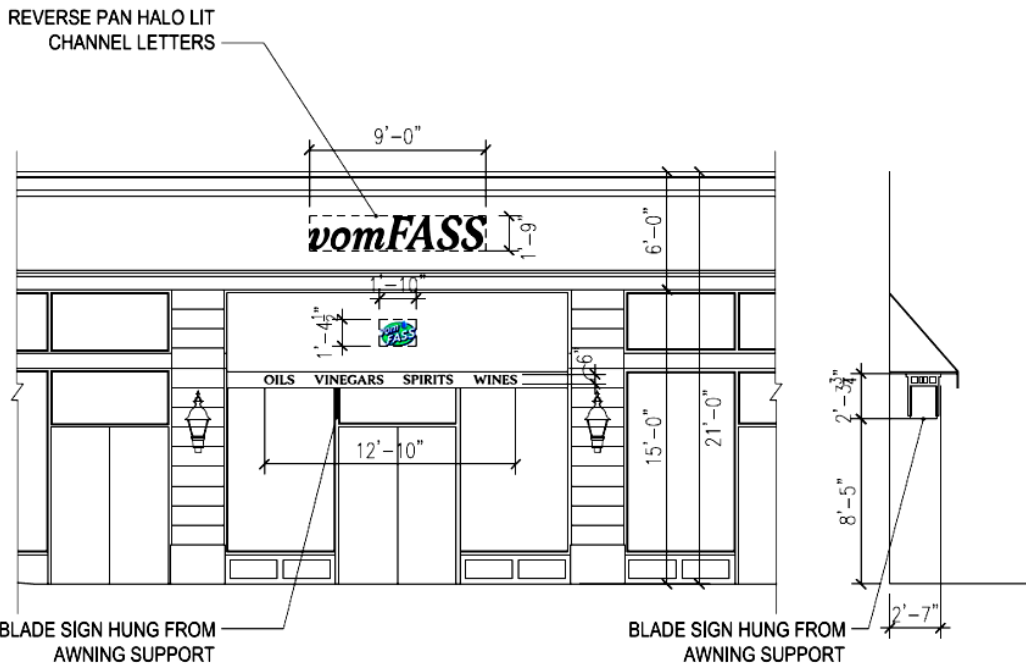
vomFASS Logo



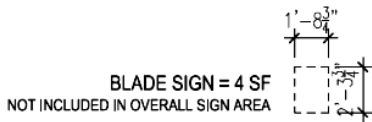
Color Definition



Pantone special colors	CMYK 4 color printing	RGB screen	WEB internet	RAL paint
7487 U	79/8/50/6	0/163/147	#009999	5018
281 U	70/60/100/50	35/51/86	#333366	5003
300 U	0/60/100/0	27/114/183	#3366cc	5015
Off White	30/5/100/40	255/255/255	#ffffff	8016



TOTAL SIGNAGE AREA = 24.75 SF







CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

DATE RECEIVED: 12/6/2016
RECEIVED BY: Gabriel

: 16-659

DESIGN REVIEW COMMISSION PROJECT REVIEW APPLICATION

Specific Approval requested:

Preliminary Plan (Site plan, building elevations, landscaping, lighting, etc.) Final Plan Change in Use (Complete "OG" Checklist)

Wireless Transmission Facility Landscaping (only) Lighting (only)

Revision/amendment to an approved plan
Description of requested change: _____

Other; Explain AWNING REPAIR

Project Name: VOMFASS GERMANTOWN

Project Address: 2055 West St, Suite 12, Germantown TN 38138

Previous Tenant: STRIDE RITE SHOES

Applicant's Name: Russell R. L. Harris

Mailing Address: 365 ST NICK DR., MEMPHIS TN 38117

Email Address: Russell.Harris@VomfassGermantown.com Telephone: 901-432-5275

Owner's Name: Trademark Property

Mailing Address: 7509 Poplar Ave, Germantown TN 38138

Email Address: Ktaylor@TrademarkProperty.com Telephone: 901-753-4264

Developer's Name: Trademark Property

Mailing Address: 7509 Poplar Ave Germantown, TN 38138

Email Address: h.pennington@trademarkproperty.com Telephone: 817-639-2705

Lessee's Name: Russell R. L. Harris

Mailing Address: 765 ST NICK DR., MEMPHIS TN 38117

Email Address: Russell.Harris@VomfassGermantown.com Telephone: 540-974-1449

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Page 2**

Zoning District where project is to be located: _____

Describe project item(s) to be reviewed: *(please attach additional sheets or letter of description if needed)*

Awaiting approval

Russell Howard

Print Name of Applicant

Print Name of Owner

Print Name of Developer

Russell Howard

Print Name of Lessee

[Signature]

Signature of Applicant

See email

Signature of Owner

See email

Signature of Developer

[Signature]

Signature of Lessee

By my signature, I attest that all of the required information associated with this application has been submitted to the Department of Community Development by the scheduled deadline date. Any failure on my part not to submit any of the required information may result in the removal of the application from the agenda.

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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 interests, the following information is required to be furnished:

- For Profit Entities.** If the owner of the land which is the subject of this Application (including all owners, lessees and developers) is a for-profit entity, i.e. individual or sole proprietor, general partnership, limited partnership, corporation, limited liability company, R.E.I.T., a trust, or any other form of for-profit business entity, the authorized representative of the Owner 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. (If another business entity owns 10% or more of the ownership interests in the Owner, 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, 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: Trademark Properties
Address: 7509 Poplar Ave, Germantown TN 38138

Lessee: Russell R.L. Horns
Address: 365 ST Nick Dr Memphis TN 38117

Developer: Trademark Properties
Address: 7509 Poplar Ave Germantown TN 38138

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

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

*See language in parenthesis above.



Saddle Creek South - vom FASS Final Signage Review Package

Brynne Pennington <BPennington@trademarkproperty.com> Tue, Aug 9, 2016 at 3:15 PM
To: Christine Pearson <pearson@aroeberle.com>, Christopher Schmidt <csstudioarc@gmail.com>
Cc: Cameron Ross <cross@germantown-tn.gov>, Russell Harms <Russell.harms@vomfassgermantown.com>

Christine,

So glad that we are able to get this approved by Germany. Please take this as Landlord's approval to move forward with signage drawings for city approval.

Brynne Pennington | Project Manager

817.639.2705 (o) | 832.776.8385 (m)

bpennington@trademarkproperty.com

www.trademarkproperty.com



*Our purpose is to be extraordinary stewards,
enhance communities and enrich lives.*



Mr. Russell Harms explained there were 17 different iterations before settling on this submittal and asked the Commission to approve this request.

Chairman Saunders informed the applicant that this commission has never approved a logo on an awning. The ordinance does allow for the oil, vinegar, spirits, and wine, which are classified as products, to be placed on the valence of the awning.

Mr. Harms requested that the commission remove the logo from the awning request at this time. He will work with staff and possibly come back to the Design Review Commission at a later time for that.

After much discussion, Chairman Saunders called for a motion.

Mr. Landwehr moved to approve a storefront awning with lettering/text of products on the valence, with the removal of logo, for the vom Fass store in the Saddle Creek South Shopping Center, 2055 West St., Ste 12, subject to the Commission's discussion, staff comments, and the documents submitted with the application, seconded by Mr. Bruns.

ROLL CALL: Mr. Porter – Yes; Mr. Serfess – Yes; Mr. Bruns – Yes – Chairman Saunders – Yes; Mr. Landwehr – Yes; Mr. Smith - Yes

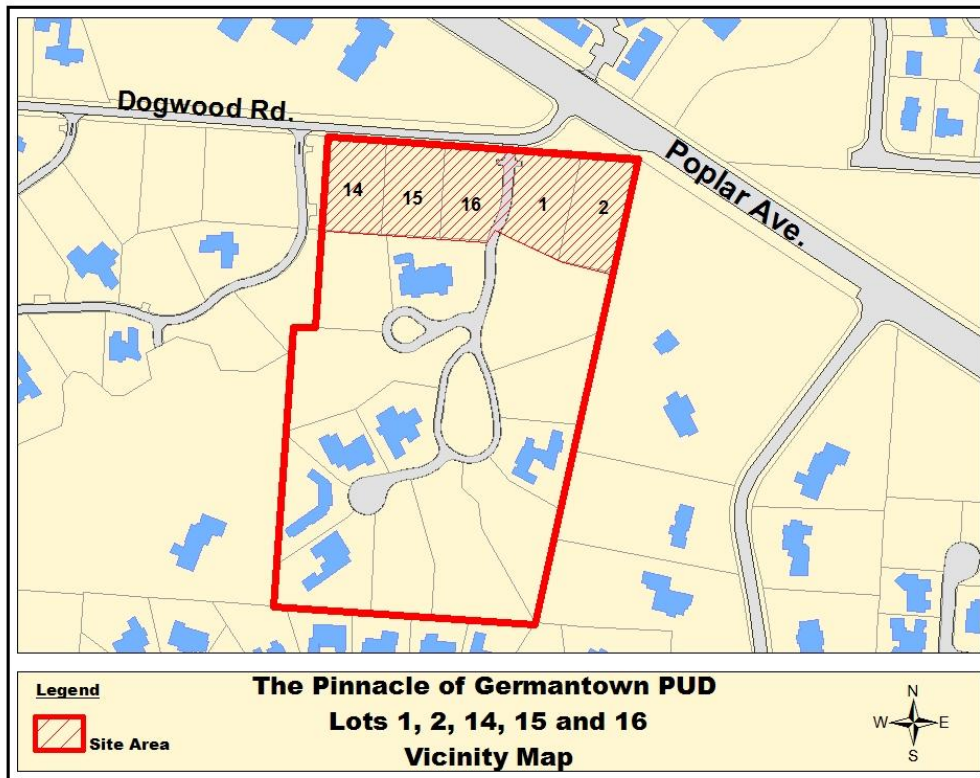
MOTION PASSED

6. The Pinnacle of Germantown Planned Development – Southeast side of Dogwood Road and Poplar Avenue – Request Approval of a Fence on Double Frontage Lots (Case No. 16-657).

INTRODUCTION:

Development Case Number	16-657
Case Name:	The Pinnacle of Germantown PUD
Location:	South Side of Dogwood Rd. at Pinnacle Creek Drive
Applicant Name:	Gary Thompson w/Boyle Investment & Russell Kostka w/B.K. Pinnacle, LLC
Zoning District:	R - Low Density Residential
Area:	18.55 Acres
Request:	Approval of a Fence on Double Frontage Lots 14, 15 and 16

*Refer to the Disclosure Form attached for more information



BACKGROUND:

On November 1, 2005, the Planning Commission approved the final site plan and plat for an 18.44-acre, 16-lot residential subdivision, the Pinnacle of Germantown Planned Unit Development (PUD), which is located on the south side of Dogwood Road, south of Poplar Avenue and west of Carter's Grove

subdivision. On December 13, 2005, the Board of Zoning Appeals approved variances from the City's Floodplain Regulations to allow the roadways to be built within the flood area and to only require the building area of each lot to be built 18" above the flood elevation. On January 24, 2006, the Design Review Commission granted approval for the Preliminary and Final Plan Approval for the Pinnacle of Germantown PUD, including a painted, wooden 3-rail fence (approximately 48" tall) along Dogwood Road.

On December 6, 2016, the Planning Commission approved the revised final plat for the Pinnacle PUD, specifically modifications to the front and rear setbacks of Lots 1, 2, 14, 15 and 16. The entire subdivision is accessed off of Dogwood Road via Pinnacle Creek Drive. Per the originally approved final plat, Lots 1, 2, 14, 15 and 16 had 40' front setbacks along Dogwood Road, and 25' rear setbacks on Lots 1-2, and 5' rear setbacks on Lots 14-16 along a private ingress/egress alley. While the front setback for these lots was along Dogwood Road, the vehicular access was always from an ingress/egress alley off of Pinnacle Creek Drive, the main road through the subdivision. These lots did not have vehicular access to Dogwood Road. The applicant requested the setback modification to the aforementioned lots as the developers had determined that those lots were unsalable as originally formatted. Now Lots 1, 2, 14, 15 and 16 have 40' rear setbacks along Dogwood Road, and 5' or 25' front setbacks along the ingress/egress alley.

DISCUSSION:

The applicant is seeking approval of a 6-foot high wood fence, with 7-foot high stone columns, for Lots 14, 15, and 16 along the Dogwood Road. These are double-frontage lots, with the rear yards now along Dogwood Road, and the front yards along the private ingress/egress alley. (The originally approved 3-rail fence will remain along the Dogwood Road for Lots 1 and 2, in addition to a pine tree buffer.)

Per Section 2-171(a)(4), the Design Review Commission may approve fencing as part of subdivisions. The applicant is proposing a six-foot high fence along Lots 14, 15 and 16, that consists of painted wood panel boards and wood posts with copper caps, connected by 7-foot tall stacked stone columns. (Please see enclosed renderings.) This proposed fence would tie into the already existing subdivision entrance feature for the development, which consists of an approximately 4-foot tall wood split-rail fence and 7-foot stone columns. Per Section 6-102, the maximum allowable height for fences is six (6) feet. However, per Section 6-105(c), "fence columns may exceed the actual fence height by a maximum of one foot, provided there is a minimum distance between columns of six feet."

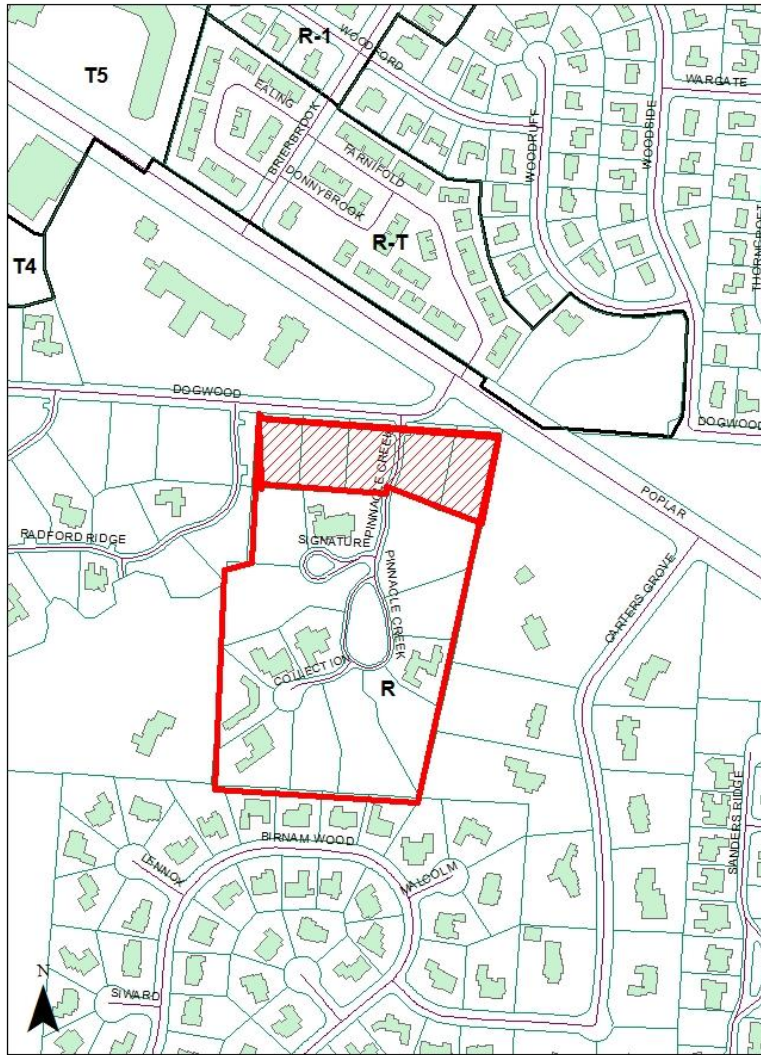
For this double-frontage fence, the applicant is asking the Design Review Commission to consider two design exceptions from the Municipal Code:

- Per Section 6-104(1), fences on double-frontage lots "shall not be constructed of wood." However, per Section 9-81, "all such fences erected on double frontage lots shall be of such material as to be resistant to disease and decay or shall be treated with substances to prevent such disease or decay." The proposed fence is to be constructed of treated wood and will be painted.
- Per Section 6-104(3)(a)(b), "Within any 80-foot section of fence, no more than 50 percent or 40 feet of the fence shall be on the property line or any line parallel to and less than 15 feet from the property line. The remaining 50 percent or more of the 80-foot section of fence must be set back six feet to 15 feet with evergreen planting inserted to break up the stockade appearance." There are some sections of the proposed wood panels that extend more than 40 feet, with only a 1'-6" deep inset to break up the stockade appearance. However, the applicant maintains that his proposed fence pattern works better for the site, due to both the mature trees which are to be preserved and the topography in this area. (Please see enclosed renderings.)

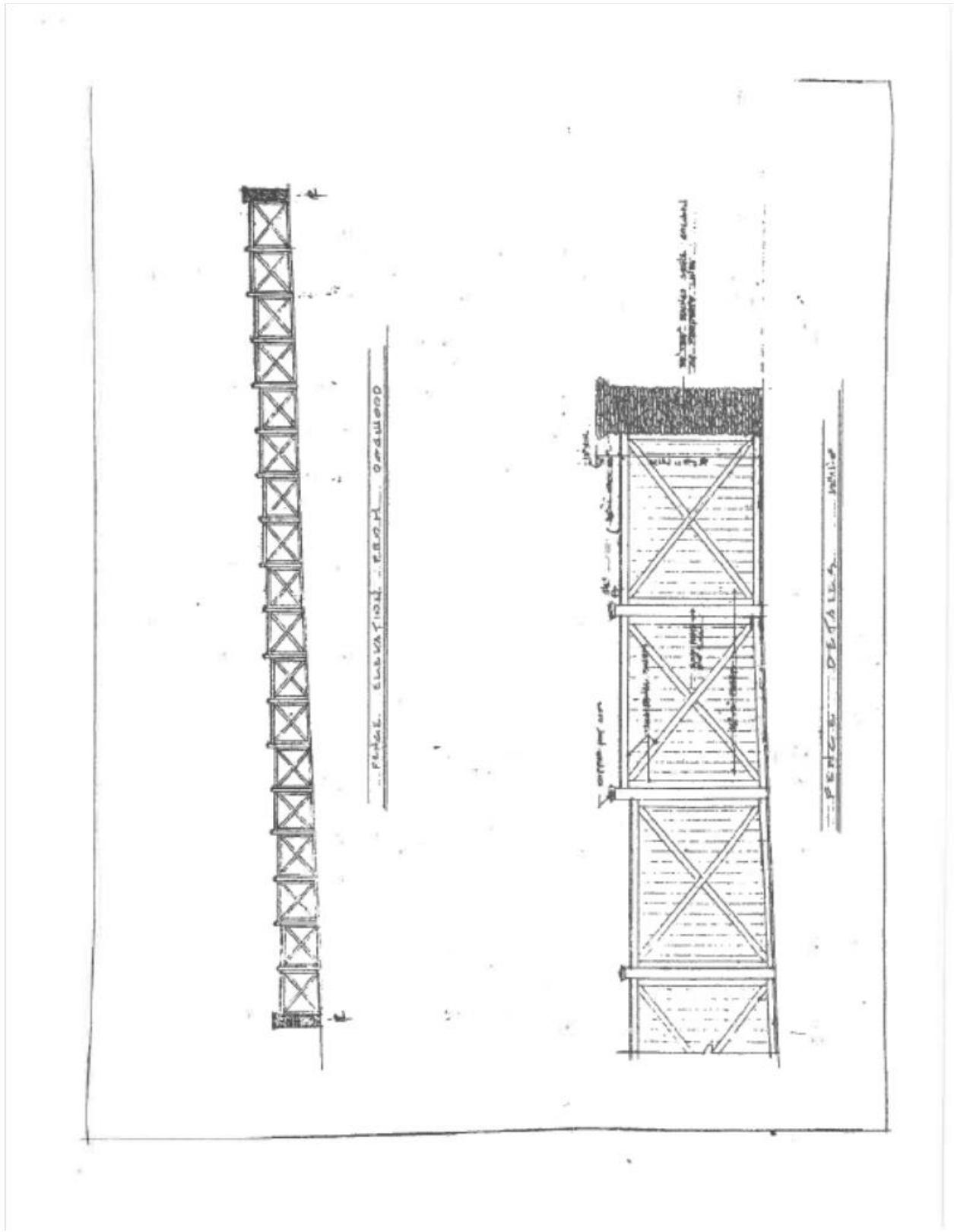
STAFF COMMENTS:

1. The proposed fence and columns would be considered part of the entire subdivision development and would be maintained for the life of the project by the Homeowner's Association (HOA). (Please see HOA letter below.)
2. Pending approval from the Design Review Commission, the applicant shall submit to the City of Germantown's Neighborhood Services Division for a fence permit.

PROPOSED MOTION: To approve a fence on double frontage Lots 14, 15 and 16 at the Pinnacle of Germantown PUD, subject to the Commission's discussion and staff comments.



ZONING MAP







CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815
Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

DATE RECEIVED: 11/30/2016
RECEIVED BY: G. CALDWELL

16-657

DESIGN REVIEW COMMISSION PROJECT REVIEW APPLICATION

Specific Approval requested:

Preliminary Plan Final Plan Change in Use
(Site plan, building elevations, landscaping, lighting, etc.) (Complete "OG" Checklist)

Wireless Transmission Facility Landscaping (only) Lighting (only)

Revision/amendment to an approved plan

Description of requested change: fence/landscaping

Other; Explain _____

Project Name: The Pinnacle of Germantown

Project Address: Dogwood Road/Pinnacle Creek Drive

Previous Tenant: n/a

Applicant's Name: Russell Kostka/Gary Thompson

Mailing Address: 5900 Poplar Ave. Ste 100, Memphis, TN 38119

Email Address: garyt@boyle.com Telephone: 901-766-4246

Owner's Name: BK Pinnacle, LLC

Mailing Address: 5900 Poplar Ave. Ste 100, Memphis, TN 38119

Email Address: garyt@boyle.com Telephone: 901-766-4246

Developer's Name: Boyle Investment Company

Mailing Address: 5900 Poplar Ave. Ste 100, Memphis, TN 38119

Email Address: garyt@boyle.com Telephone: 901-766-4246

Lessee's Name: n/a

Mailing Address: _____

Email Address: _____ Telephone: _____

DRC Project Review Application
Page 2

Zoning District where project is to be located: _____

Describe project item(s) to be reviewed: (please attach additional sheets or letter of description if needed)

see cover letter

Russell Kostka
Print Name of Applicant


Signature of Applicant

Russell Kostka
Print Name of Owner


Signature of Owner

Gary Thompson
Print Name of Developer


Signature of Developer

n/a
Print Name of Lessee

Signature of Lessee

By my signature, I attest that all of the required information associated with this application has been submitted to the Department of Community Development by the scheduled deadline date. Any failure on my part not to submit any of the required information may result in the removal of the application from the agenda.

DRC Project Review Application
Page 3

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 interests, the following information is required to be furnished:

1. **For Profit Entities.** If the owner of the land which is the subject of this Application (including all owners, lessees and developers) is a for-profit entity, i.e. individual or sole proprietor, 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 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. (If another business entity owns 10% or more of the ownership interests in the Owner, 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, 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: BK Pinnacle, LLC
Address: 5900 Poplar Ave. Ste 100, Memphis, TN 38119

Lessee: n/a
Address: _____

Developer: Boyle Investment Company
Address: 5900 Poplar Ave. Ste 100, Memphis, TN 38119

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

Name	Business or Home Address
<u>Boyle Investment Company</u>	<u>5900 Poplar Ave. Ste 100, Memphis, TN 38119</u>
<u>Russell Kostka</u>	<u>5583 Murray Ave. Ste 100, Memphis, TN 38119</u>
_____	_____
_____	_____
_____	_____
_____	_____

*See language in parenthesis above.

PINNACLE OF GERMANTOWN

November 30, 2016

Germantown Staff and Design Review Commission
City of Germantown Development Department
1920 Germantown Rd
Germantown, TN 38138

RE: The Pinnacle Design Review Report

Dear Staff and Commission Members:

We are making this request to replace the existing "rail" fence which runs east and west and adjacent to Dogwood Road. The existing fence is located along the north property line of Pinnacle lots 14, 15 and 16. We are enclosing herewith drawings of the proposed fence and details of its alignment.

This request is made in conjunction with an application made with the Germantown Planning Commission. We have attached a copy of the cover letter for that request as part of this submission package for review by the Design Review Commission. It details the specific reasons for the need to change the fencing along Dogwood Road.

The proposed fence protects and preserves the natural image of Dogwood Road and minimizes any adverse effect to the root systems of large hardwood trees which align Old Dogwood Road. These mature trees with their massive canopies are the hallmark of Old Dogwood Road's image. We feel the fence will fit beautifully into the existing landscape and will provide the necessary privacy and security that the Pinnacle homes backing up to Dogwood will need. We will provide samples of the actual fencing materials and paint colors we plan to incorporate. The north face of the fence as viewed from Dogwood Road will be maintained in pristine condition by the Pinnacle Homeowners Association.

As developers of the Pinnacle, we are very proud of the image it represents for the city of Germantown and the Dogwood Road corridor. We feel that the proposed fence and landscaping is very much in keeping with the high standards already established in the Pinnacle. We respectfully ask that you consider our request, and we look forward to answering any questions you might have.

Sincerely,



Gary Thompson
Boyle Investment Company



Russell H. Kostka
Kostka Investment Company



September 13, 2016

Mr. Russell Kostka
5583 Murray Avenue, Suite 100
Memphis, TN 38119

Dear Mr. Kostka:

You recently submitted a fence modification to the Architectural Control Committee (ACC) of the Pinnacle. It has been approved as submitted.

The fence will be installed on the Dogwood Rd frontage of your lot 14 in The Pinnacle. The ACC has approved and has requested that you install the same fence on the Dogwood frontage of two lots (15/16) Boyle owns as well. This will stretch from the western most stone column of the existing entrance wall/fence on lot 16 to the northeast corner of The Pinnacle at Radford.

The fence will be installed replacing the existing community three-rail fence, in order to provide additional rear yard privacy and security for those lots backing up to Dogwood Rd. The fence will be painted to match all existing community fence and should blend in nicely with the community landscaping and existing fencing elements already in place. There will be new matching stone columns at the northern corners of lot 14, 15 and 16. The new fence and stone columns will be maintained at least on the dogwood side by the HOA. This fence will become the new standard for backyard fencing if installed by the future residents between the lots. This is specifically referring to the common lot lines between 14/15 and 15/16. These fences however will be maintained by the residents and not the HOA.

Thank you for submitting to the ACC for approval.

Respectfully,

Joyce L. Spiecha
Sr. Association Manager

Cc: POA ACC Members



3036 Centre Oak Way • Germantown • TN 38138-6302
Phone: 901-753-4170 • Fax: 901-753-6215

Mr. Russell Kostka with B.K. Pinnacle, LLC and Gary Thompson with Boyle Investment explained they considered a lot of different alternatives. The fence will be maintained by the homeowners association.

Chairman Saunders explained that the fence is to be maintained regularly by the homeowners association, and not wait until there is major damage. It is also with the understanding that the landscaping that is depicted on the plans will be planted and regularly maintained in the areas shown, whether they are new or re-planted.

After much discussion, Chairman Saunders called for a motion.

Mr. Bruns moved to approve a fence on double frontage Lots 14, 15, and 16 at the Pinnacle of Germantown PUD, subject to the Commission's discussion, staff comments which includes the landscaping that is reflected in the rendering that is before us tonight, and the documents submitted with the application, seconded by Mr. Smith.

ROLL CALL: Mr. Serfess – Yes; Mr. Bruns – Yes; Chairman Saunders – Yes; Mr. Landwehr – Yes; Mr. Smith – Yes; Mr. Porter – Yes.

MOTION PASSED

OLD/NEW BUSINESS

Chairman Saunders expressed his appreciation to the staff and Commission members for their service this past year. He announced that he would not be serving on the Design Review Commission next year. He has grown tremendously over his 18 years of service and feels the DRC has done a great job at adapting to the new ways of building, while keeping Germantown the way they want it.

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:50 p.m.