

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, December 5, 2017**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of City Hall on December 5, 2017. Regular meetings of the Planning Commission are broadcast and recorded electronically. Minutes reflect a summary of the proceedings and actions taken.

1. Chairman Harless welcomed everyone and called the meeting to order at 6:04 p.m.
2. Pam Rush called the roll of the Commission and established a quorum.

Commissioners Present: Alderman Forrest Owens, George Hernandez, David Clark, Rick Bennett, Keith Saunders, Mike Harless, and Mayor Mike Palazzolo

Commissioners Absent: Hale Barclay, and Dike Bacon

Staff Present: David Harris, Cameron Ross, Tim Gwaltney, Sheila Pounder, Sarah Goralewski, Jody Dwyer, and Pam Rush

3. Approval of Minutes for November 7, 2017:

Chairman Harless stated that the next order of business is the approval of the minutes for the November 7, 2017, meeting. If there are no additions, corrections or deletions to the minutes of the November 7, 2017, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Hernandez moved to approve the Planning Commission minutes of November 7, 2017, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

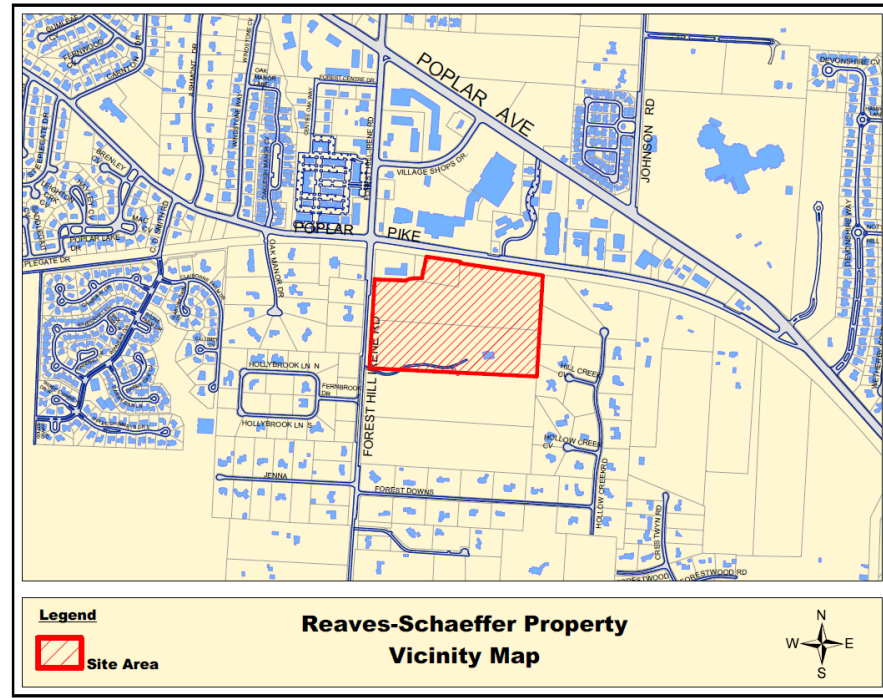
4. a. Reaves-Schaeffer Property – Rezoning from “C-1” Neighborhood Commercial and “RE-1” Residential Estate to “R” Residential Zoning

Sarah Goralewski (Planner) made a presentation of the application to the Planning Commission.

INTRODUCTION:

Development Case Number	17-757
Location:	3258 Forest Hill Irene Rd. and 9190 Winding Oak Way
Owner Name:	Reaves Family Partnership and Charles and Irma Schaeffer
Applicant/Developer:	John Duke
Representative Name:	Greg Marcum w/ The Reaves Firm
Current Zoning District:	“C-1” (General Commercial) and “RE-1” (Residential Estate)
Area:	32.16 Acres
Request:	Rezoning from “C-1” Neighborhood Commercial and “RE-1” Residential Estate to “R” Residential Zoning

*Refer to the Disclosure Form attached for more information



Cameron Ross (ECD Director) made a presentation of the application to the Planning Commission.

BACKGROUND:

In July 1987, the Oaks Subdivision was recorded (plat book 120 page 58), which included the subject property. (The property was in unincorporated Shelby County at this time.) Only one lot of the Oaks Subdivision was developed, the house at 9190 Winding Oak Way, which was constructed in 1988. The remainder of the subject property continued to be vacant. On July 26, 2000, the subject property was annexed into the City of Germantown, per Ordinance 2000-10, under the “RE-1” Residential Estate zoning.

On January 9, 2006, the Board of Mayor and Aldermen (BMA) approved a rezoning per Ordinance 2005-21 for portions of the subject property, from “RE-1” Residential Estate to “C-1” Neighborhood Commercial and “R” Residential, respectively, in order to allow for more development opportunities.

On May 2, 2006, the Planning Commission approved a final plat for the Weldon Wood Subdivision (later known as the Forest Lakes Subdivision), which consisted of a 33-lot development, which contained 4 detention ponds and incorporated the existing house at 9190 Winding Oak Way. Eleven lots were 15,000 s.f. (in the area of the property zoned “R” Residential), and 22 were one acre (in the area of the property zoned “RE-1” Residential Estate). On May 22, 2006, the BMA approved development contract 474. This subdivision was never developed.

DISCUSSION:

The subject property consists of 40.67 acres, with a majority of it located in the “RE-1” Residential Estate zoning district, small portions in the “C-1” Neighborhood Commercial zoning district, and a northern portion of the property zoned “R” Residential. The majority of the property is vacant, with one house on the southeast portion (at 9190 Winding Oak Way). The rezoning request is for the 32.16 acres of the property that is zoned “C-1” Neighborhood Commercial and “RE-1” Residential Estate, to be rezoned “R” Residential. (The applicant identifies the commercial portions of the property as “C-2” General

Commercial on the proposed rezoning plan, but they are actually zoned “C-1” Neighborhood Commercial.)

As part of a rezoning request, a sketch plan/conceptual site plan is required. Per Section 23-226, the proposed sketch plan/conceptual site plan is to follow the development regulations of the proposed zoning district (in this case, the “R” Residential zoning district). The allowable density for the “R” Residential zoning district and other development standards, such as setbacks, lot size and lot width, are governed by Division 6 of the City’s Zoning Ordinance.

The applicant wishes to develop the property as a Planned Development (PD). Per Section 23-567(a), a PD is not permitted in the “RE-1” Residential Estate zoning district. Thus, the request to rezone the entire property to “R” Residential would enable the property the opportunity to be developed as a PD. Although the developer may seek approval of a Planned Development for the subject property at some time in the future, applications submitted to the Planning Commission for rezoning must contain a conceptual plan in accordance with the requirements of the zoning ordinance (in this case, “R” Residential zoning).

The Germantown Code (Sec. 23-66) permits changes in zoning districts, “whenever the public necessity, convenience, general welfare or good zoning practice justifies such action.” The basis for a zoning change could include that there was a mistake in the original zoning; or, that there has been a change in the neighborhood. Should a mistake in the original zoning not be the case, Tennessee courts have established the following criteria to help determine what is considered to be a change in the neighborhood.

- a. Changes in population, both of the area proposed to be rezoned and in the surrounding areas;
- b. Changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity;
- c. The need for rezoning based upon changes in whatever is classified as the “neighborhood” (which may not necessarily be limited to what one would think of as a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property;
- d. The effect of the requested change in zoning on adjoining or nearby property.

Included in this staff report is the applicant’s revised conceptual site plan, the revised justification from the applicant’s representatives explaining the need for the zoning change and the traffic impact analysis (TIA). If the Planning Commission approves this request, the application shall proceed to the Board of Mayor and Aldermen (BMA) for three readings on the rezoning.

A. PRIOR TO BOARD OF MAYOR AND ALDERMEN (BMA) APPROVAL

1. Conceptual Site Plan Requirements. As part of the rezoning proposal, a sketch/conceptual site plan for the potential development is required (Section 23-229) It must indicate how the property may be developed for the intended use, while meeting the requirements of the requested zoning district with regard to lot size, building setback lines, building height, buffer, landscape and parking requirements, etc... (Division 6 - Residential District (R Low Density). Prior to the rezoning request advancing to the BMA, revise the conceptual plan to show the building setback lines.
2. Rezoning Plan. Prior to the rezoning request advancing to the BMA, revise the rezoning plan to correctly show the commercially zoned areas as “C-1” Neighborhood Commercial.
3. Phasing. Prior to the rezoning request advancing to the BMA, provide clarification on the phasing shown on the conceptual site plan, including how this would affect infrastructure improvements.

B. DEPARTMENTAL STAFF COMMENTS (pertaining to the conceptual site plan)

The Technical Advisory Committee (T.A.C.) met on November 15th and made the following comments:

Engineering

1. Infrastructure. What will the infrastructure phasing be? (This needs to be addressed at the Outline Plan phase.)
2. Forest Hill Irene Road Improvements. The city is planning a waterline extension and FHI Roadway Improvements from Poplar Pike to Winchester. The project is currently in the design phase/ROW acquisition phase. Construction is funded in the City's FY19 CIP budget. Roadway construction is anticipated to begin late 1Q to early 2Q FY19 and should take 12 – 18 months to complete. These waterline and roadway improvements project should be completed prior to the proposed 117 single family residential development. If so, the developer will be required to make payment-in-lieu of improvements across proposed development's FHI frontage. If not, the developer will be required to make all on and off-site improvements necessary to support the proposed development.
3. Stormwater: The detention areas do not appear sufficient for the number of lots to be developed. Please refer to previous conceptual site plans developed for this property.

Public Works

4. Railroad Storm Drain. There is a railroad storm drain crossing within this project. It should be addressed as to flow and capacity.
5. Frontage Road. A frontage road is needed along the railroad to serve this property and properties to the east. This needs to be explored.

Parks

6. Park/Open Space. This area of the city does not have a public park. The park shown on the revised conceptual plan is a favorable addition.

Neighborhood Services

7. Trash and Recycling: If future plans incorporate alleys, ensure that there is enough of a turning radius at the corners (90 degree turns will not work), and that all service alleys go through without dead ends.

Fire

8. Water demand. Water demand calculations need to be provided.
9. Access. Provide details on maintenance and utility access to Schaeffer property.
10. Sprinklers. The City Ordinance states that 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. However, the density of the development does not warrant a reduction in the fire protection requirement. (Germantown City Ordinance sec. 10-12)

Board Discussion:

Chairman Harless asked if there were any questions of staff.

Chairman Harless asked how many acres are currently under "R" Residential zoning in this property.

Sarah Goralewski answered just under 7 acres, and Greg Marcom (project representative) noted it was 6.8 acres.

Mr. Bennett noted this area was annexed by Germantown in 2000, and the RE-1 zoning designation was on the lots he assumes when Germantown annexed it.

Chairman Harless invited the applicant to discuss the project.

Greg Marcom (project representative) at the Reaves Firm, Inc. 6800 Poplar Avenue, Suite 101, Memphis, TN 38138 stated the new elementary school creates a significant change in the neighborhood. This school will cut off the subject property from the RE-1 subdivision to the south of the school property. This division leaves a parcel of land that's bounded on north by a large commercial shopping center (Village Shops) and is adjacent to the Norfolk Railroad, on the south by a institutional use of the new elementary school, on the west by the newly widened Forest Hill-Irene Road and on the east by the previously subdivided Forest Hill Woods second and third additions subdivision. The impending widening of the Forest Hill-Irene Road by the City of Germantown from a rural, two-lane road to a five-lane urban road will significantly change the character of the neighborhood, and the roadway traffic patterns in the area. The traffic will be increased by the new school. According to TDOT, the annual average daily traffic on Forest Hill-Irene Road from Poplar Avenue is close to 13,000 cars per day (from the 2016 counts). All five of the schools in Germantown are situated in "R" zoned neighborhoods. Children that live close to these schools can be seen walking or bicycling to school, and playing on the playgrounds at parks associated with the neighborhoods schools. The school is a major game changer to the area. John Duke the developer of the site is here and has met with the neighbors in different meetings.

Chairman Harless asked Mr. Duke how the meeting went with the neighbors.

John Duke (developer) at 985 Reddoch Cove, Memphis, TN 38119 stated he met with Mr. Speed. He has a letter from Ken Sledd, who owns the two large lots to the east. The letter states: "To whom it may concern: I have spoken with John Duke about his plan to rezone the property adjoining my west property line of lots 31 and 32 on Hollow Creek Road. I fully support the property being zoned "R" Residential. If you have any questions please feel free to call me." Mr. Schaeffer (the current property owner) entered into this application with Mr. Duke. They have hammered out some agreements on the number of lots and the square footage sizes. He also agreed to work with them on the layout of the subdivision.

Chairman Harless asked if there was anyone in the audience that would like to speak in favor of this project.

Support:

Lisa Parker at 1761 Leeds Cove, stated as Vice Chair of Germantown Municipal School District (GMSD), we went through a one year process of trying to find out where was the best place to build a school. The school property south of this development was the one they voted in favor of and they voted to put the new elementary school there. The ground breaking will take place in spring of 2018. GMSD School Board does want a development; when they build a new school, GMSD School Board wants neighborhoods to occupy the school. The GMSD School Board has talked to Mr. Duke about his development, and asked him if he could put a sort of corridor in the development where traffic could be taken off of Forest Hill-Irene Road and the children could be dropped off in a cul-de-sac area. They are in favor of having a residential neighborhood next to an elementary school.

Mr. Bennett stated Mr. Marcom mentioned the traffic counts from 2016. Are there traffic counts from 2010 or 2000?

Mr. Marcom answered that he can obtain those from TDOT and apologized for not having them at the meeting. However, they are listed on the TDOT website and he can obtain them. He remembers the number of cars being fairly consistent over the years, with 11,000 to 13,000 cars. Mr. Gwaltney (City Engineer) may have the exact numbers.

Mr. Gwaltney stated that those numbers sound correct.

Chairman Harless asked if there was anyone in the audience that would like to speak in opposition of this project.

Opposition:

Edgar Babian at 3580 Crestwyn Drive stated about 25 years ago, at a cove behind Dogwood Elementary School where there was an informal school drop-off point; a child ran through a bus drop-off area and was killed. The new development proposes a similar-functioning cove. His big concern is having one acre estate lots being rezoned to smaller lots. The one acre lots in Glen Echo cost \$450,000 to \$600,000. The reason those acre lots are not selling is because of the cost. There must be a stop to rezoning in this area of the city; there are too many people coming into this area. North of his property, there are 60 acres. This could be rezoned to 15,000 square foot lots, but if that falls through, it could become a PUD that has 3,000 square foot lots. It's not about money; it's about quality of living. Everything in this area of the city is a one acre estate lots, except for the little area not developed. The school is a school, but it is still zoned RE-1, so the property is still regulated as one acre estate lots, not a school.

Brandon Wellford at 3366 Hollow Creek Road stated that he would like to see the RE-1 residential estate zoning retained in this area of the city. He just wants to see smart development, and the character of this area to continue on as estate lots. It has been brought up that buyers are only looking for small lots, and that is not the case. There are larger lots bought and sold every day in Germantown. The Saint James Place has one acre lots that are all developed, except for one lot that has a huge drainage problem. The Forest Brook neighborhood has 18 lots that are custom homes on one plus acre lots. There was a comment that this area of the city has changed and that's not true. It's been the same way for 10 years, along with the traffic counts. Forest Hill-Irene Road is being widened for a safety issue, not to accommodate increasing traffic. At the end of the day, neither the developer, nor any of the members sitting on the Planning Commission are going to be directly affected by this decision, but the immediate neighbors will be. Please listen to the neighbors and respect their decision, because they are going to have to live with any decision made today.

Mayor Palazzolo stated that Mr. Wellford abutted the property and asked where he lives.

Mr. Wellford answered that he lives on Hollow Creek Road, the neighborhood that connects to the development.

Kevin Speed at 9181 Forest Downs stated that he is representing voices from the Forest Brook, Vinings, Crestwyn, and the Saint James Place neighborhoods, and one hundred percent of the people in these neighborhoods do not want to see this rezoning happen. They are happy with the school coming, and think it will be a good addition. The traffic is probably going to be an issue. Just in his neighborhood of Forest Downs there are beautiful one acre homes that are in the millions of dollars. He and Mr. Duke have contacted all the neighbors, and they think they have a plan they can agree on, and be on the record in the minutes, stating the number of lots and sizes that the neighborhood is willing to accept.

Mr. Saunders noted the Commission has been presented with an outline plan tonight, which is being used to determine that this property be rezoned to "R" residential zoning. Before this property is rezoned to "R," should not a Planned Unit Development (PUD) be brought before the Commission? Because that's where you are going to get something actually nailed down.

Mr. Ross stated the PUD concept drawing was in the PC agenda packet at the PC Subcommittee meeting. However, the PUD process requires that the zoning be in place before any PUD is brought before the

Planning Commission. The concept plan that is before the Commission tonight, with 15,000 square foot lots, is part of the process of changing the zoning, according to the ordinance.

David Harris (City Attorney) stated the process that Mr. Ross described is what's laid out in the ordinance and what the Commission has to follow.

Alderman Owens stated that it seemed like in the past there might have been a time when we went through with the rezoning and it was approved by the Planning Commission [then] it went to the BMA for the first reading. Then in the meanwhile, the developer brings a PUD through and it would go to the Planning Commission, and then come to the BMA on the same agenda. At that third reading we could approve the final rezoning and then go straight into the PUD; and at least there is no waiting period. I can be wrong on that.

Mr. Harris stated the recognition on the ordinance is that the rezoning has to be in place first before the PUD could be presented to the Planning Commission.

Mayor Palazzolo stated as a follow up to that, again the Planning Commission is considering zoning issues tonight, not necessary the concept plan presented to the Commission. He directed to staff, will there be an opportunity if there is an agreement with the developer and any of the stakeholders as it moves forward, that it could be part of the minutes, the decision, and eventually something that can be recorded on a Plat.

Mr. Ross stated the straight zoning has to be place, before any conditions can be applied. Now, if this agreement between the developer and the residents surrounding the area can be read into the minutes so that that's part of the record moving forward and can be referenced back to it at the time that that needs to happen so that we won't forget the conversation if developers change.

Mayor Palazzolo stated that when we look at how the property will be laid out in the future there is still an opportunity for give and take by all parties. He wants to assure the developer and the stakeholders that it doesn't stop here tonight. Matter of fact, actually begins better after this, in terms of getting concessionary items recorded.

Mr. Speed asked if the neighborhood and the developer come to an agreement and record it for the minutes, are such agreements enforceable should some other development come down the line that we did not agree to?

Mr. Harris stated the answer is that that would not be an agreement with the City of Germantown. That would be an agreement with the current developer and the neighborhood, so between those two parties there may be an enforceable agreement. The City of Germantown would not be a party to it. There could be other decisions made by the Planning Commission or the BMA that deviates in some way from whatever agreement that might have been entered into by current proposed developer and current neighbors. Obviously, development can change, dates can change, members of the Planning Commission can change; all of that can change. The City of Germantown acting through its boards and commissions has authority to hold to the development of the City of Germantown. Circumstances can change. The process that is put in place is this public process that we have to follow. There is no authority in our ordinance that allows a private agreement to restrict the building of the city to make alteration in development in the city. That's why things can be said tonight that are not absolute or final and forever when comes to development of land.

Mr. Speed states that changes have been hitting the neighborhood fast and hard. The rezoning that happened on Goodwin Farms, the neighborhood did not want to see. He would like to see something that is enforceable.

Mr. Harris responded by stating, what is said tonight is a part of the record. But to be fair, until this gets to the point of approval of a planned development, we will have at that point recorded conditions as to square footage or character; obviously a site plan that is a recorded document, there no is no enforceable agreement that the neighbors have.

Mr. Speed asked if Mr. Harris is saying that square footages, lot sizes, minimum home sizes will come back recorded in the design review process.

Mr. Harris answered, ultimately yes, all of that has to come back before the Planning Commission for approval of the PD and once that occurs, whatever agreements that have been reached among neighbors and developers would be part of the PD, would be recorded on the plat with the Register's Office, and then in fact they would be enforceable.

Mr. Bennett stated all that's in front of the Planning Commission tonight is a rezoning from "RE-1" Residential Estate to "R" Residential. 15,000 square feet is the minimum lot size. If a development is going forward, that subdivision has to have 15,000 square foot lots.

ZONING AND ANNEXATION SUBCOMMITTEE: (DAVID CLARK, CHAIRMAN)

The Planning Commission Subcommittee met on November 21, 2017, and heard presentations from Planning Division staff and the applicant. The Planning Commission recommended that the applicant meet with surrounding neighbors, prior to hearing this item at its regularly scheduled meeting on December 5, 2017.

PROPOSED MOTION: To approve the rezoning from "C-1" Neighborhood Commercial and "RE-1" Residential Estate to "R" Residential zoning at 3258 Forest Hill Irene Rd. and 9190 Winding Oak Way (also known as the Reaves-Schaeffer property), subject to the Commission's discussion, staff comments in the staff report, and the plans and documents filed with the application.

Mr. Clark moved to approve the rezoning from "C-1" Neighborhood Commercial and "RE-1" Residential Estate to "R" Residential zoning at 3258 Forest Hill Irene Rd. and 9190 Winding Oak Way (also known as the Reaves-Schaeffer property), subject to the Commission's discussion, staff comments in the staff report, and the plans and documents filed with the application, seconded by Mayor Palazzolo.

Chairman Harless asked for a roll call.

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

Mr. Bennett voted yes; since the City annexed this particular area, there have been a lot of changes in that part of Germantown, with the school going into the south. Based upon the circumstances and changes in the neighborhood and widening of the roadway, Mr. Bennett voted in favor of the rezoning.

Mr. Clark voted yes; he feels strongly about the changes in market demand and conditions. Some of the RE-1 neighborhoods mentioned were Saint James Place, Glen Echo, and Forest Brook. Being a builder himself, he is very aware of those developments. All three of those developments were in foreclosure at one point. They were in foreclosure for a reason that they weren't developed. He would hate to see the Planning Commission approve something of that size [RE-1] and nature that would again be foreclosed on and be a blight on this City. So for the reasons that Mr. Bennett stated and the market conditions, he is voting in favor of this project.

Mr. Hernandez voted yes; he thinks clearly there are certainly some sufficient and pending changes in the neighborhood, namely the school and the road.

Alderman Owens voted yes; the reasons as previously stated, including the school and the change to the area.

Mr. Saunders voted yes; for all the reasons previously stated. The applicant has met some if not all the requirements for the rezoning. It is a corner transition there, and it gives somewhat of a protection to the area. The biggest concern is that, with the demand in the current market, the RE-1 may not be so as easily developed. However, he does want to state that the property needs to stay no less than "R" zoning.

Chairman Harless voted yes; for the reasons stated. This area is going through a transition. Forest Hill-Irene Rd. is being widened to a five lane arterial road, and there will be a school that is going to be handling up to 750 students. This area does need to be rezoned. He applauds Mr. Duke and the citizens for meeting and talking through this concept. What was heard tonight was very positive getting closed to in finding a way to meet everybody's needs.

Mayor Palazzolo voted yes; he believes his colleagues have made some good points and they stand for the record. He concurs and agrees with them. He initiated a meeting with Mr. Babian, Mr. Conner, Ms. Lofton, and Mr. Speed. The hour and half they spent together really opened his eyes to a lot of different things. He is not going to issue a promise. Politicians make promises, and leaders cast votes. The Planning Commission will hold Mr. Duke and his team accountable. Mr. Duke has developed in this community, 9 or 10 developments. The Mayor has lived in Germantown for 40 years, and has been active in leadership for 25 years or so. So there is a comfort not coziness [with Mr. Duke's work]. One can look at some of Mr. Duke's work around town; the Mayor and Commission will hold him to a standard that the neighbors will hopefully come to an agreement on. North of Poplar, there are great examples of estate lots surrounded by "R" Residential neighborhoods. Some of them have been infill's. Some 10 or 12 years ago, there was a infill development at the corner of Dogwood and Forest Hill Irene Road right against four acre estate lots, some of the highest value lots in our community, which is a good example of blending into the neighborhood. He is very excited that there is a willingness to partner with the school. The City has a track record of having police officers embedded in each of the GMSD schools. If the police need to walk children to school through the neighborhood for safety reasons, the city will do that. Traffic concerns are always paramount, but also with having a small district and the GPD embedded, the City will constantly change pick-up lines and make sure they work for the school, parents, and neighbors. First and foremost, safety trumps all of those other conveniences; the city needs to get its children to school safely. This is only the beginning of the process and it does not end here. The Mayor ensured the neighborhood that the Planning Commission will hold the developer to the fire.

Chairman Harless stated the request for rezoning from C-1 and RE-1 to R was approved.

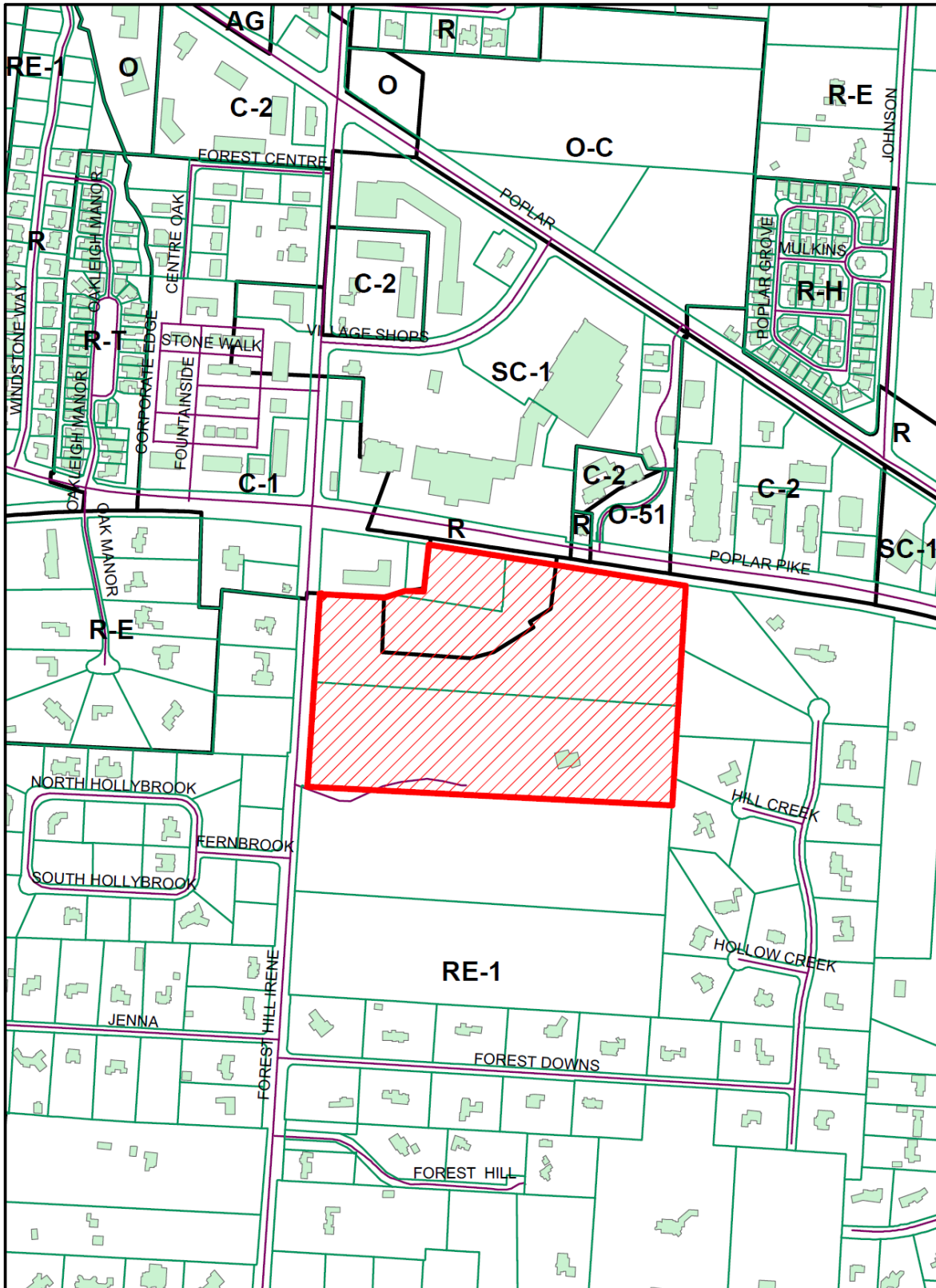
To whom it may concern,

I have spoken with John Duke about his plan to rezone the property adjoining my west property line of lot 31 & 32 Hollow Creek Road. I fully support the property being zoned R. If you have any questions please feel free to call.

Sincerely,

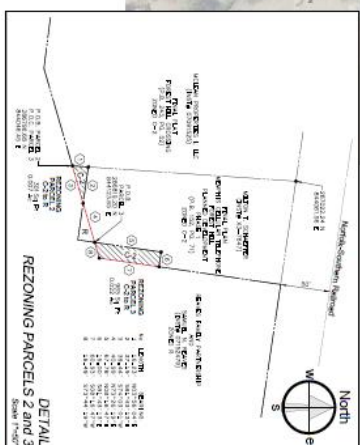
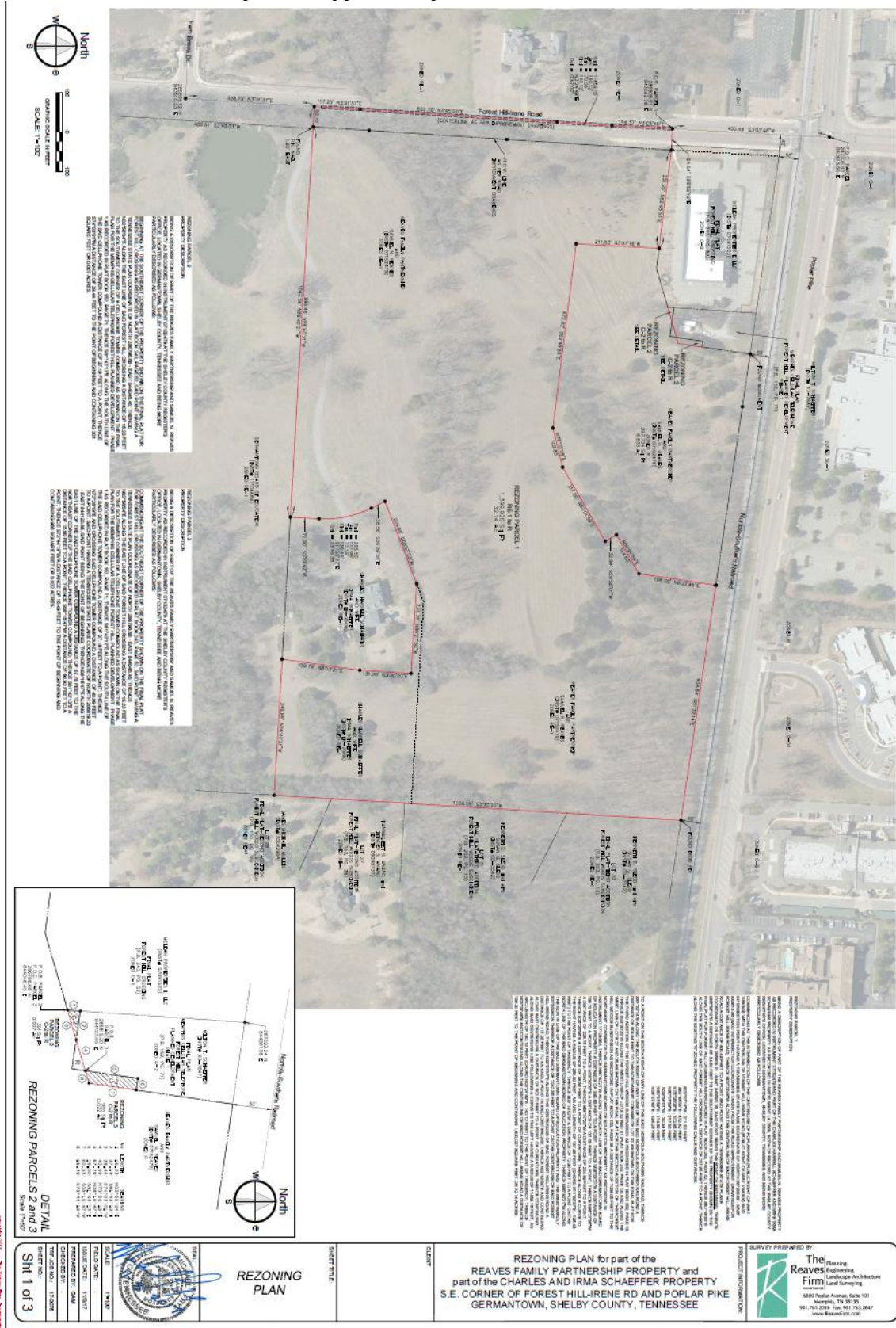
A handwritten signature in cursive script that reads "Ken Steed".

Ken Steed
801-210-7567



ZONING MAP

*Refer to plans in application packet for more information.



PROJECT NO.	17000
SHEET NO.	11017
DATE	11/20/17
DESIGNED BY	SAH
CHECKED BY	LSM
DATE	11/20/17
SCALE	AS SHOWN
PROJECT TITLE	REZONING PLAN
SHEET TITLE	REZONING PARCELS 2 and 3
CLIENT	REAVES FAMILY PARTNERSHIP PROPERTY and part of the CHARLES AND IRMA SCHAEFFER PROPERTY S.E. CORNER OF FOREST HILL-IRENE RD AND POPLAR PIKE GERMANTOWN, SHELBY COUNTY, TENNESSEE
DESIGNED BY	SAH
CHECKED BY	LSM
DATE	11/20/17
SCALE	AS SHOWN
PROJECT NO.	17000
SHEET NO.	11017
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CHECKED BY	LSM
DATE	11/20/17
SCALE	AS SHOWN

DESIGNED BY: SAH
 CHECKED BY: LSM
 DATE: 11/20/17
 SCALE: AS SHOWN

REZONING PLAN
 REZONING PARCELS 2 and 3

CLIENT: REAVES FAMILY PARTNERSHIP PROPERTY and part of the CHARLES AND IRMA SCHAEFFER PROPERTY S.E. CORNER OF FOREST HILL-IRENE RD AND POPLAR PIKE GERMANTOWN, SHELBY COUNTY, TENNESSEE

DESIGNED BY: SAH
 CHECKED BY: LSM
 DATE: 11/20/17
 SCALE: AS SHOWN

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 SCALE: AS SHOWN

REZONING PLAN
 REZONING PARCELS 2 and 3

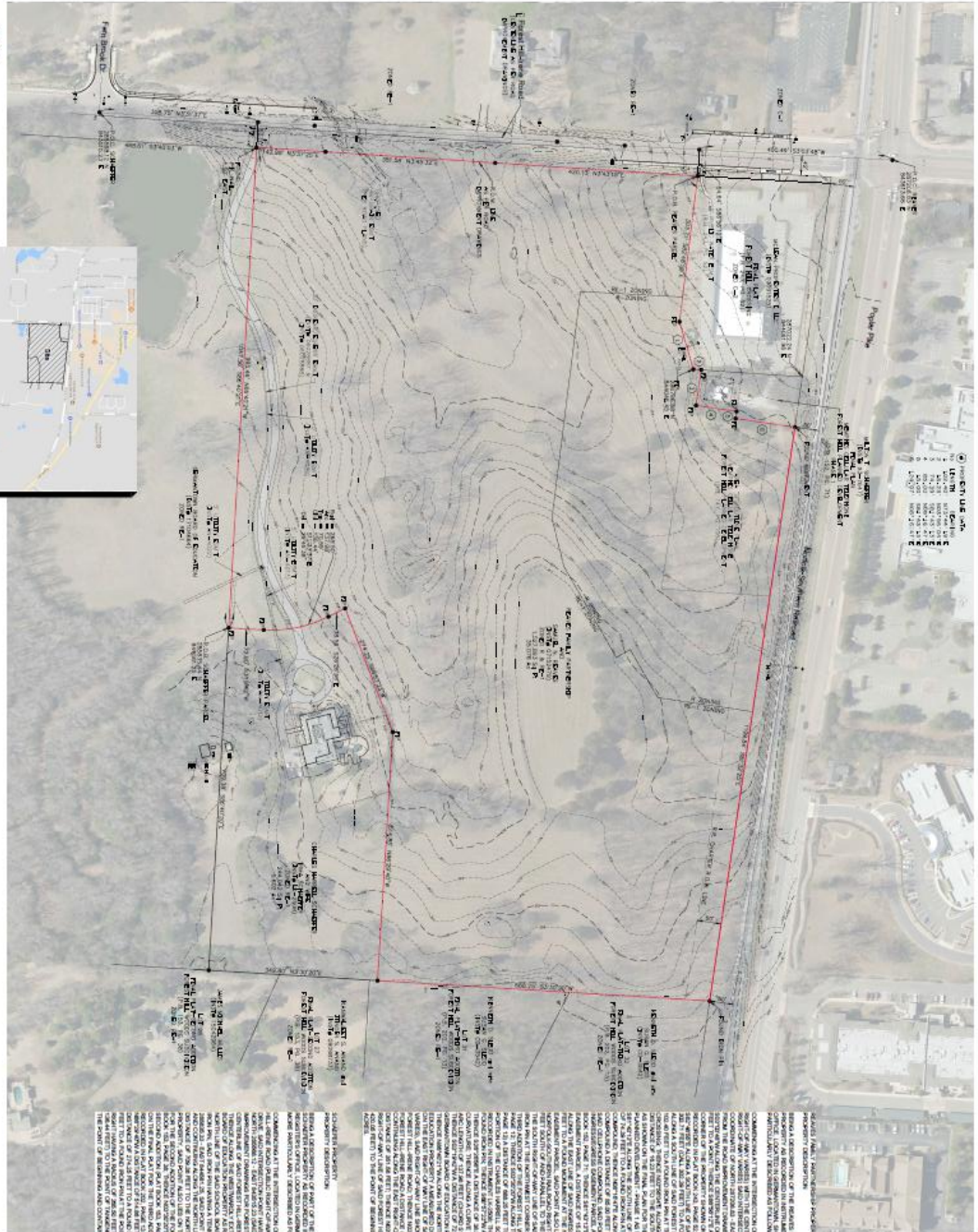
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DESIGNED BY: SAH
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 DATE: 11/20/17
 SCALE: AS SHOWN

PROJECT NO.: 17000
 SHEET NO.: 11017
 DATE: 11/20/17
 DESIGNED BY: SAH
 CHECKED BY: LSM
 DATE: 11/20/17
 SCALE: AS SHOWN

11/20/17 11:00 AM - 11/20/17 11:00 AM

NO.	DATE	FILE #	DESCRIPTION



REAVES FAMILY PARTNERSHIP PROPERTY
 S.E. CORNER OF FOREST HILL-IRENE RD AND POPLAR PIKE
 GERMANTOWN, SHELBY COUNTY, TENNESSEE

EXISTING CONDITIONS

REAVES FAMILY PARTNERSHIP PROPERTY
 S.E. CORNER OF FOREST HILL-IRENE RD AND POPLAR PIKE
 GERMANTOWN, SHELBY COUNTY, TENNESSEE

REAVES FAMILY PARTNERSHIP PROPERTY
 S.E. CORNER OF FOREST HILL-IRENE RD AND POPLAR PIKE
 GERMANTOWN, SHELBY COUNTY, TENNESSEE

	SCALE: 1" = 40' FIELD DATE: 11/08/17 PREPARED BY: GJM CHECKED BY: TDM SHEET NO.: 10088 SHEET NO. 2 of 3	CLIENT: REZONING PLAN for part of the REAVES FAMILY PARTNERSHIP PROPERTY and part of the CHARLES AND IRMA SCHAEFER PROPERTY S.E. CORNER OF FOREST HILL-IRENE RD AND POPLAR PIKE GERMANTOWN, SHELBY COUNTY, TENNESSEE	SURVEY PREPARED BY: The Reaves Firm Planning Engineering Landscape Architecture Land Surveying 6880 Poplar Avenue, Suite 101 Memphis, Tennessee 38135 901.521.2313 Fax: 901.734.7867 www.ReavesFirm.com
	PROJECT INFORMATION		



DATE: 11/20/17
 PREPARED BY: DAW
 CHECKED BY: DAW
 TITLE: Sht 3b of 3



"R" ZONING
 CONCEPT PLAN

PROJECT TITLE:
 CLARIFICATION:

REZONING PLAN for part of the
 REAVES FAMILY PARTNERSHIP PROPERTY and
 part of the CHARLES AND IRMA SCHAEFFER PROPERTY
 S.E. CORNER OF FOREST HILL-IRENE RD AND POPLAR PIKE
 GERMANTOWN, SHELBY COUNTY, TENNESSEE

SURVEY PREPARED BY:
 PROJECT RECOMMENDATION

The Reaves Firm
 Planning
 Engineering
 Architecture
 Land Surveying

6880 Poplar Avenue, Suite 101
 Memphis, Tennessee 38119
 901.761.2514 Fax: 901.761.2647
 www.ReavesFirm.com



Thursday, November 09, 2017

Ms. Shelia Pounder
Economic and Community Development Director
City of Germantown
1920 South Germantown Road
Germantown, TN 38138

Re: Rezoning request from RE-1 to R
Reaves/Schaeffer Property – S.E. Corner of Forest Hill-Irene Road and Poplar Pike
TRF Project Number: 17-0075-2

Dear Ms. Pounder:

On behalf of John Duke (developer), the Reaves Family Partnership and Charles and Irma Schaeffer (current property owners), The Reaves Firm is pleased to submit this Rezoning Application. The property in question is a 40.67 acre parcel located at the southeast corner of Forest Hill-Irene Road and Poplar Pike/Norfolk Southern Railroad. The parcel to be rezoned is that portion of the of the Reaves Family Partnership property that has not already been zoned "R" and a part of Charles and Irma Schaeffer property. The total land area for the Reaves/Schaeffer Rezoning Tract is 32.16 acres. There are also 2 "cleanup" parcels that need to be rezoned due to a shift in property lines from the original R zoning on a portion of the Reaves Property.

It is the intent of the Applicant, John Duke, to develop a 117 lot Planned Development subdivision, similar in nature to Phases 1 and 2 of the Enclave. This site is immediately north of and adjacent to the new elementary school site recently purchased by the Germantown Board of Education.

It is our belief that the market for estate sized lots has waned in recent years. The Reaves Family has owned this land for over 10 years with very little interest from developers to build estate sized lots. With the recent sale of the school land to the south, we feel like this a significant change in use to the surrounding area. This change creates the perfect opportunity to develop a subdivision where families can live near a school that their children can safely walk to and attend. This proposed neighborhood would also be within walking distance or a short bicycle ride away from the shops and restaurants located on the north side of Poplar Pike, therefore enhancing the walkable/healthy community aspect of our city.

11/9/2017 9:59 AM
GAM C:\D-Drive\2017\17-0075 Forest Hill 35 Acres\ReZoning Submittal\Rezoing Request.docx
Page 1 of 2

6800 Poplar Avenue, Suite 101 • Memphis, TN 38138
901.761.2016 • Fax: 901.763.2847
www.ReavesFirm.com

Please review the attached package of information and let us know if you have any questions or comments. We look forward to working with Staff, the Planning Commission and the Board of Mayor and Alderman to bring this exciting project to fruition here in Germantown.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Marcom". The signature is fluid and cursive, with a long horizontal stroke at the end.

Greg Marcom
The Reaves Firm, Inc.

Justification for Rezoning

The Germantown Code (Sec. 23-66) permits changes in Zoning Districts, "whenever the public necessity, convenience, general welfare or good zoning practice justify such action." The basis for a zoning change could include that there was a mistake in the original zoning; or, that there has been a change in the neighborhood. Should a mistake in the original zoning not be the case, Tennessee courts have established the following criteria to help determine what is considered to be a change in the neighborhood.

- a. Changes in population, both of the area proposed to be rezoned and in the surrounding areas;
- b. Changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity;
- c. The need for rezoning based upon changes in whatever is classified as the "neighborhood" (which may not necessarily be limited to what one would think of as a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property;
- d. The effect of the requested change in zoning on adjoining or nearby property.

It is our belief that based on the criteria list above, the subject property is a prime candidate for rezoning from RE-1 to R. Most notably the proposed new elementary school to the south of the subject site creates a substantial change in the neighborhood. This school will cut-off or sever the subject property from the RE-1 subdivisions to the south of the school board property. This division leaves a parcel of land that is bounded on the north by a large commercial shopping center, and is adjacent to the Norfolk-Southern Railroad, on the south by the institutional use of the new elementary school, on the west by the soon to be widened Forest Hill-Irene Road, and on the east by a previously subdivided Forest Hill Woods 2nd and 3rd Additions Subdivision.

The impending widening of Forest Hill-Irene Road, by the City of Germantown, from a rural section 2 lane roadway to a five lane (Urban) Minor Arterial Road (according to the MPO Map) will significantly change the character of the neighborhood, the roadway and the traffic patterns in the area. Certainly, traffic on this road way will be increased by the new school and the ease of access from the northern parts of Germantown to the Forest Hill Heights Business Park and S.R. 385 to the south. According to TDOT, the Annual Average Daily Traffic (AADT) on Forest Hill between Poplar Avenue (U.S. Highway 72) and S.R. 385 is close to 13,000 cars per day (2016 counts).

According to real estate market data for the area, estate sized lots in this part of Germantown are not selling quickly.

- 9190 Forest Hill Way – 2 acres – Days on Market: 180
- 3245 Forest Hill-Irene Road – 2 acres – Days on Market: 824.
- 3295 Hollow Creek Cove – 2 acres – Days on Market: 1000
- 8998 Telluride Cove – 1.16 acres - Days on Market: 1050.
- 0 Echo Lake Cove – 2.19 acres – Days on Market: 2645.

Glen Echo Estates Subdivision, north of Poplar on Forest Hill-Irene Road, was platted in 2011 and has lots ranging in size from 2 acres up to 3.22 acres and has seen no building activity at all. In comparison, the Maplewood Planned Development, just across the street from Glen Echo, has lots sizes ranging from 15,000 square feet to just under 30,000 square feet and is enjoying great success in lot sales and new home construction. Chapel Cove Subdivision on Poplar, site of the 2017 Vesta Home Show, has lots ranging from 16,000 square feet up to 24,000 square feet. Chapel Cove has many beautiful new homes that are situated nicely on the "R" zoned property. It is our belief that the market for acre plus lots has waned in recent years and that homeowners are now looking for smaller more traditional lots for their families to live in.

The addition of the new elementary school to the subject property's south is a significant change in character to the surrounding area and creates the need for more "R" zoned property. All 5 of the schools here in Germantown are situated in "R" zoned neighborhoods. Each of these schools acts as a hub for the surrounding neighborhoods. Children who live close to these schools can regularly be seen walking or bicycling to school and playing on the playgrounds parks that are associated with the neighborhood school.

**Martin E. Lipinski, P.E., Ph.D., PTOE
Consulting Engineer**

**774 E. Snowden Circle
Memphis, TN 38104
Phone: 901-619-4449
mlipinsk@memphis.edu**

Greg Marcom
The Reaves Firm, Inc.
6800 Poplar Avenue
Suite 101
Memphis, TN 38138

November 6, 2017

RE: Traffic Generation – Reaves Family Partnership Property and
part of the Charles and Irma Schaeffer Property

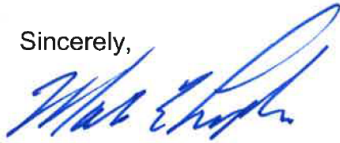
Dear Mr. Marcom:

Per your request, I have conducted an analysis of the impact of the traffic to be generated by the rezoning of the property on the southwest side of Forest Hill Irene and Poplar Pike. A residential subdivision consisting of 116 lots is proposed for the site. The site will be accessed by two full-service drives located on Forest Hill Irene. Improvements scheduled for Forest Hill Irene in this section include widening to a five-lane cross section – two lanes in each direction with a two-way left turn lane.

Based on trip generation rates contained in the *ITE Trip Generation Manual (9th Edition) 2012* the site will generate a total of 94 trips in the AM peak period with 24 entering the site and 70 exiting the site and 122 trips in the PM peak with 78 trips entering the site and 44 trips exiting the site. With the assumption that the trips will be divided equally between northbound and southbound and equally between the two access points, the impacts of this traffic on the improved Forest Hill Irene roadway will be minimal.

The level of service will not be reduced and no adverse safety impacts are anticipated.

Sincerely,



Martin E. Lipinski, P.E., Ph.D., PTOE
774 E. Snowden Circle
Memphis, TN 38104



**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: _____
 RECEIVED BY: _____

**PLANNING COMMISSION
 OFFICIAL APPLICATION FORM**

TYPE OF 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: RE-1 (Residential Estate District) To: R (Residential District)
- Other: _____

 IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES NO
 (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)

PLANNED USE DEVELOPMENT'S (PUD) ONLY:

- PUD Outline Plan (Master Plan); PUD Amendment to Outline Plan;
 - PUD Preliminary Plan (individual phases); Final Plan (individual phases);
- Phase: _____ of _____ Date of PUD Outline Plan (Master Plan) Approval: _____
 Other: _____

PROJECT INFORMATION

(Provide Additional Pages as Needed)

Project Name: Reaves/Schaeffer Property - Rezoning
 Address/Location: 3258 Forest Hill-Irene Road and 9190 Winding Oak Way
 Project Description: Rezone part of the Reaves Family Partnership Property and Part of the Charles H. and Irma Schaeffer Property from RE-1 to R (S.E. Corner of Forest Hill-Irene Road and Poplar Pike / Southern R.R.)
 No. of Acres: 32.14 acres Parcel Identification Number(s): G0232 00536 & G0243 00427

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

PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION

(All applicable parties shown below must sign the application)

Property Owner #1
 Property Owner Name (Print): Reaves Family Partnership Address: 121 E. South St, Collierville, TN 38017
 Phone No.: 901-853-4406 Email Address: Sammie@SammieMorrisCPA.com
 Signature of Property Owner: *Sammie Morris*
 Lessee Name (Print): N/A Address: _____
 Phone No.: _____ Email Address: _____
 Signature of Lessee: _____
 Developer Name (Print): John Duke Address: 985 Reddoch Cove, Memphis, TN 38119
 Phone No.: 901-761-4113 Email Address: JDukeHome1@aol.com
 Signature of Developer: *John Duke*



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: _____
 RECEIVED BY: _____

PLANNING COMMISSION OFFICIAL APPLICATION FORM

TYPE OF 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: _____

IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES NO
 (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)

PLANNED USE DEVELOPMENT'S (PUD) ONLY:

- PUD Outline Plan (Master Plan)
 - PUD Amendment to Outline Plan
 - PUD Preliminary Plan (individual phases)
 - Final Plan (individual phases)
- Phase: _____ of _____ Date of PUD Outline Plan (Master Plan) Approval: _____
 Other: _____

PROJECT INFORMATION (Provide Additional Pages as Needed)

Project Name: _____
 Address/Location: _____
 Project Description: _____
 No. of Acres: _____ Parcel Identification Number(s): _____

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

PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION (All applicable parties shown below must sign the application)

Property Owner #2 Charles Harrell Schaeffer and wife
 Property Owner Name (Print): Irma Schaeffer Address: 9190 Winding Oak Way - 38139
 Phone No.: 901-853-4406 647-6912 Address: CHS1@a.bellsouth.net
 Signature of Property Owner *Charles Harrell Schaeffer* *Irma Schaeffer*
 Lessee Name (Print): _____ Address: _____
 Phone No.: _____ Email Address: _____
 Signature of Lessee _____
 Developer Name (Print): _____ Address: _____
 Phone No.: _____ Email Address: _____
 Signature of Developer _____

Planning Commission – Official Application Form
Page 2

PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY

AGENT/REPRESENTATIVE INFORMATION

Name: John Duke Title: Developer
Company Name: _____ Address: 985 Reddoch Cove, Memphis, TN 38119
Phone No.: 901-761-4113 Email Address: JDukeHome1@aol.com
Who will represent this proposal at the Planning Commission meeting? John Duke & Reaves Firm Representatives

ENGINEER/SURVEYOR INFORMATION

Engineer Name: The Reaves Firm, Inc Address: 6800 Poplar Avenue, Suite 101 Memphis, TN 38138
Phone No. 901-761-2016 Email Address: GMarcom@ReavesFirm.com
Surveyor Name: Same Address: _____
Phone 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:

- For-Profit Entities.** If the Applicant (including all owners, lessees and developers) submitting this Application ("Applicant") is a for-profit entity, i.e. sole proprietor, general partnership, limited partnership, corporation, limited liability company, RE.I.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: John Duke
Address: 985 Reddoch Cove, Memphis, TN 38119

Signature of Applicant: _____

Property Owner #1

Property Owner: Reaves Family Partnership
Address: 121 E. South Street, Collierville, TN 38017

Signature of Property Owner: 

Lessee: N/A
Address: _____

Signature of Lessee: _____

Developer: John Duke
Address: 985 Reddoch Cove, Memphis, TN 38119

Signature of Developer: 

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

Name	Business or Home Address
<u>John Duke</u>	<u>985 Reddoch Cove, Memphis, TN 38119</u>
_____	_____
_____	_____
_____	_____

DISCLOSURE OF OWNERSHIP INTERESTS

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Applicant: _____
Address: _____
Signature of Applicant: _____

Property Owner: Reaves Family Partnership
Address: 121 E. South Street, Collierville, TN 38017
Signature of Property Owner: Signature on previous page

Lessee: _____
Address: _____
Signature of Lessee: _____

Developer: _____
Address: _____
Signature of Developer: _____

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

Name	Business or Home Address
<u>Martha Lee Moore</u>	<u>121 E. South Street, Collierville, TN 38017</u>
<u>Linda R. Slaton</u>	<u>Same</u>
<u>Mary R. Ruddle</u>	<u>Same</u>
<u>Sammie R. Morris</u>	<u>Same</u>
<u>Nancy O. Reaves</u>	<u>Same</u>

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 (including all owners, lessees and developers) submitting this Application ("Applicant") is a for-profit entity, i.e. sole proprietor, general partnership, limited partnership, corporation, limited liability company, RE.I.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: _____

Address: _____

Signature of Applicant: _____

Property Owner #2

Property Owner: Charles Harrell Schaeffer & wife Irma Schaeffer

Address: 9190 Winding Oak Way, Germantown, TN 38139

Signature of Property Owner: 

Lessee: _____

Address: _____

Signature of Lessee: _____

Developer: _____

Address: _____

Signature of Developer: _____

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

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

Chairman Harless asked if there was any old business to come before the Commission. There was none.

Chairman Harless asked if there was any new business to come before the Commission.

Mayor Palazzolo stated thank you to the Commission for serving this year. This is the last meeting for the calendar year. He state to have enjoyed serving with them, and would stake this Planning Commission up against any in the State. He knows all of them are very diligent in their research and their due diligence. They are walking properties, visiting with neighbors, developers, stakeholders, and builders, and he applauds that.

Mayor Palazzolo read the following prepared statement:

“As new business, I want to take this opportunity to bring before the Planning Commission the concern I have as to the number of high density, multi-family projects that have been proposed for our Smart Code Zoning Districts. As you know, we have approvals and processes in place for stand-alone projects in the Central Business District and Forest Hill Heights. In those areas, there are four projects that are in various stages of construction or approval for multi-family projects.

Rapid development of multi-family units can result in a disproportionate impact on City resources, services, utility systems, traffic, schools and public safety. As a result, I have asked the Administration to prepare a Resolution that would impose a temporary moratorium on stand-alone multi-family development in Smart Code Zoning Districts.

The reason for a moratorium is to allow the City to research, analyze and assess the impact and nature of any future stand-alone multi-family development in the Smart Code Zoning Districts (T4, T5, T6), including development and demographic trends, burdens upon and access to City services, resources, schools, infrastructure, utilities, parks, public facilities, emergency services (Fire, Police, ambulance), congestion, public safety, aesthetic qualities and neighborhood characteristics.

It is not the intent to impose a moratorium on mixed-use projects, integrated multi-family projects or multi-family projects that have received some level of approval. This would only apply to any future applications.

I have directed Administration to work with the City Attorney to have a Resolution prepared for the BMA meeting on January 8, 2018.” End of prepared statement.

Mayor Palazzolo stated that this body has to hear so many applicants and cases; it would not be fair to residents, staff or to the Planning Commission to put those three groups into a vulnerable position to have to look at projects moving forward. “So, we are going to take our time; and again as I mentioned, we will work together to get something in front of the BMA on January 8th.”

Chairman Harless noted he wanted to wish everyone a very happy holiday season and a safe one.

Chairman Harless asked if there were any liaison reports. There were none.

ADJOURNMENT: The meeting adjourned at 7:00 p.m.