

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, January 5, 2010**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on January 5, 2010. Alderman Drinnon welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Alderman Drinnon then called the meeting to order at 6:00 p.m. asking the secretary for the roll.

Ms. Rush called the roll of the Board to establish a quorum:

Commissioner Present: Rick Bennett, Susan Burrow, Alderman John Drinnon, Mike Harless, David Klevan, Forrest Owens, Lisa Parker, Dike Bacon.

Staff Present: David Harris, Jerry Cook, Wade Morgan, Katie Graffam, Josh Whitehead, Tim Gwaltney and Pam Rush.

A quorum for tonight's Planning Commission meeting was established.

1. ELECTION OF OFFICERS

Alderman Drinnon declared the floor open for nominations for Chairman.

Ms. Burrow nominated Mr. Klevan for Chairman.

Alderman Drinnon asked if there were any other nominations. There were none. He said he would entertain a motion that the nominations cease and that Mr. Klevan be elected.

Mr. Bacon seconded the motion.

Roll Call: Bennett – yes; Burrow – yes; Drinnon – yes; Parker – yes; Bacon – yes; Harless –yes; Owens - yes; Klevan – abstain. **Mr. Klevan was elected Chairman of the Planning Commission.**

Chairman Klevan stated he would entertain nominations for Vice Chairman.

Ms. Burrow nominated Mr. Owens as Vice Chairman. Mr. Bacon seconded the motion.

Chairman Klevan asked if there were other nominations. There were none. He asked the nominations cease and asked for a roll call.

Roll Call: Bennett – yes; Burrow – yes; Drinnon – yes; Parker – yes; Bacon – yes; Harless –yes; Owens - abstain; Klevan – yes. **The Commission members voted unanimously to elect Mr. Owens as Vice Chairman.**

Chairman Klevan then asked for nominations for Secretary.

Mr. Owens nominated Mr. Bennett for Secretary. Ms. Burrow seconded the motion.

Chairman Klevan asked if there were other nominations.

Chairman Klevan moved that the nominations cease and that Mr. Bennett be elected by acclamation.

Roll Call: Bennett – abstain; Burrow – yes; Drinnon – yes; Parker – yes; Bacon – yes; Harless –yes; Owens - yes; Klevan – yes. **The Commission members voted unanimously to elect Mr. Bennett as Secretary.**

2. Approval of Minutes for November 3, 2009

Chairman Klevan stated for those people who just arrived, tonight's agenda is on the front table. The first order of business is the approval of the minutes for November 3, 2009. If there were no additions, corrections or deletions to the minutes of the November 3, 2009, meeting of the Planning Commission, he would entertain a motion for approval.

Alderman Drinnon moved to approve the Planning Commission minutes of November 3, 2009, as submitted, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Roll Call: Bennett – yes; Burrow – yes; Drinnon – yes; Parker – yes; Bacon – yes; Harless –yes; Owens - abstain; Klevan – yes. **The motion was passed**

3. Sanders Ridge PUD – Northern Terminus of Cedar Ridge Drive, North of Poplar Pike – Request an Amendment to the PUD for the Installation of Gates.

BACKGROUND: The 17.4-acre subject property is located south of Poplar Avenue, north of the Cedar Ridge subdivision at the northern terminus of Cedar Ridge Drive, east of Carter's Grove Lane and west of Our Lady of Perpetual Help (OLPH) Catholic Church. On March 25, 2003, the Design Review Commission granted approval for landscaping and amenity plans. The Planning Commission (PC) granted approval for a 26-lot planned unit development (PUD) on April 1, 2003, including a variance to allow a cul-de-sac length of 1,445 feet, as opposed to the maximum 1,200 feet allowed. With that variance approval, the PC required that Lots 8-14 and 16-17 be sprinkler-protected. The Board of Mayor and Aldermen approved Subdivision Development Contract No. 444 on April 14, 2003.

DISCUSSION: The request by the applicant is to amend the PUD to allow the installation of gates in the development, which already contains private streets. The proposed plan places the guest call box approximately 28 feet south of the double-gate entry. A hammerhead on the west side of Sanders Ridge Lane is available for the denied vehicle to negotiate a three-point turn for forward egress onto Cedar Ridge Drive.

The gates will be 13.5 feet in width each, and open inward to the development. A stop bar for the exiting traffic from the development will mark the stopping location for the vehicle to avoid contact with the opening gates. A pedestrian gate will also be featured on the west side of Sanders Ridge Lane on the sidewalk.

STAFF COMMENTS:

Staff Engineer – Jonathan Smith

The Technical Advisory Committee (T.A.C.) met on December 7, 2009, and made the following comments (additional comments may be generated at the time of construction plan review):

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL:

1. The following items must be reflected when the plat is re-recorded:
 - a. The installation of the gates and corresponding infrastructure; and,
 - b. The maintenance agreement for the gates.

2. Gate details, including the pedestrian gate, shall be provided during the construction plan review phase.
3. All plans submitted for construction review shall be stamped and sealed by a Professional Engineer.

B. GENERAL REQUIREMENTS:

1. The applicant/developer during the construction phases of the project shall do the following:
 - a. Keep all streets clear and free of dirt and debris;
 - b. Ensure that all construction activity begins no earlier than 7:00 a.m. and ends no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and,
 - c. Provide the Department of Economic & Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.
2. The applicant/developer shall enter into a development agreement with the City of Germantown for this project after it has received approval from the Planning Commission. This agreement will include a \$500 Plans Review Fee due upon receipt of the construction plans.

Subdivision & Site Plan Review Subcommittee (Forrest Owens, Chairman):

The subcommittee did not meet.

David Bray, with The Bray Davis Firm, LLC, 2950 Stage Plaza North, Bartlett, TN 38134, stated he has worked with the plans with the Homeowners Association. I would like to thank the staff for working with us. This one was a little different coming from a public street onto a private street without a turn motion. We have quite a few members from the Homeowners Association here tonight. He noted I would be happy to answer any questions you might have about the application.

Frank Saitta, 2423 Sanders Ridge Lane, stated he represents the Homeowners Association of Sanders Ridge and thank you for you time for working with us through this planning process.

Mr. Harless asked the reason you want gates?

Mr. Frank Saitta answered with the private streets; our desire is to limit the amount of unnecessary traffic, since we are responsible for maintaining the streets. Also, there is a fare amount of traffic that comes through thinking they that can cut through to Poplar Avenue.

Mr. Harless questioned if a dead end or similar sign would deter cut through traffic. This question is for the staff: is there a recommendation from the Fire Department on the gates?

Mr. Whitehead stated the Fire Department has made a policy to not recommend any gates, but they do review the plans. The technical parameters of this gate do allow for ingress and egress of a fire truck, ambulance, and police. The gate will be equipped with not only the first line of defense of the 911 system; dispatch will be able to open the gate. There is also a backup system.

Ms. Burrow asked if there have been any crimes reported?

Frank Saitta answered no. There has been one incident where a couple of stalkers were at one of our member's house and a police report was filed on that.

Richard Walton, owner of Lot 23 in Sanders Ridge PUD stated he is opposed to the gate. Several months ago, I was on my lot cleaning up some tall grass and was approached from one of the homeowners about installing gates. I asked the reasons why they wanted the gates and was given three reasons.

1. Germantown is a crime center. I bought this lot because Germantown is one of the safest communities to live in the country. I live in Memphis, where the crime is. We have had several cars broken into with me living in East Memphis.
2. Traffic thoroughfare – This summer when I was cleaning my lot up I did not see many cars coming in the PUD and turning around. It takes 25 minutes to get to my lot from Poplar Avenue.
3. Safety measure to protect their children – They basically accused me of not caring for their children. I know tonight 98% or more Americans will go to sleep in subdivisions that do not have gates at the end of their streets. There are other ways to keep our children safe.

I would have never purchased this lot if I had known it would be a gated community. My brother-in-law was the Fire Chief for 35 years in Germantown. Seconds and minutes are critical in an emergency.

Mr. Bacon stated he does not think the gates are a good traffic and design standpoint.

Mr. Bennett stated he was opposed to gates in Germantown; but standards offer no basis to approve or deny. This one is as good as any other.

Alderman Drinnon supports the request because most of the homeowners are in favor of it.

Chairman Klevan asked in your Homeowners Associations is there a requirement once this passes that you have to have 66% majority to institute a financial change in your covenants or by-laws? If it were to be approved, the financial part of it would involve an equal assessment on all property owners.

Mr. Frank Saitta answered he would have to review that at this point; 51% seems to be right for our covenants. That is correct.

Mr. Harless stated he will be voting no and the reason is that I think the commission has a responsibility to look at each subdivision as they come before us. To look at the location, requirement, request, need, and etc. In this case, the location of the Sanders Ridge Subdivision is off a major street, it is not near Poplar Avenue as far as access or a major street. It is very difficult to get to. I do not think that much traffic comes through. I think a sign could be put up to let everyone know it is not a thoroughfare.

PROPOSED MOTION: To grant the request for an amendment to the Sanders Ridge PUD to allow for the installation of gates, subject to staff comments and the site plan filed with this application.

Mr. Owens made a motion for an amendment to the Sanders Ridge PUD to allow for the installation of gates, subject to staff comments and the site plan filed with this application, seconded by Ms. Parker.

Chairman Klevan asked for a roll call.

Roll Call: Bennett – yes; Burrow – no; Drinnon – yes; Parker – no; Bacon – no; Harless –no; Owens - no; Klevan – yes. **The motion failed.**

4. Chairman Klevan asked if there was any old business or new business to come before the Commission. **There was none.**

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

ADJOURNMENT

The meeting adjourned at 6:40 P.M.