

PLANNING COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, March 5, 2019
6:00 p.m.

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of City Hall on March 5, 2019. Regular meetings of the Planning Commission are broadcast and recorded electronically. Minutes reflect a summary of the proceedings and actions taken.

1. Chairman Harless called the meeting to order at 6:00 p.m.
2. Chairman Harless requested the roll call. Pam Rush called the roll of the Commission and established a quorum:

COMMISSIONERS PRESENT:

Mike Harless, Chairman; Dike Bacon, Vice Chairman; George Hernandez, Secretary; Sherrie Hicks; Keith Saunders; David Clark; and Alderman Forest Owens

DEVELOPMENT STAFF PRESENT:

Cameron Ross, Economic and Community Development Director; Sheila Pounder, Planning Manager; Tim Gwaltney, City Engineer; Jody Dwyer, Fire Marshal; Pam Rush, Administrative Assistant; and David Harris, City Attorney

3. Approval of Minutes for February 5, 2019

Chairman Harless stated that the next order of business is the approval of the minutes for the February 5, 2019, meeting. If there are no additions, corrections or deletions to the minutes of February 5, 2019, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bacon moved to approve the Planning Commission minutes of February 5, 2019, seconded by Mr. Hernandez.

Chairman Harless asked for a roll call.

Roll Call: Hicks – yes; Saunders – yes; Hernandez – yes; Bacon – yes; Harless – yes; Owens – yes; Clark – yes; Marsh – absent; Palazzolo - absent. MOTION PASSED

Public Hearing:

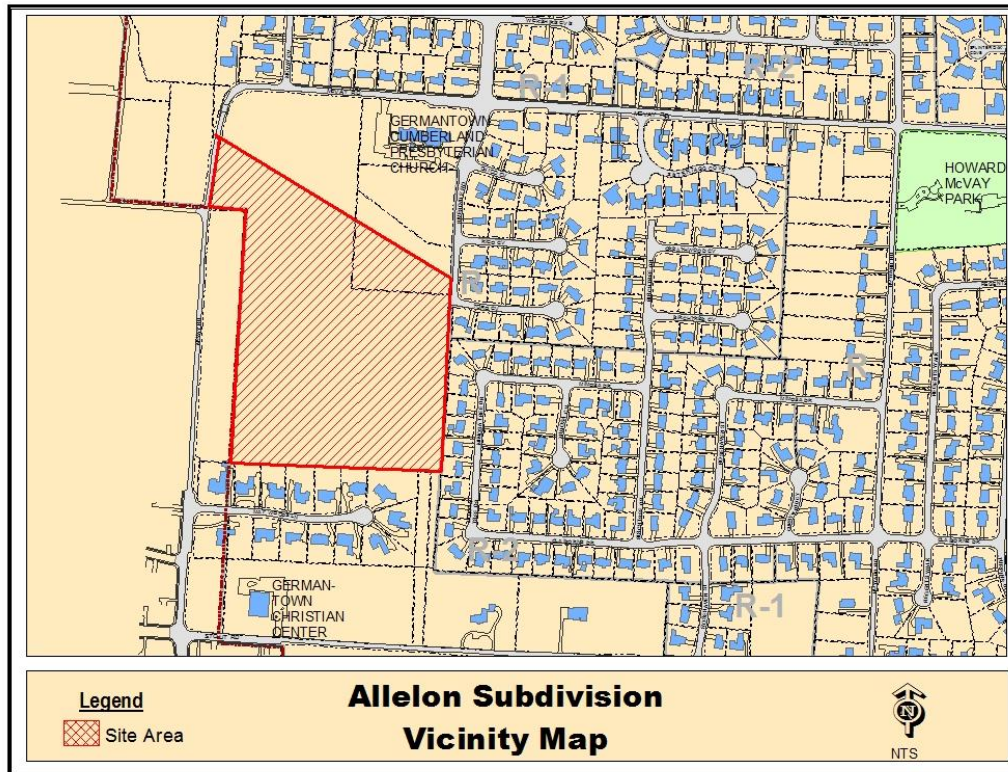
4. a. Allelon Subdivision Approval of Preliminary & Final Public to Private Street Conversion, Revised Preliminary & Final Subdivision Plat

INTRODUCTION:

Development Case Number:	16-638
Case Name:	Allelon Subdivision
Location:	East of McVay Rd. & Messick Rd., south of Howard Rd. Creek Outfall
Property Owner/Applicant Name:	Boyle Investment Co.
Representative Name:	Gary Thompson, Vice President (Boyle Investment Company)

Zoning District:	R - Low-Density Single Family Residential
Area:	25.659 Acres
Request:	Approval of 1) Preliminary & Final Public to Private Street Conversion, and 2) Revised Preliminary & Final Subdivision Plat

*Refer to the Disclosure Form attached for more information



Location is approximated

REVISIONS: *The Planning Commission Subcommittee met on February 20, 2019, and recommended that the applicant work with staff to address the concerns expressed in the TAC comments. The City Fire Marshall indicated at the subcommittee meeting that their TAC comment requiring the applicant to install a new fire hydrant on the northeast corner of the development, west of the north gate, and accessible from McVay Street may be dropped from consideration on this subdivision.*

The applicant met with the Public Works Director and has resolved his concerns as follows: “The trunk line from the point where stormwater enters the site to the basin will be under public maintenance. The final plat should show the needed public easement to maintain the trunk line, but no laterals or catch basins. Laterals and catch basins will be private. The final plat will clearly denote these responsibilities. The outfall structure from the basin and the basin itself will be privately maintained. The width of the proposed easement is manageable as long as the City is provided access and the easement remains clear”.

The applicant has filed a request with MLG&W to convert the street lights within this development to the private ownership of the Homeowners Association. The City understands that the developer and MLGW are working through the logistics of converting the currently public street lights to private maintenance responsibilities; therefore, staff has added a new general comment/condition of approval to this application to address this issue as follows: Prior to final acceptance of this project and subsequent release of security, the developer is responsible for providing necessary documentation that the street lights have indeed been converted to private maintenance responsibility.

COMPATIBILITY WITH RELEVANT PLANNING DOCUMENTS:

Germantown Forward 2030: This proposed project fulfills the following Germantown Forward 2030 Strategic Objectives: Land Use and Transportation Strategic Objectives 1: “The City experiences positive trends in the assessed value of residential areas”.

PROJECT ANALYSIS:

INTRODUCTION: The applicant, Boyle Investment Company, is requesting approval to convert the Public Streets in the Allelon Subdivision to Private Streets. He is also seeking approval to revised the preliminary and final subdivision plats to reflect the new street conversion; to reduce the required street width from 50 feet (for public streets) to 31 foot wide alternative, designed private streets; to install sidewalks on only one side of the street system; to construct a new turnaround area at the gated entrance into the development (new gates will be placed completely within the city limits of Memphis); and to split the subdivision into to a two-phase development. The applicant has filed an application with the Memphis and Shelby County Land Use Control Board (LUCB) seeking approval to convert the portion of the street system that is within their jurisdiction from the public to private and to install new gates across both streets entrances into the subdivision. The LUCB heard the application on, February 14, 2019 and recommended approval of the request.

BACKGROUND: The majority of the property was annexed into Germantown in 1969. A portion of the property at the northwest corner of the site, along McVay Road, was annexed in 1955. The preliminary and final subdivision plat for Allelon Subdivision was approved by the Planning Commission on September 6, 2016. The Board of Mayor and Aldermen approved Development Contract No. 511 on February 13, 2017. The construction of the infrastructure for the new subdivision is approximately 98% completed and the final subdivision plat is almost ready to be recorded, which will permit the developer to sell the new lots to future City residents.

DISCUSSION: Application Request: See the attached letter from Fisher Arnold (Project Engineer) explaining the request for the proposed changes to the approved subdivision plat.

Allelon Subdivision is located east of the intersection of McVay and Messick Roads. A portion of the subdivision lies within the City of Memphis (approximately 165-foot wide area), which is also the

location of the only entrance and exit to this subdivision. It is a residential subdivision approved for 50 lots with a minimum lot size of 15,000 square feet utilizing the existing “R” low-density single-family zoning. The subdivision plat also reflects one common open space (COS) area (Detention Basin) at the northwest corner of the property at the intersection of existing McVay Road and proposed Allelon Circle North, and two additional COS areas within the City of Memphis, along the McVay Road frontage of the site.

The applicant has filed a request to convert the streets within Allelon Subdivision to private per the approved Residential Street and Infrastructure Conversion Policy adopted by the Board of Mayor and Aldermen as Resolution 10R17 on September 27, 2010 (included with PC web packet materials for this item), which states the following:

“Any application by residential property owners requesting re-designation of a private street to a public street or public street to a private street shall be subject to review and approval by the Planning Commission and the Board of Mayor and Aldermen as described in this policy and any other considerations as may be deemed appropriate with respect to the particular application.”

The Policy provides for a multi-step approval process, with preliminary Planning Commission approval as the first step. The preliminary approval process calls only for a plat or plan of the subdivision or planned unit development; and a map showing adjacent properties which would, or might be, affected if the application were approved. The applicant as the sole property owner has submitted the information required for preliminary approval of their request. The applicant is in the process of establishing a Homeowners Association for this subdivision and has provided a draft copy of the Declaration of Covenants, Conditions, and Restrictions for staff’s and the PC’s review. As the sole owner of the property at this time, the applicant will be the responsible party. Gates and their installation will be reviewed under the jurisdiction of the City of Memphis in consultation with the Germantown Fire Marshall.

The applicant is working on completing the requirement for final review and approval to convert the streets from the public to private as follows:

1. Infrastructure Diagnostic Review: Since the subdivision’s infrastructure has recently been constructed to public standards, the City Engineer has agreed that a diagnostic review is not needed for this public to private street conversion request.
2. Revised plat or plan. The requested revisions to the final subdivision plat are to accommodate the change to private streets and to include the required turnaround area for the new gates. The revised plat will also reflect the change from public to private of all infrastructure and utility easements as indicated by the City Engineer and Public Works.
3. Streetlights. The applicant has started the process with Memphis Light, Gas and Water Division to convert the street lights within this subdivision to private ownership.
4. Homeowner’s association obligations. As the sole owner of the property at this time, the applicant will be the responsible party at this time and information concerning the responsibility of the HOA will be included on the recorded final plat.

Approval from the Board of Mayor and Aldermen of the request for conversion of the streets and recording of the final subdivision plat is the final steps to this process.

The request for approval of a revised preliminary and final subdivision plat also includes a request to split the subdivision into two phases for marketing purposes. As the infrastructure for the entire development has been installed with the contract for this project, the staff has no objection to this request.

STAFF COMMENTS:

- A. GENERAL COMMENTS (To be placed on all final site plans, PD plans, or subdivision plats)
1. Prior to final acceptance of this project and subsequent release of security, the developer is responsible for providing necessary documentation that the street lights have indeed been converted to private maintenance responsibility.
 2. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
 3. Any entrance feature/landscaping shall be contained in a landscape easement.
 4. The subdivision covenants shall include a provision for a homeowner's association that shall be responsible for the maintenance of the fence/entrance structures, landscaping, irrigation, and common open space.
 5. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format. Concrete monuments shall be placed at all corners of the subdivided property.
 6. The Developer agrees to include in all contracts between the Developer and purchaser of any part of the property (Lot Purchasers) the following unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
 - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

TAC COMMENTS: The Technical Advisory Committee met on February 13, 2019, and had the following comments:

Planning:

1. The Allelon street network does not connect to any streets outside the development, except at its entrance at McVay Road.
2. Provide a detail drawing of both gates and turn around area.
3. Include a note on the plat that all street and regulating signs are to become private.
4. Replace street sign poles with a public street (green) sign blade to the color (blue) for private streets.
5. Following approval by the Planning Commission, design review approval shall be required for landscape alterations (turn around) to COS A.
6. If approved, the public streets to private streets conversion request shall proceed to the Board of Mayor and Aldermen (BMA) for final determination.

Engineering:

1. Subdivision drainage to be private.
2. Fire marshal requires a new fire hydrant at the northwest corner of Allelon Circle North and McVay.
3. Show grading and dimensions for the turnaround.

Public Works:

1. With the applicant requesting the streets to be private, a utility and access easement for the width of the streets internal to the subdivision will be necessary in order to properly maintain the water and sewer mains for said subdivision.
2. A wider public utility easement may be needed in order to properly maintain the proposed water and sewer mains in between Lots 9 & 10

- a. Please ensure that notes are provided that access shall not be precluded by the future homeowners of Lots 9 & 10 to maintain said utilities
3. The drainage for the subdivision should all be under private maintenance including the large drain pipe that discharges into the proposed detention pond at the northwestern corner of the property
4. Access should be granted to Public Works for future water and sewer maintenance as well as for water meter reading.

Neighborhood Services:

1. Article IV. (Property, Fences...) Section 4. Storm Drainage and Detention. The pond they are referring to as a detention pond is actually a retention pond since it will retain and hold water at all times.
2. Section 5. Sidewalks. Would suggest language that states "Sidewalks should be constructed according to COG specifications."
3. Section 6. Fences. This section seems to deal with HOA fences (Entry Fence and Other Fences) it's not clear on fences installed by Lot Owners. These fences should be installed and maintained to COG ordinances. Also, do they want to specify materials - no chain link, etc. (Maybe that is elsewhere)
4. Article IX: Use Restrictions. D. Lots may be repartitioned "subject to COG approval". W. Fences, again, should conform to COG ordinances. AA. There is a typo - "screed" should be "Screened"

Fire Services:

1. A fire hydrant is to be added on the northeast corner of the development, west of the north gate, and accessible from McVay Street.
2. Gates located on the south side of the development shall meet the minimum set back standards unless approved by the fire code official.
3. City of Memphis Fire Marshal should sign the final plat.

Economic Development: No comments received.

Police: No comments received.

Germantown Municipal School District (GMSD): No comments received.

Parks: No comments received.

STAFF RECOMMENDATION: Approval, subject to the comments and conditions listed above and the plans and documents submitted with the application.

ECD CERTIFICATION: The Director of the Department of Economic and Community Development certifies this application as meeting the terms of the Zoning Ordinance and adopted City Policy upon which relief is sought.

SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE ACTION:

The Subcommittee met on February 20, 2019, and recommended placing the application on the next Planning Commission agenda for action, subject to the Subcommittee discussion, comments in the staff report, and the plans and documents filed with the application. On February 27, 2019, the applicant submitted revised plans which addressed outstanding TAC comments and staff's concerns expressed at the subcommittee meeting.

PROPOSED MOTION: Approval of a Preliminary & Final Plan for Public to Private Street Conversion, and a revised Preliminary & Final Subdivision Plat, subject to the comments and conditions listed above and the plans and documents submitted with the application.

Planning Commission

March 5, 2019

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APPENDIX:

Zoning Map (p. 7)

Approved Final Plan (p. 8)

Revised Phase 1 & 2 Final Plans (p. 9)

Private Entrance Gate w/Turnaround Area Exhibit (p. 10)

Letter of Intent (p. 11-12)

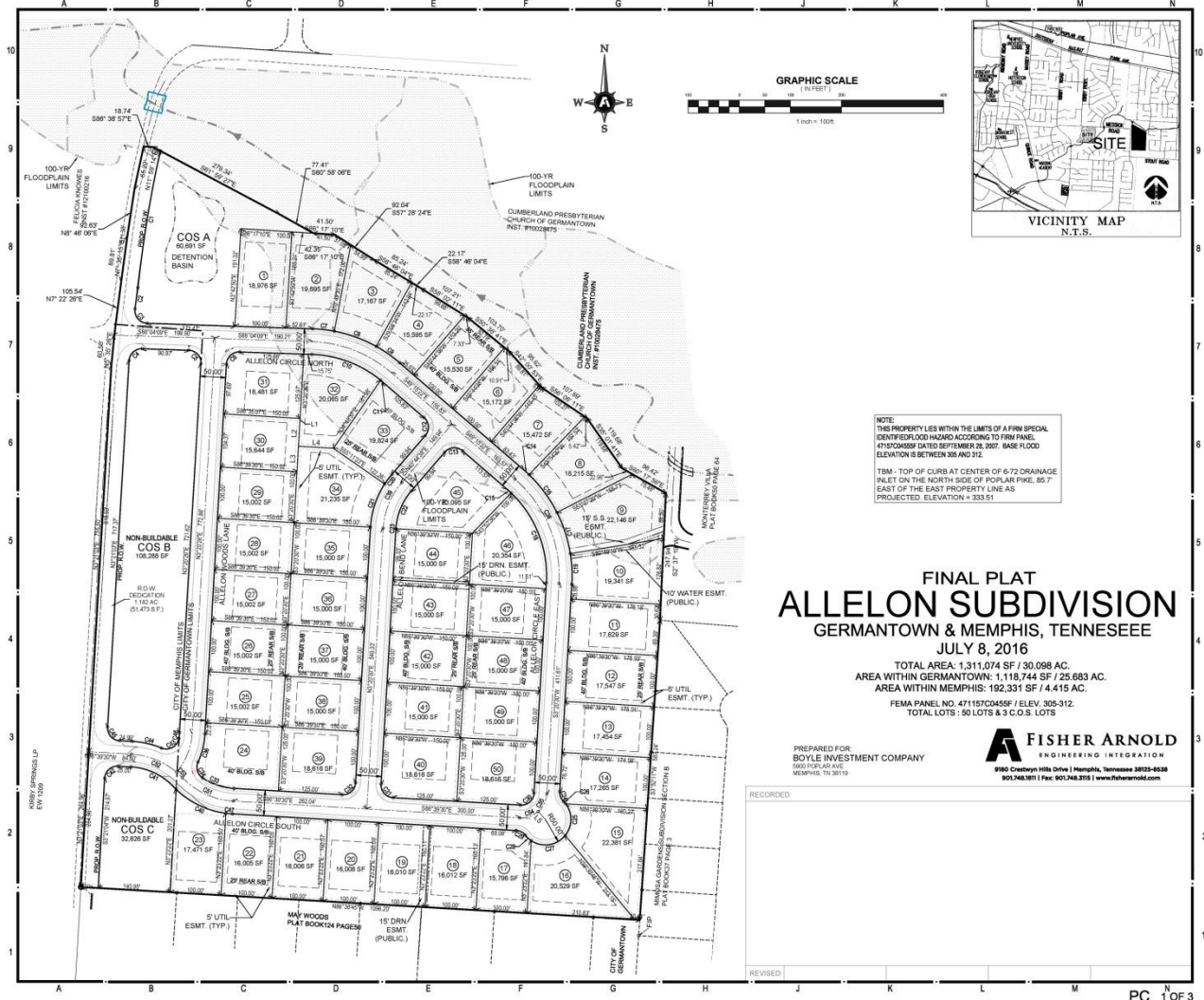
PC Application (p. 13-14)

Ownership Disclosure Form (p. 15)



ZONING MAP

Currently approved Final Subdivision Plat



NOTE:
 THIS PROPERTY LIES WITHIN THE LIMITS OF A FIRM SPECIAL IDENTIFIED FLOOD HAZARD ACCORDING TO FIRM PANEL 47157C0455F DATED SEPTEMBER 28, 2007. BASE FLOOD ELEVATION IS BETWEEN 305 AND 312.
 TEM - TOP OF CURB AT CENTER OF 6-72 DRAINAGE INLET ON THE NORTH SIDE OF POPLAR PIKE 85.7' EAST OF THE EAST PROPERTY LINE AS PROJECTED. ELEVATION = 333.51

FINAL PLAT ALLELON SUBDIVISION GERMANTOWN & MEMPHIS, TENNESSEE JULY 8, 2016

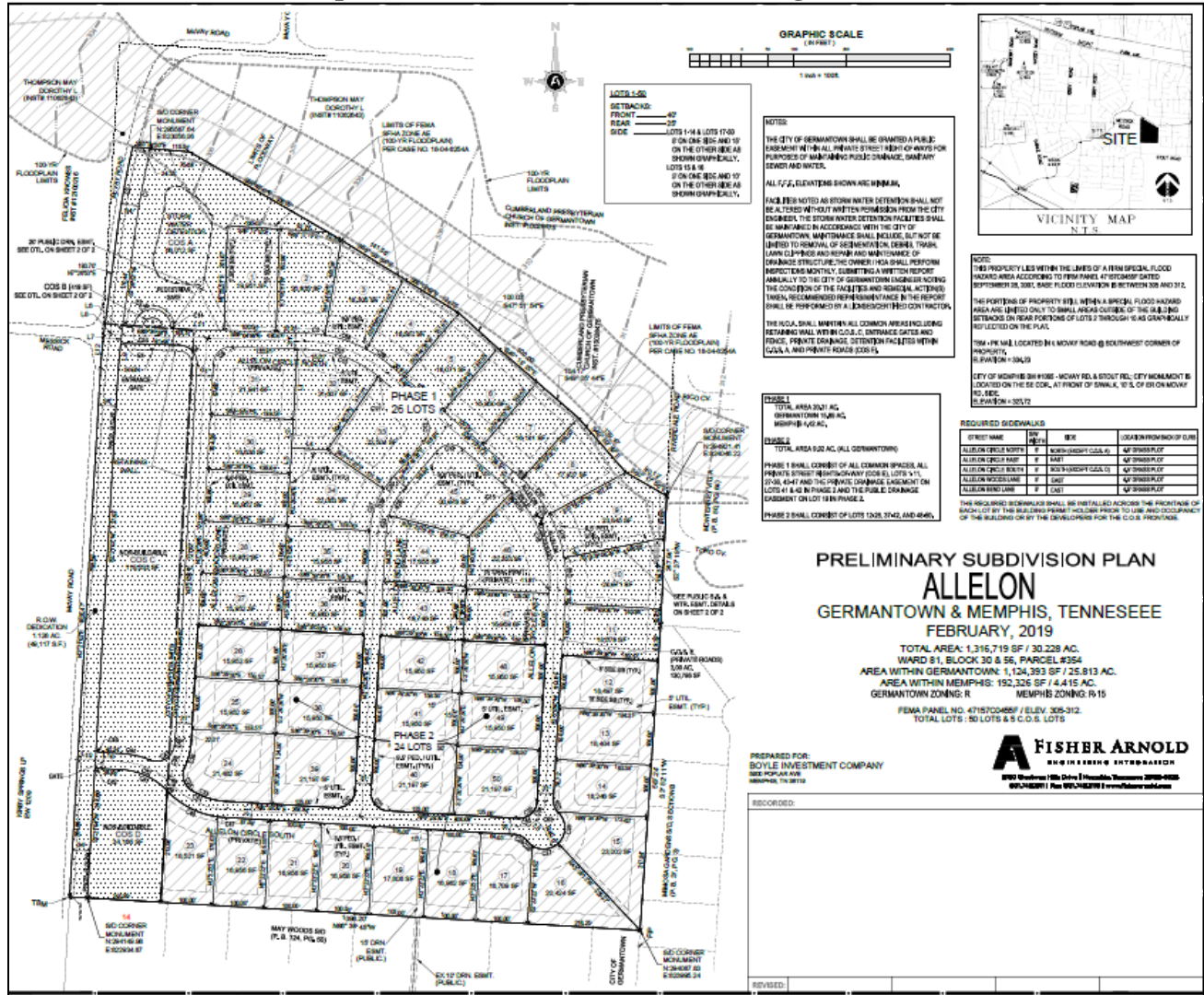
TOTAL AREA: 1,311,074 SF / 30.098 AC.
 AREA WITHIN GERMANTOWN: 1,118,744 SF / 25.683 AC.
 AREA WITHIN MEMPHIS: 192,331 SF / 4.415 AC.
 FEMA PANEL NO. 47157C0455F / ELEV. 305-312.
 TOTAL LOTS: 50 LOTS & 3 C.O.S. LOTS

PREPARED FOR:
 BOYLE INVESTMENT COMPANY
 5800 POPLAR AVE.
 MEMPHIS, TN 38119

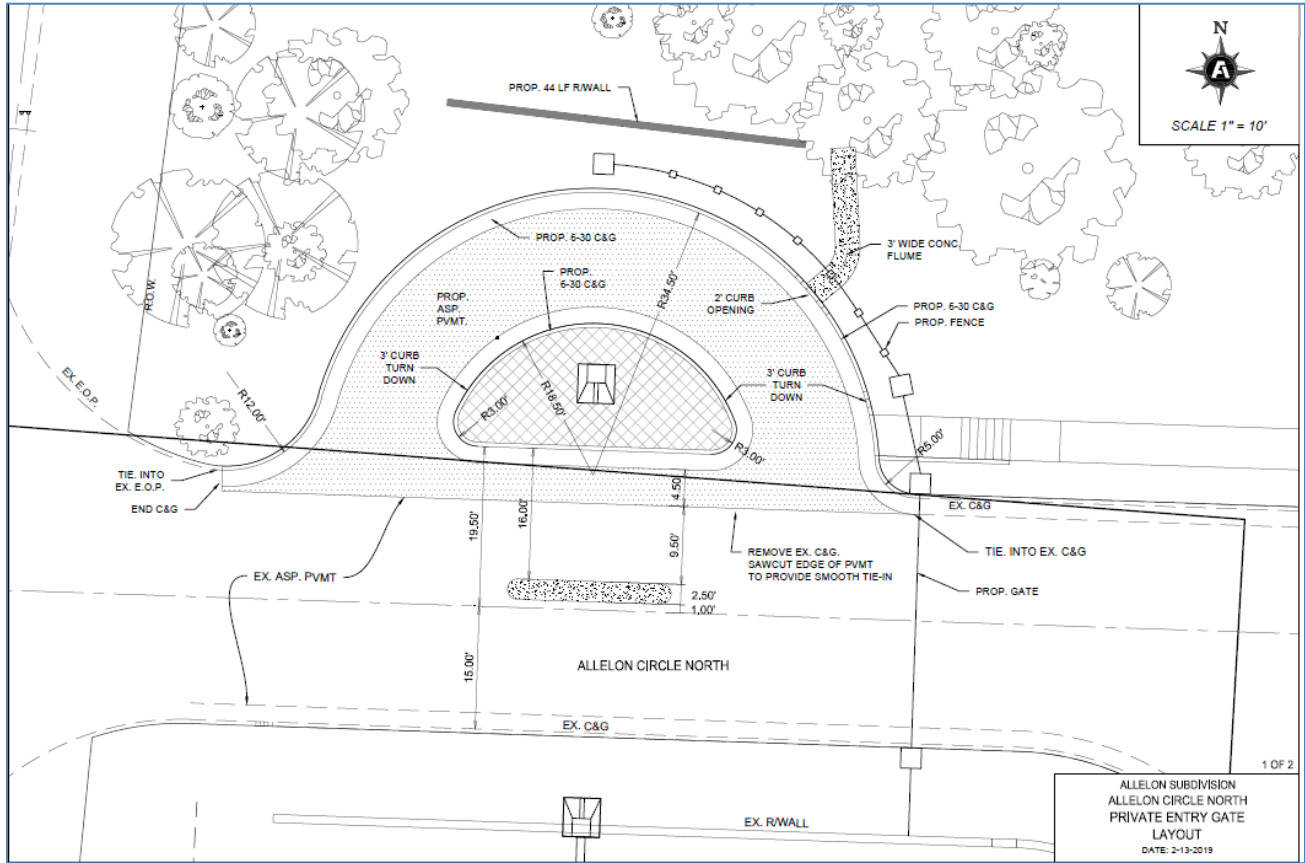
FISHER ARNOLD
 ENGINEERING INTEGRATION
 9180 Crestlyn Hills Drive | Memphis, Tennessee 38125-8538
 901.748.3871 | Fax: 901.748.3715 | www.fisherarnold.com

RECORDED	
REVISED	

Proposed Revised Final Plat and Phasing Plan



Private Entrance Gate w/Turnaround Area Exhibit





FISHER ARNOLD
ENGINEERING INTEGRATION

February 13, 2019

Ms. Shelia Pounder, CNU-A
Planning Division Manager
Economic & Community Development Director
City of Germantown
1920 S. Germantown Road
Germantown, Tennessee 38138

**RE: Allelon Subdivision
Preliminary/Final Subdivision Plat & Public – Private Conversion**

Dear Shelia,

As per your request and direction, and on behalf of Boyle Investment Company, we are hereby making application for modifications to and approval of the Preliminary and Final Plats for the Allelon subdivision, including making a request to convert the subdivision from public to private streets. As you are aware the subdivision has been approved, fully constructed, inspected by the City of Germantown, required as-builts submitted to City engineering staff, and is close to being released for recording. In addition to converting this development to private streets, the developer is proposing to gate the subdivision. This project has been unique from its inception because all access is provided by two entrances from McVay Road within the City of Memphis. While the gates are entirely within the City of Memphis, the gate layout and bail out turnaround has been designed in coordination with Germantown Fire Department personnel and will have to be approved by the Fire Marshal. These modifications to convert the subdivision from public to private and to phase the subdivision are scheduled for approval by the City of Memphis at the Land Use Control Board (LUCB) tomorrow, February 14, 2019.

In summary, we are requesting the Germantown Planning Commission to approve this subdivision with the following modifications:

- **Convert streets from public to private**
- **Reduce the ROW width from fifty feet (50') public to thirty-one feet (31') private**
Note: Roadway width remains same as approved & constructed to subdivision regulation standards
- **Require sidewalks on one side of the streets as opposed to both sides**
- **Install an entry gate with bail out area at main entrance at north access to McVay Road**
- **Install an exit-only gate at southern access to McVay Road**
- **Record the subdivision in two (2) phases**

Other than phasing the recording of the lots into two phases, there are no changes to the plans as previously approved, constructed and inspected by the City of Germantown, other than to facilitate the gates and associated

Ms. Shelia Pounder, CNU-A
February 13, 2019
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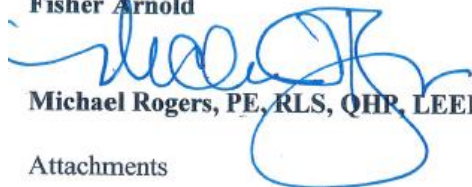
movements required, and to shift the long-term maintenance of the streets from the City of Germantown to the Allelon residents through a home owners association. The northern main entry will be a full movement gate with a call box for visitors and deliveries. The southern entry will be exit only and will not have a call box.

In converting the streets to private street with right-of-way to the back of the curb and providing a pedestrian/utility easement for the sidewalks, we will be removing maintenance of all the streets from the City of Germantown to the homeowner's association. This will include those portions of Allelon Circle North and Allelon Circle South located within the City of Memphis but of which an intergovernmental agreement between the City of Memphis and City of Germantown had put that responsibility on the City of Germantown. Since this community is self-contained without connection to other communities, we are providing a sidewalk requirement for the builders to install at the time the homes are built on one side of each road in the planned development, with a pedestrian gate for connecting to the larger community outside Allelon if a pedestrian system ever becomes available.

There will be no visible difference to Allelon other than the gates and movement area at the main entrance. It is almost completely built, so no one at the City will have to try and envision it, as they can simply drive through it. Additionally, and as previously mentioned, the burden of long-term maintenance of the streets will be removed from the City of Germantown. With these items in mind, we respectfully request approval of our amended community as quickly as possible.

In association with this request please find six (6) copies of this letter, seven (7) copies of the Planning Commission application form and the Final Plat checklist, along with two (2) full-sized and five (5) reduced sized copies of the Preliminary Subdivision Plan, the Phase 1 Final Plat, and the Phase 2 Final Plat. Additionally, please find seven (7) copies of exhibits showing the main entry layout and grading, as well as the rear entry layout, one (1) copy of the draft Declaration of Covenants, Conditions and Restrictions for Allelon Homeowners Association, Inc. and the property deed, along with a check made payable to the City of Germantown in the amount of \$1,600 and a disk with electronic copies of the submitted material, including the notification vicinity map and address labels. The notification packet was previously submitted. We look forward to presenting these subdivision modifications before the Planning Commission subcommittee next Wednesday, March 20, 2019, as well as to the full Planning Commission on March 5, 2019. If you have any questions or need additional information, please let us know.

Sincerely,
Fisher Arnold



Michael Rogers, PE, RLS, QHR, LEED AP BD+C, CPESC

Attachments

Cc: Mr. Gary Thompson, Boyle Investment Company



CITY OF GERMANTOWN TENNESSEE

DATE RECEIVED: _____
 RECEIVED BY: _____

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

PLANNING COMMISSION OFFICIAL APPLICATION FORM

TYPE OF APPLICATION	
<p>(Check <input checked="" type="checkbox"/> all that apply):</p> <p> <input type="checkbox"/> Sketch Plan; <input type="checkbox"/> Preliminary Site Plan; <input type="checkbox"/> Final Site Plan <input type="checkbox"/> Minor Subdivision; <input checked="" type="checkbox"/> Preliminary Plat; <input checked="" type="checkbox"/> Final Plat <input type="checkbox"/> Grading/Tree Removal; <input type="checkbox"/> WTF (Wireless Transmission Facility) <input type="checkbox"/> Rezoning From: _____ To: _____ <input checked="" type="checkbox"/> Other: Public to private conversion of subdivision and develop in two phases </p> <hr/> <p>IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES <input type="radio"/> NO <input checked="" type="radio"/> (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)</p>	
<p>PLANNED USE DEVELOPMENT'S (PUD) ONLY:</p> <p> <input type="checkbox"/> PUD Outline Plan (Master Plan); <input type="checkbox"/> PUD Amendment to Outline Plan; <input type="checkbox"/> PUD Preliminary Plan (individual phases); <input type="checkbox"/> Final Plan (individual phases); </p> <p>Phase: _____ of _____ Date of PUD Outline Plan (Master Plan) Approval: _____ Other: _____</p>	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
<p>Project Name: <u>Allelon</u></p> <p>Address/Location: <u>East of McVay Road & Messick Road intersection, south of Howard Road Creek Outfall</u></p> <p>Project Description: <u>Subdivision has been completed, inspected, but now developer would like to convert to a private, gated subdivision</u></p> <p>No. of Acres: <u>25.659</u> Ac Parcel Identification Number(s): <u>G0230 00449</u></p> <p>PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.</p>	
PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION (All applicable parties shown below must sign the application)	
<p style="text-align: right;">5900 Poplar Avenue, Suite 100</p> <p>Property Owner Name & Title (Print): <u>Gary Thompson, Vice President</u> Address: <u>Memphis, TN 38119</u></p> <p>Phone No.: <u>(901) 766-4246</u> Email Address: <u>garyt@boyle.com</u></p> <p>Signature of Property Owner: </p> <p>Lessee Name & Title (Print): <u>N/A</u> Address: _____</p> <p>Phone No.: _____ Email Address: _____</p> <p>Signature of Lessee: _____</p> <p style="text-align: right;">5900 Poplar Avenue, Suite 100</p> <p>Developer Name & Title (Print): <u>Gary Thompson, Vice President</u> Address: <u>Memphis, TN 38119</u></p> <p>Phone No.: <u>(901) 766-4246</u> Email Address: <u>garyt@boyle.com</u></p> <p>Signature of Developer: </p>	
<p>PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY</p>	

APPLICANT INFORMATION	
Name: <u>Gary Thompson</u>	Title: <u>Vice President</u>
Company Name: <u>Boyle Investment Company</u>	Address: <u>5900 Poplar Avenue, Suite 100 - Memphis, TN 38119</u>
Phone No.: <u>(901) 766-4246</u>	Email Address: <u>garyt@boyle.com</u>
Who will represent this proposal at the Planning Commission meeting (name & title)?	
<u>Gary Thompson, Vice President</u>	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>Fisher Arnold</u>	Address: <u>9180 Crestwyn Hills Drive - Memphis, TN 38125</u>
Phone No. <u>(901) 748-1811</u>	Email Address: <u>mrogers@fisherarnold.com</u>
Surveyor Name: <u>Fisher Arnold</u>	Address: <u>9180 Crestwyn Hills Drive - Memphis, TN 38125</u>
Phone No.: <u>(901) 748-1811</u>	Email Address: <u>mrogers@fisherarnold.com</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:

- 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 Name & Title: Gary Thompson, Vice President - Boyle Investment Company

Address: 5900 Poplar Avenue, Suite 100 - Memphis, TN 38119

Signature of Applicant: 

Property Owner Name & Title: Gary Thompson, Vice President - Boyle Investment Company

Address: 5900 Poplar Avenue, Suite 100 - Memphis, TN 38119

Signature of Property Owner: 

Lessee Name & Title: _____

Address: _____

Signature of Lessee: _____

Developer Name & Title: Gary Thompson, Vice President - Boyle Investment Company

Address: 5900 Poplar Avenue, Suite 100 - 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
_____	_____
_____	_____
_____	_____
_____	_____

STAFF PRESENTATION:

David Clark recused himself, and left the chambers, prior to the staff presentation.

Ms. Pounder made a presentation of the application to the Planning Commission.

BOARD DISCUSSION:

Chairman Harless invited the applicant up to discuss the project.

Gary Thompson, Vice President with Boyle Investment Company 5900 Poplar Avenue, Suite 100, Memphis, TN 38119 stated Ms. Pounder did a great job presenting it and they are glad to answer any questions.

Chairman Harless asked if anyone in the audience would like to speak in favor on this project. There was none.

Chairman Harless asked if anyone in the audience would like to speak against this project.

Reggie Dill at 7075 May Woods Lane, stated he was confused about whether the City of Memphis or City of Germantown controls this street access to the gates. The concern is how many car lanes are available off and near May Woods Lane before they go in the gate. If there is a back up on May Woods Lane or McVay Road, it would be a big problem. As you know, this project destroyed probably the last remaining mature hardwood forest in this City. It appears this board made exceptions to a long standing tree ordinance for the City of Germantown in the past; he hopes the Commission would not repeat this in the future. Does this require additional exceptions to the tree ordinance, although it would be small and minor?

Mr. Thompson answered the northern entrance point would be the only one that would have an entrance gate. Everybody would go in the northern entrance gate and the distance is about twice the required distance for car stacking, which is more than the Germantown Fire Code requires. There won't be any stacking at the southern entrance because it's for the residents to exit. There won't be an entrance at that location, only so the Fire Department can get in, but no one else can. There will be some additional trees to come out of that area, which is within City of Memphis.

Peggy Voeller at 7026 May Woods Lane, stated she has been at the property a few times, coming in and out the south entrance, and the visibility there is not very good. She didn't know if that was going to be addressed in any way with the City of Memphis to fix that.

Mr. Thompson answered that issue was addressed in the original application; because of that site distance issue, they shifted the location of the road. It was approved by the City of Memphis Engineers for that location.

Chairman Harless asked if there were any questions of commissioners.

Mr. Bacon moved to approve the Preliminary & Final Plan for Public to Private Street Conversion, and a revised Preliminary & Final Subdivision Plat, subject to the comments and conditions listed above and the plans and documents submitted with the application, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

Roll Call: Hicks – yes; Saunders – yes; Hernandez – yes; Bacon – yes; Harless – yes; Owens – yes; Clark – recused; Marsh – absent; Palazzolo - absent. MOTION PASSED

Mr. Bacon voted yes; Boyle Investment Company has an excellent track record in developing superb projects all over the region. This will be a great additional to the City. He struggled a little with the

private streets, but given the fact that there really wasn't an opportunity to have connectivity in the way the Commission typically seeks, he's voting to approve.

Mr. Hernandez voted yes; he echoes Commissioner Bacon comments, and Boyle Investment and the quality of the product they bring to market.

Ms. Hicks voted yes; she wants to echo Mr. Bacon's positive comments.

Alderman Owens voted yes.

Mr. Saunders voted yes.

Chairman Harless voted yes; he thinks this will be a very good project with very high end units going in at the west end of Germantown.

Chairman Harless said congratulations and the motion passes.

COMMISSION LIAISON REPORTS:

Ms. Hicks stated Bike & Pedestrian Safety Commission met on February 15. Part of the discussion was greenway usage and how it changed over time from just walking one's dog along the river to having a lot of activities such as bikers, runners, walkers, and safety concerns with the increased traffic.

Mr. Saunders stated the Economic Development Commission met on February 7. They had a guest speaker, Reid Dulberger, Chief Economic Development Officer for Shelby County who made a presentation on what's going on in Shelby County such as (Electrolux). They went over Planning/Small Area Plan - Nodes/Districts: In the Central Business District (Smart Code) – Business activity: Bella Vita, Five Below, Chicken Salad Chick, Buff City Soap, F45, and 30 Minute Hit will be opening for business. People have started moving into the phase five apartments at Thornwood. West Poplar Avenue District (Smart Code) – Carrefour is still getting a lot of interest since the approval of their Outline Plan at the end of 2018. Wolf River – The progress continues on the Campbell Clinic expansion with the third floor steel frame (four floors total).

Mr. Hernandez stated the Tree Board met on February 12. Sarah Goralewski from the Planning Division reported on the status of the Tree Ordinance, which was approved by this body previously, and went to the BMA for first reading on February 25. That topic somehow expanded into a discussion about the scope of the Tree Board regarding its current primary focus on public lands and whether their prevue should be expanded to consider site review of private development. There were two new items of business; one which is now old business, that is the 2019 Arbor Day tree given away and fruit tree sale was held on Friday, March 1. The last item was a report from Natural Resources Manager, Keith Paluso who provided an update on Oaklawn Tree Grant and Arboretum project.

Chairman Harless stated there was a community meeting to review the Master Parks Plan related to discussions of the Germantown Country Club being acquired by the city as parkland. They went over several options and gave input, which was passed on to Parks and Recreation Commission; they voted to recommend to the City consider purchasing the property.

OLD BUSINESS: The Chairman asked if there was any old business. There was none.

NEW BUSINESS: The Chairman asked if there was any old business. There was none.

ADJOURMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:27 p.m.

Mr. Mike Harless, Chairman
Planning Commission
