

PLANNING COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS

Tuesday, May 7, 2019

6:00 p.m.

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of City Hall on May 7, 2019. Regular meetings of the Planning Commission are broadcasted 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; Richard Marsh; Mike Palazzolo, Mayor; and Alderman Forest Owens

DEVELOPMENT STAFF PRESENT:

Cameron Ross, Economic and Community Development Director; Sheila Pounder, Planning Division Manager; Sarah Goralewski, Senior Planner; Pam Rush, Administrative Assistant; Tim Gwaltney, City Engineer, Jody Dwyer, Fire Marshal, and Mac McCarroll, City Attorney

3. **Approval of Minutes for Aril 2, 2019**

Chairman Harless stated that the next order of business is the approval of the minutes for the April 2, 2019, meeting. If there are no additions, corrections or deletions to the minutes of the April 2, 2019, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Marsh moved to approve the Planning Commission minutes of April 2, 2019; seconded by Mr. Hernandez.

Chairman Harless asked for a roll call.

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

Chairman Harless noted there was a change to the agenda. Item 5.a. Germantown Village Square (Starbucks) had been withdrawn (by the applicant).

4. **Consent Agenda:** Chairman Harless noted there are some changes on the agenda tonight.

Chairman Harless announced that 2 items have been placed on the Consent Agenda.

At the Executive Session this evening, the following items were placed on the Consent Agenda by the Planning Commission: Item 4.a.The Learning Experience and 4.b.Amendments to Chapter 17 (Subdivision) of the City’s of Germantown Code of Ordinances.

As part of the Consent Agenda, these items will *not* be presented, discussed or voted upon individually. If you would like to discuss these items before the Planning Commission this evening, please come forward at this time.

Again, Item 4.a.The Learning Experience and 4.b. Amendments to Chapter 17 (Subdivision) of the City’s of Germantown Code of Ordinances have been placed on the Consent Agenda and will be voted upon as one motion and will not be discussed

individually unless someone on the Commission or in the audience comes forward to remove that item from the Consent Agenda. Does anyone interested in any of these matters wish to be heard?

Seeing no one come forward, I would like to note that on all matters concerning the Consent Agenda, the vote of each member of the Planning Commission will constitute an acknowledgement that the member has read the application or proposal, the staff reports and the Subcommittee report. I am prepared for a motion for approval of the Consent Agenda.

Mr. Bacon made a motion for approval of the Consent Agenda, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

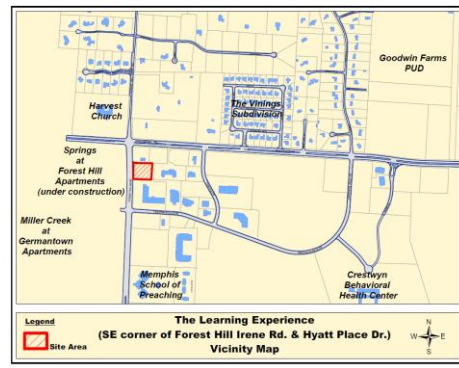
Roll Call: Hicks – yes; Saunders – yes; Hernandez – yes; Bacon – yes; Harless – yes; Owens – yes; Clark – absent; Marsh – yes; Palazzolo - yes. MOTION PASSED

Staff’s Comments/Discussions Regarding the Consent Agenda Items:

4.a. The Learning Experience

PROJECT NAME:	The Learning Experience
Development Case Number:	19-914
Property Address/Location:	Southeast corner of Forest Hill Irene Rd. and Hyatt Place Dr.
Applicant Name/Owner Name:	CD Development, LLC – Jacob Niebrugge, Managing Member
Lessee:	The Learning Experience – Anne L Ewing, Agent
Representative Name:	Reaves Firm – Greg Marcom, Agent
Existing Zoning & Land Use:	“T5” Urban Center (utilizing the pre-existing “C-2” General Commercial zoning regulations)
Area:	1.905 acres
Request:	Approval of Forest Hill Heights Planned Development 3 rd Amendment – Final Plan Phase 18C (Child Care Facility)

*Refer to the Disclosure Form attached for more information



REVISIONS: *The Planning Commission Subcommittee met on April 17, 2019, and reviewed revised plans for the proposed project. The Commission recognized that the proposal complied with the underlying “C-2” General Commercial zoning regulations, and recommended that this request be considered at the next regular meeting of the Planning Commission, provided that the applicant submit the following: easement provisions on the site plan for the off-premise Hyatt Place sign that is now on the subject property and a conceptual landscape plan. The applicant has done this.*

COMPATIBILITY WITH RELEVANT PLANNING DOCUMENTS:

Germantown Forward 2030: This proposed project fulfills the following Germantown Forward 2030 Strategic Objectives: Economic Development Strategic Objectives 1 and 2: “Economic development practices support economic sustainability,” and “Economic development policies encourage investment in key commercial areas.”

Forest Hill Heights Small Area Plan: The project site is located within the boundaries of the adopted Forest Hill Heights Small Area Plan (FHHSAP), the regulating plan for this area of the city. Per the Concept Master Plan and Land Use Plan of the FHHSAP, this subject area is to be developed as retail or office/medical office. Per the Design Standards of the Development Summary of the FHHSAP, the subject parcel is to be developed using commercial urban design standards with the primary façade facing the street. The proposed use and design of the project are not consistent with the FHHSAP; however, the applicant has opted to utilize the underlying zoning for this project, “C-2” General Commercial.

PROJECT ANALYSIS:

INTRODUCTION: The applicant’s lessee, the Learning Experience, is requesting approval of a final plan for a daycare center. This property is Phase 18C of the Forest Hill Heights Planned Development Third Amendment.

BACKGROUND: This site is within the boundaries of the Forest Hill Heights Amended Planned Development (Outline Plan-Plat Book 166, Page 60), which is a 363.8-acre parcel that was approved and first recorded by Memphis & Shelby County in 1996, with subsequent recordings of numerous final plans (Phases 1-16). Two hundred seventy-eight (278) acres of the property within the PD was annexed by the City of Germantown in 2000, at which time it was zoned “AG” (Agricultural) by Shelby County. Also in 2000, the majority of the newly annexed property was rezoned to “O-51” (Office District) by the Board of Mayor and Aldermen’s (BMA) approval of Ordinance 2000-15. A portion of the property (18.5 acres) at the southeast corner of Winchester Road and Forest Hill Irene was rezoned to “C-2” (General Commercial) by Ordinance 2000-17. After the area was annexed, the BMA approved an amendment to the Forest Hill Heights PD to accept the recorded Outline Plan, subject to a number of supplemental conditions, which are reflected on the most recent re-recording of the Outline Plan (Plat Book 234, Page 42). In 2016, the BMA adopted the Forest Hill Heights Small Area Plan (FHHSAP), and in conjunction with the plan’s recommendation, rezoned 278 acres of property to T5 (Urban Center) with their approval of Ordinance 2016-09. The subject property is Phase 18C of the Forest Hill Heights Amended PD and has remained undeveloped since its annexation into the City of Germantown.

DISCUSSION: The subject property, located in the Forest Hill Heights area, is currently vacant. The surrounding properties are developed as follows: Circle K fuel center (north), Hyatt Place Hotel (east), FedEx Trade Networks (south) and the under-construction Springs at Forest Hill Apartments located in unincorporated Shelby County (west). The pre-existing zoning district of the subject property is “C-2” General Commercial, and the proposed project utilizes the development regulations of this zoning designation. Per Sec. 23-402(2) of the Zoning Ordinance, child care facilities are permitted in the “C-2” General Commercial zoning district. The request also conforms to the conditions of the approved outline plan for the Forest Hill Heights Amended PD.

The proposed project, the Learning Experience, is a day care center whose main entrance would face an internal parking lot, with the rear of the building and the playground, surrounded by a 6' high wall, facing the hotel parking lot. The daycare center would be accessed from Hyatt Place Drive (a private street) or by driving north on Forest Hill Irene Rd., via a right-in, right-out driveway on Forest Hill Irene Rd.

Should the Planning Commission recommend approval of the proposed project, the request will be reviewed by the Design Review Commission for their approval, before advancing to the Board of Mayor and Aldermen for review and approval of the development contract and final plan, per Sec. 23-575(d).

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL (To be addressed in the construction plan drawings)

1. If the preliminary and final site plan is approved by the Planning Commission, the proposed project shall proceed to the following Boards and Commissions for approval, in this order: Design Review Commission, and to the Board of Mayor and Aldermen for a development contract. Following securing final approvals from the necessary Boards and Commissions, the applicant may submit construction plans to the City of Germantown Engineering Division for review and approval, and then to Shelby County Code Enforcement for a building permit.
2. Hyatt Hotel Ground-Mounted Sign. The existing ground-mounted sign for the Hyatt Hotel at the northwestern corner of the property is now a non-conforming off-premise sign, with the new property owner. This sign shall be placed in an easement with the necessary notes on the plat.
3. All TAC comments listed below shall apply.
4. All signage shall require separate review by the Design Review Commission.

B. GENERAL REQUIREMENTS:

1. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
2. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
3. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received final approval from the Design Review Commission.
4. If applicable, the applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
5. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
6. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.

9. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
10. The Developer agrees to comply with the following requirements unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
 - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.
11. Total acres disturbed shall be provided. Contact the City's Stormwater Manager if a NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.

TAC COMMENTS: On April 10, 2019, the Technical Advisory Committee (TAC) met and provided the following comments, which have been addressed:

Planning:

Remaining comments from February and March TAC review:

1. Provide detail of 6' high wall surrounding the playground, as well as a perspective elevation as seen from the hotel parking lot looking towards the property.
2. Provide updated traffic circulation plan. Include this as a separate sheet in the plan set.
3. Provide the exact parking calculation on the site plan
 - a. Sec. 23-410(3)(a)(2): "Child care facilities: At least one off-street parking space shall be provided per employee on the largest shift of employment, plus one parking space for every six students."
4. Include bicycle parking and show this on the site plan.
 - a. Per Sec. 23-410(5), bicycle parking shall be provided for projects in the "C-2" General Commercial zoning district.
Show total playground area calculation in square feet on the site plan.
 - b. Per State of TN DHS guidelines (Sec. 1240-04-01-.16), there shall be 50 sq. ft. of outdoor space for each child using that space at any given time.
6. Relocate the dumpster location so that it is not over the underground stormwater detention area and not as visible from the street
 - a. Suggested location is at the rear southeastern corner of the site, mirroring the dumpster location of the adjacent property.
 - b. Investigate if a portion of the area "Reserved for Stormwater Detention" may be released, since the stormwater detention is being placed in another location underground. The dumpster could then be located here.

April TAC comments:

1. Hyatt Hotel Ground-Mounted Sign. The existing ground-mounted sign for the Hyatt Hotel at the northwestern corner of the property is now a non-conforming off-premise sign, with the new property owner. If this sign is to remain, it needs to be placed in an easement.
2. Provide a landscape plan

- a. Per Sec. 23-404(b) (2), a landscape plan is required for the final plan consideration at Planning Commission.
- b. The landscape plan should address the Planning Commission Subcommittee's comments that the existing landscape berm along Forest Hill Irene Rd. is to be enhanced.
3. Following approval by the Planning Commission, this request shall progress to the Design Review Commission for approval and then to the Board of Mayor and Alderman for development contract and final plan approval.
4. All standard requirements from the DRC checklist and manual shall apply.

Engineering:

Remaining comments from February and March TAC review:

1. The side of the building facing Forest Hill should be designed to be architecturally attractive rather than looking like a typical daycare building.
2. Consider more landscaping screening on the East, North and South sides.
3. Provide estimated student + employee counts. Provide this information on the site plan page.
4. The developer will be required to contribute to two (2) future traffic signals to be installed by the City. Cost share will be determined when traffic generation and turning movements are provided.
5. Fire/Public Works requires water to be looped around new building and stubbed to Forest Hill Irene Rd.
6. The southern drive entrance should not encroach south of property line extended. Recommend a TDOT driveway apron.

April TAC Comments

1. The drive entrance on FHI should have maximum 16' in and 16' out lanes.
2. As per Fire Marshal move PIV and FDC to northwest corner of building in order to get them within 100' of existing fire hydrant.
3. Developer responsible for future traffic signal cost share as follows: 1% of future signal at FHI/Crestwyn = \$5,000 and 1.5% of future signal at Winchester/Crestwyn = \$7,500. Total traffic signal contribution = \$12,500.

Public Works:

Prior to Planning Commission Approval:

1. The water system needs to be looped from Forest Hill- Irene Rd. in the proposed site plan.
2. Dumpster location is recommended outside of the stormwater detention area.

Prior to Construction Plan Approval:

1. Alternate pipe material recommended (Ductile Iron as opposed to C900)
 - a. A portion of water connections in City ROW will need to be ductile iron

Fire Marshal:

Prior to Planning Commission Approval:

1. FDC and PIV to be relocated to the west, next to the existing fire hydrant on Hyatt Place Dr. at parking lot entrance.
2. Water supply for fire hydrant located on the southeast corner of the building shall also be connected at Forest Hill Irene Rd to create a looped system and prevent a dead end main.

Prior to Construction Plan Approval:

1. State Fire Marshal's office must approve plans prior to local FD approval.
2. Plans, permits, and fees shall be submitted to the Fire Marshal's Office. Plans shall include civil as well as M E P's.

Economic Development:

Remaining comments from previous TAC reviews

1. The proposed project does not follow the Forest Hill Heights (FHH) Small Area Plan vision, design standards, or guiding principles which were adopted in 2016. New developments proposed after the adoption of the plan should be designed to fulfill the intent of the plan. Otherwise, with each non-conforming project, the study area will lose the opportunity to realize the positive outcomes projected in the plan.
2. Masonry walls are preferred and should be designed to integrate with the architectural style of the building.

Neighborhood Services:

Remaining comments from previous TAC reviews

1. Location of dumpster might be better suited on east side of property closer to dumpster on adjacent lot.

April TAC comments:

1. Access to dumpster enclosure is good. Size does not appear large enough to accommodate multiple dumpsters.

Police: No comments provided.

Parks and Recreation: No comments provided.

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

MLGW:

1. It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
1. No permanent structures, development or improvements are allowed within any utility easements, without prior MLGW written approval.
2. It is the responsibility of the owner/applicant to comply with the National Electric Safety Code (NESC) and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
3. Underground Utility separation and clearance: The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
4. It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
5. It is the responsibility of the owner/applicant to contact TN-1-CALL @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.

6. Street Trees are prohibited, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
7. Landscaping is prohibited within any MLGW utility easement without prior MLGW approval.
8. Street Names: It is the responsibility of the owner/applicant to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for Street Naming Guidelines and the Online Street Name Search: <http://www.mlgw.com/builders/landandmapping>
9. It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
10. All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
11. It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

STAFF RECOMMENDATION: Approval of the Forest Hill Heights Planned Development 3rd Amendment – Final Plan Phase 18C (Child Care Facility), 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 upon which relief is sought.

SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE ACTION: The Subcommittee met on April 17, 2019, and recommended that the application be placed 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 April 23, 2019, the applicant submitted revised plans that addressed the TAC comments.

PROPOSED MOTION: Approval of Forest Hill Heights Planned Development 3rd Amendment – Final Plan Phase 18C (Child Care Facility – The Learning Experience), located at the southeast corner of Forest Hill Irene Rd. and Hyatt Place Dr., subject to the comments and conditions listed above and the plans and documents submitted with the application.

APPENDIX:

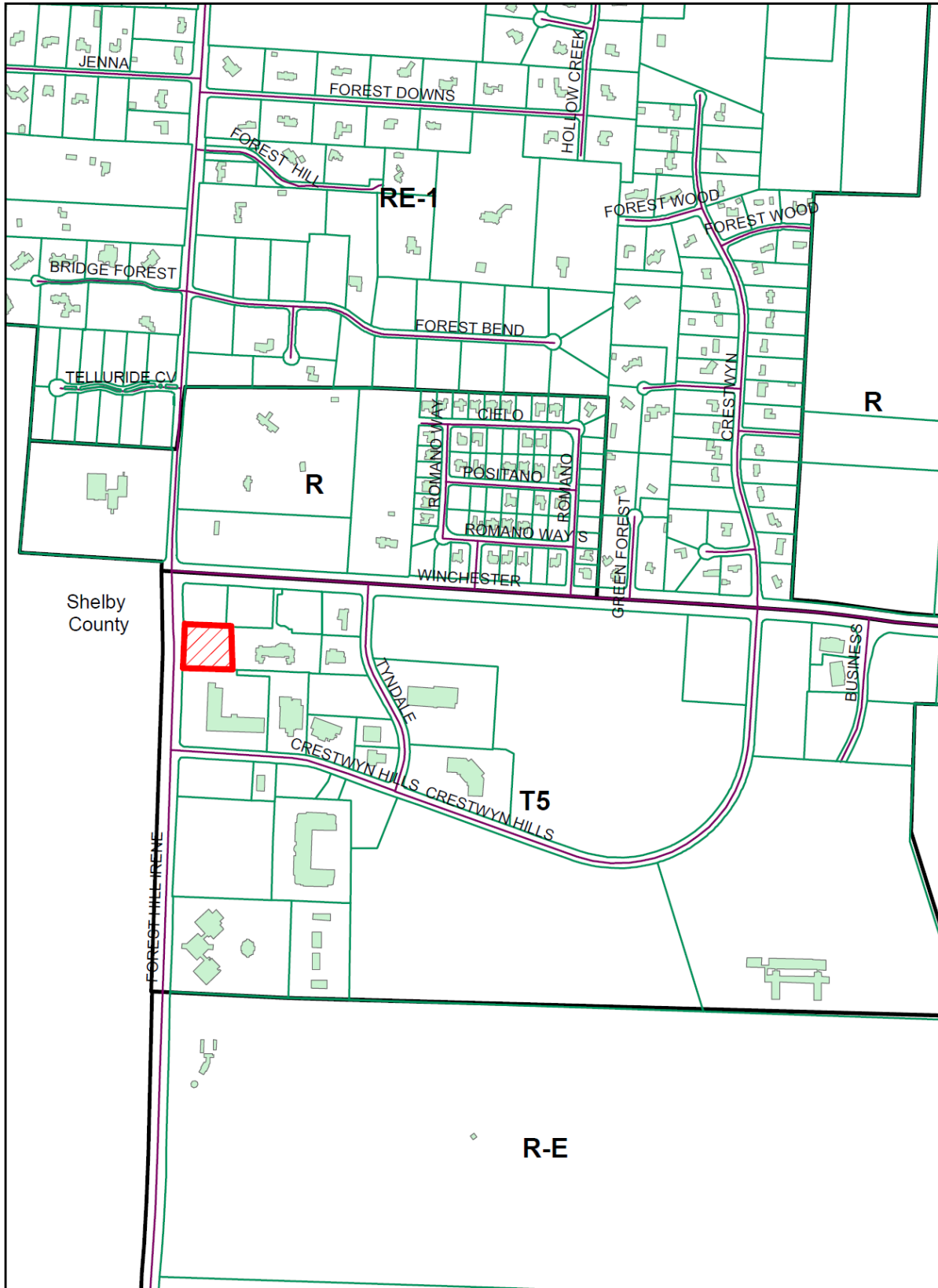
Zoning Map (p. 9)

Existing Conditions and Site Plan (p. 10)

Fiscal Impact Statement (p. 11)

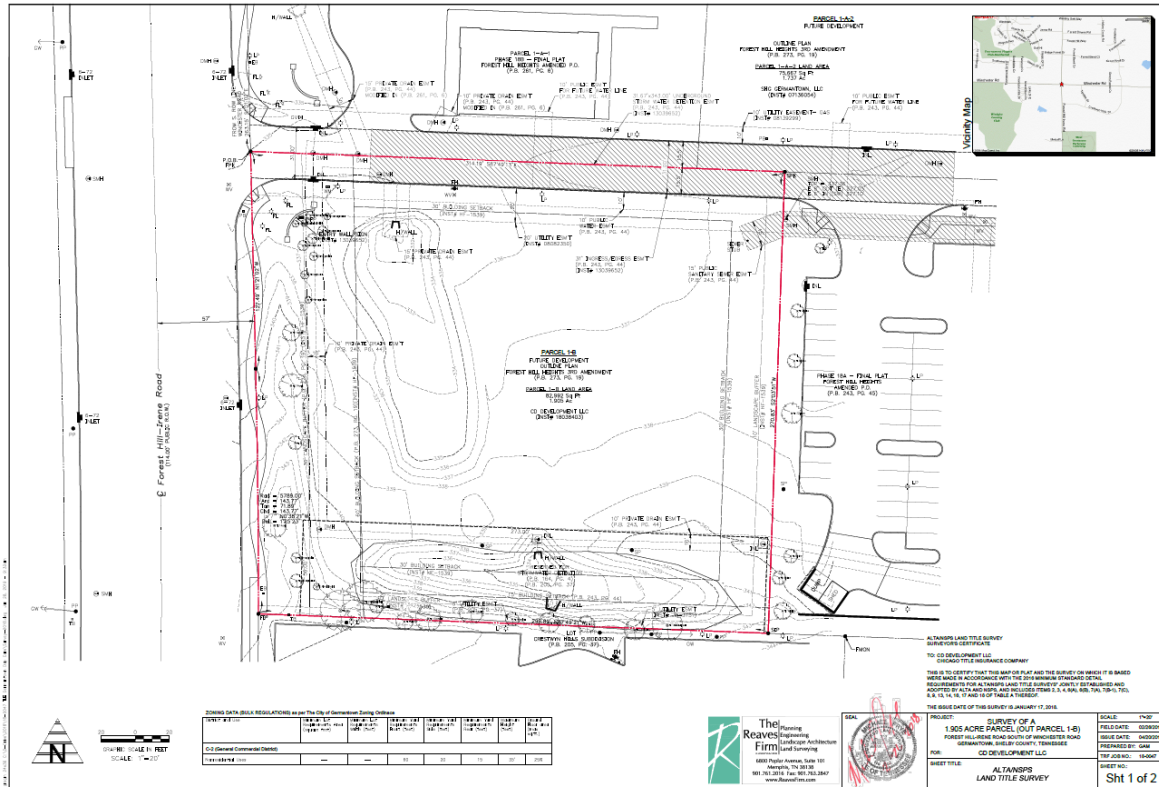
PC Application (p. 12-13)

Ownership Disclosure Form (p. 14)

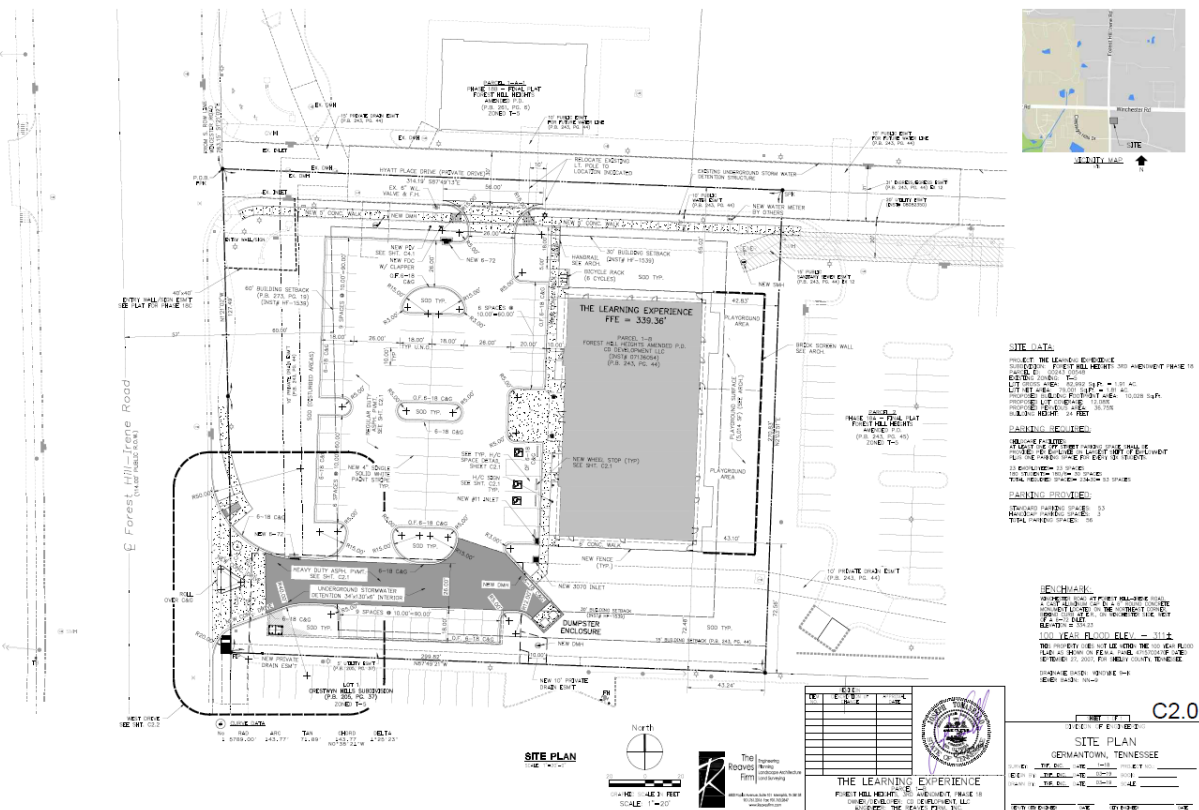


ZONING MAP

EXISTING CONDITIONS



PROPOSED SITE PLAN
 (Enlarged Copy included in Web Packet)



FISCAL IMPACT STATEMENT

To Whom It May Concern:

The Learning Experience at Germantown, TN is an early learning childcare development project. The Learning Experience has over 200 early learning childcare centers across the United States. The project will involve approximately \$2.6mm in economic investment from the developer in site development and construction costs. The annual estimated revenue at near full capacity is approx. \$2.8mm. The project will also include job creation of approximately 25 net new jobs (depending on enrollment). We are confident the project will be a positive addition to the community.

Sincerely,
CD Development.



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 <input checked="" type="checkbox"/> all that apply): <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 type="checkbox"/> Other: _____	
IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) <input checked="" type="radio"/> YES <input checked="" type="radio"/> NO Project to use underlying C-2 (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)	
PLANNED USE DEVELOPMENT'S (PUD) ONLY: <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 checked="" type="checkbox"/> Final Plan (individual phases); Phase: <u>18C</u> of <u>18</u> Date of PUD Outline Plan (Master Plan) Approval: <u>Forest Hill Heights 3rd Amendment</u> Other: _____ <u>P.B. 273, Page 19</u>	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
Project Name: <u>The Learning Experience - Germantown, TN</u> Address/Location: <u>0 Forest Hill-Irene Road (S.E. corner Forest Hill & Hyatt Place Drive)</u> Project Description: <u>10,000 Sq.Ft. - One Story - Academy of Early Education (child care facility)</u> No. of Acres: <u>1.905 acres</u> Parcel Identification Number(s): <u>G0243 00548</u>	
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 Name & Title (Print): <u>CD Development LLC</u> Address: <u>1011 N. Parkview St.</u> Phone No.: <u>314-440-6003</u> Email Address: <u>jacob.niebanjee@gmail.com</u> Signature of Property Owner: <u>[Signature]</u> <u>Effingham, IL 62401</u>	
Lessee Name & Title (Print): <u>TEC Germantown, LLC.</u> Address: <u>210 Hillsboro Technology Dr. 33441</u> Phone No.: <u>561-886-6400</u> Email Address: <u>aeving@teccorp.com</u> Signature of Lessee: <u>[Signature]</u> <u>Anne L. Owing</u>	
Developer Name & Title (Print): <u>CD Development LLC</u> Address: <u>1011 N. Parkview St.</u> Phone No.: <u>314-440-6003</u> Email Address: <u>jacob.niebanjee@gmail.com</u> Signature of Developer: <u>[Signature]</u> <u>Effingham, IL 62401</u>	
PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY	

APPLICANT INFORMATION	
Name: <u>Jacob Niebrugge</u>	Title: <u>Member Manager</u>
Company Name: <u>CJ Development LLC</u>	Address: <u>1011 N. Parkview St. Effingham, IL 62451</u>
Phone No.: <u>314-440-6003</u>	Email Address: <u>jacob.niebrugge@gmail.com</u>
Who will represent this proposal at the Planning Commission meeting (name & title)? <u>John Bennett, Project Mgr. CBRE</u>	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>The Reaves Firm, Inc.</u>	Address: <u>6800 Poplar Avenue, Suite 101 Memphis, TN 38138</u>
Phone No. <u>901-761-2016</u>	Email Address: <u>GMarcom@ReavesFirm.com</u>
Surveyor Name: <u>Same as above</u>	Address: _____
Phone No.: _____	Email Address: _____

4.b. Amendments to Chapters 17 (Subdivision) of the City’s of Germantown Code of Ordinances

INTRODUCTION:

SUBJECT:	Amendments to Chapters 17 (Subdivision) of the City’s of Germantown Code of Ordinances
Case Number:	19-925
Applicant Name:	City of Germantown Planning Commission
Request:	Approval of an Amendment to Section 17-56 of the Subdivisions Ordinance

BACKGROUND: An application for a subdivision text amendment has been filed at the request of the Planning Commission to amend the language in the City Code in accordance with Section 17-9, which states “for the purpose of providing for the public health, safety and general welfare, the planning commission may from time to time amend the provisions of this chapter”. The specific propose of the text amendment to Chapter 17 (Subdivisions) Section 17-56 (Streets) of the City’s Code of Ordinances is to update the existing regulation pertaining to dead-end streets, which addresses upcoming changes to a revised City’s Fire Prevention Code tentatively scheduled to be reviewed on first reading by the Board of Mayor and Aldermen on June 10, 2019.

DISCUSSION: The approval of this proposed text amendment will make specific changes to the requirements for the minimum design standards for dead-end streets within new developments that align with the changes being made to the City’s Fire Code. The proposed changes to the City’s Fire Code were presented by Fire Chief (Selberg) and Fire Marshal (Dwyer) at the October 17, 2018, Planning Commission Subcommittee meeting. After much discussion, the PC instructed staff to move forward with reviewing the current Subdivision and Zoning Ordinances to identify changes that needed to be made as a result of the changes to the Fire Code and to bring any needed amendments forward to them. The specific changes to the text are shown below.

PROPOSED TEXT AMENDMENTS

(UNDERLINED) text to be added and ~~STRIKETHROUGH~~ text to be deleted refers to amendments to Chapter 17 Article III of the ordinance.)

ARTICLE III. - MINIMUM DESIGN STANDARDS

Sec. 17-56. - Streets.

(k) Dead-end streets. Dead-end streets shall be no longer than ~~1,200~~ 750 feet. In addition, no more than 30 units shall front on such streets. Where the depth of a cover is over ~~400~~ 150 feet, as measured from the center of the through street to the center of the turnaround, the diameter, face to face, of the paved cul-de-sac shall be ~~90~~ 96 feet.

STAFF COMMENTS:

1. Applicants with projects that may need relief from this updated ordinance requirement may still seek a variance from the Planning Commission subject to the recommendation of the City Fire Marshal, which is the current means of requesting relief from any existing subdivision regulation.
2. Following a recommendation from the Planning Commission, the proposed text amendments will progress to the Board of Mayor and Aldermen for three readings and final consideration immediately after the adoption of the amended City's Fire Prevention Code.

STAFF RECOMMENDATION: Approval.

ZONING AND ANNEXATION SUBCOMMITTEE REPORT: The Subcommittee met on April 17, 2019, and recommended that this item be considered at the regular Planning Commission meeting on May 7, 2019.

PROPOSED MOTION: To approve an amendment to the Subdivision (Sec. 17-56) Ordinance, subject to the Commission's discussion, staff comments and conditions in the staff report and documents filed with the application.



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	
(Check <input checked="" type="checkbox"/> all that apply):	
<input type="checkbox"/> Sketch Plan;	<input type="checkbox"/> Preliminary Site Plan; <input type="checkbox"/> Final Site Plan
<input type="checkbox"/> Minor Subdivision;	<input type="checkbox"/> Preliminary Plat; <input 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: <u>Ordinance Text Amendment</u>	

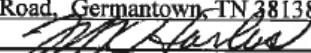
IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES NO	
(Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)	
PLANNED USE DEVELOPMENT'S (PUD) ONLY:	
<input type="checkbox"/> PUD Outline Plan (Master Plan);	<input type="checkbox"/> PUD Amendment to Outline Plan;
<input type="checkbox"/> PUD Preliminary Plan (individual phases);	<input type="checkbox"/> Final Plan (individual phases);
Phase: _____ of _____	Date of PUD Outline Plan (Master Plan) Approval: _____
Other: _____	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
Project Name: <u>Amendment to Chapter 17 (Subdivision) of the City's Code of Ordinances</u>	
Address/Location: <u>City Wide</u>	
Project Description: <u>Amend the Subdivision Regulations to make changes that will align it with the updated Fire Code Regulations</u>	
No. of Acres: <u>N/A</u> Parcel Identification Number(s): <u>N/A</u>	
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 Name & Title (Print): <u>N/A</u> Address: _____	
Phone No.: _____ Email Address: _____	
Signature of Property Owner _____	
Lessee Name & Title (Print): <u>N/A</u> Address: _____	
Phone No.: _____ Email Address: _____	
Signature of Lessee _____	
Developer- Applicant Name & Title (Print): <u>Mike Harless (Planning Commission Chairman)</u>	
Address: <u>1920 S. Germantown Road, 38138</u> Phone No.: <u>901-757-7281</u> Email Address: _____	
Signature of Developer- Applicant <u>[Signature]</u>	
PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY	

APPLICANT INFORMATION	
Name: <u>Mike Harless</u>	Title: <u>Chairman</u>
Company Name: <u>City of Germantown Planning Commission</u> Address: <u>1920 S. Germantown Road, TN 38138</u>	
Phone No.: <u>901-757-7281</u>	Email Address: _____
Who will represent this proposal at the Planning Commission meeting (name & title)? <u>City of Germantown Economic and Community Development Staff</u>	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: _____	Address: _____
Phone No. _____	Email Address: _____
Surveyor Name: _____	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 Name & Title: Mike Harless, Chairman –City of Germantown Planning Commission
Address: 1920 S. Germantown Road, Germantown, TN 38138
Signature of Applicant: 

Property Owner Name & Title: _____
Address: _____
Signature of Property Owner: _____

Lessee Name & Title: _____
Address: _____
Signature of Lessee: _____

Developer Name & Title: _____
Address: _____
Signature of Developer: _____

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

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

COMMISSION LIAISON REPORTS:

Mr. Saunders stated EDC met on May 2. Ms. Baird asked what are we going to do to entice, encourage, engage, and enhance, and what are some of the things we can think of as a group for Guerilla marketing. Guerilla Marketing: advertising strategy focuses on low-cost unconventional marketing tactics that yield maximum results. Central Business District (Smart Code) – Thornwood has 90 units leased. Mantra Indian Grill is open. The Container Store will be opening sometime in the 4th quarter. Ulta is backfilling the old Petco. Nail Bar is getting close to opening in Saddle Creek. Moondance is on track for a late summer opening. A construction permit was filed for a Kohesian restaurant. East Poplar Avenue (at Forest Hill-Irene) – Target is doing a remodel both outside and inside of the building which includes signage. Joann's is under construction. West Poplar Avenue District (Smart Code) – TraVure: Hilton Garden Inn & Home2 Suites are under construction. Gill properties is in process of putting a fitness center in the MAA building. Carrefour is putting together some marketing material. Wolf River – Planning Commission approved the zone change from residential to office for three new medical office buildings on 15 acres at the north end of the Fulmer property. Forest Hill Heights (Smart Code) – A daycare center is going through the process. Kristi Ransom shared information about some Chamber marketing initiatives including a short-form documentary (3-5 minutes) on PBS with Laurence Fishburne hosting it, and the Chamber magazine which has been mailed to all residents of Germantown, all businesses in Germantown, and to all Chamber member businesses not located in Germantown.

Mr. Hernandez stated the Tree Board met on February 12, and there were no significant action items to bring forward to the Planning Commission, either for information or otherwise.

Alderman Owens stated at the BMA on April 8, three (3) ordinances that the Planning Commission had approved passed: there were three (3) readings on the Subdivision ordinances amendments. The Parkland Dedication and Tree Preservation Planting Mitigation Ordinances were approved for third and final reading. We also approved the contract for the Western Gateway Sewer System.

Mr. Bacon had nothing to report.

Chairman Harless stated the BZA meeting for the month of May has been cancelled. The quarterly IDB meeting scheduled in May will be held next week.

Mr. Marsh stated the Environmental Commission we did not meet in April; but we had a successful Amnesty Dumpster Day on April 27. Our next meeting is this Thursday, May 9.

Ms. Hicks stated the Bicycle and Pedestrian Safety Commission has not met since her last liaison report. It will meet this Wednesday, May 8.

Mayor Palazzolo had nothing to report.

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.

ADJOURNMENT: There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:10 p.m.