

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, March 2, 2010**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on March 2, 2010. Chairman Klevan welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman Klevan 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, Alderman John Drinnon, Mike Harless, David Klevan, Forrest Owens, Lisa Parker, Susan Burrow, Dike Bacon.

**Commissioner Absent:** None

**Staff Present:** Jerry Cook, Wade Morgan, Katie Graffam, and Pam Rush.

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

**1. Approval of Minutes for February 2, 2010**

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 February 2, 2010. If there were no additions, corrections or deletions to the minutes of the February 2, 2010, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Owens moved to approve the Planning Commission minutes of February 2, 2010, as submitted, seconded by Ms. Parker.

Chairman Klevan asked for a roll call.

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

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**2. Amendments to the Germantown Codes of Ordinances Regarding, 1) Section 23-2, Definitions, to Revise the Age Restriction for a Resident of a Congregate Care Facility, and 2) Section 23-352, Congregate Housing, to Revise the Parking Requirements of Congregate Housing within the R-H (Retirement Housing) Zoning District.**

**INTRODUCTION:**

Applicant Name: City of Germantown

Location: "R-H" Retirement Housing zoning district

Description of Request: Request Amendments to 1) Chapter 23- 2, Definitions, to Revise the Age Restriction for a Resident of a Congregate Care Facility, and to 2) Chapter 23- 352, Congregate Housing, to Revise the Parking Requirements of Congregate Housing

**BACKGROUND:**

Amendment #1 (Chapter 23-2, Definitions): The amendment request to remove the age restriction from the definition of a congregate care facility aligns the ordinance with an earlier ordinance amendment to remove the age restriction from the "R-H" (Retirement Housing) zoning district. Staff was advised by the City Attorney that a zoning district based on an age restriction was unconstitutional. The ordinance

amendment approved by the Board of Mayor and Aldermen on third and final reading at their December 10, 2007, meeting, omitted this definition amendment.

Amendment #2 (Chapter 23-352, Congregate Care Housing): The amendment request to change the parking requirements from two (2) parking spaces per unit to one (1) parking space per unit comes after the discovery that the requirement was inadvertently changed when an amendment was made to another section of the ordinance. This request for one (1) parking space per unit will be return the ordinance to its original form.

**DISCUSSION:** The following ordinance amendment is requested:  
(Text with a ~~strike through~~ is to be deleted and text **underlined, italicized, and bold** is to be added.)

### **Sec. 23-2. Definitions.**

*Congregate care facility* means a facility for long-term residence ~~exclusively by persons 55 years of age or older, and~~ which includes common dining and social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which might include meal services, transportation, housekeeping, linen and organized social activities.

### **Sec. 23-352. Congregate housing.**

Within the areas designated R-H, all congregate care facilities shall adhere to the following regulations:

- 7) *Parking requirements.* Off-street parking ~~spaces~~ shall be provided on the same tract as the ~~townhouse or multifamily units~~ **congregate care facility**, but not in the required perimeter front, side or rear yards at a minimum of ~~two spaces~~ **one space** per **congregate housing unit** ~~townhouse or multifamily unit.~~ **An additional space shall be provided for each employee or staff member on the largest shift of employment.**

### **Zoning & Annexation Review Subcommittee (Rick Bennett, Chairman):**

The subcommittee did not meet.

**PROPOSED MOTION:** To grant the request for ordinance amendments to 1) Chapter 23- 2, Definitions, to Revise the Age Restriction for a Resident of a Congregate Care Facility, and to 2) Chapter 23- 352, Congregate Housing, to Revise the Parking Requirements of Congregate Housing, subject to staff comments.

Mr. Harless moved to approve the request for ordinance amendments to 1) Chapter 23- 2, Definitions, to Revise the Age Restriction for a Resident of a Congregate Care Facility, and to 2) Chapter 23- 352, Congregate Housing, to Revise the Parking Requirements of Congregate Housing, subject to staff comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

3. Chairman Klevan asked if there was any old business or new business to come before the Commission.

Mr. Bennett stated he went to the Parks and Recreation Commission meeting where the Germantown Baseball League submitted a report of 760 children that have signed up for the recreation baseball. This is about 40 more children than they had last year. They are looking for fields and coaches.

Ms. Burrow stated the Economic Development Commission met about the Farmers Market. They would like to utilize the Smart Growth area and have different vendors with different sections on Poplar Avenue, so they could walk to shop.

Mr. Harless stated the Industrial Development Board met and discussed to modify the PILOT programs for Shelby County. The Industrial Development Board will meet once a year with all municipalities.

Chairman Klevan noted starting March 8, 2010, we will be going live with Video Streaming for the Design Review Commission, Planning Commission and the Board of Mayor and Alderman.

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

#### **ADJOURNMENT**

The meeting adjourned at 6:10 P.M.