

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, April 6, 2010**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on April 6, 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.

Commissioner Absent: Dike Bacon

Staff Present: Jerry Cook, Wade Morgan, Andy Pouncey, and Pam Rush.

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

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

Ms. Parker moved to approve the Planning Commission minutes of March 2, 2010, as submitted, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

2. Request amendment to the Final Plat of the Vinings Subdivision to revise the street right-of-way and to amend the manner in which the streets are converted from public to private

BACKGROUND: On July 6, 2004, the Planning Commission granted Preliminary Plat approval for The Vinings Subdivision. On August 3, 2004, the Planning Commission granted Final Plat approval of the subdivision. On October 11, 2004, the Board of Mayor and Aldermen approved Subdivision Development Contract No. 457 for The Vinings at Germantown. A request to convert the streets from public to private was initially presented to the Planning Commission at the April 3, 2007, meeting and was continued until the next scheduled meeting. The request to make the streets private was approved at the May 7, 2007, Planning Commission meeting.

DISCUSSION: The applicant proposes to amend the subdivision plat in the following manner:

- 1) Reduce the street right-of-way from 50 feet to 31 feet and place the sidewalk and grass strip within a 9.5 foot-wide pedestrian/utility easement behind the curb. The physical appearance of the streets will not change.
- 2) Preserve the Planning Commission's approval of the privatization of the subdivision's public streets but provide a mechanism to allow the streets to remain public until some point in the future when the homeowners' association desires to convert them to private streets.
- 3) Convert Lot 2 into Common Open Space and revise the lot line between lots 2A and 3.

The Technical Advisory Committee met on March 11, 2010 and had the following comments on the request:

A. GENERAL REQUIREMENTS

1. The conversion to private streets shall take place within 3 years of the date of Planning Commission approval of these revisions or when a minimum of 75 percent of the lots (46) have been sold by the builders and have houses completed, whichever occurs first. The Planning Commission may grant extensions at the request of the homeowners' association.

B. PRIOR TO RE-RECORDING OF THE FINAL SUBDIVISION PLAT

1. Provide a detail of the gate areas and the bollards. The gates shall be placed within easements.
2. The existing gates shall be permanently locked in the open position by means acceptable to the City of Germantown.
3. The existing call box shall be removed.
4. A note shall be added to the plat, which explains the reason for re-recording and the date of Planning Commission approval.

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

The subcommittee met on March 24, 2010 and withheld a recommendation due to the lack of a quorum.

PROPOSED MOTION: To amend the Final Plat of the Vinings Subdivision to revise the street right-of-way and to amend the manner in which the streets are converted from public to private, subject to staff comments.

Tim Mulrooney with Prime Development Group, Inc., 7520 Capital Drive, Suite 200, Germantown, TN 38138, stated he was the applicant and if anyone had any questions he would answer them.

Mr. Owens moved to amend the Final Plat of the Vinings Subdivision to revise the street right-of-way and to amend the manner in which the streets are converted from public to private, subject to staff comments, with a further requirement that the existing gates shall be permanently locked in the open position by means acceptable to the City of Germantown, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

3. Amendment to Articles VI (Stormwater Management and Pollution Control) and VIII (Stormwater User Fees) of the Zoning Regulations

BACKGROUND: The Stormwater Management and Pollution Control ordinance was adopted by the Board of Mayor and Aldermen in 2004, as ordinance 2004-17 (see attached). At that time, it was added to Chapter 23 (Zoning). The Stormwater Fee Ordinance (ordinance 2009-18), that will generate revenue for the enforcement of the stormwater management regulations, was adopted by the Board of Mayor and Aldermen on February 22, 2010 (see attached). Also, as part of the Stormwater Fee Ordinance, an Adjustment and Credit Manual was adopted which provided for the adjustment of the fee (credits).

DISCUSSION: At present, both the Stormwater Fee Ordinance and the Stormwater Management and Pollution Control regulations are within Chapter 23 (Zoning). However, stormwater user fees will be billed, collected and monitored in conjunction with each property owner's utility services bill for the subject property. In consideration of the passage of the stormwater user fee, and the connection between such fees and other utility services of the City, it is recommended that the City amend its Code of Ordinances to transfer all of the stormwater ordinances included in Chapter 23, Zoning, to Chapter 21, Utilities, of the City's Code of Ordinances. In order for that to occur, the Planning Commission must review and vote on the proposal to remove the regulations from the Zoning Regulations. By doing so, both the Stormwater Management and Pollution Control ordinance and the Stormwater Fee Ordinance can be implemented and managed by the Public Services Division, instead of two or more departments. (Note: the Stormwater Fee Ordinance and Manual was inadvertently approved by the BMA as part of the Zoning Ordinance, and not as part of the Utility Ordinance).

Copies of the Stormwater Management Regulations, Stormwater Fee Ordinance and Manual are attached.

Zoning and Annexation Subcommittee (Rick Bennett, Chairman):

The subcommittee met on March 24, 2010 and recommended approval of the amendment.

PROPOSED MOTION: To amend Chapter 23, Zoning, by deleting Article VI, (Stormwater Management and Pollution Control) and Article VIII (Stormwater User Fee Ordinance and Credit Manual) in their entirety and approve the ordinance as part of Chapter 21, Utilities, and re-number the code sections as appropriate.

Mr. Bennett moved to amend Chapter 23, Zoning, by deleting Article VI, (Stormwater Management and Pollution Control) and Article VIII (Stormwater User Fee Ordinance and Credit Manual) in their entirety and approve the ordinance as part of Chapter 21, Utilities, and re-number the code sections as appropriate, seconded by Ms. Parker.

Chairman Klevan asked for a roll call.

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

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

Ms. Parker noted the Neighborhood Preservation Commission is getting ready to showcase their Tour of Remodeled Homes and Landscapes. It will be on Sunday, April 25, 2010, from 2:00 p.m. - 5:00 p.m.

Mr. Cook noted the railroad is replacing the rails on the railroad crossing starting tomorrow beginning at Riverdale Road, with resurfacing up to the rail tracks. By the end of the week, the entire railroad crossing will be smoother.

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

ADJOURNMENT

The meeting adjourned at 6:15 P.M.