

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, May 4, 2010**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on May 4, 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, David Klevan, Forrest Owens, Lisa Parker, Susan Burrow.

**Commissioner Absent:** Dike Bacon, Mike Harless

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

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

**1. Approval of Minutes for April 6, 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 April 6, 2010. If there were no additions, corrections or deletions to the minutes of the April 6, 2010, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Burrow moved to approve the Planning Commission minutes of April 6, 2010, as submitted, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

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**2. Request Outline Plan Approval and Preliminary Site Plan Approval for the Dogwood Ridge Senior Living Facility Planned Unit Development**

**BACKGROUND:** The 7-acre site was annexed by the City on September 12, 1973. There have been two previous plans approved for the property in recent years. On June 2, 1998, the Planning Commission approved both the Preliminary and Final Plans for the original Dogwood Ridge Planned Unit Development (PUD), a 22-lot residential development on the entire 14-acre Barzizza tract. On January 3, 2006, the Planning Commission granted Final PUD approval for a revised development plan of 7 residential lots for the Dogwood Ridge PUD, also on the full 14-acre Barzizza tract. Neither development was constructed. The Planning Commission on July 7, 2009, recommended denial of a request by the applicant to rezone this 7-acre parcel to the R-H district. The Board of Mayor and Aldermen subsequently approved that request for rezoning on September 28, 2009.

**DISCUSSION:** The request has been filed as a Planned Unit Development (PUD) in order to address the site design issues created by the site's topography. The site's elevation changes substantially from south to north, with up to a 25 foot change in elevation. A retaining wall of approximately 17 feet (+/-) in height is proposed on the south property line, with parking space provided at its base. The standard R-H district regulations for Congregate Housing do not permit parking in that location, but their location at the base of the retaining wall will prevent the view of vehicles from abutting properties. The PUD will allow for an exception from those standard regulations.

The applicant proposes a 182 dwelling unit senior living facility on a 6.797-acre parcel. A letter from the developer included with the application describes the development as 130 independent living apartments and 52 assisted living units incorporated into an overall facility that will provide amenities including concierge services, multiple dining venues, activities rooms and health and fitness programs. Site details follow:

<b>SITE DATA</b>	
Site Area (after ROW dedication)	6.797 ac.
Gross Building Area	75,250 sq. ft.
Total Floor Area	232,900 sq. ft.
Dwelling Unit Count	130 Independent Living 52 Assisted Living
Parking Required	364 Spaces (current regulations) 181 Spaces (proposed regulations)
Provided Regular	176 Spaces
Provided Handicap	8 Spaces
Lot Coverage	25.4%
Pervious Surface	minimum of 35%
Impervious Surface	maximum of 65%

The applicant is requesting approval of both the Outline Plan and Preliminary Site Plan for the Dogwood Ridge PUD. The Outline Plan will be forwarded to the Board of Mayor and Aldermen for final approval. The applicant will file a Final Site Plan for a future Planning Commission meeting. Separate motions for the Outline Plan and the Preliminary Site Plan are provided.

The Technical Advisory Committee met on April 15, 2010 and had the following comments on the request:

**A. OUTLINE PLAN CONDITIONS**

1. Prior to approval of the Outline Plan by the Board of Mayor and Aldermen, the Outline Plan shall indicate the dedication of Poplar Avenue right-of-way for the full frontage of the Dogwood Ridge PUD and the remainder of the Barzizza tract. The remainder of the Barzizza tract will be indicated as being outside the boundary of the PUD.
2. Permitted Uses:
  - a. Congregate Care Living Facilities.
  - b. Assisted Care Living Facilities (use on appeal was granted October 2009).
  - c. Accessory Uses customarily incidental to the permitted uses.
3. Bulk Regulations - as regulated per Division II, Section 23-352, Congregate Housing except as modified as follows:
  - a. Yard Regulations
    - i. Front Yard. As per Section 23-352(5)a.: There shall be a required front yard having a depth of not less than 40 feet as measured between the front property line and any portion of a building, including porches and patios. There shall be a 60-foot required front yard on lots that provide parking within the required front yard, as measured between the front property line and any portion of a building, including porches and patios.
    - ii. Side Yard. There shall be a required perimeter side yard having a depth of not less than 50 feet each between the side property line and any portion of a building, including

porches and patios. This yard allows for the encroachment of drive lanes, parking areas, and service areas.

- iii. Rear Yard. There shall be a required perimeter rear yard having a depth of not less than 50 feet as measured between the rear lot line and any portion of a building, including porches and patios. This yard allows the encroachment of drive lanes, parking areas, service areas and accessory uses including carports.
4. Accessory Structures - Shall be regulated as per Division II, Section 23-352,(8), Congregate Housing, except as modified herein;
  - a. Accessory structures associated with congregate care facilities shall not exceed 20 feet in height and shall not be nearer than 25 feet from the rear property line, nor be closer to the side property line than a distance equal to the height of the structure and no closer than 5 feet to any recorded Easement.
  - b. A recreational center building having a floor area equal to or greater than the average dwelling unit in the development may be 35 feet in height.
5. *An access easement to the remainder of the Barzizza property shall be provided.*

**B. PRIOR TO FINAL SITE PLAN APPROVAL**

1. Off-site detention is proposed. The plan shall indicate those areas as private drainage easements.
2. A separate plat shall be provided that indicates Poplar Ave. right-of-way dedication and all easements.
3. A permanent ingress/egress easement for the shared access area shall be indicated on the plat, and a letter from the landowner agreeing to the easement shall be provided.
4. TAC recommends the applicant use native plants in the landscape plan.
5. All wells and septic tanks that are to be closed shall be noted as being closed in conformance with Health Dept. regulations and shall notify the Department of Economic and Community Development of the closure.
6. The western detention pond abuts the Poplar ROW. Approval from the Tennessee Dept. of Transportation (TDOT) for that pond shall be provided.
7. TDOT approval of driveways, easements and utilities near the Poplar ROW shall be provided.
8. TAC questions the adequacy of a single inlet handling drainage from the eastern drive.
9. An Erosion Control Plan shall be provided.
10. Pre and post development drainage data shall be provided, including downstream capacities, data on the flows going under Poplar Ave. and condition assessments of the outfall pipes.
11. The design details of the retaining wall shall be provided. A structural engineer shall stamp the plans.

12. Some trees are on or very near the property line. The retaining wall plans shall indicate how the wall will be excavated and shall indicate the methods to be used to protect those trees and their roots that are noted as being retained.
13. The Grading and Drainage Plan shall include contours on adjacent properties within 100 feet of the property line and the location of the existing structures and driveway on the Long property.
14. Provide the appendix from the traffic impact study.
15. Only 4 of the many trees on site are being retained. The landscape plan should emphasize the planting of new trees, if additional trees cannot be retained.

**C. PRIOR TO PROJECT DEVELOPMENT CONTRACT APPROVAL**

1. *Germantown has provided TDOT with an engineering study of the drain pipes under Poplar Avenue, and has requested TDOT repair them. A schedule for their repair and/or replacement shall be provided prior to development contract approval.*

**D. PRIOR TO CONSTRUCTION AND RIGHT-OF-WAY PLAN APPROVAL**

1. Design of the full length of the Poplar Ave. dedication shall be provided, including approval from TDOT. Improvement shall be limited to the Dogwood Ridge development.
2. The plan shall indicate an asphalt sidewalk from the west end of the development, across the Darr property to an extension of the centerline of Kimbrough Rd., within the Poplar Ave. ROW, to connect with the standard sidewalk at Dogwood Ridge.
3. Indicate on the Utility Plan a water meter bypass so as to provide a water supply even when the primary meter is inoperable.
4. Complete and file an NPDES and SWPP.
5. Move the water main out of the 5-foot utility easement. Show all existing fire hydrants and show the Fire Department Connection location.
6. Relocate the Fire Department Connection and the Post Indicator Valve to the North Yard on the address side of the building.
7. The fire hydrants should be on a "looped" feed system to prevent creating a "dead end" fire hydrant.
8. Specify the turning radii for each 45 and/or 90-degree turns.
9. A demolition plan shall be provided for the removal of any existing structures.
10. Correct titles of "Poplar Avenue" sheets to "Poplar Avenue Improvements" and change all references from "Memphis Shelby County Subdivision Regulations" to "Germantown Subdivision Regulations".

*11. Repair and/or replacement of the drainpipes under Poplar Avenue shall be funded.*

**E. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY**

**1. *Repair and/or replacement of the drainpipes under Poplar shall be completed prior to issuance of any Certificate of Occupancy.***

**F. GENERAL REQUIREMENTS CONTAINED IN CITY ORDINANCES OR THE PROJECT/SUBDIVISION DEVELOPMENT CONTRACT:**

1. An approved water supply and driving surface consisting of a single layer of asphalt is required prior to bringing combustibles on site.
2. All survey data on the Final Site Plan shall be tied to Tennessee State Plane Coordinates, and the City of Germantown monument survey control. The Final Site Plan, Construction Plan drawings and “as built” plans shall be submitted on electronic media in DXF format. Concrete monuments shall be placed at all corners of the property.
3. 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.

4. The applicant/developer, during the construction phases of the project, shall:
  - (a) Keep all streets clear and free of dirt and debris;
  - (b) Ensure that all construction activity begins no earlier than 7:00 a.m. and ends no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays or Federal holidays; and, Provide the Department of Economic and 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.

**STAFF RECOMMENDATION:** Approval of both outline plan and preliminary site plan.

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

The subcommittee met on April 21, 2010 and withheld a recommendation.

Mr. Mark Maberry with Formation Development Group, LLC, 1075-A Powers Place, Alpharetta, GA 30004, stated we have been committed to the site and the City all along, from the initial meetings to the hearing for the Planned Unit Development (PUD).

We are pleased to submit this Planned Unit Development (PUD) application for our Dogwood Ridge senior living project on the Barzizza Property. This is a single-phase development.

Formation Development Group is very excited to introduce this high quality senior living project to seniors and their families in Germantown. We are confident we can provide Germantown's senior community with a new alternative that will provide for a high quality of life without the stress of managing a larger than needed residence. We also feel that this proposed development addresses neighborhood quality and will have a positive impact on the stability of this area. We strongly maintain that the mixture of senior products offered within this project creates a neighborhood for multi-generational lifestyles and activities that will complement the surrounding neighbors and existing land uses.

The property consists of 7+/- acres with Poplar Avenue frontage. The property is located south of Poplar Avenue, east of the Kimbrough Road intersection, and is bound to the west by Our Lady of Perpetual Help Catholic Church and school campus and one single-family residence; to the north by St. George's Independent School campus and to the east and south by single-family residences. The development of this property will create a senior living neighborhood with a campus atmosphere in keeping with the existing church and school campuses to the west and north. Much attention is being placed on architectural character and the creation of a "sense of place." The overall layout has been designed to minimize any negative impacts to adjacent properties and protect sight lines from the residents of Dogwood Creek Subdivision to the south.

This PUD submittal includes 130 independent living apartments and 52 assisted living units. These units will be incorporated into an overall facility that will provide a range of services including, but not limited to, concierge services, transportation, activities, maintenance, housekeeping and personal care. The amenity-rich building will include multiple dining venues (fine dining, casual café and club room) along with activity rooms such as a theater, club room, art studio and wellness center. Health, fitness and wellness programs will be major focus. Wellness programming will utilize the fitness center, a wellness and therapy center, a spa with massage therapy and an easy-entry pool.

The public need for the proposed development is high and will grow in the future as Germantown continues to age. Formation Development Group has studied and worked on this site for approximately two years and is confident the public need is there. We have rarely found such a compelling mix of strong demographics and limited senior living supply in our many years in the senior living industry. This PUD submittal will allow us to provide a very successful senior neighborhood to meet the need. This submittal is an important element in making a complete neighborhood with housing options for a range of ages and requirements.

Importantly, this project will produce very low impact to the local community. At the same time, it will contribute to the city's tax base while providing a new quality option for Germantown's seniors and their families.

As allowed under section 23-567 (b)(2) of the PUD regulations, we are seeking exceptions from two of the district bulk requirements:

- Allow parking within the side and rear yards – such parking will be well-screened from view by retaining walls and landscaping, and the required landscape buffers are being provided.
- Allow accessory structures (in this case, carports for resident parking) in the rear yard to be within 25' of the rear property line instead of the 30' required – these carports will be hidden from view by the rear retaining wall.

Such exceptions are consistent with the criteria of section 23-567, and will not cause any burden or negative impact upon the surrounding properties or the city of Germantown.

Formation Development Group has extensive experience in the development, operation and ownership of senior living communities such as this. We are confident that we can be successful in this location. Formation Development Group is highly committed to making this senior living neighborhood an integral part of the growth and quality of life of Germantown.

Debra Daws with Dalhoff Thomas Daws Consultants, 6625 Lenox Park Drive, Memphis, TN, stated she had some concerns about some of the suggestions including the rails for the septic tanks. We want to leave one well open for irrigation purposes. Secondly, there is a request for an asphalt sidewalk from the west end of the development, across the Darr property and we have researched this and there is not enough room within that right of way to put that sidewalk in without going on private property. Therefore, we are not going to be able to provide a sidewalk across that property. It would be our vision to have the sidewalk, but we are limited.

Mr. Cook stated all wells and septic tanks that are to be closed shall be noted as being closed in conformance with Health Dept. regulations and shall notify the Department of Economic and Community Development of the closure. As for the asphalt sidewalk from the west end of the development, across the Darr property to an extension of the centerline of Kimbrough Rd., within the Poplar Ave. ROW, to connect with the standard sidewalk at Dogwood Ridge.

Mr. Mark Maberry with Formation Development Group, LLC, 1075-A Powers Place, Alpharetta, GA 30004, stated he wanted to talk about the repair and/or replacement of the existing drain pipes/ditches under Poplar Avenue. They are a challenge. We do not want this to hold up our occupancy of the building.

Mr. Cook stated Germantown has provided TDOT with an engineering study of the drainpipes under Poplar Avenue, and has requested TDOT repair them. A schedule for their repair and/or replacement shall be provided prior to development contract approval (Repair and/or replacement of the drainpipes under Poplar Avenue shall be funded).

Alderman Drinnon asked if they would have to come before the Planning Commission when it is decided who would pay for the drainpipes.

Mr. Cook stated what we are recommending to the Planning Commission is that the improvement of the drainpipes under Poplar Avenue be part of this development. At the time of Final Site Plan approval, the required improvements to the drainpipes will be addressed. The issue of who pays for the repairs will have to be decided later.

**PROPOSED MOTION 1:** To recommend approval of the Outline Plan of the Dogwood Ridge PUD, including the outline plan conditions.

Mr. Owens moved to recommend approval of the Outline Plan of the Dogwood Ridge PUD, including the outline plan conditions, subject to staff comments, seconded by Ms. Parker.

Chairman Klevan asked for a roll call.

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

**PROPOSED MOTION 2:** To approve the Preliminary Site Plan for the Dogwood Ridge PUD, subject to staff comments.

Mr. Owens moved to approve the Preliminary Site Plan for the Dogwood Ridge PUD, 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 – absent; Harless – absent; Owens - yes; Klevan – yes. **The motion passed.**

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

Ms. Burrow noted this Saturday the Farmers Market would be open at Germantown Hardware from 7:00-12:00.

4. Chairman Klevan asked if there were any liaison reports.

Mr. Bennett noted the Parks and Recreation would be using the Ocean View Property for outdoor functions such as seating for the amphitheatre.

## **ADJOURNMENT**

The meeting adjourned at 6:45 P.M.