

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, August 3, 2010**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on August 3, 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:

**Commissioners Present:** Rick Bennett, Alderman John Drinnon, David Klevan, Lisa Parker, Susan Burrow, Dike Bacon, Mike Harless.

**Commissioners Absent:** Forrest Owens

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

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

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

Mr. Bennett moved to approve the Planning Commission minutes of July 6, 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 – yes; Harless –yes; Owens - absent; Klevan – yes. **The motion was passed**

---

**2. Request Final 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, but 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. On May 4, 2010, the Planning Commission approved the outline plan and the preliminary site plan for the current project. The Board of Mayor and Aldermen approved the outline plan on June 14, 2010.

**DISCUSSION:** The project is being developed 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 allows for an exception from those standard regulations. The Outline Plan and Preliminary Plan approval by the Planning Commission permits parking in this location.

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.
Building Footprint Area	69,021 sq. ft.
Total Floor Area	219,524 sq. ft.
Dwelling Unit Count	130 Independent Living 52 Assisted Living
Parking Required	181 Spaces
Provided (Regular)	173 Spaces
Provided (Handicap)	8 Spaces
Lot Coverage	24.6%
Pervious Surface	minimum of 35%
Impervious Surface	maximum of 65%

**A. PRIOR TO DEVELOPMENT CONTRACT APPROVAL**

1. Easements from John and Eugene Barzizza for all off-site work shall be provided.
2. DRC approval of the architectural and landscaping plans is required.

**B. PRIOR TO CONSTRUCTION PLAN APPROVAL**

1. Design of the full length of the Poplar Avenue dedication area shall be provided. Full-width improvement shall be limited to the Dogwood Ridge development. A transition will be required eastward onto the Barzizza property to accommodate safe right turn movements out of the development. The existing drainage swale adjacent to the edge of pavement will have to be addressed.
2. Provide the dimensions of the right-in/out median. It shall be designed to deter left turns and be distinctly visible.
3. Identify all heavy-duty pavement sections.
4. TDOT approval of driveways, easements and utilities near the Poplar ROW shall be provided
5. The western detention pond abuts the Poplar ROW. Approval from the Tennessee Dept. of Transportation (TDOT) for that pond shall be provided.
6. Provide an internal driveway striping plan.
7. Indicate on the Utility Plan a water meter bypass to provide a water supply even when the primary meter is inoperable.
8. Provide isolation valves at the property line for all water connections. These will be the public/private dividing line.

9. Show where the grease interceptor effluent discharges.
10. The sanitary sewer line under the ditch at the Poplar-Scruggs intersection shall be armored to accommodate the eventual extension of the ditch. Temporary construction easements may be needed.
11. Complete and file an NPDES and SWPP.
12. Move the water main out of the 5-foot utility easement. Show all existing fire hydrants and show the Fire Department Connection location.
13. Relocate the Fire Department Connection and the Post Indicator Valve to the North Yard on the address side of the building.
14. The fire hydrants should be on a “looped” feed system to prevent creating a “dead end” fire hydrant.
15. A demolition plan shall be provided for the removal of any existing structures.
16. 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.
17. Indicate on the Poplar Ave. construction plans the placement of barricades where the widening of Poplar ends, per the MUTCD.
18. Provide a detail of the typical handicap parking space.
19. Provide a concrete pad around the 8-inch water line tap along the west property line.
20. Provide a note on the plans that the 6-inch water main along the east property line will be a wet tap.
21. Provide the City a copy of the geo-tech report.
22. Provide a current flow test(s) for the fire hydrant(s).
23. TAC recommends the applicant use native plants in the landscape plan.
24. TAC questions the proposal for a concrete swale at the top of the retaining wall due to the likelihood of settling of the fill material and other concerns. TAC recommends that other measures be investigated.
25. All wells and septic tanks that are to be closed shall be noted as being closed in conformance with Health Dept. regulations. Wells that are to remain shall be so noted on the plan. The note shall indicate that the wells are to be used for irrigation purposes only and shall be periodically evaluated as per Health Dept. regulations. The City of Germantown Public Services Department shall be provided a copy of the evaluation.
26. All NPDES and SWPP measures shall be indicated on the Erosion Control Plan.

27. Any retaining wall greater than thirty (30) inches in height requires safety rails. At the discretion of the City Engineer, retaining walls greater than ten (10) feet in height may require terracing. The design details of the retaining wall shall be provided and stamped by a qualified engineer licensed in the State of Tennessee.

**C. 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. There shall be no collection of garbage from the dumpsters between 7:00 pm and 7:00 am.
4. 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.

5. 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 the final site plan

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

The subcommittee met on July 21, 2010 and withheld its recommendation.

**PROPOSED MOTION:** To recommend approval of the Final Site Plan of the Dogwood Ridge PUD, subject to the comments listed above.

Mr. Harless asked if the entrance was a right in and a right out?

Mr. Morgan stated no the western is right in and right out, and the eastern is two-way.

Chairman Klevan noted that most of our comments in the executive session were due to the retaining wall.

Harvey Marcom with the Reaves Firm, 5118 Park Avenue, stated the items that were on the subcommittee meeting have been resolved to the staff's satisfaction. I would like to commend the staff for their diligence for returning phone calls and emails.

Mark Maberry with the Formation Development Group, LLC, 1075-A Powers Place, Alpharetta, GA, stated we have worked through the issues pertaining to the retaining wall with the staff over the last couple of weeks. We do understand the new language of the retaining wall, condition number 27, and we are comfortable with that.

Mr. Bennett asked about the drive around the building being too tight for the Germantown fire truck to navigate?

Mr. Marcom noted that his firm checked the turn radius for the standard Germantown fire truck.

Mr. Harless stated first of all, this is a great project. We have had some problems in the pass with retaining walls. We want to make sure that you do not have any problems with this retaining wall. Therefore, our concern was to make sure it could support the upper terracing on the higher 13 to 15 feet, so, the second terrace would be strong enough to support the wall and prevent it from pushing out on the face of the primary wall.

Mr. Andy Pouncey asked if there is a failure of the wall, what kind of guarantee is there?

Mr. Maberry stated we have had this conversation before, and we appreciate that. We have the background on the retaining walls in the City. There are some walls in my City that look like they were on the verge of collapsing. He thinks it is an engineering construction issue. We made agreements with St. George's Church and Monsignor Creary for enough screening at the top of the retaining wall with the safety rail.

Mr. Marcom stated one of the unique points about all the walls are they are cut into the natural earth, rather than fill situation.

Mr. Greg Bartlett stated 3 feet high... (tape inaudible)

Mr. Harless asked how do we make sure that we do not get a big tree with a big root ball sitting upon this terrace that could undermine it?

Mr. Pouncey asked who is the landscape architect on this project?

Debra Daws answered she would be.

Mr. Pouncey stated she would have to insure that she knows where the boundary is, and know her choice of plant material. Will there be supervision on the installation with the plant material?

Ms. Daws answered yes.

Chairman Klevan commented he appreciates your concern for our concerns. It goes both ways. I think you understand what we are trying to help you avoid, for the integrity of the project.

We feel confident with everyone involved. I know it will come about and I am comfortable with the language that was amended on number 27.

27. Any retaining wall greater than thirty (30) inches in height requires safety rails. At the discretion of the City Engineer, retaining walls greater than ten (10) feet in height may require terracing. The design details of the retaining wall shall be provided and stamped by a qualified engineer licensed in the State of Tennessee.

Mr. Bennett moved to recommend approval of the Final Site Plan of the Dogwood Ridge PUD, subject to the comments listed above, and the site plan filed with this application, seconded by Ms. Parker.

Chairman Klevan asked for a roll call.

**Roll Call:** Bennett – yes; Burrow – yes; Drinnon – yes; Parker – yes; Bacon – yes; Harless –yes; Owens - absent; 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 noted that Parks and Recreation are about finished with the new Riverdale Park Playground, just in time for the new school year.**
4. Chairman Klevan asked if there were any liaison reports. **There was none.**

#### **ADJOURNMENT**

The meeting adjourned at 6:25 P.M.