

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, March 1, 2011**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on March 1, 2011. 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: Jon Still, Susan Burrow, Alderman John Drinnon, Mike Harless, David Klevan, Forrest Owens, Lisa Parker, Dike Bacon.

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

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

1. Approval of Minutes for January 4, 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 January 4, 2011. If there were no additions, corrections or deletions to the minutes of the January 4, 2011, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Harless moved to approve the Planning Commission minutes of January 4, 2011, as submitted, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

2. Request Preliminary Approval of the Conversion from Private to Public of the Streets and Infrastructure within the Devonshire Gardens PUD

BACKGROUND: The Devonshire Gardens Planned Unit Development (Phases I and II) consists of 129 lots for single-family dwellings on 71.2 acres. It was approved by the Board of Mayor and Aldermen as Subdivision Development Contract 415 on February 8, 1999.

The Residential Street and Infrastructure Conversion Policy was approved by the Planning Commission on September 7, 2010, and by the Board of Mayor and Aldermen on September 27, 2010. The approved policy is included with this packet.

DISCUSSION: The Devonshire Gardens Homeowners Association (HOA) is requesting preliminary approval from the Planning Commission of the conversion of their private streets, curbs, water system and sanitary sewers to public streets and infrastructure. Section II (A) of the Policy describes the process and criteria in more detail. The Policy provides for a multi-step approval process, with preliminary planning commission approval as the first step. The HOA has submitted a letter and plat of the PUD (attached) as required by the Policy. If preliminary approval is granted, the HOA may then compile the more detailed information needed for Final Planning Commission approval. Approval from the Board of Mayor and Aldermen of the request for conversion of the streets is also necessary as a final step, as is a contract between the City and the HOA. The contract will describe the detailed repairs and other events that must occur prior to the City's acceptance of the streets.

The preliminary approval application calls only for a map of the subdivision/PUD and an analysis of the expected maintenance cost to the City during the next ten years. The HOA has submitted the information required for preliminary approval of their request.

The Technical Advisory Committee met on February 10, 2011 and had the following comments on the request:

A. PRIOR TO PRELIMINARY PLANNING COMMISSION APPROVAL

- 1. The City and the Devonshire Gardens HOA are working on an agreement whereby the City will repair parts of Devonshire Way. That agreement is separate from this application for private to public conversion and does not preclude the Devonshire HOA from pursuing further approval.**
2. Devonshire Gardens has a connection to William Brown Drive, a public street within the Bedford Plantation subdivision.
3. The HOA will maintain ownership of the streetlights, street signs, Common Open Space and the decorative concrete/sod/landscape areas within the traffic circles.

B. PRIOR TO FINAL PLANNING COMMISSION APPROVAL

1. TAC recommends that a public access way and easement be provided from Devonshire Cove to Johnson Road Park. There are existing drainage and water easements that could perform that function.
2. The HOA must submit the documentation required for final planning commission approval, including a diagnostic review of the infrastructure and an implementation plan for infrastructure improvements, as described in the Street and Infrastructure Conversion Policy.

STAFF RECOMMENDATION: The application meets the requirements for preliminary approval of private to public conversion of streets and infrastructure.

SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE REPORT: (Forrest Owens, chairman) - The subcommittee met on February 16, 2011 and withheld a recommendation on the request.

Mr. Harvey Marcom with the Reaves Firm 5880 Ridge Bend Road, Memphis, TN 38120 is the representative for the Devonshire Gardens PUD HOA. We do agree with Mr. Morgan statement, but wanted the storm drainage added.

Mr. Harless asked Mr. Morgan to summarize the steps.

Mr. Morgan answered Devonshire Gardens HOA is requesting conversion of their private streets, curbs, water system and sanitary sewers to public streets and infrastructure. Section II (A) of the Policy describes the process and criteria in more detail. The Policy provides for a multi-step approval process, with preliminary planning commission approval as the first step. The HOA has submitted a letter and plat of the PUD (attached) as required by the Policy. If preliminary approval is granted, the HOA may then compile the more detailed information needed for Final Planning Commission approval. Approval from the Board of Mayor and Aldermen of the request for conversion of the streets is also necessary as a final step, as is a contract between the City and the HOA. The contract will describe the detailed repairs and other events that must occur prior to the City's acceptance of the streets.

The preliminary approval application calls only for a map of the subdivision/PUD and an analysis of the expected maintenance cost to the City during the next ten years. The HOA has submitted the information required for preliminary approval of their request.

Mr. Bacon asked if the diagnostic review is being done by the Reaves Firm for the Devonshire neighborhood?

Mr. Morgan answered that is correct.

Mr. Owens asked what the vote was from the HOA?

Mr. Marcom stated no, they said they had the required vote to proceed.

PROPOSED MOTION: To grant preliminary approval of the conversion from private to public of the streets and infrastructure within the Devonshire Gardens PUD.

Alderman Drinnon moved to grant preliminary approval of the conversion from private to public of the streets and infrastructure within the Devonshire Gardens PUD, seconded by Mr. Owens.

Chairman Klevan asked for a roll call.

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

3. Request Preliminary Approval of the Conversion from Private to Public of the Streets and Infrastructure within the Poplar Grove PUD

BACKGROUND: Poplar Grove PUD is a Planned Unit Development consisting of 60 lots for single-family detached dwellings on a 15 acre, “R-H” zoned tract. It was approved by the Board of Mayor and Aldermen as Subdivision Development Contract number 429 on January 14, 2002. The streets were designed as private streets from the initial planning stage and were approved as private streets. The street system does not connect to any streets outside the PUD.

The Residential Street and Infrastructure Conversion Policy was approved by the Planning Commission on September 7, 2010, and by the Board of Mayor and Aldermen on September 27, 2010. The approved policy is included with this packet.

DISCUSSION: The Poplar Grove Homeowners Association (HOA) is requesting preliminary approval from the Planning Commission of the conversion of their private streets, curbs and sanitary sewers to public streets and infrastructure. The HOA will maintain ownership of the streetlights and street signs. The preliminary approval application calls only for a map of the subdivision/PUD and an analysis of the expected maintenance cost to the City during the next ten years. The HOA has submitted the information required for preliminary approval of their request.

Section II (A) of the Policy describes the process and criteria in more detail. The Policy provides for a multi-step approval process, with preliminary planning commission approval as the first step. The HOA has submitted a letter and plat of the PUD (attached) as required by the Policy. If preliminary approval is granted, the HOA may then compile the more detailed information needed for Final Planning Commission approval. Approval from the Board of Mayor and Aldermen of the request for conversion of the streets is also necessary as a final step, as is a contract between the City and the HOA. The contract

will describe the detailed repairs and other events that must occur prior to the City's acceptance of the streets.

The Technical Advisory Committee met on February 10, 2011 and had the following comments on the request:

C. PRIOR TO PRELIMINARY PLANNING COMMISSION APPROVAL

4. The letter supporting the private to public conversion states the City would incur no maintenance cost over the course of the next ten years. TAC concluded that is not a reasonable expectation, as some street repairs have already been made, and it is likely that additional maintenance will be needed during that period.
5. Guest parking spaces, Common Open Space, storm drain system, streetlights and street signs will remain private.
6. The Poplar Grove street network does not connect to any streets outside the development.

D. PRIOR TO FINAL PLANNING COMMISSION APPROVAL

4. The HOA must submit the documentation required for final planning commission approval, including a diagnostic review of the infrastructure and an implementation plan for infrastructure improvements, as described in the Street and Infrastructure Conversion Policy.

STAFF RECOMMENDATION: The application meets the requirements for preliminary approval of private to public conversion of streets and infrastructure.

Mr. Harless asked Mr. Morgan if the City would pay for the storm drain system.

Mr. Morgan answered yes.

Mr. Gwaltney stated the stormwater detention facility would remain the responsibility of the HOA. The City would take over the piping that carries the water to the detention pond.

Mr. Jerry Heimlicher is the representative for the Poplar Grove HOA. He stated we have no through streets and we wish to maintain ownership of our streets lights and street signs. It should also be noted, as the construction documents depict, the streets and infrastructure within the Poplar Grove P.U.D. were constructed to city standards and approved by the city inspectors. Our streets are relatively new (the final topping was applied about six years ago) and not subject to heavy load other than weekly garbage trucks and an occasional moving van. For the most part the traffic is limited to residents, their guests, and a minimum of service vehicles. It is therefore our conclusion that the City would incur no maintenance cost over the course of the next ten years.

We had 100% of the HOA vote to proceed. We have had two repairs in the six years; one was to determine if it was a leak, and the other one was due to settling.

Mr. Harless noted it was great that they had 100% vote from the HOA.

Ms. Burrow noted she was glad they were going to make the streets public and not make it a private gated community.

Mr. Bacon agreed with Ms. Burrow.

SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE REPORT: (Forrest Owens, chairman) - The subcommittee met on February 16, 2011 and withheld a recommendation on the request.

PROPOSED MOTION: To grant preliminary approval of the conversion from private to public of the streets and infrastructure within the Poplar Grove PUD.

Ms. Burrow moved to grant preliminary approval of the conversion from private to public of the streets and infrastructure within the Poplar Grove PUD, seconded by Ms. Parker.

Chairman Klevan asked for a roll call.

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

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5. Consent Agenda **There was none.**
 6. Chairman Klevan asked if there was any old business to come before the Commission. **There was none.**
 7. Chairman Klevan asked if there was any new business to come before the Commission. **Ms. Burrow noted the Economic Development Commission will conduct a Business Survey for all the business in Germantown to fine out how the City may assist them.**
 8. Chairman Klevan asked if there were any liaison reports. **There was none.**
 9. **ADJOURNMENT** - The meeting adjourned at 6:30 p.m.