

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

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

Commissioners Present: Jon Still, David Klevan, Alderman John Drinnon, Mike Harless, Forrest Owens, Susan Burrow and Lisa Parker.

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

Commissioners Absent: Dike Bacon

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

1. Approval of Minutes for July 5, 2011

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 5, 2011. If there were no additions, corrections or deletions to the minutes of the July 5, 2011, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Owens moved to approve the Planning Commission minutes of July 5, 2011, as submitted, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

2. Consent Agenda There was none.

3. Request Preliminary and Final Plan Approval for Elysium Planned Unit Development, Phases 1 and 2, a Residential Development Located on the North Side of Poplar Ave., opposite Ashmont Drive

INTRODUCTION: This is a request for preliminary and final approval of both phases 1 and 2 of a PUD containing 47 lots for single-family detached dwellings. The PUD will provide a Common Open Area with recreational amenities along the stream that divides the two phases of the PUD.

BACKGROUND: The subject property is zoned "R" Residential Low Density and is surrounded by the "R" Zoning District to the north, south, and west; and by the "R-E" Residential Estate District and by the "RE-1" Residential Estate District to the east. It was formerly approved in March 2005 as the Hidden Hills subdivision. That subdivision contained 27 lots, ranging in area from 23,224 square feet (0.53

acres) to 103,107 square feet (2.37 acres). Two public streets were to provide access. The Elysium PUD outline plan was approved by the Planning Commission on May 4, 2011 and by the Board of Mayor and Aldermen on June 27, 2011.

DISCUSSION: Elysium PUD is intended to provide a range of lot sizes, from 4,800 square feet to over 1 acre. A stream and common open area will separate the smaller and larger lot areas. The one-acre and larger lots will be accessible by a gated private drive that connects to On-the-Hill Drive. The smaller lots will be accessible by a gated private drive that connects to Poplar Avenue the two drives will not be connected. Approximately 8.26 acres of common open space will be provided for the use of residents.

The applicant submitted revised plans to address the comments from the Technical Advisory Committee. The plans address the following items:

1. Guest parking – 16 off-street parallel spaces, 70 on-street parallel spaces and 87 in-lot spaces are provided, for a total of 173 guest parking spaces in phase 2.
2. Streetlights are to be installed on each lot at the time of house construction. This is the practice followed in the Pinnacle and Radford PUD's.
3. A detail of the gated entrance to phase 2 has been provided.

SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE REPORT (Forrest Owens, CHAIRMAN): the Subdivision and Site Plan Subcommittee met on October 19, 2011 and withheld a recommendation.

STAFF RECOMMENDATION: Approval, subject to the following comments:

A. THE FOLLOWING INFORMATION SHALL BE PROVIDED AS PART OF CONSTRUCTION PLAN APPROVAL

1. The locations of MLGW transformer easements shall be provided.
2. Street lighting within the development is private and will be installed with the construction of each dwelling. All maintenance, repair and replacement of fixtures, poles or light bulbs are the responsibility of the homeowners' association. If all streetlights are not installed by the end of the warranty period, the developer shall install the remainder or post a bond or other security, whichever is acceptable to the City, to insure the completion of the street light installation. A note to this effect shall be placed on the final plat(s).
3. Water lines and sanitary sewers shall be public. Add easements as needed.
4. The water supply for fire hydrants shall be designed so that there are no "dead end" feeds. The water supply for fire hydrants shall be "looped".
5. The interior water main loop shall be a minimum of 8 inches and should tie into the system in a second location. An isolation valve on the main near lot 47 shall be provided to isolate the ditch crossing.
6. A grading permit for each phase 1 lot shall be provided and approved prior to issuance of a foundation permit. The phase 1 final plan shall include a note to that effect.

7. Entrance gates shall be designed to meet the City of Germantown gate standards. The minimum width of the opening of any gate shall not be less than 20 feet, (IFC 2006). An acceptable detail of the gate area shall be provided. The plans shall indicate the method of gate operation.
8. Provide 8 inch, class 350 ductile iron water lines.
9. Utilize a maximum slope of 10 percent, a minimum K value of 10 for vertical curves (except at the entrance gate) and a minimum 75 ft. centerline radii in the roadway design.
10. Concrete bands shall be provided at the edge of pavement of the phase 1 private drive.
11. A CLOMR (Conditional Letter of Map Revision) is required for grading within the flood plain, and shall be provided prior to construction plan approval.
12. All sanitary sewer lines shall be videotaped as part of final inspection.
13. Temporary construction easements shall be provided for any work beyond the property boundaries.

Dean Thomas of DT Design, 5465 North Quall Hollow, #401 stated he was available to answer questions.

Joe Gilmore of 2720 Calkins asked about lot sizes and house sizes.

Terry Johnson of 8915 Foust Glade Cove asked about house sizes.

Mr. Thomas stated that home sizes would be in the 3000-3500 square foot range.

Mr. Harless commented that the development minimizes tree loss and uses the natural surroundings.

PROPOSED MOTION: To approve the Preliminary and Final Plans of the Elysium Planned Unit Development, Phases 1 and 2, subject to staff comments.

Mr. Owens moved to approve the Preliminary and Final Plans of the Elysium Planned Unit Development, Phases 1 and 2, subject to staff comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

4. Request Preliminary and Final Site Plan Approval of Lot 3- Walgreens at Saddle Creek PUD

INTRODUCTION Lee Davidson, PE, with The Reaves Firm, requests preliminary and final site plan approval of a 7,500 sq. ft. office building on a 1.226-acre lot. The lot is currently zoned T-5, Urban Center District.

BACKGROUND: The lot was created with the approval of the Walgreens at Saddle Creek PUD on November 8, 2004, when the Board of Mayor and Aldermen approved Subdivision Contract No. 459 for the Walgreen's at Saddle Creek PUD. Also, on November 8, 2004, the Board of Mayor and Aldermen approved Development Contract No. 1113 for the development of Walgreen's on Lot 2 of the PUD. The office/retail building on Lot 1 was approved by the Planning Commission on July 12, 2005. When the Walgreens building was constructed, all improvements needed for this lot were constructed – parking,

drives, sanitary sewer, water, storm drains and detention facilities. The PUD also established the allowed use and building envelope for the lot.

DISCUSSION: The applicant is proposing to develop an office building on Lot 3 of the Walgreen's at Saddle Creek PUD, a 1.23-acre parcel. Access to the site will be via shared access drives off of West Farmington Boulevard and Germantown Road. The site data for the proposed development is as follows:

Site Area:	1.226 acres
Total Required Parking:	38 spaces
Total Proposed Parking:	4 spaces
Handicap Accessible:	4 spaces
Regular:	70 spaces
Building Area:	7500 square feet
Building Height:	32 feet

The applicant submitted revised plans to address the comments from the Technical Advisory Committee. The plans add a sidewalk along the driveway to Germantown Road provides wheel stops in the parking spaces and addresses the drainage issues.

SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE REPORT (Forrest Owens, CHAIRMAN): the Subdivision and Site Plan Subcommittee met on October 19, 2011 and withheld a recommendation.

STAFF RECOMMENDATION: Approval, subject to the following comments:

A. PRIOR TO CONSTRUCTION DRAWING APPROVAL

1. All disturbed areas shall be sodded, rather than seeded.
2. Add as-built spaces to the drainage tables.
3. Indicate water meters to each tenant.
4. Provide sanitary sewer service details.
5. Revise all notes referring to "City of Memphis" to City of Germantown.
6. Provide details of the retaining wall.
7. Design the finish grades so that all 3070 drain inlets are in a "sump" or funnel so stormwater will enter from all directions.
8. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
9. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.

10. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Design Review Commission.
11. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
12. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plan, construction drawings and "as built" drawings shall be submitted on electronic media in DXF format.
13. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays

Mr. Spence Ray at McNeil Investments, 7700 Wolf River Blvd., stated he was available to answer any questions.

PROPOSED MOTION: To approve the Preliminary and Final Site Plan of Lot 3 of the Walgreens at Saddle Creek PUD, subject to staff comments.

Mr. Owens moved to approve the Preliminary and Final Site Plan of Lot 3 of the Walgreens at Saddle Creek PUD, subject to staff comments, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

5. Amendment to Section 4-56 of the Germantown Code of Ordinances, as it addresses swimming pool appurtenances and accessories

INTRODUCTION: This is a proposal by the Department of Economic and Community Development to amend the regulations on the allowable location of swimming pool appurtenances and accessories. Appurtenances and accessories include pool pumps, filters, water heaters and chlorinating systems.

BACKGROUND: Germantown's regulations on pool pumps, etc. 1) prohibits them from being placed in the required side yard between the front and rear lines of the principal building (25 ft. in RE and RE-1 districts; 10 ft. in R, R-1, R-2, R-3 R-T districts); 2) prohibits them from being closer than ten feet to the rear and side property lines and 3) prohibits them within five feet of any easements. Any deviation from that requires approval from the Board of Zoning Appeals (BZA) of a variance.

DISCUSSION: Currently, swimming pool equipment (pumps, heaters, filters, etc.) are not allowed in the required side yard between the front and back lines of the house or within ten feet of the side and rear lot lines. The effect of the regulations is to require the equipment to be located in the rear yard, in the majority of lots. That conflicts with the typical desire of pool builders and homeowners to locate them in

the side yard near the air conditioner compressors and other utility equipment, so they are closer to electrical and water connections, and out of sight from the pool. Illustrations of the current and proposed requirements for a typical R or R-1 district lot, and a typical narrow lot (The Enclave), are attached.

The BZA has requested that staff research changes to the regulations to allow the equipment to be installed in the side yard area, with some restrictions. The proposed revisions will 1) limit the area covered by pool equipment to 70 sq. ft. in total ground coverage within the required side yard setback area; 2) limit the equipment to 4 ft. in height at any point within the required side yard setback area; and 3) require the equipment within the required side yard setback area to be screened from the street by a solid, sight-proof fence of wood, masonry or stone (not chain link, plastic, etc.).

STAFF RECOMMENDATION: APPROVAL

ZONING AND ANNEXATION SUBCOMMITTEE REPORT (Mike Harless, chairman): The Zoning and Annexation Subcommittee met on October 19, 2011 and recommended approval.

PROPOSED MOTION: To recommend approval of the amendment to Section 4-56 of the Germantown Code of Ordinances, as it addresses swimming pool appurtenances and accessories.

Mr. Harless moved to recommend approval of the amendment to Section 4-56 of the Germantown Code of Ordinances, as it addresses swimming pool appurtenances and accessories, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

Chairman Klevan stated he was recusing himself on the next item and turning the meeting over to Vice Chairman Owens. Mr. Klevan left the Council Chamber.

6. Request Final 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 No.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 were approved by the Planning Commission on September 7, 2010, and by the Board of Mayor and Aldermen on September 27, 2010. Poplar Grove received preliminary approval of their conversion request on March 1, 2011.

DISCUSSION: The Poplar Grove Homeowners Association (HOA) is requesting final 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 final approval application calls for a diagnostic review of the infrastructure performed by a professional

engineer. The engineer is to analyze “all infrastructure associated with the private street, including but not limited to the following:

- A. Water,
- B. Sanitary sewer, including a video inspection;
- C. Stormwater, with the exception of detention and retention ponds;
- D. Street subsurface;
- E. Curb and gutter;
- F. Curb and gutter subsurface;
- G. Location and condition of sidewalks;
- H. Type of streetlights (pole and light fixture) and information on the amount of illumination provided and
- I. Other items, which the City considers necessary.

The HOA has contracted with a private consulting engineer to perform the diagnostic review and has submitted the information required for final approval of their request. The report from Mid South Engineering Consultants is attached at the end of this document.

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 reviewed the engineer’s diagnostic review and has the following comments on the request:

A. Sanitary Sewer:

1. No repair work necessary.

B. Streets, Curb and Gutters:

1. No repair work necessary.

C. Storm Sewers:

1. Repair the hanging rubber gaskets at the 125’ mark between Manholes B and C.
2. Repair the hole in the pipe wall at the 2 o’clock position at the 145’ mark between Manholes C and D.

SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE REPORT: (Forrest Owens, CHAIRMAN) The Zoning and Annexation Subcommittee met on October 19, 2011 and withheld recommendation.

Jerry Heimlicher of 3062 Foster Grove Road represented the Poplar Grove HOA and requested approval from the Planning Commission.

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

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

Vice Chairman Owens asked for a roll call.

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

1. Vice Chairman Owens asked if there was any old business to come before the Commission. **There was none.**
2. Vice Chairman Owens asked if there was any new business to come before the Commission. **He recognized (4) boy scouts attending the Planning Commission meeting to earn their communication merit badge.**
3. Vice Chairman Owens asked if there were any liaison reports. **There was none.**
4. **ADJOURNMENT - The meeting was adjourned at 6:40 p.m.**