

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, April 3, 2012**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on April 3, 2012. Chairman David 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 David Klevan then called the meeting to order at 6:00 p.m. asking the secretary for the roll.

Mr. Gwaltney called the roll of the Board to establish a quorum:

**Commissioners Present:** Hale Barclay, Alderman John Drinnon, Forrest Owens, Mike Harless, David Klevan, and Steve Wilensky.

**Commissioners Absent:** Dike Bacon, and Susan Burrow.

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

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

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**1. Approval of Minutes for January 3, 2012**

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 3, 2012. If there were no additions, corrections or deletions to the minutes of the January 3, 2012, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Harless moved to approve the Planning Commission minutes of January 3, 2012, as submitted, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

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**2. Consent Agenda** There was none.

**3. Request Final Approval of the Conversion from Private to Public of the Streets and Infrastructure within the Gardens of Oakleigh PUD**

**INTRODUCTION:** The Gardens of Oakleigh Planned Unit Development requests final approval of the conversion of their development's streets and infrastructure from private to public ownership and maintenance.

**BACKGROUND:** The Gardens of Oakleigh Planned Unit Development (Phases I and II) consists of 46 lots for single-family dwellings on 12.87 acres. It was approved by the Board of Mayor and Aldermen as Subdivision Development Contracts 997 (Phase 1, 32 lots) on October 28, 1996, and 437 (Phase 2, 14 lots) on June 24, 2002.

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.

**DISCUSSION:** The Gardens of Oakleigh Homeowners Association (HOA) is requesting final approval from the Planning Commission of the conversion of their private streets, curbs, water system, storm sewers and sanitary sewers to public streets and infrastructure. The HOA will maintain ownership of the special paving at the Poplar Pike entrance, irrigation system, Common Open Space areas and structures, detention ponds, guest parking spaces, streetlights, rear alleys, storm drains outside the street right-of-way 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, included but 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 The Reaves Firm 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.

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- H. Type of streetlights (pole and light fixture) and information on the amount of illumination provided and
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The HOA has contracted with The Reaves Firm to perform the diagnostic review and has submitted the information required for final approval of their request. A summary of the report is attached at the end of this document.

Following is an excerpt from the Residential Street and Infrastructure Conversion Policy section on the planning commission's responsibility in reviewing the HOA's diagnostic review (emphasis added):

*i. Planning Commission review.*

Once the Department of Economic And Community Development has reviewed the diagnostic review and found the implementation plan to be satisfactory, the request to convert the private street or streets to public use and ownership may be placed on the next available Planning Commission agenda. **The Planning Commission may deny a request if it finds the implementation plan impracticable or not in the best interests of the City in terms of health, safety or welfare. The Planning Commission may deny a request that it finds would involve the city taking ownership of the infrastructure listed in subparagraph iii (Implementation Plan) above that does not meet city standards.** However, it has the discretion to approve a request for a private street conversion in the following situations:

- A. Curb and gutter type that does not meet city standards, provided sufficient base exists;
- B. Street width that does not meet city standards, provided adequate emergency access exists;
- C. Intersection radii that does not meet city standards, provided adequate emergency access exists;
- D. The absence of sidewalks on both sides of the street;
- E. Streetlight type. If the streetlights do not meet city standards for the level of illumination, and type of light fixture and/or pole, they shall remain under the ownership and maintenance of the adjacent property owners or the homeowners association.
- F. Storm drainage that does not meet current city standards, but is adequate for the demands placed on it.
- G. Water and sewer systems that do not meet current city standards, but were built to standards in effect at the time of construction and are adequate to meet the demands placed upon them, unless there is a safety issue (for example, the existence of asbestos pipe).

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.

**STAFF COMMENTS:**

1. The Gardens of Oakleigh has a connection to Windstone Way Drive, a public street within the Windstone Gardens subdivision.
2. The HOA will maintain ownership of the street lights, street signs, Common Open Space, guest parking spaces, alleys, decorative paving at the Poplar Pike entrance, storm drains outside the street right of way excluding the drain pipe crossing the northern tip of the central park area, detention ponds and the irrigation system.
3. The City of Germantown will own and maintain the streets and wet utilities (water, sanitary sewers, storm drainage within the street right-of-way, and the drainpipe crossing the northern tip of the central park area).
4. Following is a summary of necessary repairs to be made by the HOA. The Infrastructure Diagnostic Review prepared by The Reaves Firm contains more detailed descriptions:

**A. Sanitary Sewer:**

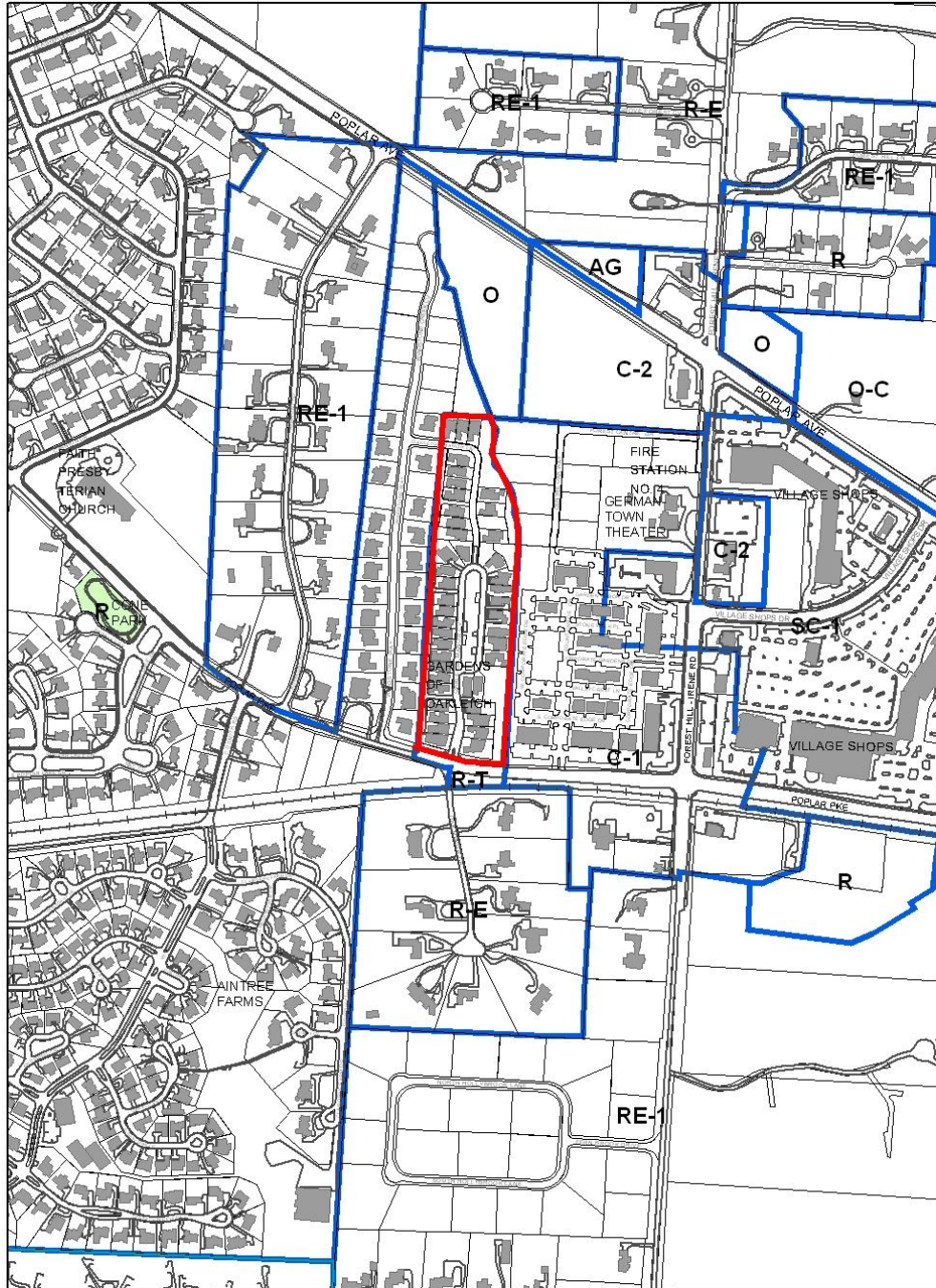
1. No repair work necessary.

**B. Streets, Curb and Gutters:**

1. Phase 1 requires milling and a new asphalt overlay be provided as part of the street repairs.
2. Repair street curbs at pipe penetrations.
3. Install water tables to clearly separate the guest parking spaces from the public street.

**C. Storm Sewers:**

1. Repair the following defects:
  - a. At 110.9 feet, the pipe is broken and the hole is covered with a jacket.
  - b. At 13.5 feet from manhole 11 – Joint bad
  - c. At 16.9 feet from manhole 7a there are cracks
  - d. At .1 ft. from manhole 5b joint
  - e. At 21 ft. from manhole 5b – Broken chunks
  - f. At 110.8 from manhole 5b – more cracks and joint problems



Mike Davis with the Reaves Firm at 5880 Ridge Bend Road, Memphis, TN 38120 asked if there were any questions from staff? We have been working with the staff for over a year on this project with the process of identifying the problems successfully. The HOA are more than willing to make the repairs.

Mr. Harless asked do you know how many of the members have supported this agreement to go public?

Mr. Davis answered it is 100% agreement with the HOA members.

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

**SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE REPORT: (Forrest Owens, chairman)** - The subcommittee met on March 21, 2012 and withheld a recommendation on the request.

**PROPOSED MOTION:** To grant final approval of the conversion from private to public of the streets and infrastructure within the Gardens of Oakleigh subdivision, subject to staff comments and the repairs described in the Infrastructure Diagnostic Review dated March 15, 2012 and prepared by The Reaves Firm.

Mr. Owens moved to grant final approval of the conversion from private to public of the streets and infrastructure within the Gardens of Oakleigh subdivision, subject to staff comments and the repairs described in the Infrastructure Diagnostic Review dated March 15, 2012 and prepared by The Reaves Firm, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

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

Chairman Klevan thanked the HOA and the Reaves Firm for doing a good job working with staff. The conversion of a public street to a private street will become effective upon the homeowners; association fulfillment of the requirements placed upon it by the Board of Mayor and Aldermen or Planning Commission and the re-recording of the plat or plan. If the HOA/applicant fails to complete the requirements within 3 years of the date of approval of the preliminary application by the Planning Commission or Board of Mayor and Aldermen the approval shall be automatically rescinded.

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**4. Request Preliminary and Final Site Plan Approval of Germantown Fleet Services Maintenance Building, 7726 Southern Ave.**

**APPLICANT:** City of Germantown

**LOCATION:** 7726 Southern Ave.

**CURRENT ZONING DISTRICT:** “R-3” Two Family Residential zoning district

**BACKGROUND:** the site was acquired by the City in 2010. The Board of Zoning Appeals approved on March 13, 2012 a Use on Appeal for municipal use of the property.

**DISCUSSION:** The site is to be developed as a maintenance facility for the City's fleet of vehicles and equipment. The building will contain an office area on the Southern Ave. frontage and six drive-through bays. Eleven employees will work in the facility. They will park in the existing lot next door at the animal shelter. The parking spaces at the new maintenance facility will be for visitors (in front) and vehicles waiting to be, or already, repaired (at rear). A stormwater detention basin is to be provided at the rear of the site adjacent to an existing pond.

Site Area:	2.74 acres
Total Proposed Exterior Parking:	17 spaces
Handicap Accessible:	1 space
Regular:	16 spaces
Building Area:	11,935 square feet
Max. Building Height:	35 feet

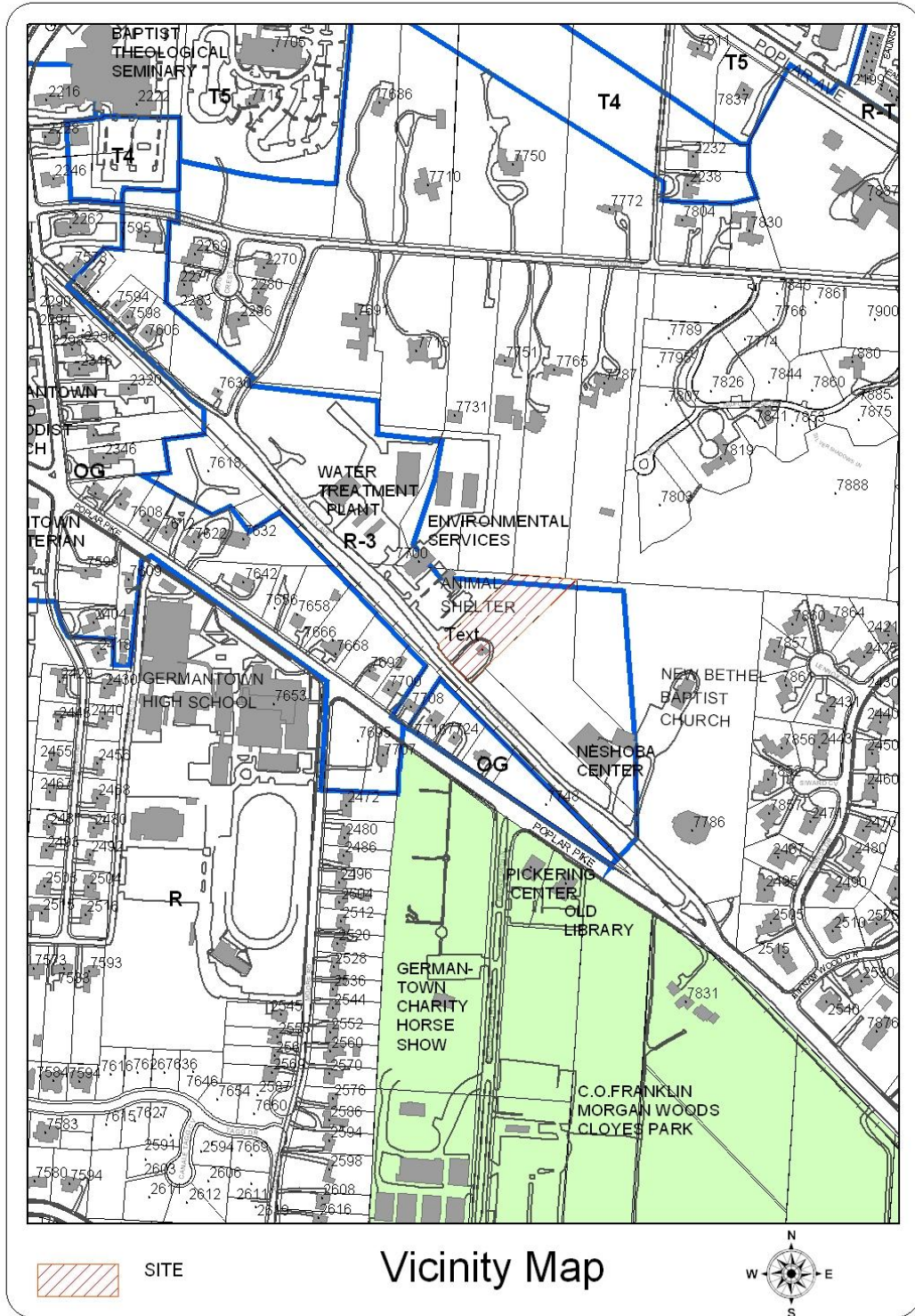
**STAFF RECOMMENDATION:** APPROVAL

Mr. Harless asked if there would be enough parking to meet the requirements?

Mr. Morgan answered the parking provided for this site meets the demands for the building size. There is also one handicap space.

Chris Triplett from Barge Waggoner Sumner and Cannon, Inc. 60 Germantown Court, Suite 100, Cordova, TN 38018 asked if there were any questions from staff?

Chairman Klevan noted that the Planning Commission approval is contingent upon the 8-foot tall fence shown on the site plan being changed to a 6-foot tall fence. The applicant will have to request approval from either the Board of Zoning Appeals or the Design Review Commission if they wish to propose an 8-foot fence.









February 8, 2012  
File 35229-00

Mr. Wade Morgan  
Chief Planner  
City of Germantown  
1930 Germantown Road South  
Germantown, TN 38138

**RE: GERMANTOWN FLEET SERVICES MAINTENANCE BUILDING**

Dear Wade:

It is our pleasure to have been selected by the City of Germantown to prepare the plans for the Fleet Services Maintenance Building. As you know, we have been working closely with the Public Services and Finance Departments in the design and preparation of these plans. We also wanted to thank you, Andy Pouncy, Tim Gwaltney and the engineering department for meeting with us and going over these plans prior to our submittal. We have tried to incorporate all of your comments and suggestions.

This project provides for the construction of a new Fleet Services Maintenance Building. The City was able to acquire a 2.74 acre tract adjacent to the east line of their current Public Services Complex. The existing fleet services building is located at the Public Services Complex next door and it will be relocated to this new site. There should be no additional traffic created by this construction since the functions have been done next door. However, this new facility will be able to fully handle the current and projected fleet for many years into the future.

The proposed building will contain almost 12,000 square feet (11,935) and will be divided into an office area that will front on Southern and will be designed to be compatible with the front of the remodeled Public Services Office and Water Plant. The rear of the building will be a metal building with six drive-through bays. The building has been set back 116' from Southern to line up with the existing Public Services building.

A stormwater basin has been provided at the rear of the site adjacent to the lake that is located on this lot and two additional residential properties. The City staff has met with the neighbors prior to the start of this facility design and we will be meeting with the neighbors again to review the plans prior to the Planning Commission Meeting.

Again, thank you for your assistance in the preparation of this submittal. Should you have any questions or require additional information, please contact either myself at [cagoforth@bwsc.net](mailto:cagoforth@bwsc.net) or Chris Triplett, Vice President at [Chris.Triplett@bwsc.net](mailto:Chris.Triplett@bwsc.net). You can also contact us at the 901 755-7166.

Sincerely,

A handwritten signature in black ink that reads "Charles Goforth". The signature is stylized and includes a long horizontal line extending to the right.

Charles Goforth  
Chairman of the Board

**PROPOSED MOTION:** To grant preliminary and final site plan approval to the Germantown Fleet Services Maintenance Building at 7726 Southern Ave., subject to staff comments.

Mr. Owens moved to grant preliminary and final site plan approval to the Germantown Fleet Services Maintenance Building at 7726 Southern Ave., subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

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

5. Chairman Klevan asked if there was any old business to come before the Commission. **There was none.**
6. Chairman Klevan asked if there was any new business to come before the Commission. **There was none.**
7. Chairman Klevan asked if there were any liaison reports. **There was none.**

Chairman Klevan recognized several students from the University of Memphis architecture program who were in attendance. The students stated they were attending various cities' planning commission meetings to study the building approval process. They asked the planning commissioners several questions about their backgrounds and interests on serving on the planning commission.

**ADJOURNMENT:** The meeting adjourned at 6:27 p.m.