

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, May 1, 2012**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on May 1, 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.

Mrs. Rush called the roll of the Board to establish a quorum:

**Commissioners Present:** Hale Barclay, Alderman John Drinnon, Forrest Owens, David Klevan, Dike Bacon, Susan Burrow, and Steve Wilensky.

**Commissioners Absent:** Mike Harless

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

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

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

Mr. Wilensky moved to approve the Planning Commission minutes of April 3, 2012, as submitted, seconded by Ms. Burrow.

Chairman Klevan asked for a roll call.

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

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

**3. Lots 71 and 72 of Phase 2 of The Enclave PUD**

**INTRODUCTION:**

Applicant Name: Michael Fahy, w/ Prime Development Group – Representative

Location: Southwest and Southeast Corners of Enclave Green Lane North and Southwick Street, in Phase 2 of The Enclave Estates PUD

Current Zoning District: R-3 Residential

Description of Request: Request Approval of Revised Front Yard Setbacks from Southwick Drive for Lots 71 and 72

**BACKGROUND:** The Board of Mayor and Aldermen approved an Outline Plan for the Enclave PUD on February 9, 2004. The Planning Commission had recommended approval of the Outline Plan on January 6, 2004. The Planning Commission approved the preliminary and final plans of Phases 1 and 2 on August 3, 2004.

**DISCUSSION:** The approved Phase 2 plan requires a 30-foot front yard-building setback from both Enclave Green Lane North and Southwick Street. Clark Homes proposes to construct a house, with a 3-car garage, on Lot 72. The garage is to face Southwick Street and is to be 25 feet from the property line/curb of that street.

The applicant requests approval of a revision to the plat to allow a 25-foot front yard-building setback from Southwick Street, for both lots 71 and 72. He notes that Lots 71 and 72 abut Phase 1 of the Enclave Estates PUD, which requires a 16.5-foot front yard setback. The revised setback for lots 71 and 72 will not be out of character with adjacent lots and will provide for a more consistent building line along Southwick Street.

**COMMENTS:**

1. If the revision is approved, the applicant shall revise the Phase 2 final plan to incorporate the changes.
2. Elevation and floor plans of houses proposed for the two lots have been provided by the applicant and are attached.

**STAFF RECOMMENDATION: APPROVAL**

**SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (FORREST OWENS, CHAIRMAN)** The Subdivision and Site Plan subcommittee met on April 18, 2012 and withheld a recommendation on the application.

**MOTION:** To approve a revision to the Enclave PUD, phase 2, to allow a 25-foot front yard-building setback from Southwick Street, for both lots 71 and 72.



**LAVELLE WALKER**  
 RESIDENTIAL DESIGNER ARCHITECTURAL INTERIORS  
 5119 SUMMER AVE.  
 SUITE 408  
 MEMPHIS, TN. 38122  
 1-901-663-7539

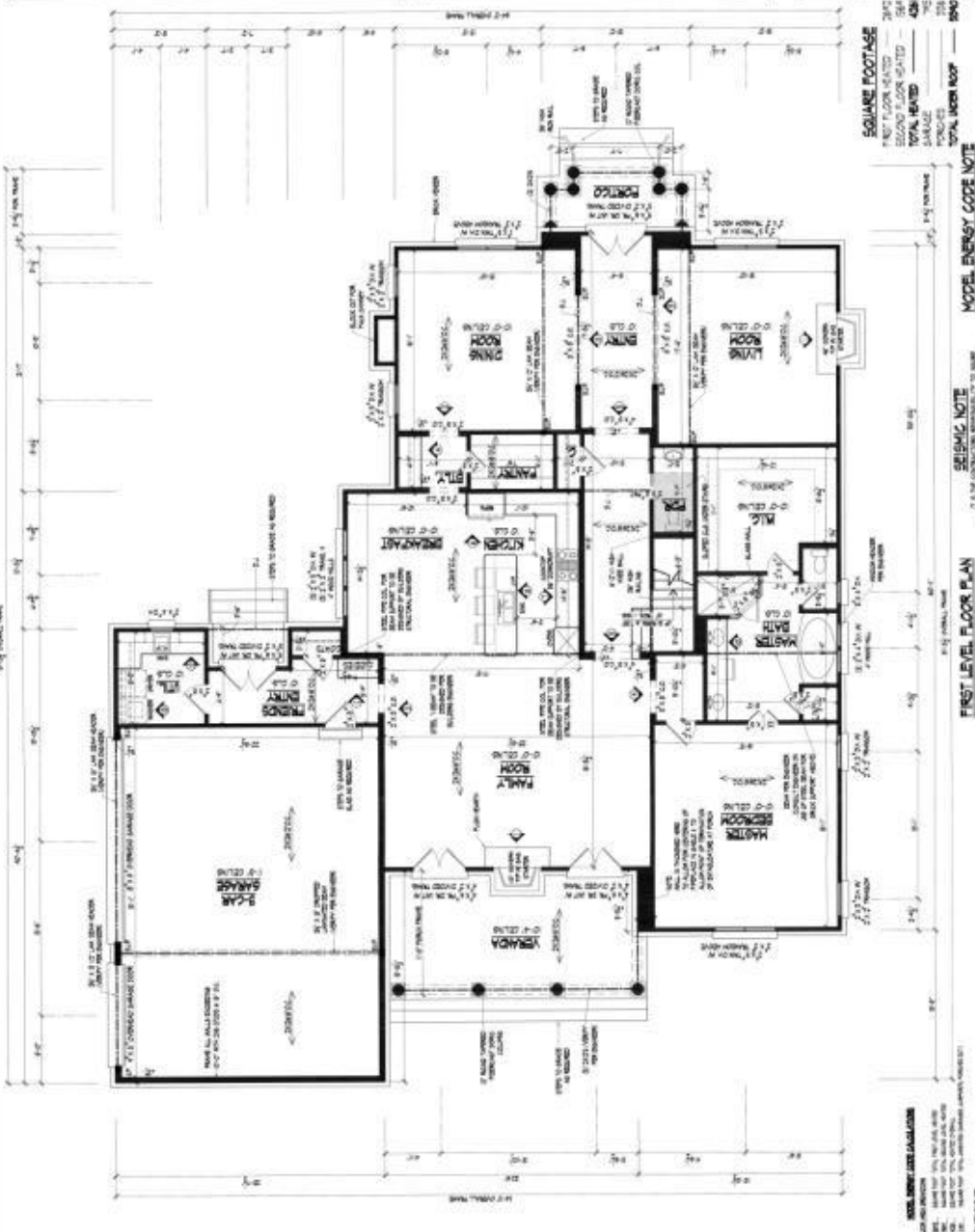
**NOTICE**  
 CONTRACT BY LAVELLE WALKER  
 THESE PLANS ARE NOT TO BE  
 REPRODUCED OR COPIED  
 WITHOUT PERMISSION.

**NOTICE**  
 THESE PLANS AND SPECIFICATIONS  
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 WALKER ARCHITECTURAL INTERIORS.  
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 APPROVALS FROM THE  
 APPLICABLE AGENCIES.

**PROJECT:** DAVID CLARK  
 CONSTRUCTION, LLC  
 LOT 850 SPRING GREEN RANCH  
 SHELBY COUNTY, TENNESSEE

**OWNER:** B.L.A.L.E.  
 DATE: 7/20/08  
 SCALE: 1/8" = 1'-0"  
 SHEETS: 200

**SHEET NUMBER**  
 A-4 OF A-18



**SQUARE FOOTAGE**  
 NET FLOOR AREA: 2945  
 TOTAL FLOOR AREA: 4000  
 TOTAL AREA: 4000  
 TOTAL INCH ROOF: 5000

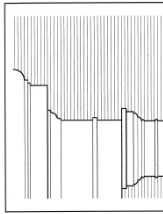
**MODEL ENERGY CODE NOTE**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

**SEISMIC NOTE**  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

**FIRST LEVEL FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

**NOTES:**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL WALLS ARE TO BE CONCRETE BLOCK UNLESS NOTED OTHERWISE.  
 3. ALL FLOORS ARE TO BE 4" THICK CONCRETE ON 6" REBAR UNLESS NOTED OTHERWISE.  
 4. ALL ROOFS ARE TO BE 2" THICK CONCRETE ON 6" REBAR UNLESS NOTED OTHERWISE.  
 5. ALL CEILING ARE TO BE 5/8" THICK GYPSUM BOARD UNLESS NOTED OTHERWISE.  
 6. ALL DOORS ARE TO BE 1-3/4" THICK UNLESS NOTED OTHERWISE.  
 7. ALL WINDOWS ARE TO BE 2" MINIMUM UNLESS NOTED OTHERWISE.  
 8. ALL FINISHES ARE TO BE AS NOTED ON THE FINISH SCHEDULE.  
 9. ALL MATERIALS ARE TO BE AS NOTED ON THE MATERIAL SCHEDULE.  
 10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE 2006 INTERNATIONAL RESIDENTIAL CODE BOOK.

SCALE FOR 1/8" = 1'-0" ONLY FOR LOT 850 SPRING GREEN RANCH



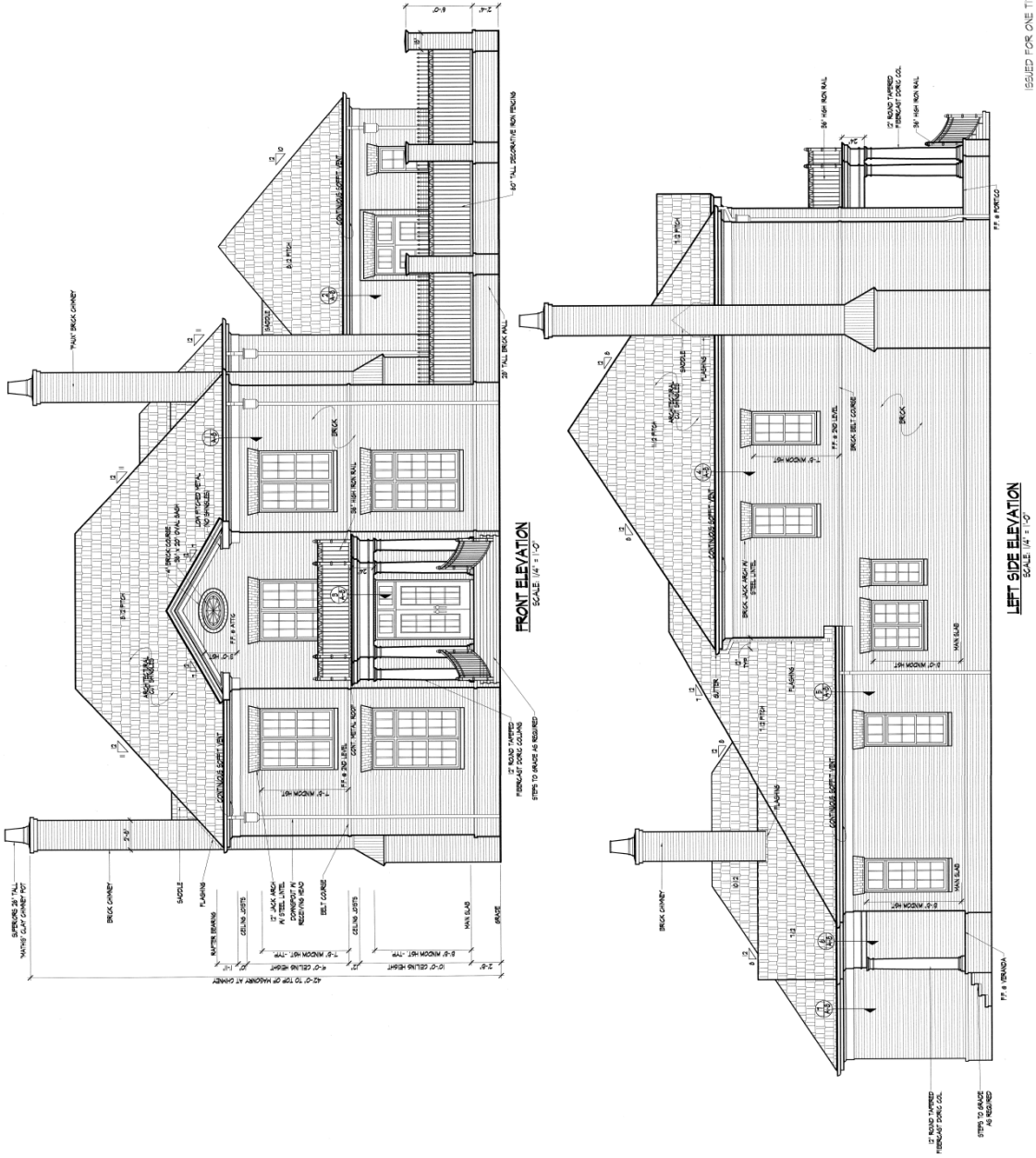
**LAVELLE  
 WALKER**  
 RESIDENTIAL  
 DESIGNER  
 ARCHITECTURAL  
 INTERIORS  
 5119 SUMMER AVE.  
 SUITE 408  
 MEMPHIS, TN. 38122  
 1-901-683-7529

**NOTICE**  
 THESE ARE AND REMAIN THE PLANS  
 FOR THE CREATION OF THE DESIGN OF  
 THIS BUILDING. HOWEVER, BECAUSE THE  
 DESIGN IS SUBJECT TO CHANGE AND  
 DETAILED AND THE POSSIBILITY OF  
 PROVIDING ANY PERSONAL AND/OR  
 SUPERVISION AND CONTROL OVER  
 OF THE WORK IN THE LOCAL BUILDING  
 CODE REQUIREMENTS AND OTHER LOCAL  
 LAVELLE WALKER ARCHITECTURAL INTERIORS  
 ASSUMES NO RESPONSIBILITY FOR ANY  
 FAILURE DUE TO ANY DEFICIENCIES  
 OR ERRORS OR OMISSIONS IN THE DESIGN  
 RECOMMENDED THAT YOU CONSULT A  
 PROFESSIONAL ENGINEER OR ARCHITECT  
 BEFORE STARTING AND DURING  
 CONSTRUCTION. CHECK WITH LOCAL  
 ACTUAL CONSTRUCTION.

**PROJECT:** DAVID CLARK  
 CONSTRUCTION LLC  
 SHELBY COUNTY, TENNESSEE

**DRAWN BY:** B.C. & L.W.  
**DATE:** 2/27/2008  
**SCALE:** 1/8" = 1'-0"  
**REVISED:**

**SHEET NUMBER**  
 A-8 OF A-12



Mr. Leon Wittmer, 1798 Wellsley Drive, Germantown, TN 38138 on lot 43 noted he was opposed to the revision. He wants to know why they did a variance or a hardship for the lots because nothing has been built or nothing started. Mr. Wittmer is sure there is a number of designs that can be built on this property. He is concerned about respect for others' property out there. He built a house next to mine and I walked away with a lot of damage from Mr. Clark the builder, which was never recovered.

Mr. Michael Fahy from the Prime Development Group, Inc. 7520 Capital Drive, Suite 200, Germantown, TN 38138 stated we are not requesting a variance. We are here asking to change the setback and our reason is to build a larger home. We adjoin lots next to us that are to the south side which they had a 16.5 setback, there is no negative impact on our joining property. With respect to Mr. Wittmer's concerns about interaction with Mr. Clark, that has been a private matter. The Clark family has been building in the neighborhood and is well respected.

Chairman Klevan asked Mr. Pouncey if he would explain this reason for the setbacks?

Mr. Pouncey replied that Mr. Clark was requesting permission to build with a 25-foot setback instead of the 30-foot setback required by the Enclave plans. There are two ways to approach it; he could have requested a variance from the Board of Zoning Appeals, but he would have had to prove a physical hardship to the lot that made a 30-foot setback difficult. That would have been difficult to do. He chose to propose a modification to the Enclave's setback regulations, based on the fact that the abutting lots had houses with 16.5 foot setbacks.

Mr. George Hernandez, 1867 Chelsea Park Cove, Germantown, TN 38139 stated he is building a house in this subdivision on lot 68 at 9225 Enclave Green East four blocks from the 2 lots that are on discussion tonight. The home that I want to build had to be modified in order to meet the 30-foot setback. Mr. Hernandez asked could Mr. Clark not modify the same plans for his two homes and not have a variance for the setback?

Mr. Owens noted a transition from 16.5 feet to 30 feet is very sharp on the abutting lots.

Mr. Owens moved to approve a revision to the Enclave PUD, phase 2, to allow a 25-foot front yard-building setback from Southwick Street, for both lots 71 and 72, subject to staff comments, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

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

**ADJOURNMENT:** The meeting adjourned at 6:15 p.m.