

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, July 10, 2012**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on July 10, 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:** Mike Harless, Alderman John Drinnon, Forrest Owens, David Klevan, Hale Barclay.

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

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

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

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**1. Approval of Minutes for June 5, 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 June 5, 2012. If there were no additions, corrections or deletions to the minutes of the June 5, 2012, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Owens moved to approve the Planning Commission minutes of June 5, 2012, as submitted, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

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

**3. Phase 5 of The Enclave PUD; Preliminary and Final Plan Approval**

**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 Board of Mayor and Aldermen approved a revised development contract for Phase 4 on June 11, 2012.

**DISCUSSION:** Phase 5 consists of 41 lots on a 13.08-acre section of The Enclave PUD. It is an extension of Phase 4 to the south and provides street stubs to the north and west for eventual Phase 6.

**COMMENTS:**

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Include a cross-section COS BB on the Grading and Drainage Plan.
2. Show the details of permanent bank stabilization on the Grading and Drainage Plan.
3. Identify on the development plat the locations of MLGW transformer easements.

4. Drain Structure DS225 should be angled to help the hydraulics.
5. Thoroughly review all easement notes and other notes to insure they are properly located and identify the easement
6. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumental survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format. Concrete monuments shall be placed at all corners of the subdivided property.
7. All construction activities shall comply with Tennessee Dept. of Environment and Conservation, NPDES permit requirements.

B. PRIOR TO INITIAL ACCEPTANCE

1. The entire ditch within COS BB and CC shall be bush-hogged and any eroded areas shall be repaired and permanently stabilized

**SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT (Forrest Owens, Chairman): The subcommittee met on June 20, 2012 and withheld a recommendation.**

**STAFF RECOMMENDATION:** Approval of phase 5 of The Enclave, subject to the comments listed above.

**PROPOSED MOTION:** To grant preliminary and final plan approval for Phase 5 of The Enclave PUD, subject to staff comments.

Mr. Harless noted there was a question in the Executive session about the names of the streets and how confusing they were.

Mr. Morgan stated the primary issue was that the street changes names multiple times in a short length. The applicant has change the name to Enclave Green Lane West for the entire phase 5.

Steve Hooper at ETI Corporation 6799 Great Oaks Road, Suite 100, Memphis, TN 38119, noted he would answer any questions or concerns about this project or the preliminary and final plan.

Jane Mayer at 1985 Enclave Hollow Lane West, Germantown, TN 38139, stated she in phase 3 and is concerned about the construction traffic with the big trucks dumping and driving through the main streets. The streets have not been pave correctly. Do you know when that will happen?

Mr. Klevan stated if you see dumping happening; please call Tim Gwaltney and the Code Department at 757-7281. They will deal with it then.

Tim Gwaltney stated the status of phase 3 is at the point that the developer will be required to put down the final asphalt layer down. However, this construction of phase 4 would appear that the construction traffic would damage the final asphalt layer. As of now, I think it is better for everyone involved that those streets do not proceed with the final asphalt layer until most of the phase 3 construction is completed.

Rafael Villafane at 1979 Enclave Green Lane, Germantown, TN 38139, stated he is concerned about the construction traffic with the big trucks dumping big boulders behind them and the condition of the streets.

Mr. Owens moved to grant preliminary and final plan approval for Phase 5 of The Enclave PUD, subject to staff comments, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

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**4. Verizon Store, 7655 Poplar Ave. – Request Preliminary and Final Site Plan Approval**

**BACKGROUND:** The Germantown Liquor store building was constructed in 1970. In 1984, an addition to the rear of the building was approved as development contract 81.

**DISCUSSION:** A 4,850 square foot retail building is proposed to replace the two existing buildings. The site is being developed under the “T-5” Smart Code regulations. Warrants will be necessary for the site development characteristics that do not conform to the T-5 district requirements. Site development characteristics are:

Site Area:	0.96 acres
Total Required Parking:	23 spaces
Total Proposed Parking:	45 spaces
Handicap Accessible:	2 spaces
Regular:	43 spaces
Building Area:	4,850 square feet
Building Height:	26 feet

**REVISIONS TO THE PLAN:**

1. A street screen has been placed along the Poplar frontage west of the building to mask parking areas from the frontage, as required by the T-5 district. (Sec. 23-767(8) (a).
2. The “bricked-over window” effect on the east end of the north building façade has been removed
3. The applicant states that Verizon will have 17 to 20 employees at the store and anticipates a sales volume of 17 sales per hour, so concludes that a greater number of parking spaces are needed to accommodate the higher employee parking and increased sales volume. In addition, the setting of the building indicates that most customers will arrive by vehicle.

**COMMENTS:**

- A. **WARRANTS REQUIRED:** (see the applicant’s justification for details on the warrants)
1. The T-5 district requires the principal building entrance to be on Poplar Ave. The proposed building’s entrance is on the west side, facing the parking main parking area. (section 23-767(10)
  2. The T-5 district requires a minimum 2-story building. The proposed building is a single story, with a 2-story façade. (sec. 23-767(b)(5))
  3. The T-5 district permits a maximum of 23 parking spaces for a 4,850 sq. ft. retail function. The proposed Verizon store has 45 spaces. (sec. 23-805, table 11)

4. The T-5 district requires permeable paving for parking in excess of the minimum. (sec. 23-767(10)(f))

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Illustrate the sidewalk connection to the east.
2. Consider using the existing water service for the Germantown Liquor Store for irrigation purposes.
3. A 2-inch water line is proposed. A 1-inch line is typically sufficient.
4. Use standard Germantown notes where applicable.
5. The developer should consider replacing the entire existing crosstie retaining wall.
6. On the Survey and Site Plan, tie in the property boundary to the centerline of Poplar Ave. and verify the front boundary line. TDOT plans show the boundary at the back of the proposed sidewalk.
7. 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.

C. GENERAL COMMENTS:

1. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monument survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
2. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Planning Commission approval.
3. Approval of all warrants is required prior to development contract approval.
4. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
5. 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.
6. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monument survey control. The final plan, construction drawings and "as built" drawings shall be submitted on electronic media in DXF format.
7. 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.

8. 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; and
  - (c) The Developer and Lot Purchasers shall provide the Department of 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.
  
9. The Shelby County Code, Section 3-25 [Reference 1200-3-11-02 (Asbestos)] require building owners and/or operators to submit a notification of intent to do demolition or renovation at least ten (10) working days prior to the start of the activity even if no asbestos is present so compliance can be verified. Notification also includes the submittal of an asbestos survey report. Please contact the Health Department at (901) 544-7349 for more information.

Blair Parker of Blair Parker Design, 5159 Wheelis Drive, Suite 107, Memphis, TN 38117 stated we are very pleased to be here tonight. We wanted this applicant to be considered for the Smart Growth area, because it is an ideal site for the Smart Code. Verizon will have 17 to 20 employees at the store and anticipates a sales volume of 17 sales per hour, so concludes that a greater number of parking spaces are needed to accommodate the higher employee parking and increased sales volume. In addition, the setting of the building indicates that most customers will arrive by vehicle.

Chairman Klevan noted one of the questions that has come up is at the east end of the building looking like a warehouse entrance. I think it looks like it is a boarded up warehouse and closed. The other question is the drainage issue.

Mr. Parker stated that there are representatives from Methodist Germantown Hospital here tonight. We have met with the hospital on several occasions with the plans on the drainage issues. They suggested shifting a headwall closer to Poplar Avenue.

Dave Rosenbaum, 8939 Armadale Drive in Germantown, said I am the Vice President for the Facility Management for Methodist Lebonheur Health Care. We have in fact met on several occasions with the developers, and with their consultants and have found them to be very good neighbors for us. Every concern we have expressed to them they have addressed and worked with us. We felt like the new drainage ditch that goes under Poplar Avenue would mean a lot of water running on our property for a considerable distance. That have redone their site plan and kept the water on their property. It has been moved on the northeast side of the property so it will in fact have to cross our property for a short distance to reach that headwall. We feel very confident that we will be able to reach an agreement on the easements for the drainage across that site.

Chairman Klevan asked staff what is required to make this happen, if we give final approval.

Mr. Gwaltney noted it will take a temporary construction easement just to be on the hospital property would work. We will need a written statement to that affect.

Mr. Harless asked how big will the black gum trees get. How tall will they get?

Blair Parker they would be 2.5 inches in diameter. There height will be 12-14 feet installed and will grow to 40 feet high. They are a medium size native tree.

**SMARTGROWTH SUBCOMMITTEE REPORT (Dave Klevan, Chairman):** The subcommittee met on June 20, 2012, and withheld a recommendation.

**STAFF RECOMMENDATION:** Approval, subject to staff comments.

**PROPOSED WARRANT MOTION 1:** To approve a warrant to allow the principal building entrance on the west side, facing the parking main parking area, where the T-5 district requires the principal building entrance to be on Poplar Avenue (Section 23-767(10))

Mr. Owens moved to approve a warrant to allow the principal building entrance on the west side, facing the parking main parking area, where the T-5 district requires the principal building entrance to be on Poplar Avenue (Section 23-767(10)), subject to staff comments, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

**PROPOSED WARRANT MOTION 2:** To approve a warrant to allow the building to be a single story, with a 2-story façade, where the T-5 district requires a minimum 2-story building. (Sec. 23-767(b) (5)).

Mr. Owens moved approve a warrant to allow the building to be a single story, with a 2-story façade, where the T-5 district requires a minimum 2-story building (Sec. 23-767(b) (5)), subject to staff comments, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

**PROPOSED WARRANT MOTION 3:** To approve a warrant to allow 45 parking spaces, where the T-5 district permits a maximum of 25 parking spaces for a 4,850 sq. ft. retail function. (Sec. 23-805, table 11)

Mr. Owens moved to approve a warrant to allow 45 parking spaces, where the T-5 district permits a maximum of 25 parking spaces for a 4,850 sq. ft. retail function. (Sec. 23-805, table 11), subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

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

**PROPOSED WARRANT MOTION 4:** To approve a warrant to allow all parking spaces to be paved, where the T-5 district requires all spaces in excess of the minimum to be permeable.

Mr. Owens moved to approve a warrant to allow all parking spaces to be paved, where the T-5 district requires all spaces in excess of the minimum to be permeable, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

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

**PROPOSED MAIN MOTION:** To grant preliminary and final site plan approval to the Verizon Store at 7655 Poplar Avenue, subject to staff comments.

Mr. Owens moved to grant preliminary and final site plan approval to the Verizon Store at 7655 Poplar Avenue, subject to staff comments, subject to staff comments, seconded by Mr. Harless.

Mr. Owens stated for the record you had an option to go with a regular standard development or Smart Growth development; is that correct? You chose the development that by nature is more rigorous with design standards and more rigorous development regulations. I would like to applaud you for that decision.

Mr. Parker answered that is correct.

Mr. Harless stated I am very pleased to see this type of usage for the property on Poplar Avenue and with using the native landscaping.

Chairman Klevan stated I do applaud you also for taking on the challenge of the T-5 Smart Growth. I think it is going to be an outstanding project for Germantown.

Chairman Klevan asked for a roll call.

**Roll Call:** Barclay – yes; Burrow – absent; Drinnon – yes; Wilensky – absent; 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.

Alderman Drinnon stated he wanted to instruct staff to update the Germantown Land Use Plan.

Wade Morgan stated that staff just recently completed the Special Census in Germantown. We were able to raise the population of Germantown as reported by the US Census from 38,800 to 40,123. On July 1 that will be the new population for Germantown. Mr. Owens asked what is the revenue that we get per person?

Mr. Morgan answered a little over a \$100 per capita per year in state revenue.

7. Chairman Klevan asked if there were any liaison reports. There was none.

**ADJOURNMENT:** The meeting adjourned at 6:55 p.m.