

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD JANUARY 24, 2018**

The City of Germantown Planning Commission met on January 24, 2018 at 6:34 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mr. Jones, Mr. Richter, and Mr. Rohrbach.

EXCUSE ABSENT MEMBERS:

On a motion by Mr. Jones, seconded by Mr. Richter, it was moved to excuse absent members Mrs. Izor and Mr. Rettich. On call of the roll: Mr. Jones, yes, Mr. Richter, yes; and Mr. Rohrbach, yes. Motion carried.

Mr. Rettich arrived at 6:42 p.m.

ALSO PRESENT:

Mr. Ryan Morris, Associate Construction; Mr. Chet Miles, HOA President and main Sales Rep in Carlisle; and Mr. Keith Brane, City Planner.

ORGANIZATION:

A. Elect Chairperson for 2018

On a motion by Mr. Rohrbach, seconded by Mr. Richter, it was moved to elect Mr. Jones as Chairperson for 2018. On call of the roll: Mr. Rohrbach, yes; Mr. Richter, yes, and Mr. Jones, yes. Motion carried.

B. Elect Vice-Chairperson for 2018

On a motion by Mr. Rohrbach, seconded by Mr. Jones, it was moved to elect Mr. Richter as Vice-Chairperson for 2018. On call of the roll: Mr. Rohrbach, yes; Mr. Jones, yes, and Mr. Richter, yes. Motion carried.

C. Set Meeting Dates and Times

The board discussed dates and times for meetings and decided to keep the fourth Wednesday of the month starting at 6:30 p.m. They agreed to discuss the subject at the next meeting if necessary when the absent members were present.

CONSIDER APPROVAL OF THE MINUTES OF THE SEPTEMBER 27, 2017 PLANNING COMMISSION MEETING:

On a motion by Mr. Rohrbach, seconded by Mr. Richter, it was moved to approve the minutes of the September 27, 2017 meeting as written. On call of the roll: Mr. Rohrbach, yes; Mr. Richter, yes; and Mr. Jones, yes. Motion carried.

BUSINESS:

1. Review of Application RZ18-01 – Rezoning on Weaver Road

Mr. Jones asked the applicant to come forward to give a summary of the rezoning request.

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD JANUARY 24, 2018**

Mr. Ryan Morris of Associate Construction said since 2008 they have been contemplating a more affordable, senior-type of housing project. Currently we have a waiting list in town for a development like this; people who want to stay in this area and build new home but can't afford the Hickory Pointe Estates project. We are looking to do smaller homes on smaller lots; these will be single family homes with a Home Owners Association that includes a maintenance package. This is not just for seniors but professionals or just busy people who don't have time to do snow removal or mowing or mulching. The HOA has a board of members that control the maintenance. This is what we built in Carlisle; 49 of 50 homes have sold and 75% of our clients have been 55 or older. 75% of the buyers come just because of the HOA and the affordability. Most are on a fixed income so we are trying to get something affordable in town. As stated earlier, we have gotten calls just from word of mouth that this project is being contemplated again. I brought in Mr. Chet Miles, who is the HOA President and main Sales Rep in Carlisle, to assist with setting up the new development. He relates well to the seniors and what their needs are. Ultimately, it's all about affordable living for seniors and retirees; my Grandma lives in the development in Carlisle. We are hoping to be at \$190,000 to \$200,000 to keep people in town. The need is there but the challenge is cost. Hopefully you will take this into consideration with the needs of the community.

Mr. Rettich said I heard there was an issue before with tap fees; did you get that all worked out? Mr. Morris said we have accepted the tap fees if we can get the lot sizes we need. Just so everyone is aware of what the tap fees are compared to other areas, there is an extra \$2,500 fee here in town for the dry run project and that pushes Germantown above the surrounding areas. If we can get the density, we can offset those numbers. I met with Lynn Koogle and he explained where the tap fee came from which I understand. The land was originally zoned R1-AA for 16 lots back in 2003 and we are able to generate income for the city by increasing the number of lots. We are a small developer in a booming economy and Germantown is still moving very slow compared to surrounding areas; we are here to sell what is needed. We've come to the conclusion on this property that if we can't do this at this time, we are just going to sell the property because we've been sitting on it for 15 years.

Mr. Jones asked Mr. Brane if he had anything to add. Mr. Brane said it was originally zoned R1-AA with an overlay; that was a court case which we've all been able to understand. Then at some point it was rezoned to ARHOD, Age Restricted Housing Overlay District, which is its own district and it's unusual to put the word overlay before the word district because an overlay is different from a district. So the product he wanted to do that you folks seemed receptive to was a smaller lot with maintenance upkeep. Finding ourselves in a district that required folks over 65 to live there, we put our heads together and thought we would rezone to a base district that approximated what he wants to do and then put a PUD overlay on top of that to allow the exact lot size and the product he wants to bring. That has been the technical approach so far. We are rezoning the underlying district to an R1 and then we are going to put a PUD over top of that. That's all we are doing tonight; we still have to come back with the preliminary and final plan.

Mr. Richter asked if the preliminary and final plans is where they get into the landscape plans and things like that. Mr. Brane said yes.

Mr. Rohrbach asked how long the HOA in Carlisle had been up and running. Mr. Morris said since 2004. He provided the board with an example of a product in Carlisle; and said some of the interested parties in Germantown had come down there to look. There are small ranches with 3 bedrooms and 2 baths, and we are also going to have 2 bedrooms and 1 ½ baths selections.

Mr. Rohrbach asked how the HOA in Carlisle is doing; any problems? Mr. Miles said we have a good six month reserve which very few HOAs have. When it first started, it was a little on the rocky side but we've gotten it straightened around and it runs very smooth. That's why Mr. Morris wanted me to get it started and get it on the right foot; I have all the vendors in place and I can bring them over here and save folks money by locking the vendors into contracts. Right now we believe the cost will be \$450 every six months

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD JANUARY 24, 2018**

which will include mowing the yards once per week, edging, trimming the shrubs twice per year, mulching once per year, fertilizing/weed control four times per year, snow plowing, shoveling the walks up to the front steps, and have calcium chloride applied if they want. It's a tight community and we watch out for each other's properties. We also run a tight ship on the vendors making sure they have the proper permits to do our work. We've had six people look at the one property we have left in Carlisle and they've been interested in Germantown, so six is a good start for the 40 properties. Financially the HOA is sound and we have good people taking care of the yards. All around it has been a good set up and I'm willing to get this started for you.

Mr. Rohrbach said I don't have any problems with the smaller houses or smaller yards, the only thing I'm worried about is the HOA. Most HOAs I've heard about, except the one in Carlisle, are struggling. Mr. Morris said it's all in the management and a small development takes self-management by a board made up of the home owners.

Mr. Rettich said Mr. Miles had mentioned plowing the snow; would that be the driveways? Mr. Morris said yes; these are still city streets.

Mr. Morris said this would probably take about five years; we would build half the horseshoe road with 20 lots and once that's ¾ full we would build the rest. Mr. Jones said it would be two stages. Mr. Morris said yes.

Mr. Miles discussed putting a stipulation in the covenants that limits the percentage of homes that can be rented out which will keep the valuation up on the homes.

Mr. Rohrbach asked what happens if the HOA fails after 15 years. Mr. Miles said an HOA remains in place for ten years and after that it takes 75% of the home owners to dissolve the HOA. You won't get 75% to vote to dissolve an HOA. Carlisle is on its second 10 year period which automatically renews.

Mr. Brane asked if there will be a detention area. Mr. Morris said no; the only thing we are going to have is a lot with a gazebo on it. We are working with Mr. Wirrig on drainage that will run under Weaver Road and tie into our storm system at Hickory Pointe.

Mr. Miles said we have a gazebo in our neighborhood and we have a meet and greet every September where everyone brings a snack to share and we all get together. That's been a successful get together for nine years. It gives us a place to gather and it's free for the homeowners to use the rest of the year.

Mr. Jones said this density issue is complicated but I think there is a solution to it. He reviewed the lot size requirements of the underlying district and the reduction in lot size that could be recommended by the Planning Commission with a PUD overlay. He asked Mr. Morris if he could meet the requirement of no lot being smaller than 4,500 square feet but still average 6,000 square feet. Mr. Morris said yes; our smallest lot is 5,100 square feet and they get larger from there.

On a motion by Mr. Jones, it was moved to recommend to City Council approval of rezoning the subject property from ARHOD (Age Restricted Housing Overlay District), to R-1 (Residential Single Family District) with a PUD (Planned Unit Development) Overlay that provides for the following minimum standards: Front and rear yard setbacks of 20 feet; Side yard setback minimum of 7.5 feet with the collective of 15 feet between dwelling units; no lot in the development be less than 5,100 square feet; and per Section 1135.06 (e) (2) that we reduce the density in the planned development by 25% to permit an average net density of 6,000 square feet as defined in Section 1135.06 (c) (1) or (2), whichever one applies. Mr. Richter seconded the motion. On call of the roll: Mr. Jones, yes; Mr. Richter, yes; Mr. Rohrbach, yes; and Mr. Rettich, yes. Motion carried.

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD JANUARY 24, 2018**

They discussed the timeline as to when the preliminary plan would be able to come before the Planning Commission provided Council approved the rezoning.

2. Review of Application 17-06 – Dupps-Jerne Plat

Mr. Jones asked Mr. Brane to explain what is different in this document compared to the one they approved in September.

Mr. Brane reviewed the Dupps-Jerne plat and the new document that shows a reserved utility easement marked on the record plan. He said the new document also shows a change of 0.14 acres being dedicated to operate the roadway in a safe and efficient manner allowing room for emergency vehicles to turn around. It's a modified record plan and I wanted to bring it to you folks for approval of those modifications.

Mr. Jones asked if the city was going to have to pave the dedicated area. Mr. Brane said no; it's my understanding there are no improvements back there.

On a motion by Mr. Jones, seconded by Mr. Richter, it was moved to approve the Dupps-Jerne record plan and recommend City Council approve the new dedication as shown on the plat map. On call of the roll: Mr. Jones, yes; Mr. Richter, yes; Mr. Rohrbach, yes; and Mr. Rettich, yes. Motion carried.

ORGANIZATION:

Mr. Rettich asked if the board discussed meeting dates and times. Mr. Jones said yes; everything was kept the same. Mr. Rettich said it's hard for him to get here by 6:30 and asked if the board would consider 7:00 p.m.

On a motion by Mr. Jones, seconded by Mr. Rohrbach, it was moved to change the time of the meetings to convene at 7:00 p.m. On call of the roll: Mr. Jones, yes; Mr. Rohrbach, yes; Mr. Richter yes; and Mr. Rettich, yes. Motion carried.

OTHER BUSINESS:

Mr. Jones said staff has met with Mr. Wafzig regarding questions on the sign code and I think we have satisfied his concerns. He asked Mr. Brane to get with the Clerk to move the sign code forward. Mr. Brane said it was tabled and all they have to do is take it off the table to move it forward.

Mr. Jones said after Council gets through the income tax issue, we will have a meeting with the Law Director about the proposed ordinance for Adult Entertainment business regulations. Once staff looks at it, we will schedule that for Planning Commission to make a recommendation to Council.

Mr. Brane said we have a couple neat things going on; at Flying Squirrel Motor Sports, we are going to get Reeder's Landscaping Services. They do mulch and bobcat services.

Mr. Brane said the latest technology in cell phones is getting away from that monopole tower to refrigerator size units that go on telephone poles and things in the right of way. Utilities struck a deal with Federal Government, not exactly friendly to cities and their concerns, so there was Judge that was able to get an injunction. Zoning has no authority in the right of way other than in a PUD and several city representatives have been meeting at MVCC. We want to stay involved to get a right of way ordinance. I'm coordinating that effort for Germantown and we hope to have something for you folks to look at. If Council is going to do an ordinance, they are probably want you to look at it even though it's not a zoning thing.

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD JANUARY 24, 2018**

Mr. Jones said so what you're saying is cities can't charge for these or regulate them in the right of way. Mr. Brane said you can charge all your normal fees but you can't treat them differently and you have to permit these. It's just like anything else; it's difficult to prohibit things, easier to regulate them. Mr. Jones asked if you could put a size restriction on it. Mr. Brane said we want to come up with some design standards that would restrict that; they had them twice as big as they needed to be. I'll keep you folks apprised.

ADJOURNMENT:

On a motion by Mr. Mr. Jones, seconded by Mr. Rohrbach, it was moved to adjourn. All were in favor; none were opposed. The meeting adjourned at 7:41 p.m.

Jeffrey Jones
Chairman, Planning Commission

Keith A. Brane
City Planner