

**CITY OF GERMANTOWN SPECIAL PLANNING COMMISSION
MINUTES OF MEETING HELD MAY 2, 2018**

The City of Germantown Planning Commission met on May 2, 2018 at 7:02 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

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

EXCUSE ABSENT MEMBERS:

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

ALSO PRESENT:

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

CONSIDER APPROVAL OF THE MINUTES OF THE JANUARY 24, 2018 PLANNING COMMISSION MEETING:

On a motion by Mr. Jones, seconded by Mr. Rohrbach, it was moved to approve the minutes of the January 24, 2018 meeting as written. On call of the roll: Mr. Jones, yes; Mr. Rohrbach, yes; Mr. Rettich, yes; and Mrs. Izor, abstain. Motion carried.

BUSINESS:

1. Preliminary Plan Review for Villa at Hickory Pointe

Mr. Brane gave a brief overview of the project as follows: On 3-19-2018 Mr. Morris received a change of zoning district from Age Restricted Housing Overlay District to R-1 District with a Planned Unit Development Overlay for the development of the Villas at Hickory Pointe. Mr. Morris is requesting a Preliminary PUD Plan approval for the Villas at Hickory Pointe tonight. In terms of procedure, the Preliminary PUD Plan District overlays the existing zoning district and was established by City Council as a map amendment. The establishment of the PUD was a legislative action with a positive recommendation from the Planning Commission. The initial request was approved and the applicant is now submitting preliminary development plans to the commission prior to the final development plans. Staff is recommending approval of the application in its present form subject to the one condition that the Engineering Plan Review comments dated 4/5/2018 shall be addressed to the satisfaction of the City Engineer prior to the commencement of construction to install the roadway or utilities.

Mr. Ryan Morris of Associate Construction said Mr. Josh Liles of Apex Engineering has reviewed Mr. Chip Wirrig's engineering comments and mailed those back on 4/25/2018. I think a lot of the questions have been addressed already and our goal is to get preliminary approval tonight along with any comments then come back to the next meeting for final approval. This meeting was pushed back and we would like to be on the next meeting which is towards the end of May. As far as the development/construction plans are concerned, it should be down to some minor comments and we are here to answer any technical questions.

Mr. Josh Liles of Apex Engineering said I've got all Mr. Wirrig's comments addressed, they were sent back and approved. There is one update yet to be done which is a typical city detail that has to be added to

**CITY OF GERMANTOWN SPECIAL PLANNING COMMISSION
MINUTES OF MEETING HELD MAY 2, 2018**

the plan. Other than that, we are good to go. I've gotten back a signed title sheet of the construction plans from the engineers so that I can submit the PTIs. So that is where we stand on the construction plans.

Mr. Jones said I attended the City Council meeting where the zoning district change was approved and someone in the audience asked about the easement. In this case the utility easement on the north side of the property appears to be contiguous to or close to some of the pads and I just want an assurance that the actual utility lines will not interfere or overlap with the footprint of some of those homes. Did you address that particular issue? Mr. Liles referred the board to page 6 of the construction plans and explained the utilities will be located in the center of the easement. Mr. Jones asked what the closest point of the utilities is to any of the structures. Mr. Liles said if they build right up to the easement then it would be 25 feet.

Mr. Jones said another question previously discussed was the size of the lots. Have there been any changes? Mr. Morris said nothing has changed as far as the square footage of the lots from the concept plan. Mr. Jones said you are going to build a gazebo on the common lot. Mr. Morris said yes. Mr. Jones said on the final plans, I would like to see an elevation and the design of the gazebo, as well as a better view of the sidewalks.

Mr. Jones asked if the improvements would start after the approval of the preliminary plan or the final development plan. Mr. Brane said he can move dirt around without approval; what you are doing in the final is just basically that – all questions are answered, a bond is taken to guarantee public improvements occur such as curbs, gutters, sidewalks, street installation, utilities, things like that. The May 29th estimate for those improvements was based on us staying on schedule which we are not anymore, so I'm going to imagine that estimate is going to slip a little. He is going to want reasonable assurance he can do what he wants to do. Mr. Morris said building the road will start after the final is approved, then it is a 90 to 120 day project with a goal of building homes in the fall. The way we usually do this since we are private-paying for the improvements is pay everything and put in everything except for the sidewalks, then we bond the sidewalks and final asphalt at the end. Mr. Brane said sure, that is okay. Mr. Jones said as long as the engineer is okay with that. Mr. Morris said the bond is in place before we record the plat.

Mr. Jones asked if there were street names yet. Mr. Morris said we'll have that for the next meeting.

Mr. Jones said I would like to see some plans where the garage is not the main architectural feature; maybe a porch out front. Mr. Morris said when you have a 60 foot lot, you only have a 45 foot building pad. Mr. Rettich said I've seen some homes in developments similar to this where you have your building setback and then maybe you have a porch setback that's five feet closer. Mr. Jones said I'd like to see something where there's not a projection of the garage. Mr. Brane said usually you can have projections like that as long as the porch is open on three sides but let me check on that.

Mrs. Izor said I understand why you want a 20 foot setback in front of the garage so cars can park in front but do they need 20 foot in front of the house. It seems they could lessen that setback and have more private area in the back. Mr. Brane said I would be hesitant to lessen the front yard setback because at Council there was such concern about small lots. Mrs. Izor said wouldn't it create a better street scape and give more land for the person a private area or garden. Mr. Brane said Council approved the setbacks and that was the minimum. Mr. Jones said let them work on the house designs so the garage doesn't look like it's so far in front of the porch. Mrs. Izor said we can see how that works out; my concern is the quality and character of the public street scape.

Mr. Morris asked if the commission would be approving floor plans. Mr. Jones said we approve the pads, the elevations, and the materials. Mr. Morris said the final development approval is just for the construction of the public improvements. Mr. Jones said my understanding is what you see is what you get so we want to see the elevations. Mr. Morris said I don't want to get to the final with new renderings and get turned

**CITY OF GERMANTOWN SPECIAL PLANNING COMMISSION
MINUTES OF MEETING HELD MAY 2, 2018**

down over someone not liking a rendering. Mr. Jones said we aren't concerned with the minutia; we are talking about general architectural design considerations.

On a motion by Mr. Jones, seconded by Mr. Rohrbach, it was moved to approve the preliminary plan for the Villas at Hickory Pointe subject to the condition that the Engineering Plan Review comments dated 4/5/2018 shall be addressed to the satisfaction of the City Engineer prior to the commencement of construction to install the roadway or utilities. On call of the roll: Mr. Jones, yes; Mr. Rohrbach, yes; Mrs. Izor, yes; and Mr. Rettich, yes. Motion carried.

Mr. Morris asked Mr. Jones if he wanted to see a color rendering of the gazebo. Mr. Jones said just an elevation and the materials. We would also like to see a landscaping plan. Mrs. Izor said a street section showing where the houses will be and the setback would be nice. Mr. Brane asked if Mr. Jones was talking about the standard landscaping package for each home. Mr. Jones said yes, and the types of vegetation.

Mr. Morris asked to discuss a concept for another project which would be congregate care for 16 seniors in one building. It would be a 4,000 to 5,000 square foot ranch style building with a common area and a common kitchen for private pay residents. Mr. Jones said rooms that lock with common areas. Mr. Morris said yes and provided a layout of the proposed building. What we are wondering if this will be considered multi-family. Mr. Jones said I'm guessing it's an institutional use. Mrs. Izor said it seems to be right on the line; these are becoming more popular.

Mr. Brane said under residential uses, conditional uses are single family dwellings, bread and breakfast inns, elderly housing facilities, community oriented residential social service facilities, and home occupations. We are looking at elderly housing facilities. Mr. Jones said you would have to meet State requirements.

Mr. Jones asked if this could be done using existing access. Mr. Morris said that's a question for you guys; we were granted an access easement through the Franklin Foundation and we have a sign easement there as well. That was years ago. Mr. Jones asked if the easement was paved. Mr. Morris said yes. Mr. Jones said the fire department can access your proposed development. Mr. Morris said the intent is to eventually take it out to Rt. 4. Mr. Jones said the fire department may tell you that access needs to be now. Mr. Morris said there are interested investors and he is trying to get them a starting point to investigate.

Mr. Jones asked how many parcels were there. Mr. Morris said 2 parcels, one a little over 2 acres and the other is 2 ½ acres. They can be platted together if necessary. Then we have to decide to place the building behind the senior apartments or closer to Rt. 4. Mr. Jones said you may want to look at a planned unit development. Mr. Morris said with the R-3 zoning it is 15 units per acre, the density with straight zoning would allow for this to be put on an acre. Mr. Jones said with a conditional use we will talk about things like landscaping, access, and we would probably want to see a layout. Mr. Morris said the builder will sell the development to the investors so these plans were drawn by someone else. Mr. Jones said when I say we, I mean the BZA will look at it.

Mr. Brane said elderly housing is defined as residential development specially designed to house retired and elderly people and which may include a mixture of living options including apartments, group quarters, and nursing care facilities. In a typical congregate care you don't even have to be sick, you can just live there if you would like. Mr. Morris said I think that's what they are targeting. Mr. Brane asked what the time table was on that. Mr. Morris said I told them I would meet tonight and get a feel for it.

Mr. Jones said I know there are apartments but what else is there. Mr. Morris said right before you get to Triangle Station, behind the old daycare are ranch style senior apartments owned by the Franklin Foundation which is before you get back to the main apartments.

**CITY OF GERMANTOWN SPECIAL PLANNING COMMISSION
MINUTES OF MEETING HELD MAY 2, 2018**

Mr. Rettich asked if the developer thinks there is enough demand to fill this once it is built. Mr. Morris said they do; senior housing topics are really getting big right now. People are selling their bigger homes to downsize and finding the property zoned for these types of projects is a challenge. They want to nestle these right into a neighborhood.

Mr. Jones asked how the store and lock project was going. Mr. Morris said it should be completed in about 4 weeks. Mr. Jones said you have a couple more commercial lots there. Mr. Morris said yes; we still have quite a lot of C-1 property there. The problem we are having is the demographics in Germantown are not quite strong enough to draw national tenants. They look at the traffic counts, the populations, the building permits, and they just don't zero in on us. It's the challenge in these smaller towns.

OTHER BUSINESS:

Mr. Jones said I would like to start working on the zoning code again; where are we on the adult entertainment. Mr. Brane said I will make a note to follow up on that. Mr. Jones said if anyone has specific issues, we can propose additional standards or even overlay districts. Mr. Brane said the easiest thing in the world is if another city has a good example; no sense in reinventing the wheel. Mrs. Izor agreed.

Mrs. Izor said that's something that gets me; they have this much space, this much money, and they don't say how can we do it better and there are way better ways of designing this. Mr. Jones said we are not a land constrained municipality. Mrs. Izor said why go so traditional, why aren't these just little cottages. Mr. Jones said standards are for jurisdictions that have a limited amount of space. Our biggest challenge is we don't have a limited amount of space.

Mr. Rettich said you were talking about the setbacks earlier and when people were at the council meeting, they were worried about the houses being too close together and there being too many of them. The closer those get to the street, the more clustered it is going to look. Mrs. Izor said I assure you it won't; people got into a subdivision mentally for a couple of decades. The further things got pushed back, the more scattered it appeared. So you really want to design for the streets and allow people to have privacy in the background, or better yet a communal space or a service alley. These are really simple things to do and density is good as long as it has a good quality and a sense of scale and texture. Then make sure the common spaces, which is what I'm interested in, are meaningful and intentional and not just a bunch of left over space someone needs to mow. When you go down the street it should look like a house and the garage is the back; I don't want to see your backside on the front of the street. There is a civility to public space and it's not happening.

Mr. Jones said there are different ways we can do that; it can be done within the general provisions chapter and can be compulsory or suggestions. You can also do it within the planned unit development chapter or as a separate overlay. Mrs. Izor said I understand it is separate from planning unless you want to get into form based stuff. Mr. Jones said you can do form based stuff within a PUD but politically it's a matter of how you want to do it. I working on some of this and it's a matter of whether you want to make it compulsory or make it general guidelines that give the developer some flexibility. Then there's what you want to apply it to, straight zoning districts which you have to be very careful of or whether you're talking about PUDs. Most developers don't want to take the time or money to do PUDs. It's been a long time since we had a developer come in and say we want to do a PUD; so he's talking about things that are the right way to do things based on architectural and planning principles. Mrs. Izor said if you are going to the effort to build a neighborhood then you should make it look nice. I ask people this question all the time: where do you think are the beautiful places, where do you want to go on vacation. A house is a house and it can be sheathed anyway you want. It can be done affordably you just have to have someone that designs these features. Mr. Jones said the main thing is how we implement additional standards or suggestions.

**CITY OF GERMANTOWN SPECIAL PLANNING COMMISSION
MINUTES OF MEETING HELD MAY 2, 2018**

Mr. Brane said I've seen a lot of good ideas go bad; the lowest common denominator ideas are going to creep into high minded things and then you go back to making rules. We have a zoning code because lights noise and in 1929 they decided to segregate uses because resident shall not be bothered by commercial, and commercial shall not be bothered by industrial. We set up rules and never the three shall meet. Then we tried early PUD neighborhoods. The best example is some where they did a big wide open space development and they put a bikeway through it, then all the people put fences up by the bikeway. So now you have a bunch of privacy fence in your open space community because they don't want those people from the bikeway messing with their stuff. I've seen stuff like that go bad so it's a balance. Mrs. Izor said you have to account for that; there has to be a certain level of public appearance and other than that there is a private space where you set your fence.

Mr. Jones said it is a balance and sometimes you don't know what you want until you see it. You do have to be ready to deal with no, we don't want to see homes with the garage as the architectural feature and there's different ways of dealing with that. If you make restrictions in your straight zoning districts then you may have to deal with the situation that it may not be improved. It's a matter of what you want.

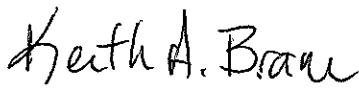
Mrs. Izor said I think we have an opportunity to keep a character here and make that a draw rather than it's another strip mall or subdivision that could be anywhere. Why would you come here then; what's the draw to this place. That's kind of the move that's happening and like it or not culturally, people are really getting into this localization movement.

Mr. Jones said bring in your ideas and we'll work on it together. The sign code is done and I want to get the adult entertainment done. Congress just passed legislation to shut down Back Page, key parts of Craig's List, and other adult entertainment websites have ceased operations in the U.S. We need to get this passed because it may be that many of these sites will no longer exist as they have existed. Since these are now restricted we may see an insurgence of traditional adult type facilities that are guaranteed by the constitution. I read this legislation is going to have unintended consequences. The commission discussed declined commercial developments and potential undesirable reuses.

ADJOURNMENT:

With no further business, the meeting was adjourned at 8:14 p.m.


Jeffrey Jones
Chairman, Planning Commission


Keith A. Brane
City Planner