The Bartlett Municipal Planning Commission met in the Assembly Chamber at Bartlett City Hall on Tuesday, September 3rd, 2013 at 7:00 p.m. for their regular scheduled meeting. Mr. Russ Abernathy, Chairman presided over the meeting.

**Members Present**
- Rev. Walter Peggs
- Russ Abernathy
- Alderman Jack Young
- Paul Kaiser
- Joe Walker
- John Roberts
- Ron Sandlin
- Jay Caughman

**Members Absent:**
- Jim Lamb

The following advisors were present: Terry Emerick, Director of Planning and Economic Development; Rick McClanahan, Director of Engineering; Wade Towles, Asst. Director of Engineering; Mark Saunders, Land Development Engineer; Bill Yearwood, Director of Public Works; Jim Brown, Director of Code Enforcement; Howard McNatt, Fire Marshal; and Ed McKenney, City Attorney.

*Rev. Walter Peggs opened the meeting with prayer. The Planning Commission and the audience recited the pledge of allegiance to the flag of the United States of America.*

*Mr. Sandlin made a motion to approve the minutes of the August 5th, 2013 regular meeting as submitted. Rev. Walter Peggs seconded the motion. Roll Call Vote: Eight members voted yes, one passed. The minutes were approved.*

**NEW BUSINESS**

**Hearing**

**Public Hearing:**

1. **Game X Change, Special Use Permit, 6832 & 6836 Stage Rd (Mike Hultquist, Owner)**

**INTRODUCTION:** Mr. Mike Hultquist with Game X Change is requesting Planning Commission approval for a Special Use Permit (SUP) to operate the Game X Change retail store. The business will be 6832 and 6836 Stage Road within the “C-H” Highway Business zoning
DISCUSSION: The proposed business will sell new and used electronic media store similar to Game Stop, they sell DVDs, CDs, video games and accessories. Ordinarily, retail uses in the “C-H” zoning district are permitted without an SUP. However, Article V, Chart I of the Zoning Ordinance states in part that, “retail secondhand stores” require an SUP. It would have to go through the Planning Commission for approval and recommendation to the Board of Mayor and Alderman for final approval. The Game XChange will be located in a small retail strip located near the corner of Hwy 64 and Hwy 70. Other uses within and adjacent to the subject use includes: a cell phone store, restaurants, a nail salon, an insurance office, a cigarette store, gas stations and a pharmacy.

Recommendation: Approval with conditions.

Planning Conditions:

1. The applicant shall obtain Design Review Commission and/or Administrative approval prior to installing signage and making changes to the exterior storefront.
2. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Chairman asked the board for any questions for Mr. Emerick, seeing none

Mr. Paul Bray, Bray Davis Firm, 2950 Stage Plaza North, was present to represent this application. He stated they are in agreement with the conditions of staff.

Hearing Opened at 7:05 p.m.

Chairman called for anyone wishing to speak for approval of this application, seeing none

Chairman called for anyone wishing to speak against this application, seeing none

No letters or calls were received for or against this application.

Chairman requested any questions or comments from the board, seeing none

Hearing Closed at 7:07 p.m.

Motion was made by Jay Caughman to recommend approval of this Special Use Permit to the Board of Mayor and Aldermen with staff conditions. Alderman Young seconded this motion. Roll Call Vote: All members voted yes. Motion was carried.

2. Walker Farms PD, Amendment, North of Old Brownsville Rd, East of Kirby-Whitten Road (Mark Underwood, Property Solutions)
INTRODUCTION: Mr. Terry Emerick explained that Mr. Mark Underwood with Property Solutions is requesting Planning Commission approval of proposed amendments to a previously recorded outline plan and recorded final plat for the Walker Farms Planned Development (P.D.). The subject property is located north of Old Brownsville Road, and east of Kirby-Whitten Road within the “RS-12” Residential zoning district.

BACKGROUND: October 13, 2004, the Memphis and Shelby County’s Land Use Control Board recommended approval of the 80-lot planned development and outline plan to the Shelby County Commission. On December 12, 2006, the Shelby County Commission granted approval of the project. On December 7, 2005, the Memphis City Council granted approval of the project. On October 2, 2006, the Bartlett Planning Commission recommended to the Board of Mayor and Aldermen that the project be annexed into the City of Bartlett, and that it be zoned “RS-12” Residential. On December 12, 2006, the Board of Mayor and Aldermen granted the annexation of the property along with the recommended zoning. On March 2, 2009, the Bartlett Planning Commission approved the final plan.

DISCUSSION: The applicant is requesting the following amendments to the outline plan and final plat in an effort to make new homes more attractive for today’s market. The proposed amendments are as follows:

- A reduction in the minimum heated floor area from 2,000 square feet to 1,800 square feet (40% of the homes) except for homes located on Farmland Way and Walker Farms Drive.
- Replace the irrigation requirement for street trees, and add a requirement to plant Redbud trees in November, and that the trees are to become the responsibility of the Homeowners Association.
- A reduction in the minimum rear yard setback from 25-feet to 20-feet for all lots.
- Establish a requirement that a minimum of 70% of the exterior elevations of the homes be constructed in brick.
- All mailboxes will be identical in design.
- The developer/owner shall obtain Planning Commission approval, prior to the construction of the future phases of the planned development.
- Driveway locations other than shown on the recorded plat shall be pre-approved by the City Engineer and Code Enforcement prior to installation.

Recommendation: Approval with conditions.

Engineering Conditions:

1. Outline Plan Conditions:
   a. II. Bulk Regulations, para A-5 – lots 1-19 and 31-50: These lots have the same overall lot depth (125’) and rear yard setback (25’) as the rest of the lots in this subdivision. Corner lots are excluded from this as they do not have rear yard setbacks. It is noted that lots 1-19 and 31-50 do have a 35’ front yard setback as opposed to a 30’ setback for all other lots in this subdivision. It is also noted that lots 1-14 back up to non
-buildable greenbelt or Common Open Space land. In a meeting with the developer on August 14, he noted this request also applies to the future-phased lots on Walker Farms Drive and the extension of Farmland Way. The recommendation for lot 1-19 and 31-50 and for all future lots along Farmland Way and Walker Farms Drive would be to reduce the rear yard building setback to 20 feet. No additional lots are recommended for this change, as those lots in Areas B, C, and D (per the Outline Plan) are smaller and narrower lots than those in Area A.

b. **V Landscape and Screening, para H**: Removing the irrigation requirement is not a major issue as long as the trees are all similar in height and maturity. The restriction to plant the trees between November 1 and March 1 is consistent with guidance provided to allow trees to be planted during the appropriate months to aid in survival. However, ALL of the trees shall be planted by the developer in the same planting season to ensure similar height/maturity. In a meeting with the developer on August 14, it was also agreed that the redbuds can be reduced in caliber to a minimum of 1”.

c. **XI final Plan, para B-5**: The ‘driveway plan’ was established by the previous bank after they had foreclosed, in an effort to defer installation of the landscaping and irrigation system, but to meet the requirement of V-D and XI B-5. Driveways had to be included in that plan, as the tree/landscaping plan had to consider the location of all driveways (min 10’ away for smaller trees), sewer and water services (min 5’ away), and any public easements generally found at lot lines (outside easement extension into ROW). Applicant proposes to eliminate all reference to the driveway locations in the landscaping plan along this minor collector street and simply let the builder install the trees where he can fit them. If this is to remain as a planned streetscape, the builder must strive to stay with the plan. If the trees are all planted in the next planting season by the developer starting November 1 this year, the builder would have the added task of relocating trees as necessary should the driveway location be moved. It is recommended the driveway plan remain, but give Codes and Engineering a little flexibility to adjust driveway locations, and the builder would further have the responsibility of moving and saving each tree rather than replacing it. This will preserve the intent of the tree-lined street. This note shall be placed on the plat and also on any building permit where the proposed relocated driveway will impact a street tree. The developer has agreed that for any lots for which the driveway would be relocated from the current plan, a plot plan showing the street trees on the affected lot and the two adjacent lots shall be included when applying for a building permit. This plan must be reviewed/approved by both Codes and Engineering prior to issuance of the building permit.

d. **Developer-Imposed Minimum Building Requirements, para A-1 (2000 SF vs 1800 SF)**: In the August 14 meeting, the developer clarified this request to include only the current and future lots not fronting on Farmland Way and Walker Farms Drive. The requested percent should specify the number of lots for phase 1, and the percent can apply to each phase independently. For phase 1, approximately 40 lots fit into this category and therefore (40% of 40 =) 16 lots could have the reduced square footage. Applicant must convert the percent to an actual number of lots so Codes can more easily keep track.

e. **Developer-Imposed Minimum Building Requirements, para A-2**: This is a new paragraph and Engineering has no comments
f. **Developer-Imposed Minimum Building Requirements, para A-3:** This is a new paragraph and Engineering has no comments.

g. **The revised phasing plan should only show the revised phasing.** It has superimposed two phase lines and neither is correct for phase 1. In one case the bold line matches the recorded plat (by lots 30 and 31) and in two other cases (lot 65-lot 66 and lot 78–lot 79) the non bold line matches the recorded plat. To give the developer some flexibility in modifying future phasing boundaries, it is recommended that a note be added on the plat allowing this flexibility from the original phasing schedule in the Outline Plan.

h. It is recommended the only re-recording should be of the plat including the outline plan conditions – **not** the original Outline Plan. The original conditions have been carried forward on the plat and that is all that should be changed, unless the overall boundary of the outline plan also changes.

i. The proposed plat – as revised – should:
   1. show the full contact information for the new developer
   2. cross out the interim developer – Liberty Bank of Arkansas
   3. remove from the re-recording note revision on all pages, the phrase “recorded phase 1”, as there are no changes to the lot line boundaries in phase 1.
   4. amend new note 11 on sheet 5 of 7 to clarify that this refers only to the trees in the planting strip in the right of way – not those in the front yards.

**Planning Comments:**

1. These lots are located within the “RS-12” zoning district which per the Zoning Ordinance requires front yard setbacks to be 35-feet, side yard setbacks of 8-feet and 10-feet, and rear yard setbacks to be 30-feet. The maximum permitted lot coverage is 30%. This planned development outline plan was originally approved with 30-foot and 35-foot front yard setbacks, 5-foot side yard setbacks, and 25-foot rear yard setbacks. The applicant is requesting to reduce the rear yard setback to 20-feet throughout the entire development, but has not addressed the lot coverage issue. If the applicant does not amend the percentage of lot coverage, then the lot coverage will remain at 30%.

2. The reduced rear yard setback may limit future owners from a building addition and/or installing a storage building.

3. The applicant shall provide planning staff with an electronic version of the plans.

4. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Chairman asked for questions from the board.

Jay Caughman asked if this is approved for this Phase will it include the other additional Phases. Answer was yes.

Joe Walker asked if the 35 foot setbacks were on the main street and the smaller streets were the 25’ to 20’ or as now requested at least 24’ setbacks. Answer was yes.

Hearing Opened at 7:34
Chairman requested the applicant come forward to the podium.

Mark Underwood, Property Solutions, 784 Deans Creek Drive, Collierville, was present to represent this application. He stated Trey Sowell of Walker Farms LLC, was also present to answer questions. He talked about 40% of homes developed. He stated that the new final plat shows which lot numbers would have the reduced home size to 1800 sq. ft. if approved. Talked about tree planting – removal of trees. Necessary to limit where those trees will be located. Intend to plant in between November and March. Want to plant them all in one season. They are requesting reduced rear yard setback so they can build bigger homes. Make outdoor living area. Would like 20 feet but at least 24 feet which would give them an extra foot.

Hearing closed at 7:43 p.m.

Alderman Young made a motion to recommend approval to the Board of Mayor and Aldermen for the rear yard setbacks at least 24 feet for those lots where he said but retain the home minimum heated living area of 2000 sq. ft. minimum and approval of the other requests above and conditions of staff. Mr. Sandlin seconded the motion. Roll Call Vote: All members voted yes. Motion was carried.

Note: Lots 1-19 and 31-50 with 35 feet front yard setbacks will have 20 foot back yard setbacks and Lots 51 through 80 and Lots 20-30 with 30 feet front yard setbacks will have 24 foot back yard setbacks.

Site Plan:

3. Carlson Consulting Engineers, Building Expansion, 7068 Ledgestone Commons (Dean Carlson, Carlson Consulting Engineers)

INTRODUCTION: Mr. Terry Emerick explained that Mr. Dean Carlson with Carlson Consulting Engineers is requesting Planning Commission approval of a revised site plan for the Carlson Consulting Engineers office site. The subject property is located at 7068 Ledgestone Commons within the “O-C” Office zoning district.

BACKGROUND: On June 7, 2004, the Planning Commission approved a site plan for an 8,365 square foot office building and parking lot on an 8.68-acre parcel of land. A City of Bartlett water tank is located on an outparcel adjacent to the office building. Both the office building and water tank share an access road from Highway 70.

DISCUSSION: More specifically, the applicant is proposing to revise an existing site plan to expand the existing office building and parking lot. The existing building is setback approximately 590-feet from Highway 70. The building expansion will be on the rear elevation of the building. The proposed site plan also includes an additional dumpster pad and landscaping. The specifics of the site plan are as follows:

<table>
<thead>
<tr>
<th>Site Data</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area:</td>
<td>8.68-acre</td>
</tr>
<tr>
<td>Total Existing Parking Spaces:</td>
<td>39-spaces</td>
</tr>
</tbody>
</table>
**Proposed Additional Spaces:** 35-spaces

**Total Proposed Parking:** 74-spaces

**Handicap Accessible:** 2-spaces

**Regular:** 72-spaces

**Existing Building Area:** 8,365 sq.ft.

**Proposed Building Area:** 1,537 sq.ft.

**Total Proposed Building Area:** 9,902 sq.ft.

**Greenspace/Openspace:** Not provided

**Building Height:** Not provided

**Recommendation:** Approval with conditions.

**Engineering Conditions:**

1. This expansion, for the parking lot expands outside the original phase 1 as shown on the plat recorded in Plat Book 213, Page 46 (used 2.11 acres in sewer calculation) area upon which fees were based in the original development. As such, a new contract or (other method) will be required to collect additional fees based on the additional acres added to the phase 1 area.
   a. The plat will also need to be re-recorded or some other method will need to be created to reflect the revised phase 1 area and modify the note addressing what has been paid.

2. Planting Plan:
   a. Rework the tree density unit chart to match the current tree ordinance – 20 TDU’s per acre. This shall be done before submission to the DRC.
   b. TDU’s - Show existing (to remain), existing (to be removed), and new -- and delineate all by tree species.
   c. The Saucer Magnolia is a medium density tree
   d. The Willow Oak is a large density tree.
   e. The River Birch and Tea Olive are not on the approved list in our tree ordinance. This will be addressed by the DRC.

3. Detention: A new Stormwater analysis has been submitted to Engineering separately from the application and questions associated with the specifics are being worked out directly with the applicant.

**Planning Conditions:**

1. A site plan data table shall be included in the final set of plans that are submitted for permitting.

2. A detail of the dumpster enclosure shall be included with the final set of plans that are submitted for permitting.

3. Since the building expansion is located at the rear of the building, the elevation plans and landscaping will be reviewed by Planning staff. The applicant shall provide Planning staff with a set of elevation plans including a color and materials data table as well as paint samples prior to obtaining a building permit. The final elevation plans with the color and materials data table shall also be included with the final set of plans that
are submitted for permitting.
4. The applicant shall provide Planning staff with an electronic version of the plans.
5. The owner/applicant shall be present at the meeting in order to make decisions relative to any changes that may be suggested by the Planning Commission.

Dean Carlson, Carlson Consulting Engineers, Inc., 7068 Ledgestone Commons, Bartlett was present to represent this application. This is an expansion to the building. Agrees with the comments except they are not putting an additional dumpster, just concrete pad in front of the one that is there.

Motion was made by Jay Caughman to approve this application with conditions of staff. Alderman Young seconded the motion. Roll Call Vote: All members voted yes. Motion was carried.

Discussion

There being no further business, meeting adjourned at 7:47 p.m.

Respectfully submitted by Kit Markham, Administrative Secretary