

**PLANNING COMMISSION SPECIAL CALLED MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, January 21, 2014**

The regular meeting of the Planning Commission Special Called meeting was scheduled and held in the Council Chambers of the Municipal Center on January 21, 2014. Chairman 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 Klevan then called the meeting to order at 6:00 p.m., asking the secretary for the roll.

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

**Commissioners Present:** Alderman Forrest Owens, Steve Wilensky, David Klevan, Hale Barclay, Mike Harless, and George Hernandez

**Commissioners Absent:** Susan Burrow, and Dike Bacon

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

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

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3. **Closure of Pete Mitchell Rd., Between Poplar Ave. and the Crash Gate Proposed to be constructed as a Part of the Whole Foods Market**

**INTRODUCTION:**

Applicant Name:	<b><u>Cindy Reaves, w/SR Consulting – Representative</u></b>
Location:	Pete Mitchell Rd., Located East of the Poplar Ave./Exeter Rd. intersection.

**BACKGROUND:** Pete Mitchell Rd is a one-way street connecting Poplar Ave. to Dogwood Rd. It is unusual in that the street right-of-way was never dedicated to the City, but has remained in private ownership. Until recently, the property owners on either side owned to the centerline of the street. Cypress Realty recently purchased the pavement area abutting the Whole Foods Market site. The closure of Pete Mitchell Rd. is a component of the Whole Foods Market site plan, which was approved by the Planning Commission on January 7, 2014, subject to the closure of Pete Mitchell Rd.

**DISCUSSION:** The Whole Foods site plan proposes the closure of Pete Mitchell Rd. as a public thoroughfare and the construction of a crash gate on Pete Mitchell, south of the store's entrance drive. Cypress Realty, the developer of the Whole Foods Market site, owns to the western edge of pavement, having recently purchased that land from Ken Norwood. Cypress Realty has filed an application to close the street so it can be incorporated into the Whole Foods development plan and become an access drive to that store. There will be no change to the section of Pete Mitchell Rd. south of the crash gate.

**STAFF COMMENTS:**

1. If recommended by the Planning Commission, the closure will proceed to the Board of Mayor and Aldermen for approval as an ordinance, after three readings, including a public hearing.

**STAFF RECOMMENDATION:** Approval

Mr. Harless asked who would maintain the road south of the crash gate?

Mr. Pouncey answered Whole Foods will be responsible for maintaining the north side of the crash gate such as potholes, etc. The south side of the crash gate will be maintained by the City.

Cindy Reaves with SR Consulting, LLC 5909 Shelby Oaks Drive, Suite 200, Memphis, TN stated we appreciate all the work that the Planning Commission and the staff have done for this project. We do want to talk about the closure area; our original applicant is the intent to close the entire property frontage that we own. The public road would start at our property line and go to Dogwood Road and that we would maintain up to our property line. We will have to tight in to the existing (taper in) edge of the road.

Mr. Harless asked how far north of your property line is the crash gate being installed?

Ms. Reaves is about 300 feet from the north and south 200 feet.

Mr. Morgan stated the exact location of the crash gate is to be determined with the construction drawings. It will depend on the tapering that is required and the design on the entrance to Whole Foods.

Mr. Harris stated while the exact location is not shown on this application, the location is approximately 470 feet south of Poplar Avenue.

Alderman Owens asked once the construction drawing is completed, then do we have revised plat?

Richard Raines he is a legal counsel for the applicant; lives at 8935 Claiborne Farm Drive. This is a technical correction for the record. The applicant is under contract to purchase these 5 parcels, two parcels are from the Luke's at 7811 and 7837 Poplar Avenue, then from the Willis 2232 and 2238 Pete Mitchell Road and then a 10 foot strip from the Norwood Trust on the west side of Pete Mitchell Road. Such as that, all the ownership of Pete Mitchell Road comes together under a common applicant.

Ken Norwood, 7750 Dogwood Road, I would like to make a statement before closing: we like to keep the traffic from being able to turn south out of their entrance; we are just hoping to save some traffic.

Mr. Barclay stated he will be voting yes; for reasons that closure of Pete Mitchell Road to protect and insulation of residential neighborhood from traffic as Poplar Avenue further develops.

Mr. Harless stated he will be voting yes; for maintaining, the integrity of the residents and for the neighborhood and it is important that we have provided an access for the emergency vehicles to service that area.

Mr. Hernandez stated he will be voting yes; for the same reasons to protect the residential area south of the crash gate from the traffic on Poplar Avenue.

Alderman Owens stated he will be voting yes; because of traffic counts less than 20 vehicles per day on Pete Mitchell Road, and increased development that we are seeing on Poplar Avenue.

Mr. Wilensky stated he will be voting yes; for all the same reasons. We appreciate the efforts and all the comments from everybody involved. We want to do the right thing and for the best way we can to preserve safety for the residents that live on Dogwood Road.

Chairman Klevan stated he will be voting yes; there only so many things you can do for the protection of neighborhoods and this is definitely one of them. It gives closure and eliminates traffic and it provides a safety element for the people close to the intersection.

Chairman Klevan noted this item would go in front of the BMA on Monday, January 27, 2014 for the first reading.

**PROPOSED MOTION:** To recommend approval of the closure of the section of Pete Mitchell Rd., between Poplar Ave. and the crash gate proposed to be constructed as a part of the Whole Foods Market, subject to the preceding comments.

Mr. Harless moved to recommend approval of the closure of the section of Pete Mitchell Rd., between Poplar Ave. and the crash gate proposed to be constructed as a part of the Whole Foods Market, subject to the preceding comments, seconded by Mr. Barclay.

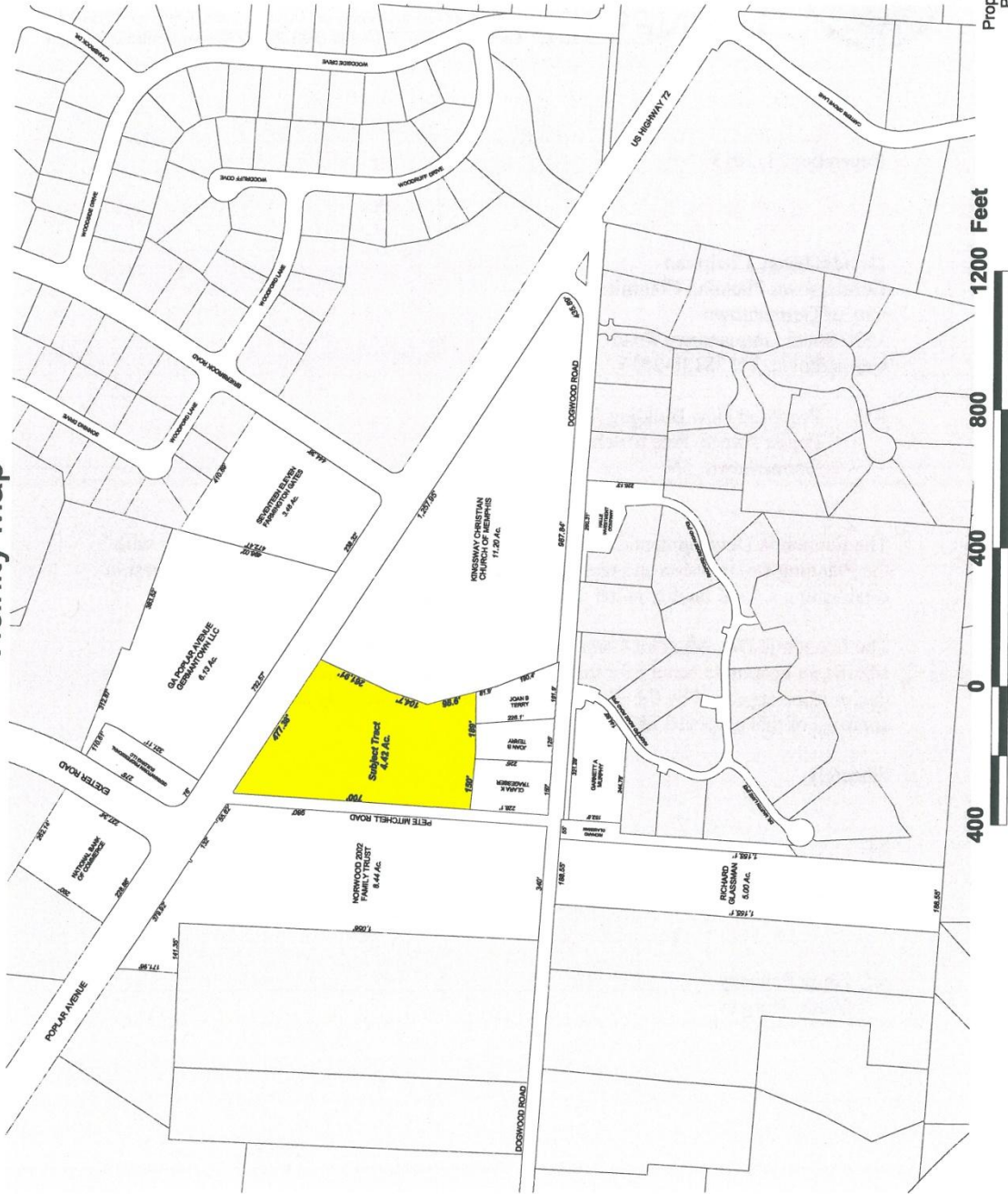
Chairman Klevan asked for a roll call.

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

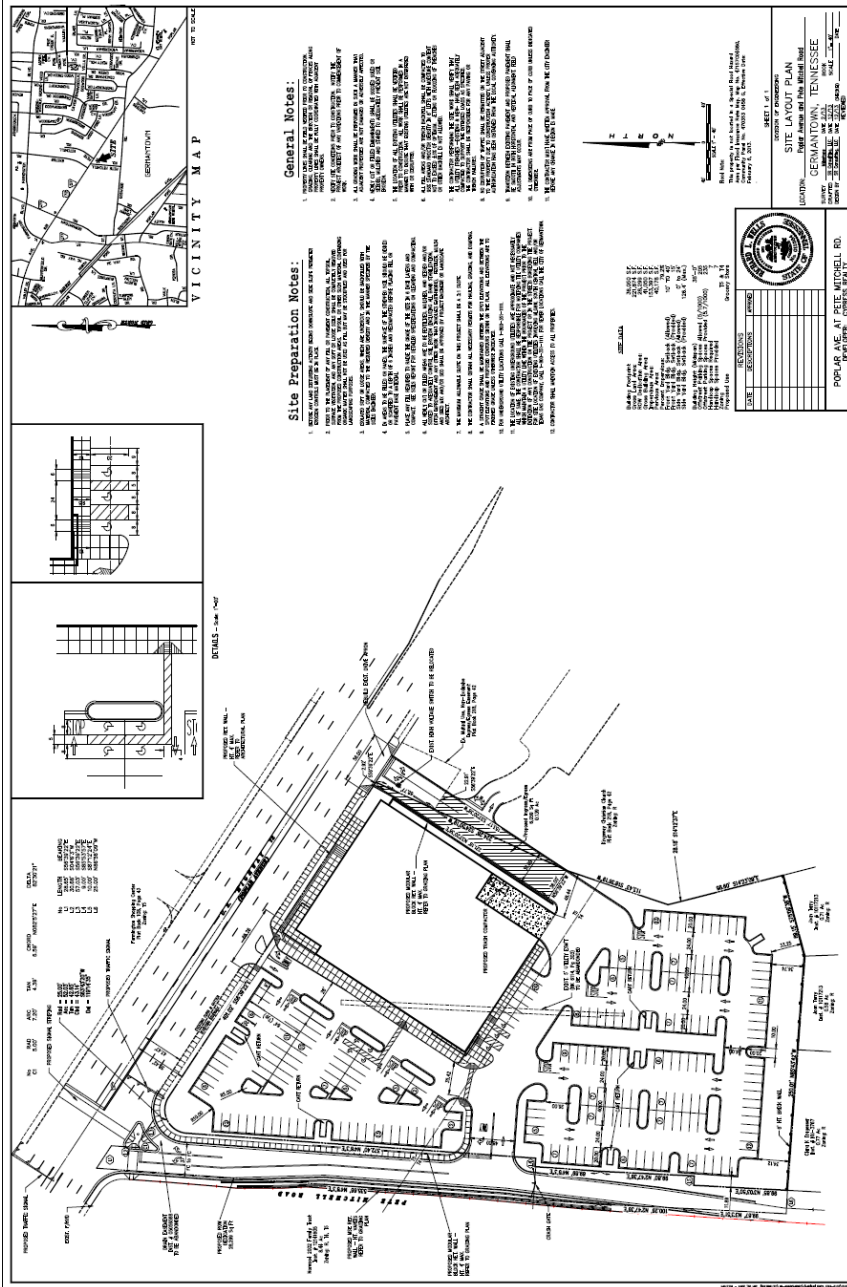
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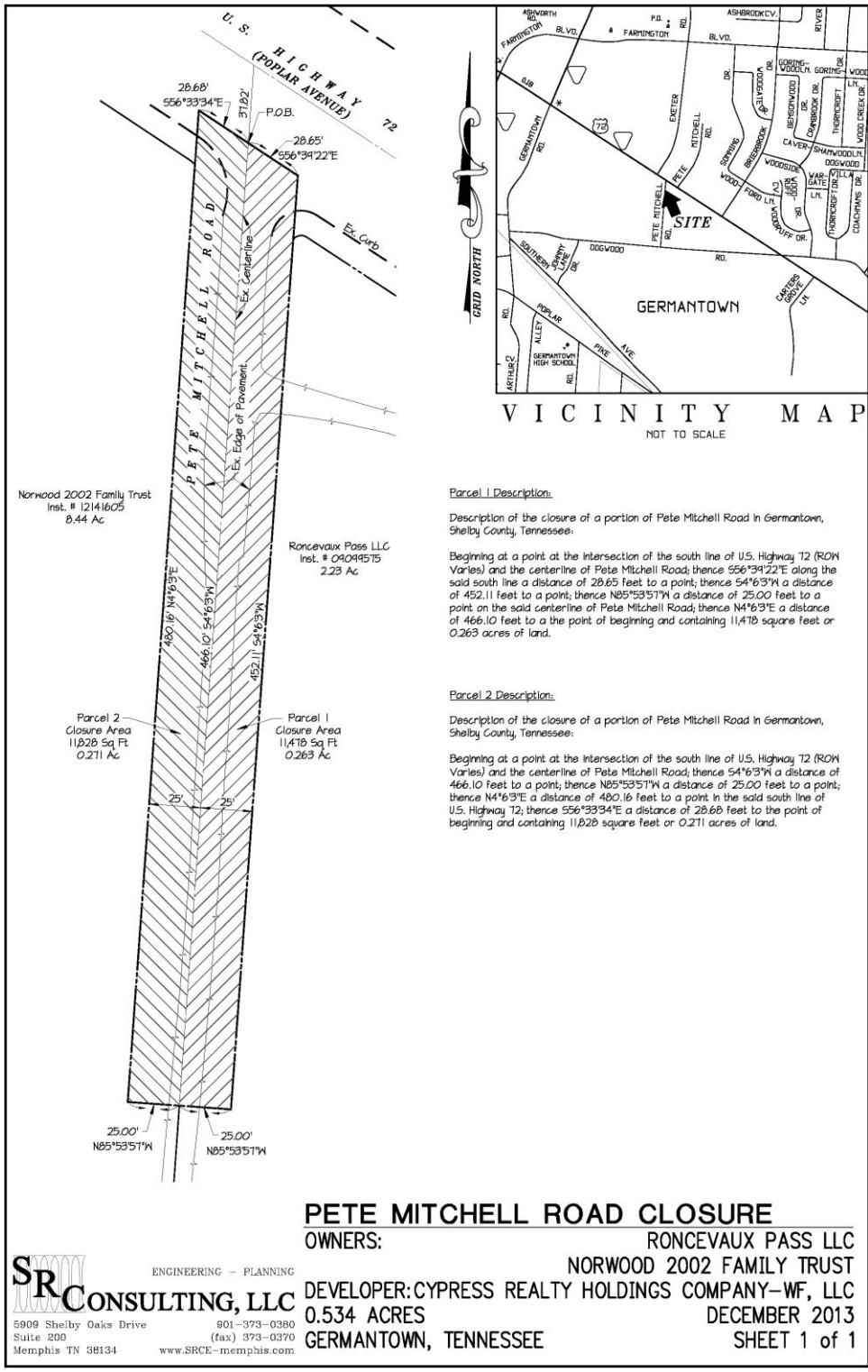
3. Chairman Klevan asked if there was any old business to come before the Commission. There was none.
4. Chairman Klevan asked if there was any new business to come before the Commission. There was none.
5. Chairman Klevan asked if there were any liaison reports. There was none.
6. **ADJOURNMENT:** The meeting adjourned at 6:35 p.m.

# Vicinity Map



Date: 08/26/13  
Prepared By:  
Property Research Data  
PRD Job #13-08Z





**Parcel 1 Description:**  
 Description of the closure of a portion of Pete Mitchell Road in Germantown, Shelby County, Tennessee:

Beginning at a point at the intersection of the south line of U.S. Highway 72 (R/W Varies) and the centerline of Pete Mitchell Road; thence  $556^{\circ}34'22''E$  along the said south line a distance of 28.65 feet to a point; thence  $54^{\circ}6'3''N$  a distance of 452.11 feet to a point; thence  $N85^{\circ}53'51''W$  a distance of 25.00 feet to a point on the said centerline of Pete Mitchell Road; thence  $N4^{\circ}6'3''E$  a distance of 466.10 feet to the point of beginning and containing 11,418 square feet or 0.263 acres of land.

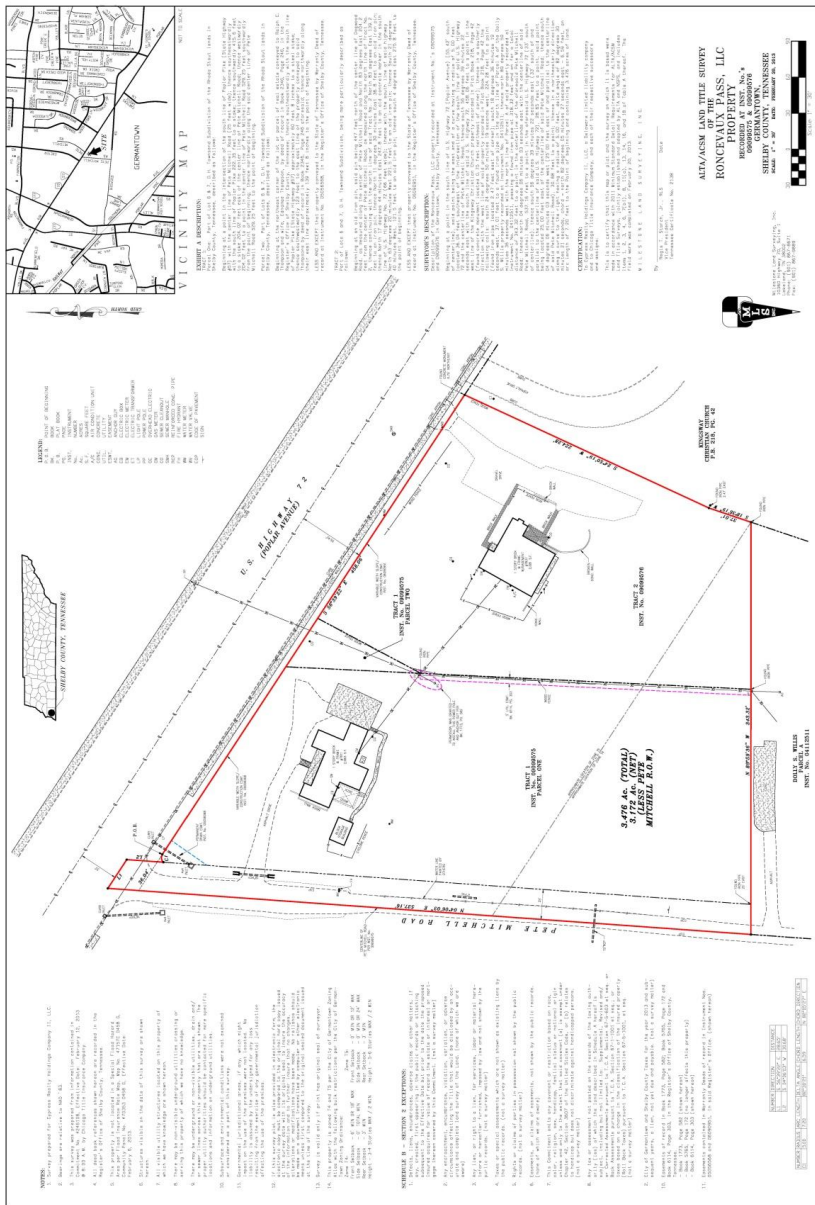
**Parcel 2 Description:**  
 Description of the closure of a portion of Pete Mitchell Road in Germantown, Shelby County, Tennessee:

Beginning at a point at the intersection of the south line of U.S. Highway 72 (R/W Varies) and the centerline of Pete Mitchell Road; thence  $54^{\circ}6'3''N$  a distance of 466.10 feet to a point; thence  $N85^{\circ}53'51''W$  a distance of 25.00 feet to a point; thence  $N4^{\circ}6'3''E$  a distance of 482.16 feet to a point in the said south line of U.S. Highway 72; thence  $556^{\circ}33'34''E$  a distance of 28.68 feet to the point of beginning and containing 11,828 square feet or 0.271 acres of land.

**PETE MITCHELL ROAD CLOSURE**

OWNERS: Roncevaux Pass LLC  
 NORWOOD 2002 FAMILY TRUST  
 DEVELOPER: CYPRESS REALTY HOLDINGS COMPANY-WF, LLC  
 0.534 ACRES  
 GERMANTOWN, TENNESSEE  
 DECEMBER 2013  
 SHEET 1 of 1

**SR CONSULTING, LLC**  
 ENGINEERING - PLANNING  
 5909 Shelby Oaks Drive  
 Suite 200  
 Memphis TN 38134  
 901-373-0380  
 (fax) 373-0370  
 www.SRCE-memphis.com







**OWNER/DEVELOPER INFORMATION**

**OWNERS:**

Name: Roncevaux Pass LLC

Address: P.O. Box 382840  
Germantown, TN 38183

Name: Norwood 2002 Family Trust

Address: 7750 Dogwood Road  
Germantown, TN 38138

**DEVELOPER:**

Name: Cypress Realty Holdings Company -WF, LLC

Address: 700 Colonial Road  
Suite 100  
Memphis, TN 38117

Phone: (901) 682-7606

Fax: (901) 682-7992

Email: joej@cypressfund.com

**DISCLOSURE OF OWNERSHIP INTERESTS**

In order to assist staff and appointed and elected officials of the City of Germantown in complying with Ordinances of the City relating to conflicts of interest, the following information is required to be furnished:

1. For Profit Entities. If the applicant submitting this Application ("Applicant") is a for-profit entity, i.e. general partnership, limited partnership, corporation, limited liability company, RE.LT., a trust, or any other form of for-profit business entity, the authorized representative of the Applicant must list below the respective names and business or home addresses of all persons or entities which own 10% or more of the ownership interests in the Applicant. (If another business entity owns 10% or more of the ownership interests in the Applicant, all persons owning a 10% or more interest in such last mentioned entity must be identified by name and business or home address.) (If a trust owns a 10% or more interest in the Applicant, all beneficiaries of 10% or more of the trust assets must be identified by name and business or home address.) The amount of ownership interest does not have to be disclosed.

Applicant: \_\_\_\_\_

Persons or Entities Owning 10% or More of the Ownership Interests of the Applicant:

Name	Business or Home Address
_____	_____
_____	_____
_____	_____
_____	_____

2. For Profit Entities: If the owner and any lessee of the land which is the subject of this Application ("Owner and Lessee") is a for-profit entity, i.e. general partnership, limited partnership, corporation, limited liability company, R.E.L.T., a trust, or any other form of for-profit business entity, the authorized representative of the Owner and Lessee must list below the respective names and business or home addresses of all persons or entities which own 10% or more of the ownership interests in the Owner and Lessee. (If another business entity owns 10% or more of the ownership interests in the Owner and Lessee, all persons owning a 10% or more interest in such last mentioned entity must be identified by name and business or home address.) (If a trust owns a 10% or more interest in the Owner and Lessee, all beneficiaries of 10% or more of the trust assets must be identified by name and business or home address.) The amount of ownership interest does not have to be disclosed.

Owner and Lessee: Kenneth B. Norwood and Paul A. Norwood, Trustees of The Norwood 2002 Family Trust

Persons or Entities Owning 10% or More of the Ownership Interests of the Owner and Lessee:

Name	Business or Home Address
<u>Paul A. Norwood</u>	<u>7750 Dogwood Road, Germantown, TN 38138</u>
<u>Kenneth B. Norwood</u>	<u>7750 Dogwood Road, Germantown, TN 38138</u>
_____	_____
_____	_____

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Applicant: Cypress Realty Holdings Company II, LLC

Persons or Entities Owning 10% or More of the Ownership Interests of the Applicant:

Name	Business or Home Address
<u>R. Moliter Ford Trust</u>	<u>700 Colonial Road, Suite 100, Memphis, Tennessee</u>
<u>W. Jeffries Mann, Sr. Gr</u>	<u>675 Oakleaf Office Lane, Suite 100 Memphis, TN 38117</u>
<u>Reid Sanders</u>	<u>5100 Wheelis Dr., Suite 206 Memphis, TN 38117</u>
<u> </u>	<u> </u>

2. For Profit Entities: If the owner and any lessee of the land which is the subject of this Application ("Owner and Lessee") is a for-profit entity, i.e. general partnership, limited partnership, corporation, limited liability company, R.E.L.T., a trust, or any other form of for-profit business entity, the authorized representative of the Owner and Lessee must list below the respective names and business or home addresses of all persons or entities which own 10% or more of the ownership interests in the Owner and Lessee. (If another business entity owns 10% or more of the ownership interests in the Owner and Lessee, all persons owning a 10% or more interest in such last mentioned entity must be identified by name and business or home address.) (If a trust owns a 10% or more interest in the Owner and Lessee, all beneficiaries of 10% or more of the trust assets must be identified by name and business or home address.) The amount of ownership interest does not have to be disclosed.

Owner and Lessee: \_\_\_\_\_

Persons or Entities Owning 10% or More of the Ownership Interests of the Owner and Lessee:

Name	Business or Home Address
<u> </u>	<u> </u>
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Owner and Lessee: Roncevaux Pass LLC

Persons or Entities Owning 10% or More of the Ownership Interests of the Owner and Lessee:

Name	Business or Home Address
Irati Trust	PO Box 382840; Germantown, TN 38183-2840
La Rioja Trust	PO Box 382840; Germantown, TN 38183-2840
<i>Timothy Luke</i>	<i>PO Box 382840 ; Germantown, TN 38183-2840</i>
<i>Judith Luke</i>	<i>same address</i>