

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, June 2, 2015**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on June 2, 2015. Chairman Harless welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman Harless then called the meeting to order at 6:03 p.m., asking the secretary for the roll.

Commissioners Present: Mike Harless, George Hernandez, Alderman Forrest Owens, Rick Bennett, Mayor Mike Palazzolo, and Dike Bacon

Commissioners Absent: David Clark, Susan Burrow, and Hale Barclay

Staff Present: David Harris, Wade Morgan, Tim Gwaltney, Cameron Ross, Sheila Pounder, and Pam Rush

2. Approval of Minutes for May 5, 2015

Chairman Harless 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 May 5, 2015. If there are no additions, corrections or deletions to the minutes of the May 5, 2015, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bacon moved to approve the Planning Commission minutes of May 5, 2015, as submitted, seconded by Mr. Hernandez.

Chairman Harless asked for a roll call.

Roll Call: Barclay – absent; Burrow – absent; Hernandez – yes; Bacon – yes; Harless – yes; Owens – yes; Clark – absent; Bennett – abstain; Palazzolo- abstain. **The motion was passed**

3. Consent Agenda: None

4. Regional Greenprint Plan – Request Recommendation for Approval

PROPOSED MOTION: To recommend to the Board of Mayor and Aldermen the approval of the Mid-south Regional Greenprint Plan.

John Zeanah, Program Manager, Administrator with Memphis and Shelby County Office of Sustainability Shelby at 125 North Main Street, Memphis, TN, was present to answer any questions.

Mr. Bacon moved to recommend to the Board of Mayor and Aldermen the approval of the Mid-south Regional Greenprint Plan, as submitted, seconded by Mayor Palazzolo.

Chairman Harless asked for a roll call.

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

MID-SOUTH REGIONAL GREENPRINT

About the Greenprint

Funded by a \$2.6 million HUD Sustainable Communities Regional Planning Grant awarded to Shelby County Government in November 2011, GREENPRINT 2015/2040 plans for a network of green space across Shelby County, Fayette County TN, Crittenden County AR, and DeSoto County MS.

From August 2012 to today, over 80 organizations and 300 individuals from the tri-state area, including representatives from all municipalities of Shelby County, contributed to the development of the plan as the Mid-South Regional Greenprint Consortium. Community outreach was conducted over this period of time, reaching over 3,000 residents of the Mid-South.

The planning process involved a visioning phase in year 1 and additional plans and studies in year 2. Additional plans and studies considered issues such as improving transportation to employment, health impact of green space, and integrating housing and equity. In addition, 20 subplanning demonstration projects were conducted by community partners.

Subplanning demonstration projects include: Millington Greenways Plan, Arlington Loosahatchie Greenway Plan, Frayser Town Center Plan, Wolf River Boat Launch Study, Shelby Farms Access Study, Overton Park Access Study, Crosstown Greenway Connector Plan, South Parkway Median Restoration Plan, among several others.

Key Recommendations

GREENPRINT 2015/2040 contains two primary elements: the strategic framework plan and the Concept Map. The strategic framework plan includes goal statements for the region related to green space access, equitable participation and benefit, increased transportation options, improved health, stronger neighborhoods and towns, improved environmental quality, economic growth, and better overall quality of life. The plan includes Objectives and Action steps to achieve these goals.

The Concept Map is the guiding map document for the plan, charting the recommended system of green space. The map includes 500 miles of off-street greenways and 200 miles of on-street connections across the tri-state area. If implemented today, nearly 80% of the region's households and jobs would be within 1 mile of a Greenprint network link.

Adopting the Plan

Approving the resolution to adopt the GREENPRINT 2015/2040 plan means: (1) Jurisdictions formally adopt GREENPRINT 2015/2040 as the regional green space plan, which serves as a foundation for connecting greenways across the tri-state region; (2) staff consider how recommendations integrate into local decisions, as applicable; (3) staff work with neighboring jurisdictions to ensure connectivity of greenways and trails.

Approving the resolution to adopt the GREENPRINT 2015/2040 plan does not appropriate funding, affect zoning or land use decisions, or include other regulatory obligations.

RESOLUTION TO ADOPT GREENPRINT 2015/2040, ALSO KNOWN AS THE MID-SOUTH REGIONAL GREENPRINT AND SUSTAINABILITY PLAN, A TRI-STATE PLANNING INITIATIVE FUNDED BY A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, On November 21, 2011, Shelby County Government was awarded a Regional Planning Grant from the U.S. Department of Housing and Urban Development Office of Sustainable Housing and Communities in the amount of \$2,619,999 for the period of February 1, 2012 to January 31, 2015;

WHEREAS, the Regional Planning Grant funded the development of the Mid-South Regional Greenprint and Sustainability Plan to develop a unified, 25-year vision for a network of green space connecting Shelby County, TN, Fayette County, TN, Crittenden County, AR, and DeSoto County, MS;

WHEREAS, a consortium of 82 organizations, represented by over 300 individuals, from the tri-state area formally agree to cooperatively develop the Mid-South Regional Greenprint and Sustainability Plan over a three-year period;

WHEREAS, eight working groups were formed in order to address the comprehensive focus on the Mid-South Regional Greenprint and Sustainability Plan: Parks and Greenways, Social Equity, Alternative Transportation and Fuels, Community Health and Wellness, Housing and Neighborhood Land Use, Resource Conservation and Environmental Protection, Workforce Development and Regional Employment, and Data Mapping and Evaluation;

WHEREAS, GREENPRINT 2015/2040 is the culmination of work by the consortium and working groups that includes a regional vision plan, an implementation strategies report, a bus transit to workplace study, a health impact assessment, a fair housing and equity assessment, data and mapping, community engagement and capacity building, and 20 local subplans;

NOW THEREFORE BE IT RESOLVED, BY THE [INSERT ELECTED BODY HERE], that the [INSERT CITY/COUNTY] formally adopts GREENPRINT 2015/2040, also known as the Mid-South Regional Greenprint and Sustainability Plan, as the regional green space and sustainability plan;

BE IT FURTHER RESOLVED, that the Mayor (or Administrator) of [INSERT CITY/COUNTY] shall direct parks, planning, or other appropriate staff to consider recommendations of GREENPRINT 2015/2040 in plans developed for [city/town/county];

BE IT FURTHER RESOLVED, that the concept map for a regional network of green space contained in GREENPRINT 2015/2040 shall serve as a foundation for connecting greenways and trails across city, county, and state lines in the Mid-South region;

BE IT FURTHER RESOLVED, that the Mayor (or Administrator) of [INSERT CITY/COUNTY] shall direct staff to coordinate with neighboring jurisdictions on greenways and trails to ensure connectivity.

This RESOLUTION adopted by the [INSERT ELECTED BODY HERE] on this DAY OF MONTH, 2014.

5. Travure Planned Unit Development, South Side of Poplar Ave., 750 Feet East of Kirby Parkway – Request Outline Plan Approval (Case # 15-524)

INTRODUCTION:

Owner/Developer/Applicant Name:	<u><i>Gill Properties, Inc. (Ray Gill)</i></u>
Representative Name:	Michael Rogers, w/Fisher Arnold
Location:	South side of Poplar Ave., east of Kirby Pkwy and west of Nottoway PUD
Zoning Districts:	T4-R” General Urban Restricted, “T-5” Urban Center Districts

*Refer to the Disclosure Form attached for more information

BACKGROUND: The property was rezoned from the “OG-1” Old Germantown District to the T-4R and T-5 districts as part of the Western Gateway Small Area Plan rezoning in October 2014.

DISCUSSION:

The eastern 150 feet of the property is within the T4-R district, which allows residential uses and/or parking facilities (either parking structure or surface parking), and requires a 50 foot building setback including a 25 foot landscape screen. The maximum building height is three stories. The remainder of

the property is within the T-5 district, which requires a minimum 20-foot tall building, and allows five story buildings (six stories with warrant).

DEVELOPMENT SUMMARY

TOTAL SITE AREA	10.05 ac.
USES: all uses allowed in the T-5 and T-4R districts	.
Parcel 1 - Office, and Retail Space	34,100 sq. ft
Parcel 2 - Office	150,620 sq. ft.
Parcel 3 - Hotel	216 rooms

NOTE: THE ABOVE FIGURES ARE BASED ON THE SUBMITTED CONCEPT PLANS

The development has been filed as a Planned Unit Development (PUD) in order to incorporate a private internal drive into the plan. A Project Description from the applicant is attached.

STAFF COMMENTS:

A. GENERAL COMMENTS

1. Site infrastructure (Poplar Ave. improvements, internal streets and drives, utilities) shall be phase 1 of the development.
2. After approval from the Planning Commission, the outline plan shall proceed to the Board of Mayor and Aldermen for approval.

B. INFORMATION REQUIRED AS PART OF PRELIMINARY/FINAL SITE PLAN APPROVAL

1. Provide all the plans and information listed in the Preliminary/Final Site Plan checklist, including a pedestrian circulation plan and a list of site amenities to be provided.

STAFF RECOMMENDATION: Approval, subject to the Staff comments.

SMART CODE REVIEW COMMITTEE: The committee met on May 20, 2015, and withheld a recommendation.

PROPOSED MOTION: To approval the outline plan for the Travure Planned Unit Development located on the south side of Poplar Ave., 750 Feet East of Kirby Parkway.

Chairman Harless stated if we do not have a completed application, we normally do not proceed. Therefore, it seems we do not have a completed application as required.

Mr. Harris stated that is correct, and the policy for the City of Germantown is that all property owners must join in the application. It ultimately leads to a contract with the City. The new owner does not appear on the application.

Mr. Bennett noted that the disclosure form (application) is not updated, so we do not have the current information.

Alderman Owens asked Mr. Harris the Planning Commission Attorney is it your recommendation that we postpone this because we do not have all the information?

Mr. Harris stated I agree with Mr. Bennett you got a situation until the ownership is disclosed, you cannot make a determination on rather it is a conflict. They will have to come back to a later meeting. Where the new owner is on the application.

Ray Gill with Gill Properties, Inc. stated that one of the partners of the hotel was here tonight and introduced him.

Mr. Sonny Desai, 222 East Parks Street, Ridgeland, MS 39157, noted he was one of the owners of the hotel. He drove 3 hours to this meeting and was hoping something could be done tonight for approval.

Chairman Harless stated we are anxious to have the property developed. We are excited about the Preliminary proposal that we have seen. However, we now have a problem; I hope you understand we have policy and procedures that we have to follow. We will have another Planning Commission Subcommittee meeting in two weeks on June 17 where we can cover any of the outstanding issues.

Mr. Ross noted the next Planning Commission meeting will be on July 7.

Mr. Harris stated my advice for the Planning Commission is no, I do not think we can do the practice of changing or adding applicants on the fly, at the Planning Commission meeting. There are issues of notice and opportunities for disclosure to be made that we simply have to comply. It would not be good practice in our future to allow ownership changes not to be disclosed until the time of the meeting.

Mr. Bennett moved to table until next month the outline plan for the Travure Planned Unit Development located on the south side of Poplar Ave., 750 Feet East of Kirby Parkway, as submitted, seconded by Mr. Bacon.

Chairman Harless asked for a roll call.

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



May 7, 2015

Mr. Wade Morgan, Chief Planner
Planning Division
City of Germantown
1920 S. Germantown Road
Germantown, Tennessee 38138

**RE: TRAVURE Planned Development
Western Gateway Small Area**

Dear Wade:

Fisher Arnold, on behalf of Gill Properties, Inc., hereby submits a Planning Commission application for the TRAVURE planned development in the Western Gateway Small Area. The supporting documents included with this application include two conceptual site plans, as we are proposing conditions that will allow flexibility in several regards. As shown in the Pattern Book, we are considering three (3) alternative street sections for the main drive/thoroughfare. We are confident this proposed plan will enable the type of development envisioned by the Western Gateway Small Area Plan.

In association with this application, please find this original and nineteen (19) copies of this letter, twenty (20) copies of the following: completed Planning Commission checklist, completed Planning Commission application form (including ownership disclosure form), and a General Statement regarding the proposed development, along with twenty (20) copies of a Pattern Book, twenty (20) full sized copies and one (1) reduced (11"x17") copy of the Outline Plan (Sheets 1 – 4 of 4) and the following supporting documents: Existing Conditions, Conceptual Site Plan A, Conceptual Site Plan B, Phasing Plan, Traffic Circulation Plan, Pre-Development Drainage Basin Map, Conceptual Grading & Drainage Plan and Conceptual Utility Plan. Additionally please find attached a copy of the Outline Plan conditions text, a notification packer consisting of a vicinity map with adjacent property owner names within a 300' radius of the development property, two sets of address labels, one printed copy of the addresses, a copy of the warranty deed, a check made payable

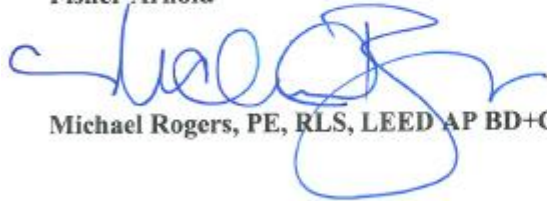
Mr. Wade Morgan
May 9, 2014
Page 2

to the City of Germantown in the amount of \$300.00, and a CD with electronic copies of the submitted materials.

Earlier we submitted to the City Engineer a Traffic Control Signal Needs Study for justification of a traffic signal at the intersection of Poplar Avenue and the main drive/thoroughfare for the development. Within the next two or three business days, we will be submitting separately to the City Engineer an update of the Traffic Impact Analysis previously completed in association with the amendment to the Western Gateway Small Area Plan and a sanitary sewer analysis of the existing sewer collection system that serves the proposed development. Additionally, the Owner will be submitting separately within the next two or three business days an assessment of the financial impact of the proposed development upon the City.

If you have any initial comments, questions or need additional information prior to the May 20, 2015 Planning Commission sub-committee meeting, please let me know. We look forward to working with City staff as this application proceeds toward the June 2, 2015 Planning Commission meeting.

Sincerely,
Fisher Arnold



Michael Rogers, PE, RLS, LEED AP BD+C, CPESC

Attachments

Cc: Mr. Ray Gill, Gill Properties, Inc.
Mr. William R. Thoda, Jr., Thoda & Associates, PLLC

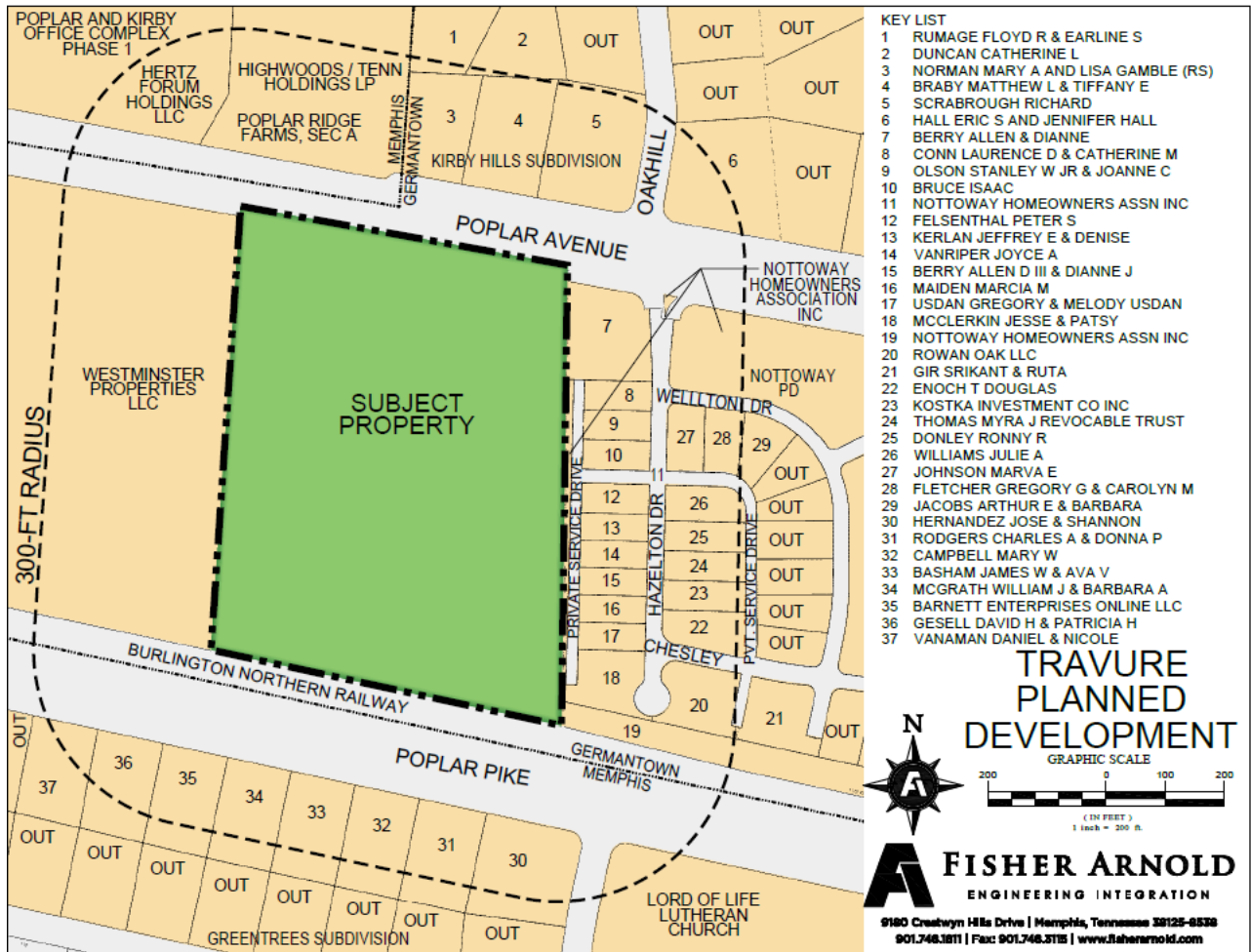
TRAVURE

GENERAL STATEMENT

The TRAVURE development consists of two distinct Smart Code zoning districts within the Western Gateway Small Area Smart: the eastern most one hundred fifty feet (150') of the property is T4-R (General Urban Zone – Restricted), and the remaining west portion is T5 (Urban Center Zone). While the intent of the Western Gateway Small Area is to facilitate and encourage high density, mixed-use development, the eastern most T4-R zoning is to make provision for a transition from the existing residential use in Nottoway P.D. to transition to T5.

The planning objectives for TRAVURE are to achieve a mixture of high density uses while protecting the adjacent residential development from an abrupt, utilization of increased vertical height to achieve the density. By placing greater storied, higher height buildings such as multi-storied office buildings and/or hotels outside and west of the T4-R zone, achieves this objective. A parking garage is anticipated to be constructed within the T4-R zone, with limited above ground height, and additional parking below grade. This will support a multi-storied office building, reducing the overall amount of surface parking spaces while accommodating greater density.

The development will likely be developed into three parcels, interconnected to Poplar Avenue via a main thoroughfare that will have either angled or parallel parking along both sides. At the centerpiece of the three parcels will be a roundabout which features a public art display. A connecting drive will extend westward from the roundabout for future extension across the adjacent property(ies), and ultimately to Kirby Parkway. The main drive's intersection with Poplar Avenue will be signalized, providing adequate traffic ingress/egress to support to the planned density. Retail space will be below 2nd level office space, providing vertical mixed use in addition to overall mixed use.



DATE RECEIVED _____

CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION

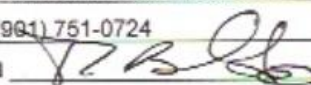
(Check all that apply): Sketch Plan; Preliminary Site Plan; Final Site Plan
 Minor Subdivision; Preliminary Plat; Final Plat
 Grading/Tree Removal; WTF (Wireless Transmission Facility)
 Rezoning From: _____ To: _____
 Other: Outline Plan

PROJECT INFORMATION

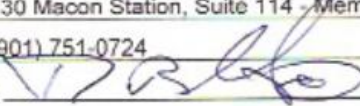
Project Name: TraVure
 Address: South side of Poplar Avenue, approximately 750' east of Kirby Parkway
 Project Description: An Outline Plan for a mixed use property within the T5 zone of the Western Gateway Small Area
 No. of Acres: 10.05 Parcel Identification Number(s): G0219 00216

PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.

OWNER INFORMATION

Name (Print): Gill Poplar GP Address: 8130 Macon Station, Suite 114 - Memphis, TN 38018
 Phone No.: (901) 758-1100 Fax No.: (901) 751-0724
 Email Address: ray@gillprop.com Signed: 

DEVELOPER INFORMATION

Name: Gill Properties, Inc. Address: 8130 Macon Station, Suite 114 - Memphis, TN 38018
 Phone No.: (901) 758-1100 Fax No.: (901) 751-0724
 Email Address: ray@gillprop.com Signed: 

AGENT/REPRESENTATIVE INFORMATION

Name: Michael Rogers Title: Principal
 Company Name: Fisher Arnold Address: 9180 Crestwyn Hills Drive - Memphis, TN 38125
 Phone No.: (901) 748-1811 Fax No.: (901) 748-3115
 Email Address: mrogers@fisherarnold.com
 Who will represent this proposal at the Planning Commission meeting? Michael Rogers

ENGINEER/SURVEYOR INFORMATION

Engineer Name: Fisher Arnold Address: 9180 Crestwyn Hills Drive - Memphis, TN 38125
 Phone No.: (901) 748-1811 Fax No.: (901) 748-3115
 Email Address: mrogers@fisherarnold.com
 Surveyor Name: Parker Estes & Associates, Inc. Address: 3460 Ridge Meadow Pkwy - Memphis, TN 38115
 Phone No.: (901) 360-9805 Fax No.: _____
 Email Address: parkerestes@bellsouth.net

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, R.E.L.T., 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: Gill Poplar, GP

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

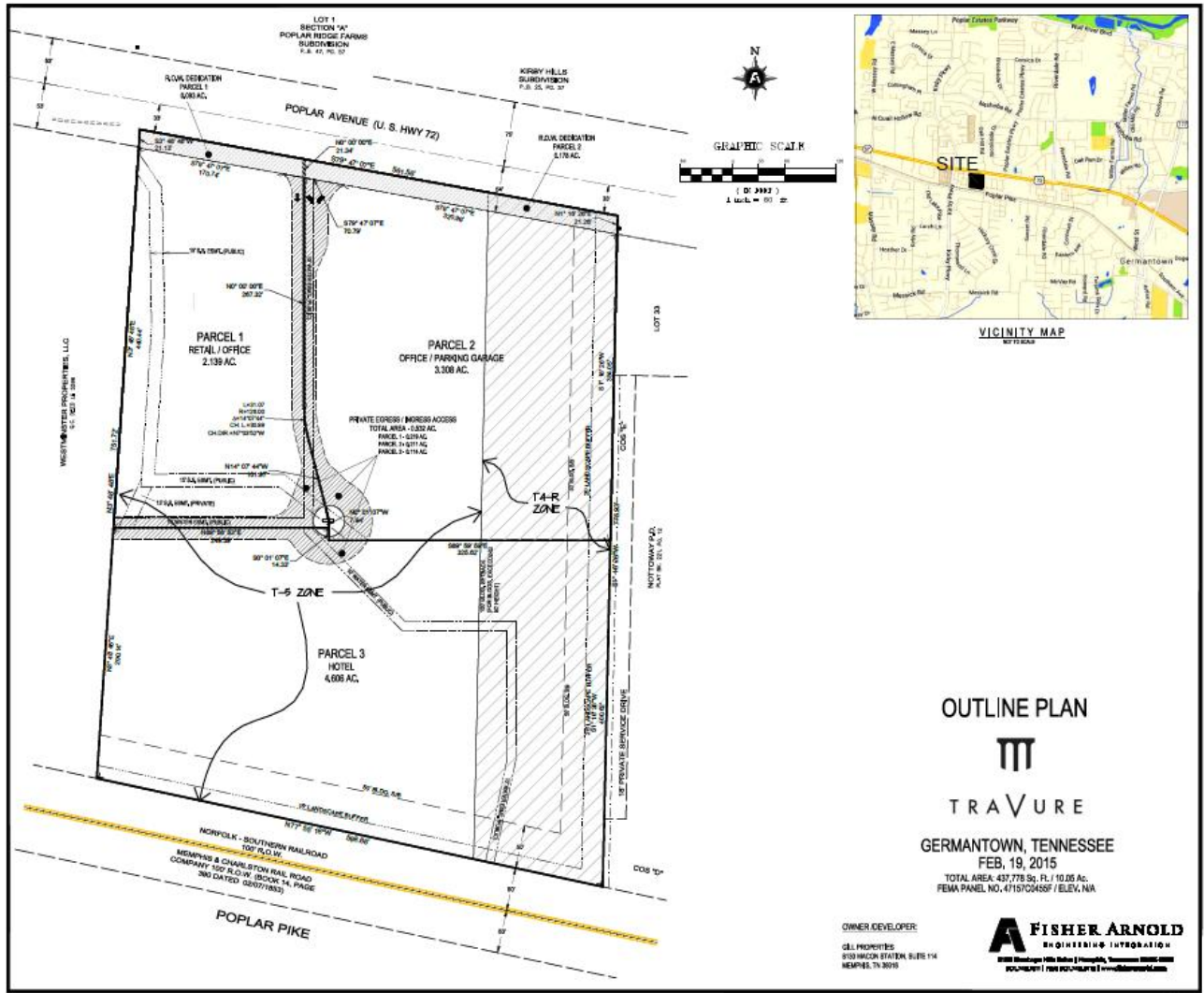
Name	Business or Home Address
<u>RAY GILL</u>	<u>8130 MACON STATION STREET</u>
	<u>Memphis, TN 38018</u>

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: [Signature]

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

Name	Business or Home Address
<u>RAY GILL</u>	<u>8130 MACON STATION</u>
	<u>STREET, Memphis, TN</u>
	<u>38018</u>



TRAVURE OUTLINE PLAN CONDITIONS

I. USES PERMITTED

A. All uses permitted and regulated in the T4-R zone (General Urban Zone Restricted) for the western most one hundred fifty feet (150') and in the TR5 zone (Urban Center Zone) for the remainder of the property.

II. BULK REGULATIONS

As set by the SmartCode zoning regulations for the property;

III. ACCESS, CIRCULATION, AND PARKING

A. Poplar Avenue shall be dedicated fifty-four feet (54') from the centerline of the existing alignment

Poplar Avenue shall be dedicated fifty-four feet (54') from the centerline of the existing alignment and improved in accordance with the requirements for a seven-lane section (forty-four feet from centerline to face of curb).

B. At least one full movement, primary drive to Poplar Avenue and two (2) secondary, right-in, right-out curb cuts shall be allowed subject to review by the City Engineer and approval by the Planning Commission.

C. The primary drive may be signalized, subject to review and approval by the City Engineer.

D. Internal circulation shall be connected via a main ingress/egress access easement thoroughfare.

IV. LANDSCAPING

A. Poplar Avenue frontage shall be landscaped with Willow Oaks or a similar “street tree” species planted a minimum of thirty feet on center.

B. A 25’ landscape plate shall be installed along the east property line adjacent to the Nottoway PUD. residential development consisting of a mixture of evergreen and other species matching or similar to the mixture delineated in Buffer Yard “A” or as approved by the Planning Commission as part of the preliminary/final plan approval.

C. A landscape buffer, a minimum of ten feet (10’) in width shall be installed along the west property line, consisting of a mixture of evergreen and other species matching or similar to the mixture delineated in Buffer Yard “B” or as approved by the Planning Commission as part of the preliminary/final plan approval.

D. A landscape buffer, a minimum of fifteen feet (15’) in width shall be installed along the south property line adjacent to the railroad right-of-way consisting of a mixture of arborvitae, magnolia and crape myrtle or similar species as delineated in Buffer Yard “C” or as approved by the Planning Commission as part of the preliminary/final plan approval..

V. SITE STANDARDS

A. Unless stipulated by condition or otherwise herein by this Outline Plan, all site standards, including parking requirements, lighting, public art and signs, shall be regulated by the Germantown Smart Code Zoning District Building Design Standards for T4-R General Urban Restricted and T5 Urban Center Zone.

VI. STORMWATER MANAGEMENT

A. Storm water shall be managed as established in Section 21-342 of the Germantown Code or Ordinances.



June 1, 2015

City of Germantown
Planning Commission
1930 South Germantown Road
Germantown, TN 38138-2815

SENT VIA EMAIL

Re: TraVure PUD Project Case # 15-524

Members, City of Germantown Planning Commission,

We have stressed the importance of having a traffic signal serve the TraVure development. To support the 216 room hotel, the 5 story, 150,000 sf office building and the 34,100 sf 2 story retail and office building. In order to obtain a traffic signal we were told we needed to obtain a reciprocal cross access agreement with the adjoining owner to the west. We then proceeded to develop a drive location based on the current property lines, site utility and road guidelines as set forth in the Western Gateway Small Area Plan. In our efforts to be fully transparent with all parties involved and to be proactive to the city of Germantown's requests, Patty Bullock and I met with the owner of the adjoining property Mr. Robert Fogelman and his advisors Mr. Al Davidson and Mr. Harvey Marcom on March 4th, 2015.

At this meeting, we provided the site plan and our development plan to Mr. Fogelman for his review and comment. No objection was voiced as to the drive location at this time. However, Mr. Fogelman did ask for specific reciprocal cross easement language. We left the meeting charged with getting the language from the city of Germantown who had required the easement. After repeated requests, we were told that no language would be forthcoming. We felt that this language was essentially not needed for the submission of TraVure's outline plan, as Germantown Planning could require the continuation of the drive to Kirby as plans for the development of the properties west of TraVure as development plans were submitted in the future.

We have continued to refine our plan and deal with the internal aspects of our site plan since our meeting on March 4th. Although there have been many modifications and revisions of TraVure's outline plan in the last 90 days, the location of the drive where it meets the adjoining property to the west did not change. Nor were there any comments, questions or concerns regarding the location of the drive from Mr. Fogelman or his advisors.

To the best of my knowledge, Mr. Fogelman has not presented any plan for the development of his property nor has he told us why he wants the drive relocated. In my 30 years of land development, we have always designed streets to serve the development in which they are located. In the absence of a major road plan, the first to submit a plan decides where streets are located.

8130 Macon Station, Suite 114/MEMPHIS, TENNESSEE 38018/(901) 758-1100
www.gillprop.com
LAND, COMMERCIAL AND INDUSTRIAL REAL ESTATE INVESTMENTS

Once Mr. Fogelman's objections were known to us, we agreed to meet and discuss his concerns. He has not chosen to supply us a development plan for his property nor has he been able to meet with us to address said concerns. Please do not delay the approval of our TraVure outline plan because of this last minute miscommunication. We have plenty of time to set the actual drive location before the Final Plan of TraVure is approved. A delay will jeopardize the ability to deliver the office building on the timeline required by the prospective tenants we are currently negotiating with.

We are anxious to move forward with this project and look forward to a successful resolution agreeable to all parties prior to the approval of TraVure's Final Plan. We greatly appreciate your consideration in this matter.

Sincerely,

Ray Gill
President

cc: Ms. Sheila Pounder
Ms. Marie Lisco
Mr. Cameron Ross
Mr. Bill Thoda
Mr. Michael Rogers

FOGELMAN INVESTMENT COMPANY
744 SOUTH WHITE STATION ROAD
MEMPHIS, TENNESSEE 38117 U.S.A.
901-761-0900 - FAX 901-761-1272
FIC@FogelmanInvestments.com

June 1, 2015

City of Germantown
Planning Commission
1930 South Germantown Road
Germantown, TN 38138-2815

SENT VIA E-MAIL

RE: Travure PUD Project (Case Number 15-524)

Members of the City of Germantown Planning Commission:

I am writing to you in my capacity as managing member of Westminster Properties LLC, owner of the 8.213 acres of land directly west of the proposed project referenced above. The more specific address of our property is 6755 Poplar Avenue, Germantown, TN. Due to a long scheduled trip away from the area, I am unable to attend your June 2 meeting to express my concern regarding this project. Per the recommendation of staff members Sheila Pounder and Marie Lisco, I am submitting this letter to you given my inability to attend the meeting.

On February 17, 2015, I received an e-mail correspondence from our neighbor Ray Gill requesting a meeting to discuss his proposed Travure development. We scheduled a meeting that occurred at my office on March 4, 2015. Several members of Mr. Gill's team were in attendance. My land planning advisors, Harvey Marcom (The Reaves Firm) and Al Davidson (Al Davidson Architects), were also in attendance.

During that meeting, Mr. Gill presented his proposed plan. I was immediately concerned about the alignment of the future/proposed east-west road that will ultimately enter our property through our eastern boundary. In discussions with Mr. Marcom and Mr. Davidson, we all agreed that this road (as currently designed) is set to enter our property at a location that divides our property and severely limits the utility of the land that would lie south of the road. We left that meeting with an understanding that Mr. Gill would present something in writing for us to consider as to how we might arrive at a shared access agreement across our two parcels.

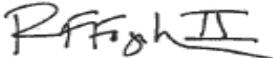
I received no communication from Mr. Gill prior to receiving the mailed notice (as adjacent property owner) of the June 2 planning commission meeting where the Travure PUD plan will be heard by your body. Soon after receiving the notice, I called Sheila Pounder and asked for a meeting. Mr. Davidson and I met with Ms. Pounder and Ms. Lisco on May 28. The proposed plan showed to us at that meeting is substantially the

same as the plan that Mr. Gill presented on March 4. His promise of presenting something in writing as a basis for us to work toward a mutually beneficial outcome on shared access issues was not met.

Since my meeting with Ms. Pounder and Ms. Lisco, I have reached out to Mr. Gill in attempts to work toward a mutually beneficial outcome. He has responded, but to date, no viable options have been brought to the table. Given all that has transpired to date, I must vehemently oppose the Travure PUD as presently designed. My land planning advisors and I all agree that the road alignment will damage the future redevelopment of our property at 6755 Poplar Avenue.

I stand by ready to work together with Mr. Gill to arrive at an outcome that is mutually beneficial to both parties. Thank you for taking my concerns under advisement.

Respectfully submitted,



Robert F. Fogelman II
President

cc: Ms. Sheila Pounder
Ms. Marie Lisco
Mr. Cameron Ross
Mr. Al Davidson
Mr. Harvey Marcom

6. Landmark Center Phase II PUD, Existing Terminus of Wolf Trail Cove, Request Outline Plan Approval (Case#: 15-523)

INTRODUCTION:

Owner/Developer/Applicant Name:	NOHOPA Properties, GP (John Walker, General Partner)
Representative Name:	Bob Dalhoff w/Dalhoff Thomas Design Studio
Location:	Existing Terminus of Wolf Trail Cove
Zoning District:	“C-2” Commercial Zoning District

*Refer to the Disclosure Form attached for more information

BACKGROUND: This property was annexed by the City of Germantown in 1988. The Board and of Mayor and Aldermen approved a request to rezone the property to C-2 in 2001.

DISCUSSION: The developer proposes three areas within the Outline Plan as follows: Area 1 = Hospitality, Area 2 = Future ROW Dedication, and Area 3 = Intersection Enhancement. The proposed plan seek approval of site and building design standards permitted within the T5 district of the Smart Code without the benefit of rezoning the site from C-2. The outline plan will approve exceptions to

- 1) Maximum building height; as permitted by T5
- 2) Reduced parking spaces; as permitted by T5
- 3) Reduced permeable surface: as permitted by T5.

A letter from Dalhoff Thomas, included within the design plan booklet, explaining the exceptions is attached. Approval of the outline plan will approve the exceptions from the standard development requirements of the C-2 District, as listed above. The outline plan must also be approved by the Board of Mayor and Aldermen.

DEVELOPMENT SUMMARY

TOTAL SITE AREA	2.66 ac.
USES: all uses allowed in the C-2 & T5 Districts	
Area 1 – Hospitality (Hotel/Retail/Office)	2.13 ac.
Proposed Hotel	4 stories
Area 2 – Future ROW Dedication	0.48 ac.
Area 3 – Intersection Enhancement	0.05 ac.

NOTE: THE ABOVE FIGURES ARE BASED ON THE SUBMITTED CONCEPT PLANS

The development has been filed as a Planned Unit Development (PUD) in order to permit development of the site using T5 design standards instead of C-2 as required by the current zoning of the property. A Project Description from the applicant is attached.

STAFF COMMENTS:

B. GENERAL COMMENTS

3. After approval from the Planning Commission, the outline plan shall proceed to the Board of Mayor and Aldermen for approval.

B. INFORMATION REQUIRED AS PART OF PRELIMINARY/FINAL SITE PLAN APPROVAL

1. Provide all the plans and information listed in the Preliminary/Final Site Plan checklist, including a list of site amenities to be provided such as parkland dedication to be used as a rain garden or greenway trail parking.
2. Provide TVA approval for improvements within TVA easement.

STAFF RECOMMENDATION: Approval, subject to Staff comments.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE: The subcommittee met on May 20, 2015, and withheld a recommendation.

Mr. Bacon asked if there would be any intersection improvement at Germantown Road?

Mr. Ross answered yes it would be enhanced to widen that access and sidewalks also.

Andy Pouncey, 8401 Brier Creek Drive, Germantown, TN, made a presentation for John Walker, the owner. This project can help take the traffic off the intersection at Germantown Road and Wolf River Boulevard. This site is proposed for hospitality (Hotel/Retail/Office), future ROW dedication and intersection enhancements. I am here to answer any questions you make have tonight.

Chairman Harless asked if there were any approved warrants that they are requesting for Smart Growth?

Mr. Ross answered this is not under Smart Code or Smart Growth. This is commercial zoning and a brand new development; that they are considering that it could be a future Smart Growth application. Therefore, they wanted to follow those design guidelines as part of their planned unit development.

Mr. Harris answered there are not any warrants to approve tonight. This is not a Smart Code/Smart Growth project at all.

Mayor Palazzolo asked staff about the medical corridor small area plan. Do we envision that happening at some point this next fiscal year?

Mr. Ross answered this is one area that has developed very quickly and the current phase is working. Therefore, staff is focusing on the area at Forest Hill Heights area as its next small area plan and we are working with Procurement to determine a different way to do the medical corridor. It is one that could be internally managed and submitted with some design professional. We would like to do it in fiscal year 2016 but there is a probability that they may be done in early fiscal year 2017.

Mayor Palazzolo asked if there was a conversation of doing that internally through staff. I would encourage that we look at that. I am going to vote firmly for this development, but I do take a certain amount of assumption that we take for granted that it going to be zoned for Smart Growth. We have allowed this area to develop this hodge-podge type of way, with no offense to the Planning Commission. The intersection of Wolf River and Germantown Road is beyond much of our control and became one of the busiest intersections in this entire region. So the next project is to have more internal traffic concerns, and as we develop this area, we have to do something to the intersection. I have asked the City Engineer where are we with all the studies from Kimley Horn so they can give this Commission some outlines on what we should expect.

Mr. Gwaltney answered the Germantown Road and Wolf River intersection project is currently under design phase (FY15). Design should be complete late this calendar year (December 2015). Right-of-Way (ROW) Acquisition should begin soon after that, perhaps by 4th quarter FY16 (June 2016). Right-of-Way (ROW) Acquisition should take approximately 1-year; 4th quarter FY17 (June 2017). Construction should begin by 3rd quarter FY18, March 2018 and is expected to take approximately 1-1/2 years to complete. So, in summary it should take approximately 4 to 4-1/2 years from today.

Mayor Palazzolo thanked staff for the timeline. The staff from the Economic Community Development standpoint needs to take in consideration the timing of all these improvements as development comes forward.

Alderman Owens stated we, the Planning Commission, have here as of late approved one, and now possibly two projects that have been Smart Growth. This is not something that is just out of the bag. We have been heading this way and based on comments from the Planning Commission. Mayor, I think your comments about the traffic are well heeded.

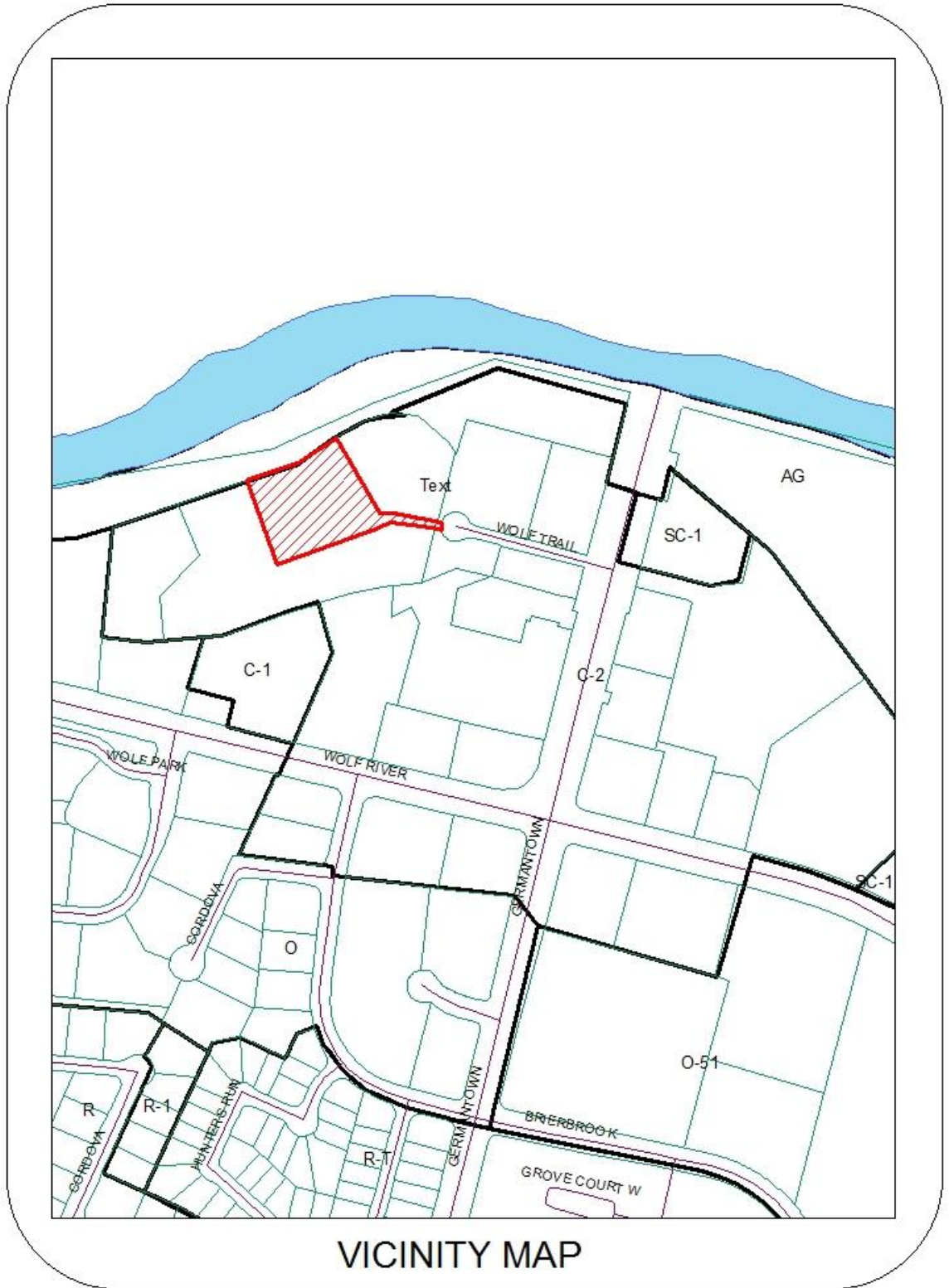
Mr. Hernandez asked about the possible connector between Germantown Road and Wolf River Boulevard that is necessary and contemplated at this time in the Medical Corridor plan. However, it is certainly a possibility that it is consistent with the long-term plan for this corridor.

PROPOSED MOTION: To approve the outline plan for the Landmark Center Phase II Planned Unit Development located at the existing terminus of Wolf Trail Cove.

Mr. Bacon moved to approve the outline plan for the Landmark Center Phase II Planned Unit Development located at the existing terminus of Wolf Trail Cove, as submitted, seconded by Mayor Palazzolo.

Chairman Harless asked for a roll call.

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



Mr. Cameron Ross
Economic and Community Development Director
City of Germantown
1930 S. Germantown Road
Germantown, TN 38138

RE: LANDMARK CENTER – PHASE II
GERMANTOWN, TENNESSEE

Dear Mr. Ross:

We are pleased, on behalf of the Owner and Developer to submit this application for the Landmark Center-Phase II Planned Development. The Owners are very excited about this proposal and recognize the importance of its location to the future growth and prominence of the City of Germantown. We feel strongly that Landmark Center's location, enhanced character, superior architectural vision, and the commitment to create an urban rather than suburban environment, are positive and sustainable ways of future growth, understanding that the City of Germantown has Smart Growth plans for this property and its future designation as the "Wolf River District".

The proposed Landmark Center-Phase II is located at the terminus of Wolf Trail Cove, which is currently a private drive and extends along Wolf Trail Cove to Germantown Parkway. The Landmark Center-Phase II site totals 2.66 acres, and is zoned C-2 Commercial District. The site is encumbered with a major electrical transmission easement located at the north end of the property that totals 0.53 ± acres, and limits its use to support parking for the development. The eastern portion of the Planned Development designates the current Wolf Trail Cove (private drive) as future public right-of-way, which totals 0.48 ± acres. Along the northern side of Wolf Trail Cove, an area encompassing 0.05 ± acres is designated as an Intersection Enhancement area for streetscape and signage improvements.

Landmark Center is divided into five (3) areas: Area 1 – Hospitality Core; Area 2 – R.O.W. Dedication; Area 3 – Intersection Enhancement. All of these areas play an important role in the sustainability of Landmark Center. These areas, along with the existing and future development to Germantown Parkway, will be able to create an urban rather than a suburban sprawl environment.

We believe Landmark Center-Phase II offers the City of Germantown a unique opportunity to be smart and proactive regarding the development of this area and to set a tone of high quality for future developments in the immediate area. The Owners' commitment to this development plan is sincere when pledging to make Landmark Center-Phase II an integral part of the growth and prominence of the City of Germantown.

The Staff and Board's favorable response to this development application will be very much appreciated, and if I can be of any assistance with regards to this application, please do not hesitate to call.

Sincerely,

DALHOFF THOMAS design studio

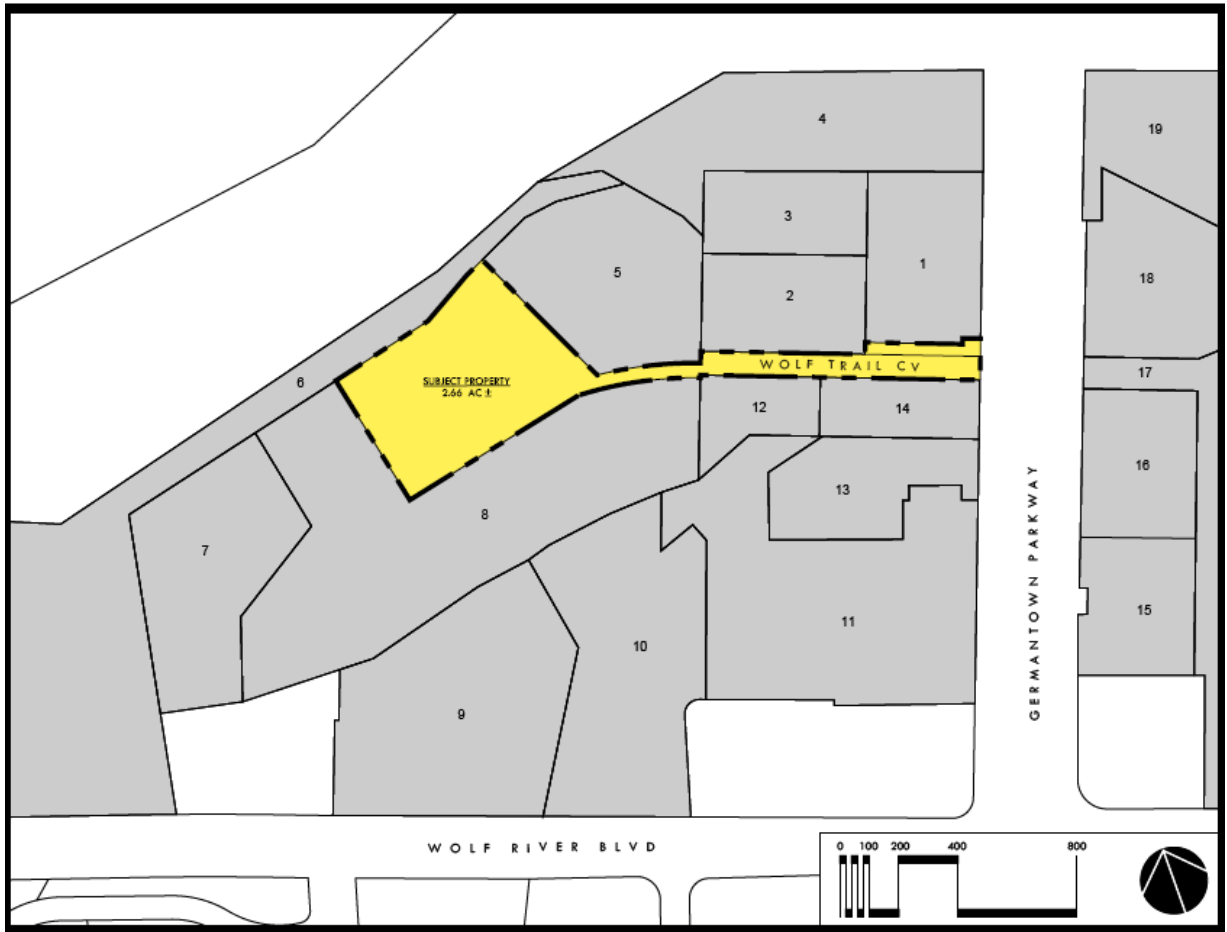


Robert L. Dalhoff
Principal

I. GENERAL STATEMENT

- A. The Outline Plan shall serve as the general land use and circulation plan for the development. It is understood that internal connections, area arrangements, and area boundaries illustrated may be adjusted somewhat at the time of final design and that the development design shall be guided by the T-5 designation as outlined by Smart Code Version 9 and Manual design guidelines unless noted herein.

Because of the general nature of the Outline Plan/Conceptual Development Plan, Subdivision and Site Plan submittals will be required to be submitted following the applicable requirements and review procedures outlined in the City's Code.



Germantown Station LLC

- 2. Wolf Trail Medical Partners
- 3. Wolf Trail Medical Partners
- 4. City of Germantown
- 5. Hanuman LLP
- 6. City of Germantown
- 7. City of Germantown
- 8. NOHOPA Properties GP
- 9. Sixty Four LTD LLC
- 10. Summit Hospitality LLC
- 11. Blue Chip Investments (PSO)
- 12. Leah L Hillis & Lydia L Berrymaid
- 13. Pajama GP (PSO)
- 14. Collis Foods, Inc
- 15. AmSouth Bank
- 16. River Meade Inc
- 17. Baptist Memorial Health Care
- 18. Chick-Fil-A Inc
- 19. City of Germantown

DATE RECEIVED _____

CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION

(Check all that apply): Sketch Plan; Preliminary Site Plan; Final Site Plan
 Minor Subdivision; Preliminary Plat; Final Plat
 Grading/Tree Removal; WTF (Wireless Transmission Facility)
 Rezoning From: _____ To: _____
 Other: PLANNED DEVELOPMENT APPLICATION (C-2) UNDERLYING ZONING

PROJECT INFORMATION

Project Name: LANDMARK CENTER - PHASE II
 Address: WOLF TRAIL COVE
 Project Description: 2.66 ACRES ± AT THE TERMINUS OF WOLF TRAIL COVE, IN THE NW QUADRANT OF GERMANTOWN PARKWAY/WOLF RIVER BOULEVARD INTERSECTION
 No. of Acres: 2.66 ± Parcel Identification Number(s): G022000429, A PORTION OF G022000502, AND A PORTION OF G022000425

PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.

OWNER INFORMATION

Name (Print): JOHN WALKER (NOHOPA PROPERTIES, GP) Address: 871 RIDGEWAY LOOP, SUITE 107
 Phone No.: 901-766-1855 Fax No.: _____
 Email Address: jbw@walkercommercialproperties.com Signed _____

DEVELOPER INFORMATION

Name: SAME AS OWNER Address: _____
 Phone No.: _____ Fax No.: _____
 Email Address: _____ Signed _____

AGENT/REPRESENTATIVE INFORMATION

Name: BOB DALHOFF Title: PRINCIPAL
 Company Name: DALHOFF THOMAS DESIGN Address: 6465 NORTH QUAIL HOLLOW, SUITE 401
 Phone No.: 901-751-7912 Fax No.: NONE
 Email Address: bob@dt-designstudio.com
 Who will represent this proposal at the Planning Commission meeting? BOB DALHOFF

ENGINEER/SURVEYOR INFORMATION

Engineer Name: THE REAVES FIRM / GREG MARCOM Address: 6800 POPLAR AVENUE, SUITE 101
 Phone No. 901-761-2016 Fax No.: 901-763-2847
 Email Address: gmarcom@reavesfirm.com
 Surveyor Name: THE REAVES FIRM Address: 6800 POPLAR AVENUE, SUITE 101
 Phone No.: 901-761-2016 Fax No.: 901-763-2847
 Email Address: gmarcom@reavesfirm.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, R.E.L.T., 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: NOHOPA PROPERTIES, GP (JOHN WALKER)

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

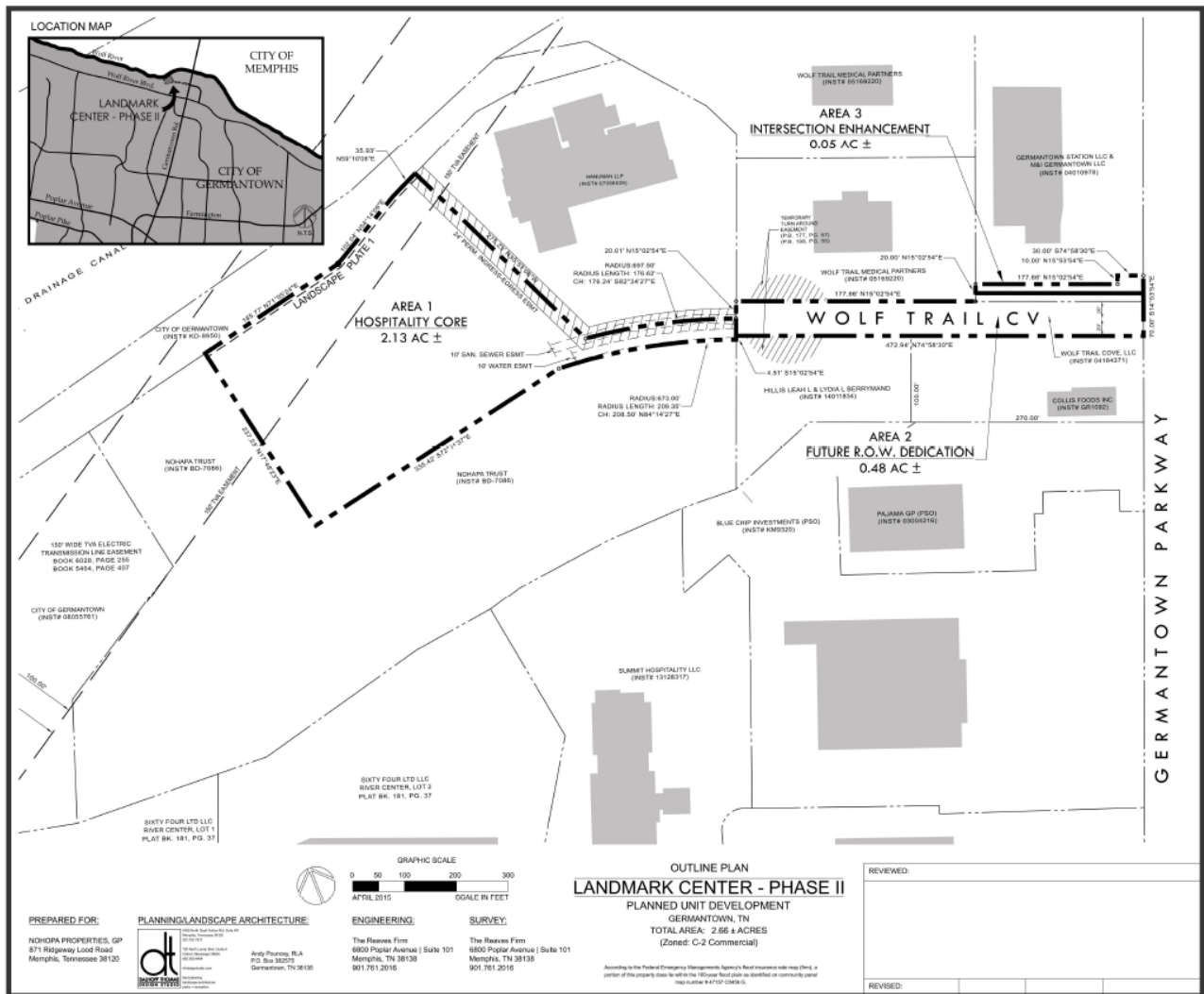
Name	Business <u>or</u> Home Address
JOHN B WALKER	<u>871 RIDGEWAY LOOP, SUITE 107 MEMPHIS, TN 38120</u>
H. JOE TRULOVE	_____
JACK ERB	_____
JAMES L. STAFFORD	_____
MICHAEL D MORRIS	_____
_____	_____

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 <u>or</u> Home Address
_____	_____
_____	_____
_____	_____
_____	_____



LANDMARK CENTER PHASE II OUTLINE PLAN CONDITIONS

I. PERMITTED AREA USES

- A. Area 1 – 2.13 ± acres (HOSPITALITY CORE): Uses permitted by right shall be all the allowable uses as listed in the Commercial District (C-2) and Smart Growth T5 District as outlined in the City of Germantown Zoning Ordinance.
- B. Area 2 – 0.48 ± acres (FUTURE R.O.W. DEDICATION): This area shall be dedicated to the City of Germantown at a future time when construction of a 68’ public right-of-way takes place. This roadway will connect Germantown Parkway to Wolf River Boulevard.
- C. Area 3 – 0.05 ± acres (INTERSECTION ENHANCEMENT): This area shall be used for streetscape improvements and intersection enhancements made along the north line of Wolf Trail Cove, including landscape improvements, street trees, irrigation and signage.
- D. Accessory uses and structures shall be permitted in Areas 1 and 3 in accordance with the applicable provisions of the Germantown Zoning Ordinance pertaining to the principal use of the property as permitted and provided for in Subsections A and C of Section III.

II. EXCEPTIONS AND ADDITIONS

A. TABLE 1 – REQUESTED EXCEPTIONS AND ADDITIONS TO UNDERLYING C-2 ZONING

Area 1 Hospitality Core	Area 2 Future ROW Dedication	Area 3 Intersection Enhancement
<i>USE REGULATIONS</i>		
<ul style="list-style-type: none"> • C-2 Use Regulations • T5 Design Standards & Regulations 	<ul style="list-style-type: none"> • Public Right-of-Way Use Only 	<ul style="list-style-type: none"> • Intersection Enhancement
<i>LOT COVERAGE</i>		
<ul style="list-style-type: none"> • Retail/Office Use – 0.30 FAR • Hotel Use – 0.70 FAR 	<ul style="list-style-type: none"> • No exceptions/additions requested 	<ul style="list-style-type: none"> • No exceptions/additions requested
<i>YARD REQUIREMENTS</i>		
<ul style="list-style-type: none"> • No exceptions/additions requested 	<ul style="list-style-type: none"> • No exceptions/additions requested 	<ul style="list-style-type: none"> • No exceptions/additions requested
<i>PLANTING SCREENS</i>		
<ul style="list-style-type: none"> • No exceptions/additions requested 	<ul style="list-style-type: none"> • No exceptions/additions requested 	<ul style="list-style-type: none"> • No exceptions/additions requested
<i>BUILDING HEIGHT REGULATIONS</i>		
<ul style="list-style-type: none"> • T5 Design Standards & Regulations 	<ul style="list-style-type: none"> • No exceptions/additions requested 	<ul style="list-style-type: none"> • No exceptions/additions requested
<i>PARKING & LOADING REGULATIONS</i>		
<ul style="list-style-type: none"> • T5 Smart Growth parking space calculations 	<ul style="list-style-type: none"> • No exceptions/additions requested 	<ul style="list-style-type: none"> • No exceptions/additions requested
<i>PERVIOUS AREA</i>		
<ul style="list-style-type: none"> • T5 Design Standards & Regulations 	<ul style="list-style-type: none"> • No exceptions/additions requested 	<ul style="list-style-type: none"> • No exceptions/additions requested

III. BULK REQUIREMENTS

Development of Landmark Center – Phase II will be guided by the Outline Plan, and generally, the Conceptual Development Plan, along with the area use descriptions provided in Section I. Development of individual parcels will be specifically in compliance with the provisions for dimensional regulations, and access and circulation conditions provided below.

Where provisions of this Outline Plan are in conflict with the City of Germantown Zoning Ordinance, these provisions shall apply. Where two (2) or more provisions of this Outline Plan are in conflict, an alternative shall be approved by the Director of Development or Board of Mayor and Alderman. Each Area’s maximum allowed density is outlined in Subsection C of Section III – Bulk Requirements.

A. *Maximum Heights* shall be as follows:

1. All UsesT-5 Design Standard & Regulations (*See Illustration A*)

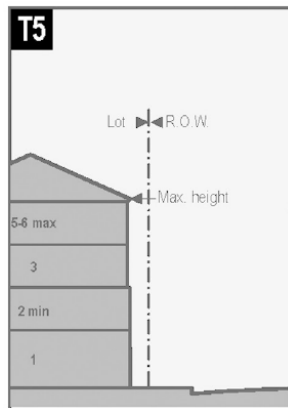


Illustration A - Smart Growth Building Heights

B. *Building Setbacks* shall be as follows:

1. *Area 1 – HOSPITALITY CORE*

Hotel:

- a. Front Yard.....60 feet
- b. Side Yard.....20 feet
- c. Rear Yard15 feet

Other Uses:

- a..... F
 Front Yard.....T-5 Design Standard & Regulations
- b..... S
 Side Yard.....T-5 Design Standard & Regulations
- c..... R
 Rear YardT-5 Design Standard & Regulations

2.A
Area 2 – Future R.O.W. DedicationN/A

3. *Area 3 – Intersection Enhancement*N/A

C. *Maximum Allowable Density*

1. Area 1 – 2.13 ± acres (HOSPITALITY CORE):

- a. Retail/Office Use.....0.30 FAR
- b. Hotel Use.....0.70 FAR

2. Area 2 – 0.48 ± acres (FUTURE R.O.W. DEDICATION):

- a. Right-of-WayN/A Dedication
- 3. Area 3 – 0.05 ± acres (INTERSECTION ENHANCEMENT):
 - a. Intersection Enhancement.....N/A

IV. ACCESS, CIRCULATION AND PARKING

- A. Areas 1 and 2, and all entities within, shall have a perpetual ingress/egress easement throughout for vehicular traffic access within Landmark Center – Phase II to be shown on the Preliminary and Final Plans.
- B. Parking space calculations shall meet standards outlined in the Germantown Smart Growth for the T5 District (*See Illustration B*). All other parking standards (i.e. stall dimensions, landscape island location) shall meet standards outlined in the Germantown Zoning Ordinance and Design Guidelines.

T5	
RESIDENTIAL	1.0/ dwelling
LODGING	1.0/bedroom
OFFICE	2.0/1000 sq. ft*
RETAIL	3.0/1000 sq. ft*
CIVIL	To be determined by Warrant

*The maximum permitted parking for office and retail functions shall be 5 spaces per 1000 sq.ft.

Illustration B-SmartCode Required Parking

- C. Parking may serve multiple parcels and/or uses that are dissimilar functions. Shared parking calculations shall be calculated using Smart Growth Sharing Factor. Common loading spaces shall be in accordance with the anticipated intensity of use of loading space(s) for various uses. (*See Illustration C*)

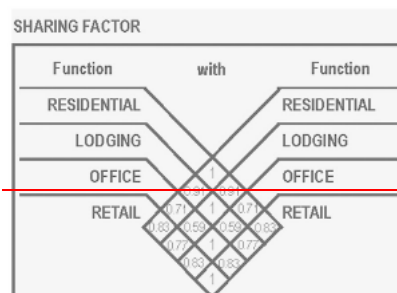


Illustration C - SmartCode Sharing Factor

- D. Lane widths within two-way parking and street drive aisles shall measure 12 feet in width.
- E. Lanes that will be used for fire apparatus access shall measure 13 feet in width (total width of 26 feet). All dimensions are subject to approval by the City of Germantown Engineer and City of Germantown Fire Marshal.
- F. All public improvements required herein shall be made to the specifications of the City of Germantown.

V. LANDSCAPING, SCREENING, AND OPEN SPACE

- A. Pervious area shall be defined as any area that freely allows water to pass through.
- B. Landscaping, screening, and open space shall be provided as approved by the City of Germantown Design Review Commission and as shown on the landscape plan.
- C. Whenever feasible, backflow prevention devices shall be located within the building or behind the front setback line so as to minimize their visibility from public view adjacent to the building.
- D. Refuse containers and loading areas shall be reasonably screened from view of adjacent public roadways and at ground level of adjacent properties.
- E. A minimum 6-foot wide landscape area shall be provided along the north boundary line of Area 1, which may include a retaining wall subject to approval by the Design Review Commission and shown on the landscape plan.
- F. City of Germantown Streetscapes, Internal medians, and other internal landscape/COS improvements shall be maintained by the Owner's Association and set forth in the Declaration of Covenants and Restrictions.
- G. Streetscapes, internal medians, and other internal landscape/COS areas shall have underground irrigation.
- H. Construction and improvements within the development shall be in compliance with erosion and sediment control guidelines and ordinances of the City of Germantown and the State of Tennessee
- I. Required landscaping shall not conflict with any existing or proposed easements.
- J. Electrical installations shall be underground.
- K. Above ground utility transformers, telephone pedestals, air conditioning/heating and other mechanical equipment shall be reasonably screened from view of adjacent public roadways and at ground level of adjacent properties.
- L. Street tree location within pedestrian zones in Areas 1, 2, and 3 is subject to final architectural design, signage location, and door and window fenestration subject to approval by the Design Review Commission and shown on the landscape plan.

VI. SIGNS

- A. Signage standards for the Landmark Center – Phase II Planned Development shall be regulated by the C-2 or T5 Districts of City of Germantown Zoning Ordinance subject to Design Review Commission approval.

VII. SANITARY SEWER and STORM DRAINAGE

- A. An overall Master Sewer Concept Plan shall be submitted with the Preliminary Plat to be approved by the City Engineer. All Sanitary Sewer and Storm Drainage plans shall be submitted to the City Engineer for review.
- B. Sanitary sewer improvements shall be provided under contract in accordance with the subdivision requirements of the City of Germantown.

- C. All sewer lines within Landmark Center – Phase II shall be provided by the Developer in accordance with the specifications of the City of Germantown.

VIII. DEVELOPMENT PHASING

The development of Landmark Center – Phase II Planned Development will take place as fast as the market demand will allow.

7. Magna Bank/Starbucks, 1264 S. Germantown Road, Request Preliminary and Final Site Plan Approval (Case#: 15-525)

INTRODUCTION:

Owner Name:	River Meade Inc. (Charles C. Burridge, President)
Developer/Applicant Name:	Magna Bank (Lisa Foley, Executive Vice President and Retail Banking Division Manager)
Representative Name:	Scott Fleming w/Fleming Associates Architects
Location:	1264 S. Germantown Road
Zoning District:	“C-2” Commercial Zoning District

*Refer to the Disclosure Form attached for more information

BACKGROUND: The subject site is Lot 1 in the Wolf River Center Subdivision, Re-subdivision of Lot 3 and a part of Lot 2, Phase 1, 1st Addition, (Plat Book 255, and Page 2). The Planning Commission approved the request for Preliminary and Final Plat approval for the Re-subdivision of Lot 2 of the Wolf River Center on September 7, 2004, and the Board of Mayor and Aldermen approved Subdivision Development Contract Number 456 on September 27, 2004. On August 1, 2006, the Planning Commission granted preliminary and final site plan approval for First Trust Bank. On September 25, 2006, the Board of Mayor and Aldermen approved Project Development Contract No. 1142 for the development of First Trust Bank. First Trust Bank subsequently changed the name of its branches to Magna Bank.

DISCUSSION: The plan proposes to split the use of the existing 5,475 single story building with canopy and a 23 square foot addition as follows: 2,773 sq. ft. to function as bank with two drives thru lanes and 2,765 sq. ft. functioning as a coffee café, Starbucks, with one dedicated drive thru lane.

PLAN REVISIONS: The applicant has revised proposed preliminary and final site plan to included the following: 1) A traffic circulation plan showing pavement marking and signage, 2) A new trash enclosure, 3) A hose bibb on the south face of building, 3) An extension of the curb separating the Starbucks and Magna Bank drive-thru, and 4) Designated bank customer parking adjacent to the south face of building. Information is still needed pertaining to traffic projections for Starbucks and its impact in the surrounding area.

During the review of this site plan, it was determined that an overall review of the entire old Wal-mart site needs to be study for development of a pedestrian/bike wayfaring plan, including sidewalks, x-walks, etc. This development is not required to provide that plan prior to its approval; however, it is a discussion that needs to be pursued between staff and property owners in the area. The developer of this site is being

asked to provide information concerning the generation of traffic from the new Starbucks and its future impact in this area.

TOTAL SITE AREA	1.153 ac.
BUILDING SIZES w/canopy	5,498 S.F.
Magna Bank	2,773 S.F.
Starbucks	2,765 S.F.
BUILDING HEIGHT	32'-4"
NUMBER OF PARKING SPACES	35 provided 26 required

STAFF COMMENTS:

A. PRIOR TO FINAL PLAN APPROVAL

1. Provide an overall graphic showing all development within the old Wal-mart site that shows internal street network, driveway locations and traffic control.
2. Provide traffic projections for Starbucks and show the impact that this traffic will cause. Include recommendations to mitigate these impacts.

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Provide the location of existing fire hydrants; located the fire department connection (FDC), and the post indicator valve on the utility plan.

C. GENERAL COMMENTS

1. 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.
2. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
3. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Design Review Commission.
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 Economic Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
6. 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.

7. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
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.

STAFF RECOMMENDATION: Approval, subject to Staff comments.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE: The subcommittee met on May 20, 2015, and withheld a recommendation.

Harvey Marcom with The Reaves Firm at 6800 Poplar Avenue, Suite 101, Memphis, TN 38138, stated regarding the circulation in the site; I talked with Mr. Bill Tuggle from the Baptist Memorial Rehab Hospital about the walkways. The result of that really looks like they are going to need them. In addition, my request to Mr. Tuggle is to allow Germantown to put traffic counting tubes that could indicate traffic speed on the drive and help with signage.

Chairman Harless stated he would encourage you and Mr. Tuggle to go out at 5:15 some afternoon and cross that street. We are excited about Starbucks coming in there. However, you will have many employees from Baptist Memorial Rehab Hospital and Chick-A-Fil that are going to want to walk over to it. It is a raceway right now, very dangerous. It is an accident waiting to happen.

Mr. Bacon asked is there a way to create sidewalks at the property of Baptist Memorial Rehab Hospital?

Mr. Marcom answered there is a sidewalk that comes out from under the canopy at the Baptist Memorial Rehab Hospital heading toward Chick-A-Fil. There is a sidewalk along Chick-A-Fil, which goes out to Germantown Parkway. He does not think people want to cross that drive to get to that sidewalk. It may need to be further to the south, away from that intersection. It would have to incorporate some of Baptist parking spaces, landscaping, and irrigation, which is something that we should study. I did not see a real quick answer to add a sidewalk. I understand the Fire Department is not excited about putting speed bumps in.

Alderman Owens asked would the speed signs on that drive be enforceable by the police?

Mr. Gwaltney answered it is not enforceable, but they do tend to get your attention. It needs to be an oddball number such as 17-mile speed limit sign; it will get your attention. The Carriage Crossing Mall has speed limit signs like that. They do have a good effect. The Fire Department is dealing with the speed bumps, which Baptist has currently put in their parking lot. However, the Fire Department does not want those ones on their emergency response routes; speed tables are the ones that slow you down, but not almost to a complete stop.

PROPOSED MOTION: To approve the preliminary and final site plan for Magna Bank/Starbucks located at 1264 S. Germantown Road.

Mr. Bacon moved to approve the preliminary and final site plan for Magna Bank/Starbucks located at 1264 S. Germantown Road, as submitted, seconded by Mayor Palazzolo.

Chairman Harless asked for a roll call.

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



VICINITY MAP



May 8, 2015

Mr. Wade Morgan
Chief Planner
City of Germantown
1920 S. Germantown Road
Germantown, TN 38138

**RE: Magna Bank / Starbucks
1264 S. Germantown Parkway - Germantown, TN**

Dear Wade:

Working in conjunction with Fleming Associates Architects, we are pleased to submit the enclosed application seeking the Preliminary and Final Site Plan approval from the Germantown Planning Commission for the referenced project. Magna Bank proposes to dedicate approximately one-third of its existing footprint to accommodate the addition of a new Starbucks facility. Two of the four existing Magna Bank drive through lanes will be eliminated and replaced with one Starbucks drive through lane and food service window. An additional nine parking spaces have been included along the northern edge of the site. An outdoor patio is also provided near the northeast corner of the existing building adjacent to the Starbucks space.

It is envisioned that the Starbucks facility will have a staff of approximately four to six employees with annual sales in the range of \$1 million dollars.

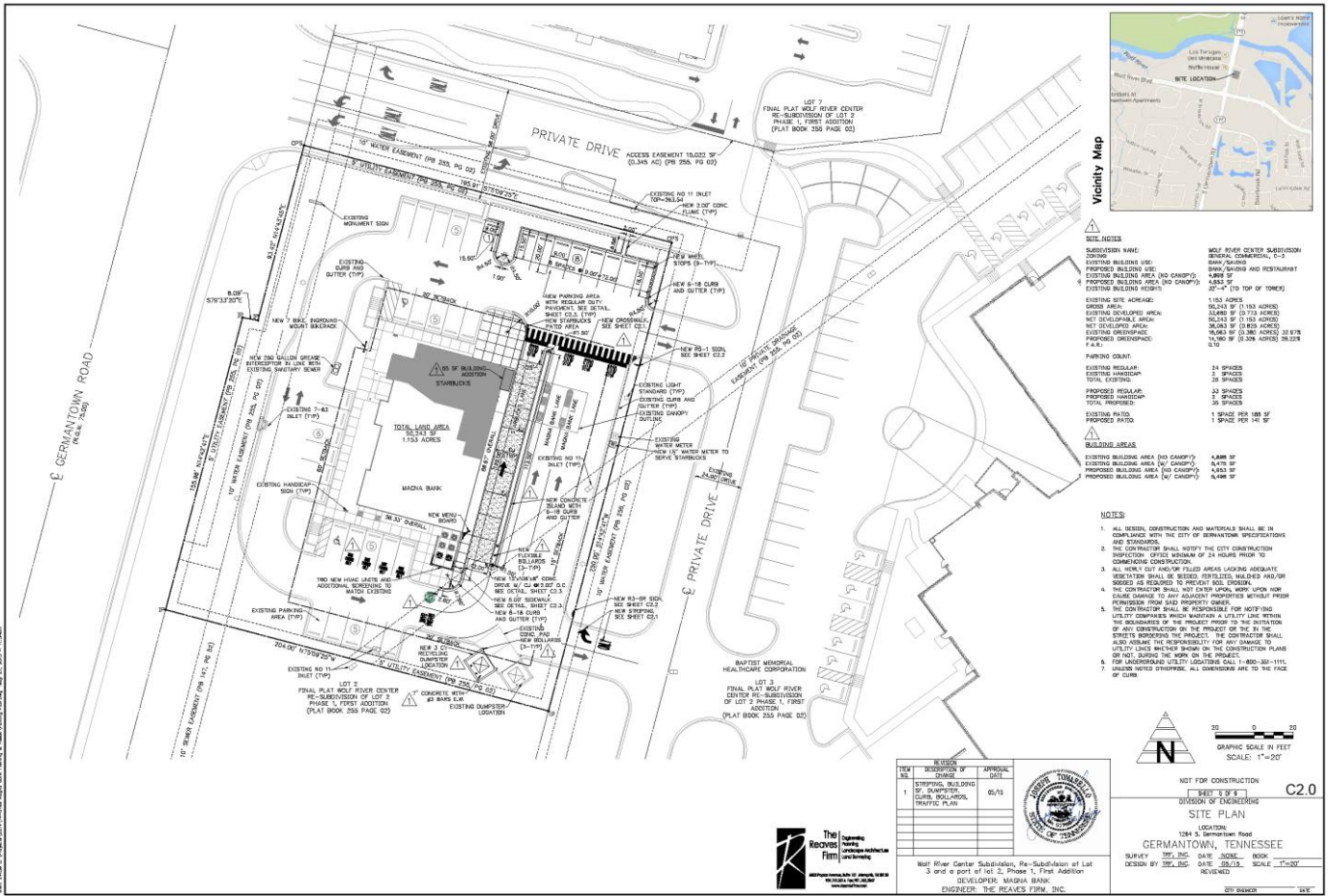
Our team looks forward to working with Staff and the Planning Commission on the successful approval of this project. Please feel free to contact me if you have any questions.

Sincerely,



Harvey C. Marcom, P.E.
President
Enc.

Cc: Lisa Foley, Scott Fleming, Carter Campbell



SITE INDEX

SUBMISSION NAME: WOLF RIVER CENTER SUBDIVISION
GENERAL COMMERCIAL C-2

EXISTING BUILDING USE: BANK/BAKERY
PROPOSED BUILDING USE: BANK/BAKERY AND RESTAURANT

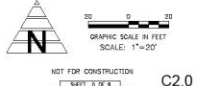
EXISTING BUILDING AREA (NO CANOPY): 4,888 SF
PROPOSED BUILDING AREA (NO CANOPY): 4,488 SF

EXISTING SITE AREA: 1.153 ACRES
EXISTING DEVELOPED AREA: 0.247 ACRES (27,713 SQUARE FEET)
NET DEVELOPED AREA: 0.906 ACRES (38,263 SQUARE FEET)
PROPOSED DEVELOPED AREA: 0.906 ACRES (38,263 SQUARE FEET)
PROPOSED UNDEVELOPED AREA: 0.247 ACRES (27,713 SQUARE FEET)

PARKING COUNT:
 EXISTING: 24 SPACES
 PROPOSED: 2 SPACES
TOTAL EXISTING: 26 SPACES
PROPOSED: 24 SPACES
TOTAL PROPOSED: 50 SPACES
EXISTING RATIO: 1.5 SPACES PER 100 SF
PROPOSED RATIO: 1.5 SPACES PER 100 SF

UTILITY AREAS:
EXISTING BUILDING AREA (NO CANOPY): 4,888 SF
EXISTING BUILDING AREA (W/ CANOPY): 4,475 SF
PROPOSED BUILDING AREA (NO CANOPY): 4,488 SF

- NOTES:**
1. ALL DESIGN, CONSTRUCTION AND MATERIALS SHALL BE IN COMPLIANCE WITH THE CITY OF GERMANTOWN SPECIFICATIONS AND STANDARDS.
 2. THE CONTRACTOR SHALL NOTIFY THE CITY CONSTRUCTION DEPARTMENT OF THE COMMENCEMENT OF CONSTRUCTION 24 HOURS PRIOR TO COMMENCING CONSTRUCTION.
 3. ALL UTILITIES NOT SHOWN SHALL BE LOCATED AND DEPTH VERIFICATION SHALL BE OBTAINED FROM THE CITY OF GERMANTOWN. THE CONTRACTOR SHALL NOT ENTER UNPAID WORK UNLESS ADEQUATE PROTECTION IS PROVIDED TO PREVENT SOIL EROSION.
 4. THE CONTRACTOR SHALL NOT ENTER UNPAID WORK UNLESS ADEQUATE PROTECTION IS PROVIDED TO PREVENT SOIL EROSION.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE CITY OF GERMANTOWN OF ANY DAMAGE TO UTILITIES WHICH MAY OCCUR DURING THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE TO UTILITIES WHICH MAY OCCUR DURING THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE TO UTILITIES WHICH MAY OCCUR DURING THE CONSTRUCTION OF THE PROJECT.
 6. FOR UNDEVELOPED UTILITY LOCATIONS CALL 1-800-560-1115.
 7. UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO THE FACE OF CURB.



REV.	REVISION	DATE	APPROVAL
1	EXISTING BUILDING BY SUPPLIER CURB, SIDEWALK, TRAFFIC PLAN	05/15	



NOT FOR CONSTRUCTION

SHEET 3 OF 8

DIVISION OF ENGINEERING

C2.0

LOCATION:
 1390 S. Germantown Road
 GERMANTOWN, TENNESSEE

SURVEY BY: [Name] DATE: [Date] BOOK: [Number]
 DESIGN BY: [Name] DATE: [Date] SCALE: 1"=20'
 REVIEWED: [Name]

DEVELOPER: MAGNA BANK
 ENGINEER: THE PEOPLES FIRM, INC.



1390 S. Germantown Road, Germantown, TN 38153
 615-261-1115
 www.peoplesfirm.com

DATE RECEIVED _____

CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION

(Check all that apply): Sketch Plan; Preliminary Site Plan; Final Site Plan
 Minor Subdivision; Preliminary Plat; Final Plat
 Grading/Tree Removal; WTF (Wireless Transmission Facility)

Rezoning From: _____ To: _____
 Other: _____

PROJECT INFORMATION

Project Name: Magna Bank/Starbucks
 Address: 1264 S. Germantown Road
 Project Description: Revisions to the interiors of the Magna Bank Building to include new Starbucks & parking & drive thru modifications to serve both.
 No. of Acres: 1.15 Parcel Identification Number(s): G022000493

PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.

OWNER INFORMATION

Name (Print): River Meade Inc. (Charles C. Burridge) Address: 3016 Hedrick St. Nashville 37203
 Phone No.: 615-385-2263 Fax No.: 615-385-2263
 Email Address: ccb2633@hotmail.com Signed: Charles C. Burridge, Pres.

DEVELOPER INFORMATION

Name: Magna Bank (Lisa Foley) Address: 6525 Quail Hollow Rd. #513 38120
 Phone No.: 901-259-5474 Fax No.: 901-753-2793
 Email Address: lisa.foley@magnabank.com Signed: Lisa Foley

AGENT/REPRESENTATIVE INFORMATION

Name: Scott Fleming, AIA Title: President
 Company Name: Fleming Assoc. Architects Address: 5100 Wheelis Ste. 215 38117
 Phone No.: 901-767-3924 Fax No.: 901-767-7136
 Email Address: sfleming@flemingarchitects.com
 Who will represent this proposal at the Planning Commission meeting? Scott Fleming

ENGINEER/SURVEYOR INFORMATION

Engineer Name: Harvey C. Marcom PE Address: 6800 Poplar Ave. Ste. 101
 Phone No.: Reaves Firm 901-761-2016 Fax No.: 901-763-2847
 Email Address: hmarcom@reavesfirm.com
 Surveyor Name: Michael K. Frye, RLS Address: 6800 Poplar Ave. Ste. 101 38138
 Phone No.: Reaves Firm 901-761-2016 Fax No.: 901-763-2847
 Email Address: mfrye@reavesfirm.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: River Meade, Inc.

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

Name		Business or Home Address
<u>Harold E. Crye</u>	<u>13.2%</u>	<u>6525 Quail Hollow Rd Memphis, TN 38120</u>
<u>Richard H. Leike</u>	<u>13.4%</u>	<u>6525 Quail Hollow Rd Memphis, TN 38120</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.LT., 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: NOT APPLICABLE

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>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
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1. Chairman Harless asked if there was any old business to come before the Commission. There was none.
2. Chairman Harless asked if there was any new business to come before the Commission. There was none.
3. Chairman Harless asked if there were any liaison reports. There were none.
4. **ADJOURNMENT:** The meeting adjourned at 6:55 p.m.