

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, October 6, 2015**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on October 6, 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 6:00 p.m., asking the secretary for the roll.

Commissioners Present: Mike Harless, David Clark, Susan Burrow, Hale Barclay, Alderman Forrest Owens, Mayor Mike Palazzolo, and Dike Bacon

Commissioners Absent: George Hernandez, and Rick Bennett

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

2. Approval of Minutes for July 7, 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 July 7, 2015. If there are no additions, corrections or deletions to the minutes of the July 7, 2015, meeting of the Planning Commission, he would entertain a motion for approval.

Mayor Palazzolo moved to approve the Planning Commission minutes of June 2, 2015, as submitted, seconded by Mr. Barclay. (*Note: To be corrected at the October 6, 2015 Planning Commission meeting*)

Chairman Harless asked for a roll call.

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

3. Approval of Minutes for August 18, 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 August 18, 2015. If there are no additions, corrections or deletions to the minutes of the August 18, 2015, meeting of the Planning Commission, he would entertain a motion for approval.

Mayor Palazzolo moved to approve the Planning Commission minutes of August 18, 2015, as submitted, seconded by Mr. Barclay.

Chairman Harless asked for a roll call.

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

4. Consent Agenda:

There was no consent items.

5. CAP, Germantown, Germantown Collection Shopping Center: 2130 Exeter Road – Request Preliminary and Final Site Plan Approval (Case #: 15-536)

INTRODUCTION:

Owner/Developer/Applicant Name:	CAP, Germantown, LLC
Representative Name:	Blair Parker w/Blair Parker Design, LLC - Agent/Representative
Location:	2130 Exeter Road
Zoning District:	"T5" Urban Center Zoning District

*Refer to the Disclosure Form attached for more information

BACKGROUND: The property was rezoned from the "SC-1" Shopping Center District to the T-5 districts as part of the Germantown Smart Growth Plan in 2007. This site was originally approved by the Planning Commission as Farmington Shopping Center in 1986. The name of development has been changed to Germantown Collection. The Board of Mayor and Aldermen approved Contract Number 93 on August 25, 1986 for the Germantown Collection.

DISCUSSION: The plan proposes: 1) a new retail out building to be constructed in the northwest corner of the site with frontage along Exeter Road in accordance to the T5 District regulations; and 2) the renovation of the existing Kroger Store to reduce the size of the building footprint from 61,332 square feet to 46,500 square feet. The renovations to the existing building will include façade improvements to match the architectural elevation of the new out buildings and to also split the building into three separate bays to function as separate retail shops. The existing building renovations are in accordance with the SC-1 District regulations; the zoning under which the overall site was originally developed 1986.

TOTAL SITE AREA	5.3 ac.
BUILDING SQUARE FOOTAGE	66,000 sq. ft. Footprint
Out Building A	12,500 sq. ft.
Out Building B	7,000 sq. ft.
Existing Building C	16,100 sq. ft.
Existing Building D	5,700 sq. ft.
Existing Building D	24,700 sq. ft.
BUILDING HEIGHT	2 Storey
NUMBER OF PARKING SPACES	
Parking Provided	195
Parking Required	198
Maximum Permitted	330

See attached Site Plan Data Table and Project Description from the applicant.

PLAN REVISIONS: *The applicant has revised the proposed preliminary and final site plan to remove the need for warrants for the placement of the parking in the 1st layer of the frontage and number of required spaces. Consequently, No warrants or variances are requested or needed for this project. The applicant has also satisfactorily addressed all of staff's concerns and requests for additional information for this proposed plan. The proposed preliminary and final site plan is in conformance with the regulations of the T-5 District.*

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Provide for public art percentage requirement (0.5% of threshold value), including how public art will be handled going forward.
2. Provide economic impact information, including estimated building value, sales tax generation and employment estimates.
3. Show the number of bike parking (racks) spaces provided on site plan – 10 required (1/20 parking spaces).
4. Provide a “Continuity of Services” Plan due to existing businesses that are to remain open during demo/construction.
5. Show proposed construction entrance location on Erosion Control Plan.
6. Determine if access easement across the front of the existing building extends to the north onto the Baptist Rehabilitation Hospital’s property adjacent to the north of the site.
7. The utility plan shall identify the fire department connection and the post indicator valve.
8. The fire line supply shall be looped.
9. Show water services details on Utility Plan. Recommend avoiding multiple tenants for single meter.
10. Show sewer elevations on Sewer/Utility Plan.
11. Show 200 feet of off-site topo with existing structures above and below ground on Grading and Drainage Plan.
12. Provide downstream capacity for drainage. Provide drainage calculations on Grading and Drainage Plan.
13. Provide underground detention calculations, area, and pipe structure data on Grading and Drainage Plan.
14. Provide details on the temporary diverting storm water to BMP’s.

B. GENERAL COMMENTS

1. Public art percentage requirement (0.5% of threshold value) must be provided by all projects located within T-5 or T-6 SmartCode Districts.
2. Any comments contained herein are for this submittal only; additional Engineering comments may be issued upon receipt of revisions, alterations, or amendments or upon receipt of more detailed submittals (i.e., construction drawings, detail sheets, manufacturer’s submittals, etc.).”
3. Existing utilities requiring relocation or removal shall be the developer’s responsibility.
4. 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.

5. 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.
6. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval.
7. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
8. 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 Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
9. 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.
10. 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.
11. 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.
12. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.
13. The Shelby County Code, Section 3-25 [Reference 1200-3-11-02 (Asbestos)] require building owners and/or operators to submit a notification of intent to do demolition or renovation at least ten (10) working days prior to the start of the activity even if no asbestos is present so compliance can be verified. Notification also includes the submittal of an asbestos survey report. Please contact the Health Department at (901) 544-7349 for more information.

STAFF RECOMMENDATION: Approval, subject to staff comments listed above.

Brody Glenn is with Centennial American Properties; 935 South Main Street, Greenville, SC, made a presentation. He stated we believe that this new development will make a better town. Through this process, we have been able get a development that has no warrants.

Blair Parker, with Blair Parker Design, 5159 Wheelis Drive, Memphis, TN stated that we would not be touching the back of this building. The neighbors can rest assure the green space that is behind this building structure does not change. We are proposing a second building, which is along Exeter Road and it meets all the requirements for the Smart Code. There will be steps going down to the Exeter Road sidewalk from this building. In the green space, there will be a wall, which is a required element for street screening. We are also landscaping around it as well.

Barry Byrd, P.O. Box 5482, Knoxville, TN, noted that when we started looking at this project; we realized the back of the building needed windows with artwork in them. Chairman Harless stated one of the things Smart Growth intends to accomplish is the interaction of pedestrians and people with families. Will we have bike racks on this property?

Mr. Parker answered yes we will.

Mayor Palazzolo stated he wanted to say thanks to Brody Glenn, Blair Parker, and Barry Byrd for a quality development. He listed the pluses of the project: working together with your shopping center neighbors is very important; No warrants on Smart Code development very important; Great attention to detail this is the way we want to see developments in the future with the use of artwork, bike racks, and pedestrians friendly. One thing I wanted to mention is the detail of the landscaping in the rear of the property. It is very mature now and has been back there awhile, and it provides ample screening for its Farmington South neighborhood. You will maintain that as part of the property.

Opposition

1. Brenda Bluestein, 2147 Sonning Drive has a concern with dumpsters due to drawing animals such as rats/snakes/raccoons and loud noise with trucks and deliveries on the backside abutting residential.
2. Bradley Luton, 2056 Sonning Drive has issues with the landscaping buffer on the east side, and wants to make sure the tree line is not touched.
3. Bob Guin, 2138 Sonning Drive is opposed to any plans on changing the buffer.
4. Bob Wynn, 2078 Sonning Drive does not want to see any changes to the buffer.

SMART CODE REVIEW COMMITTEE, (MIKE HARLESS, CHAIRMAN): The Smart Code Review Committee met on July 22, 2015 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for CAP, Germantown located in Germantown Collection Shopping Center at 2130 Exeter Road.

Chairman Harless moved to approve the preliminary and final site plan for CAP, Germantown located in Germantown Collection Shopping Center at 2130 Exeter Road, subject to the site plans submitted with the application and the staff comments, seconded by Ms. Burrow.

Chairman Harless asked for a roll call.

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

Planning Commission Minutes

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Mr. Bacon stated this is an excellence plan for Smart Growth without the warrants and the attention to details.

Mr. Barclay stated I also agree to the previous comments and the residents coming out tonight to voice their concerns. I think it is a quality development.

6. Travure Planned Unit Development, South Side of Poplar Ave., 750 Feet East of Kirby Parkway – Request Preliminary and Final Plan Approval of Phase 1 (Access Easement and Infrastructure) (Case # 15-524)

INTRODUCTION:

Owner	Gill Poplar GP
Developer:	Gill Poplar GP
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. The Travure outline plan was approved by the Planning Commission on July 7, 2015 and is on the July 27, 2015 Board of Mayor and Aldermen agenda for their approval.

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 3 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).

Phase 1 consists of the internal private streets (Travure Drive and Travure West Drive), associated grading, and water lines within the private street and traffic signal plans.

The Technical Advisory Committee (T.A.C.) met on July 16th and made the following comments:

STAFF COMMENTS:

A. PRIOR TO FINAL PLAN APPROVAL

1. All sanitary sewer lines shall be designated as private.
2. Include the street lights along Travure Drive and Travure West Drive within the Phase 1 plans, and provide a consistent pole height and light fixture type.

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

- .1 Provide a water line connection under Poplar Pike.
2. Show the existing drives on the north side of Poplar on the traffic signal layout sheet.
3. Provide deflection angle on the roundabout pavement.
4. Take the water and sanitary sewer stubs to the Westminster Townhouse property line.

C. GENERAL COMMENTS AND REQUIREMENTS

1. The traffic signal will become operational once the hotel and office building (phases 2 and 3) are occupied.
2. 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.
3. 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.
4. 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.
5. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
6. 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 Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
7. 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.

8. 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.
9. 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.
10. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.

STAFF RECOMMENDATION: REVISE THE PLANS TO INCORPORATE STAFF COMMENTS

SMART CODE REVIEW COMMITTEE: (MIKE HARLESS, CHAIRMAN) The Smart Code Review Committee met on July 22, 2015 and withheld a recommendation.

MAIN MOTION: To approve the preliminary and final plan for Phase 1 (infrastructure) of the Travure PUD, subject to comments listed above in the staff report.

Mr. Bacon asked about the traffic signal from the east service drive.

Mr. Gwaltney answered that the east drive is needed to accommodate traffic for the full development.

Alderman Owens asked about the possibility of grass-pave on the East Drive.

Jody Dwyer noted the fire department will use the east drive to fight fires, since it will be the main drive by the parking garage. Also, a solid wall or screening will prevent the fire department from access to vehicles in the garage.

He explained further that while the International Building Code 2009 edition allows for both an open and enclosed parking garage, there are some concerns for the fire department operationally. Mechanical ventilation systems will be required for those levels below grade to help evacuate the smoke; however, the above grade and open portion of the parking garage should remain open to allow the heated gases and smoke to escape. Because of the type of smoke produced by a vehicle fire, the visibility can greatly be reduced causing additional risk to the firefighters.

The eastern access drive is necessary and is allowed for in the International Fire Code, 2006 edition, Chapter 5, Section 503.1.2 which states:

Additional Access: The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

My concern is with the potential volume of vehicle traffic within the development. Obstructions to access roads can occur from illegal parking, delivery trucks, or a motor vehicle crash.

And, Appendix D, Section D102.1:

Access and Loading: Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete, or other approved driving surface capable of the imposed load of fire apparatus.

Michael Rogers made a presentation about the plan and the alignment of the driveway, utility line and lighting.

Brenda Solomito stated she is representing both developers and property owners and described the project. Just to recap a couple of issues relative to the eastern side of the Travure Planned Development; the garage exterior drive; it is my understanding that since we have two stories below ground that ventilation and access are viable reasons for keeping the ventilation opening in place. The eastern access drive – it is also my understanding that the eastern access drive is desirable since it will disburse the traffic and avoid congestion inside the development.

Chairman Harless stated - 1) Germantown is somewhat unique, we are not like all the other cities; 2) We have had Smart Growth in our City now for about 8 years and there have been a number of warrants that we have granted in the past. There never has been anything come close to this with 12 warrants. It is very difficult for us to handle, because we expect the developers to meet the guidelines. We have 2 developers involved and we do see a standard that is uniform across the board. I'm going to give you one example and that's lighting. The way it's written right now, we could have one set of lighting standards on poles 30 feet high on one piece of property and across the street they could be 20 feet high and different color of lights. That's not in keeping the image of what Germantown requires. We would like to see the entire

infrastructure in place before we have buildings coming out of the ground, which would include the sewers, waterlines, and walls, etc. We cannot have one developer doing one thing and another developer doing something different. So, I want you to know if this gets rejected, you would have to wait 6 months to reapply.

Alderman Owens noted there is too much stucco on the hotel; it needs more brick; and needs a gathering place. I'm reading from the letter Jerry Klein, Chairman of the EDC sent on the Travure project. He noted that it would seem that the plans as presented are trying to put too much stuff in too small of a space. I have a real problem with how the traffic is going to flow. I would think the engineers/designers need to go back and work on this further. It seems to be a real problem.

Mr. Bacon stated for the first West Gateway project we want to get it right.

Mayor Palazzolo stated we need to create a sense of place; something to make it stand out with SmartCode; and it lacks vision. We are looking for something that will be a highlight to a gateway into our City.

These items Travure PUD Phases 1 – 4 has been withdrawn from tonight's meeting.

NOTTOWAY

August 13, 2015

Mr. Wade Morgan, Chief Planner
City of Germantown
Economic and Community Development
1930 Germantown Road South
Germantown, TN 38138

Dear Mr. Morgan:

This letter is offered on behalf of the sixty three (63) households that comprise the Nottoway Homeowners Association in Germantown. As President, and on behalf of that group, I'd like to begin by thanking the Planning Commission for this opportunity to express our view, and by reiterating that the Nottoway HOA is not opposed to the TraVure project. The concern is only that the project be of the highest quality, that it meets the design standards adopted by the City of Germantown, and that it be appropriate for and consistent with the approved zoning.

In October, 2005, the City of Germantown adopted the Vision 2020 Plan, referred to as a citizen-driven strategic plan. Its stated objective was building a sustainable Germantown ... based on economic, environmental and social sustainability. In 2007, the City then adopted the Smart Growth plan for future development, which embraced a philosophy of continuing the City's effort to grow economically in a smart and sustainable way. The Smart Growth Plan established a design concept for future land use and redevelopment in the plan area over the next 20 years, and the residents of Nottoway were convinced that the adoption of the plans and the subsequent changes in zoning on the adjacent property from Old Germantown (OG) to T-4R and T-5 would result in a development which would live up to "live, work, shop, play" expectations. Given these plans, and the ideals that they espouse, the Nottoway HOA challenges the City to consider the TraVure project in light of those standards, and to consider whether the City's stated objectives are being met.

Nottoway is a community of sixty-three (63) homes on just twenty (20) acres and representing an investment of over \$40,000,000. It is likely the highest concentrated tax base neighborhood in the City of Germantown. Our residents would like to be considered as valuable an asset as any new project under consideration, and to have their concerns given a fair hearing. While this proposed project can be part of the transformation of the Western Gateway into the sort of 'front door' befitting the City of Germantown, without the discipline to follow the principles of Smart Growth, there is a danger both of disillusioning residents who were convinced to support it, and of setting a less than desirable precedent for future development.

The Role of the City

As a threshold comment, it seems to us more appropriate for the City to take the lead in the process of demanding compliance with its own design standards, rather than the HOA. As the 'gate keeper', it is our considered belief that the City should be holding the developer accountable, and then informing the HOA and other affected interests, upon the developer's request for any warrants, approvals or when decisions are pending. Particularly in light of the City's historical commitment to its residential subdivisions, we at Nottoway believe that a greater involvement from the City would alleviate much of the burden of review now being borne by the HOA.

Representatives of Nottoway have met with the developer of the TraVure project on three occasions, but communication has been challenging due to the fact that the HOA has little leverage to exact information about the project, and no assurance that information it has received is consistent with information being provided to the City. With the sale of the south portion of the property, the tract now involves two owners. Complicating the matter further, the two owners have represented to Nottoway that they do not speak for each other, or act as a single project. While we have been assured by the City that the project is being viewed as a unified development, it begs the question as to why the HOA has been put in the position of having to discuss the detailed design elements of the project with either owner.

A meeting was convened between the representatives of the HOA and the developer as recently as Monday, August 10th. While the purpose of the meeting was theoretically to address outstanding issues, a revised plan had been filed with the City on the 5th to which we were not privy. We have not yet been provided those revised plans, and yet we have been made aware that there have been some fundamental changes made. This creates an air of suspicion among the members of the HOA because there is not consistent access to reliable information.

Site Plan Overview

The residents of Nottoway had been 'sold' on the idea of a project incorporating "Live, Work, Shop, Play", but there is real concern about whether the plan for TraVure will bring that about. In a perfect "Smart Growth" world, the appeal of the TraVure project should be such that Nottoway residents would be asking for a pedestrian access to the property in order to more easily enjoy the benefits of the "Smart Growth" design. As presented, the site plan shows an expanse of impervious surface, particularly given the surface parking associated with the hotels; there is little apparent green space; with two "independent" owners, there is not a "sense of place", and certainly not a continuity of design that would suggest community; the HOA has concerns about lighting, noise and environmental impacts; and the use of certain building materials (particularly the use of EIFS on the hotel) appear to be inconsistent with Germantown's design standards. There are additional concerns about ingress and egress, and questions about the need for a drive around the entirety of the parking structure. Now, with the most recent change in the site plan that connects the surface parking around the hotel with the drive on the east side of the parking garage, it is believed that this drive would almost certainly become the route of choice into and out of the site. There has been no mention of the

potential impact of that change in the project's traffic study, but the impact to Nottoway would be substantial.

Specific Items of Concern

The Nottoway HOA has been consistent about its concern about several specific issues. While there has been some progress in discussions with the developer, these issues remain largely unresolved and of paramount concern:

1. The 25' landscape buffer along the east border of the project and adjacent to Nottoway must be effective and of the highest quality, incorporating mature plantings. Ideally the screen would obscure the view of the parking structure from Nottoway.
2. The 5-story parking garage (with 2 floors underground), located only 50' from the boundary between the TraVure project and Nottoway, must be designed in such a manner as to respect the privacy of Nottoway residents, and to prevent noise and light from disturbing the very nature of a single family residential development. The east wall of the Parking Garage should be constructed as a solid wall with appropriate decorative design features. A number of alternative designs are possible, but eliminating the effects of noise and light are of critical importance. Attached is an example picture of an inexpensive, yet effective, decorative solid wall treatment. It is our understanding that the developer gets points for art installation and Nottoway would not be opposed to an artistic alternative to the wall.

The language found in Section 23-779 of the Smart Code, under paragraph C, "Permitted Uses", requires the following regarding parking structures, leaving no question that cars and lighting are not to be visible to adjacent residential property:

"Where an above-ground parking structure is located at the perimeter of [a building], it shall be screened or treated in such a way that cars and lighting are not visible from the street or from abutting residentially zoned property."

While the above language would appear to make the issue of visibility moot, the HOA proposes that restrictions be applied to use of the top level of the garage such that access to that level would be limited to normal business hours for the office complex, such as 7:00 a.m. to 6:00 p.m.

3. The access road to the east of the garage should be eliminated, as it is not a fire code requirement. However, it is suggested that, as an accommodation for emergency access, a reinforced grass paving surface be placed along the east side of the garage, in lieu of pavement. This would then only require that pavement extend from Poplar to just beyond the northeast entrance to the garage, allowing ingress and egress to the garage, but not beyond.

Attached is an example picture of a Germantown approved reinforced grass paving surface at Methodist Germantown. The elimination of the access road also eliminates the concern about its use as a primary route into and out of the site and any need for a connection to the surface lot surrounding the hotel. Also attached is a revised drawing for the access road which indicates Nottoway's preference for parking garage ingress and egress.

4. Provide an 8' masonry wall along the entire length of the TraVure project as an appropriate screen between the commercial and adjacent residential property at Nottoway. This wall would be consistent with the City's requirement at the Whole Foods development, and would be more in keeping with the design standards for new projects within the City for aesthetics, security and transition between land uses. There was some comfort taken in the assurance given by the developer, on the public record, at the BMA meeting on July 27th that the wall would be built. However, it remains a concern because the developer claims not to represent the entirety of the project. That is an important project components for the residents of Nottoway.
5. Finally, there has been considerable pressure from one of the owners to permit them to tie the TraVure project's storm water system to the Nottoway storm water retention ponds. This would allow the discharge of surface water from the rear of the commercial property (the hotel site) through the Nottoway system before it reaches the City's storm water facilities. The Nottoway retention system is a private, closed system, paid for and maintained by the residents of Nottoway. It was not intended or designed to handle discharge from a large commercial project, and the real and perceived risks to Nottoway include increased volume, the potential for flooding, potential environmental impacts, danger to plants and wildlife within Nottoway's retention ponds, the impact of trash and debris carried into Nottoway, and the impacts to Nottoway during construction, since the storm water drainage improvements would be put into service prior to the construction of any buildings. The HOA has offered to have the issue studied, at the developer's cost, but there is no assurance that the perception of risk could be overcome, and that a successful 2/3 vote of the homeowners could be achieved to approve such a connection. Under no circumstances is the HOA going to trade any of the above, for access to its retention system.

The Nottoway HOA has remained consistent on each of these issues in every communication with either the developer or the City, and remains convinced that resolving these issues is central to their support for the project. These are not believed to be unreasonable requests, and Nottoway is willing to work with the developer to help achieve its objectives within the framework of the Smart Growth plan adopted by the City.

On behalf of the residents of Nottoway, we thank the Planning Commission for allowing us to express our views and concerns. We look forward to a continuing dialogue with the City as it considers the merits and the potential impacts of the TraVure project.

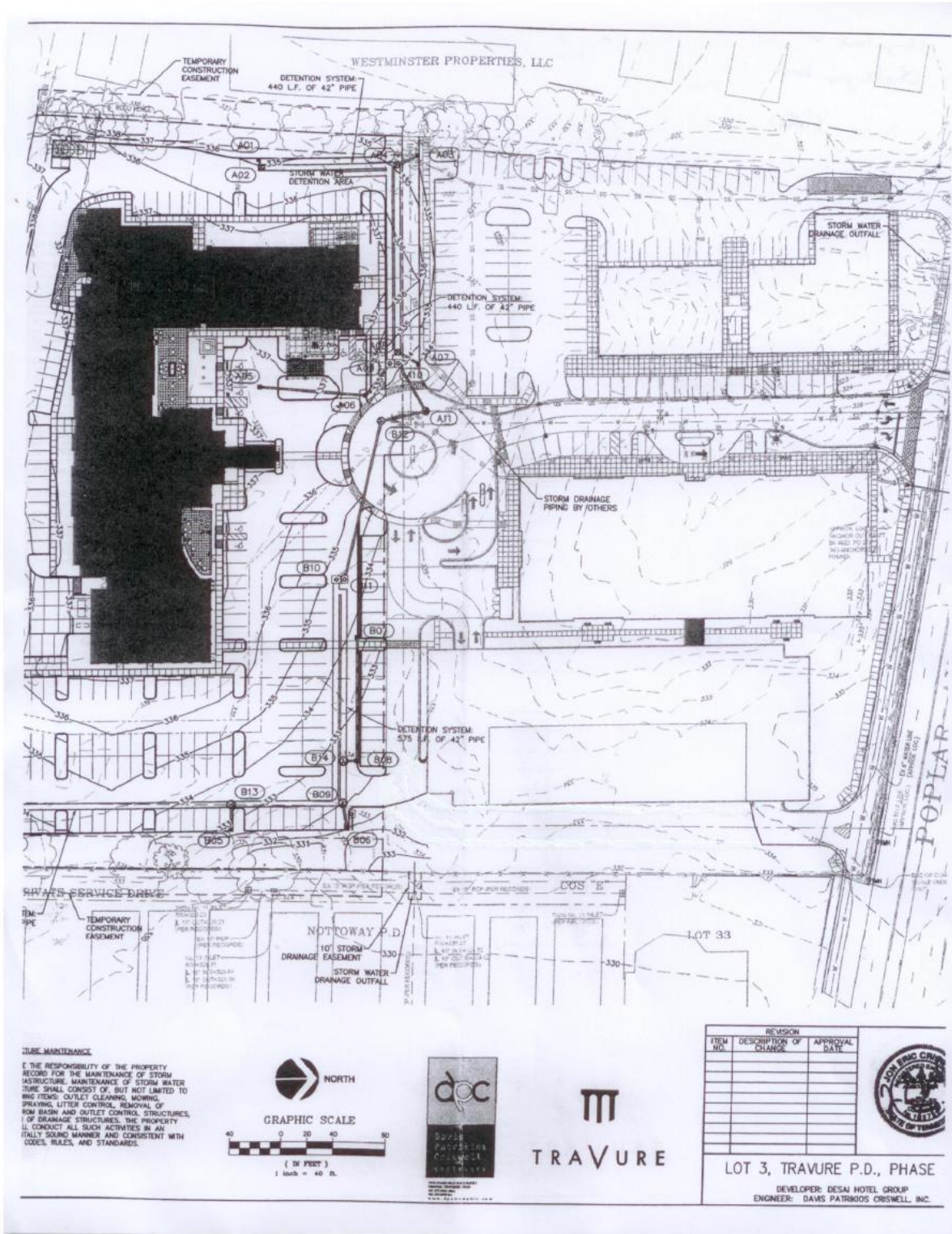
Respectfully submitted,

NOTTOWAY HOA

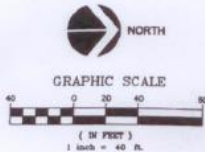
Gene Henson
President







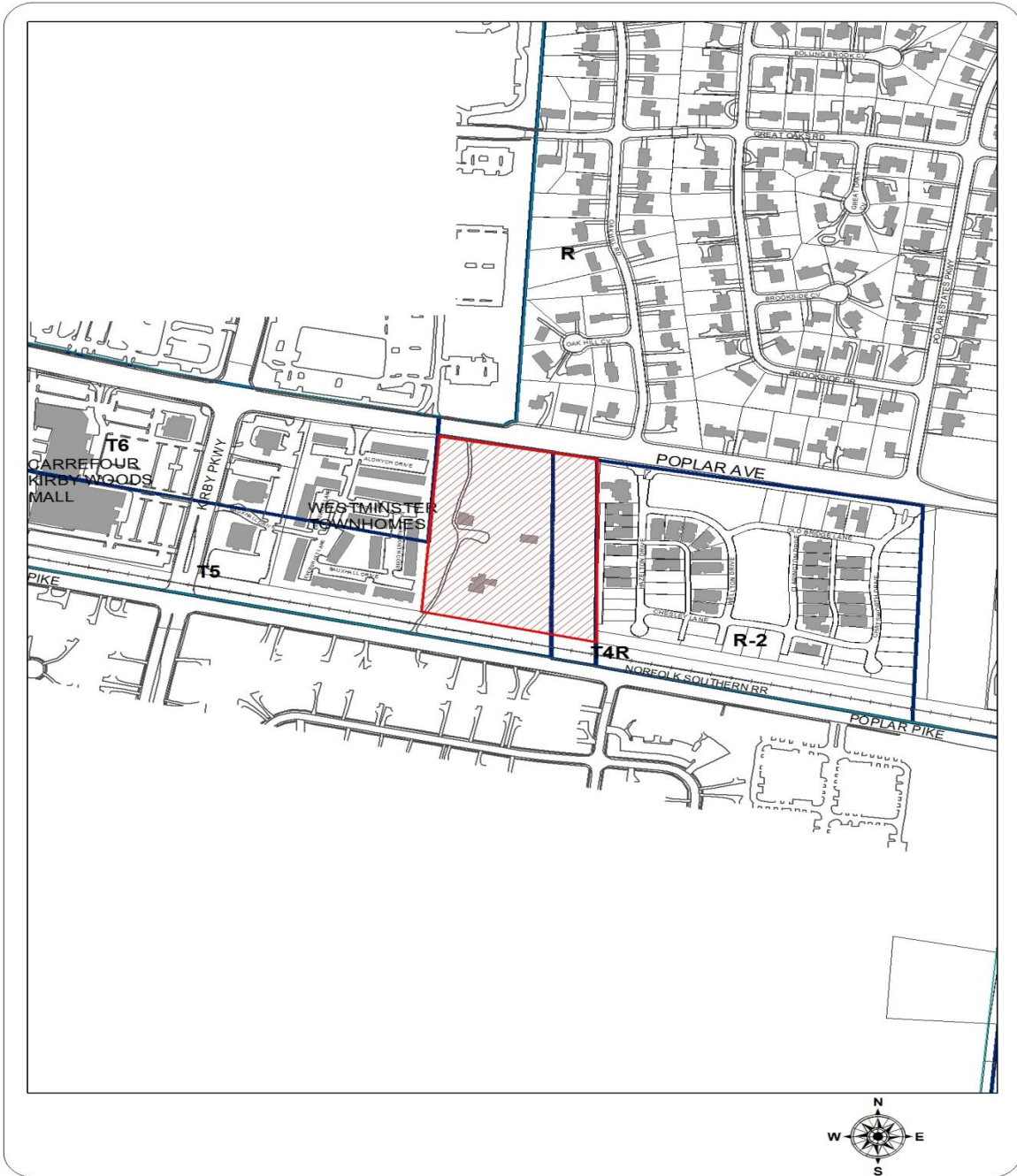
STORM WATER MAINTENANCE
 IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO RECORD FOR THE MAINTENANCE OF STORM WATER STRUCTURE. MAINTENANCE OF STORM WATER STRUCTURE SHALL CONSIST OF, BUT NOT LIMITED TO: RING FITS; OUTLET CLEANING, MOWING, GRASSING, LITTER CONTROL, REMOVAL OF DEBRIS; BASIN AND OUTLET CONTROL STRUCTURES, AND CLEANING OF DRAINAGE STRUCTURES. THE PROPERTY OWNER SHALL CONDUCT ALL SUCH ACTIVITIES IN AN ETHICALLY SOUND MANNER AND CONSISTENT WITH LOCAL, STATE, AND FEDERAL CODES, RULES, AND STANDARDS.



REVISION		
ITEM NO.	DESCRIPTION OF CHANGE	APPROVAL DATE



LOT 3, TRAVURE P.D., PHASE
 DEVELOPER: DESAI HOTEL GROUP
 ENGINEER: DAVIS PATRICKOS CRISWELL, INC.



7. Travure Planned Unit Development, South Side of Poplar Ave., 750 Feet East of Kirby Parkway – Request Preliminary and Final Plan Approval of Phase 2 (parcel 3) (Case # 15-524)

INTRODUCTION:

Owner Name: Developer:	Germantown Hotel Group, LLC Desai Hotel Group, Inc.
Representative Name:	Leonard Messina, w/LLW Architects, Inc.
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 3 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	4.606 ac.
USES: hotel	
No. of rooms	216 rooms
Building Height	66 ft.; 5 floors
Parking spaces: Provided:	206
Minimum Required:	216
Maximum:	NA

PLAN REVISIONS: *The plans have been revised in the following manor to address comments from TAC and the Smart Code Review Committee: 1) Street-screens are provided within landscape areas between parking areas and Travure West Drive and the access drive to the parking garage, eliminating one warrant; 2) the hotel parking area is connected to the parking garage access drive on the east end of the site, which eliminates one warrant; 3) sidewalks are provided from the hotels’ entrances to the roundabout walkways and to the parking garage entrance; 4) additional landscape islands are provided in the eastern parking area, thereby locating the parking spaces within small courts and eliminating one warrant; 5) A shared parking agreement between the hotel developer (Germantown Hotel Group) and the parking garage developer (Gill Poplar) has been executed.*

A Project Description from the applicant is attached for more detailed information.

WARRANTS: The following warrants from the standard development regulations are required for this project:

WARRANT 1: Section 23-770 The T-5 district requires a minimum front building setback of 0 feet and a maximum of 12 feet. The plan proposes a building in the shape of an “L” whose front setback varies from 20 ft. (+/-) to 85 ft. (+/-). The applicant indicates that the building design is a function of the “dual brand” hotels with two entrances, each having a drop off and pick up canopy.

WARRANT 2: Section 23-778.A.2 – In all Districts, Principal Buildings shall have their principal pedestrian entrances on a Frontage Line. This requires the buildings’ front doors to be located on the front of the building, facing the public thoroughfare. This warrant is tied to warrant no. 1 above.

WARRANT 3: Section 23-792.C - T5, & T6: All parking areas shall be located at the Third Lot Layer. Parking areas are required to be located at least 20 feet behind the front line of the building. The applicant notes that the “L” shaped building is moved away from the Nottoway residential development to the east, which places parking to the side of the building.

WARRANT 4: Section 23-792.C.5 - T4, T5 & T6: Uncovered (surface) parking is prohibited within the minimum building setbacks. This warrant is related to warrant 3 above. Parking is provided on the east side of the building, within the 50 foot building setback area due to the placement of the building farther away from the east property line.

WARRANT 5: Section 23-792.D.7 – Requires all parking located within the 50-foot building setback (of the T-4R district) , as described in Section 23-779 (Restricted Zone Standards) shall be parallel to the property line of abutting, low density, residentially-zoned property. The plan proposes parking spaces that are similar in orientation to other spaces within the vicinity.

In those instances where reasons are shown that would justify a deviation from the strict requirements of the provisions of the SmartCode, the Planning Commission shall have authority to permit such deviations. A warrant is an official decision that permits a practice that is not consistent with a specific provision(s) of this Code, but is justified by its "intent" and is consistent with the urban design guidelines and/or development concepts in the "Germantown Western Gateway Study".

The following is from the SmartCode section of the zoning regulations: “In determining justifiable reasons for granting a warrant, the PC shall take into account, among other relevant factors that may be applicable, the relationship of the property to other properties, whether the deviation would be in accord with the intent of the SmartCode, principles of good land use planning as same may evolve over time, the topography of the property, and peculiar and exceptional practical difficulties or undue hardship upon the owner of the property. In determining whether to grant a warrant, financial hardship shall not alone be considered sufficient to justify a deviation. In all events, the PC shall take into consideration whether the proposed deviation may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the SmartCode provisions.”

The Technical Advisory Committee (T.A.C.) met on July 16th and made the following comments:

STAFF COMMENTS:

A. PRIOR TO FINAL PLAN APPROVAL

1. The Grading and Drainage Plan has been revised by creating additional underground storage along the east and north sides of the parking area, then angling the drain pipes under the roundabout. Connection to the Nottoway drainage system is no longer necessary. These structures and line segments should be removed from the Phase II plans and added to the Phase I plans so as to minimize disruptions.
2. Provide a six-foot (minimum height) masonry fence along the east property line.
3. Revise the site lighting plan to provide consistent pole height and light fixtures within the parking lot and along Travure Drive and Travure West Drive. Provide information on the finish material of all exterior lights.

B. GENERAL COMMENTS AND REQUIREMENTS

1. All infrastructures (water lines, sanitary sewer, storm drains) shall be privately maintained.
2. After approval from the Planning Commission, the warrants shall proceed to the Board of Mayor and Aldermen for approval.
3. 0.5% of the development's threshold value shall be committed to public art, not to exceed \$200,000. (Section 23-797.A of the Smart Code). A provision to this effect shall be included in the Development Contract.
4. 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.
4. 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.
5. 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.
6. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
7. 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 Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
8. 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.
9. 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.

11. 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.
12. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.

DESIGN REVIEW COMMISSION CHECKLIST:

1. *Site Layout:* The hotel building is situated on parcel 3 of the PUD, in the southern section of the development. The building is “L” shaped, and placed on the west end of the parcel.
2. *Building Elevations:* See the attached plans. The building exterior is to be a combination of velour brown brick (59%), beige, and gray and “Flower Power” stucco (29.5%), tile (6.5%), and aluminum composite panels (2.5%). A color rendering and material samples have been provided.
3. *Street Improvements and Curb Cuts:* The hotel will have access to the Travure Drive roundabout and to the access drive east of the parking garage.
4. *Parking Lots:* A total of 206 surface parking spaces are provided;
5. *Exterior Lighting:* The site will be illuminated in the following manor: 14-foot tall pole-mounted fixtures with LED lights within the parking area, abutting the roundabout and Travure West Drive; LED up-lights along the building wall of the Hilton Garden Inn building; and LED lights under the entrance canopies. . A photometric analysis has been provided that includes average illumination levels at various areas of the site. **The pole height and manufacturer of the pole light fixtures is different from the drive and parking area lights for the Phase 3 office building. Information on the light fixture finish has not been provided. Information on the up lights and canopy lights has not been provided.**
6. *Garbage Collection Area:* A trash dumpster area is to be located on the south side of the building, near its eastern end.
7. *Vents:* not noted on the plan.
8. *Gas, Electric and Water:* Details not provided.
9. *Mechanical Units:* information not provided.
10. *Emergency Generators:* none shown.

- 11. *Landscaping*: a detailed landscape plan has been provided.
- 12. *Mailboxes*: not shown.
- 13. *Signs*: not shown. Signs will require separate application and approval.

STAFF RECOMMENDATION: PRIOR TO PLANNING COMMISSION APPROVAL, REVISE THE PLANS TO INCORPORATE STAFF COMMENTS

SMART CODE REVIEW COMMITTEE: (MIKE HARLESS, CHAIRMAN) The Smart Code Review Committee met on July 22 and withheld a recommendation.

PROPOSED WARRANT MOTION 1: To approve a warrant from Section 23-770, to allow a building in the shape of an “L” whose front setback varies from 20 ft. (+/-) to 85 ft. (+/-), all as shown on the Phase 2 site plan.

PROPOSED MOTION 2: To approve a warrant from Section 23-778.A.2, that will allow the buildings’ front doors to be located as shown on the Phase 2 site plan.

WARRANTS

PROPOSED MOTION 3: To approve a warrant from Section 23-792.C, to allow parking within the first lot layer as shown on the Phase 2 site plan.

PROPOSED MOTION 4: To approve a warrant from Section 23-792.C.5, to allow parking within the 50 foot building setback area as shown on the Phase 2 site plan.

PROPOSED MOTION 5: To approve a warrant from Section 23-792.D.7, to allow parking located within the 50-foot building setback (of the T-4R district), to be perpendicular to the property line, as shown on the Phase 2 site plan.

8. Travure Planned Unit Development, South Side of Poplar Ave., 750 Feet East of Kirby Parkway – Request Preliminary and Final Plan Approval of Phase 3 (office building and parking garage, parcel 2) (Case # 15-524)

INTRODUCTION:

Owner/Developer/Applicant Name:	Gill Properties, Inc. (Ray Gill)
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 3 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 – Phase 3 consists of a five storey office building of 150,620 sq. ft. of floor area and a 453 space parking structure. The parking structure will have 2 levels below grade and 3 levels above.

DEVELOPMENT SUMMARY

TOTAL SITE AREA	3.308 ac.
Gross Floor Area	150,620
Parking Spaces:	
Provided:	435 (garage) 9 (surface)
Min. Required	302
Max. Permitted	754
With Sharing Factor	306 min.

PLAN REVISIONS: *The plans have been revised in the following manor to address comments from TAC and the Smart Code Review Committee: 1) A shared driveway on the eastern end of the thoroughfare between the hotel parcel and the office parcel has been provided; 2) the number of openings in the roundabout has been reduced from 8 to 5 and pavers are shown to identify the roundabout edge; 3) the dumpster/service dock area has been modified; 4) pedestrian connections between the hotel and office building have been provided.*

WARRANTS: The following warrants from the standard development regulations are required for this project (see the attached letter from Fisher Arnold for explanation of the warrants):

WARRANT 1: Section 23-770 - The T-5 district requires a minimum front building setback of 10 feet and a maximum of 40 feet from Poplar Ave. The office building is to be setback between 10 feet and 30 feet from Poplar Ave., so no warrant is required for it. The plan proposes the parking garage to be setback between 30 feet and 50 feet from Poplar, because the garage’s Poplar Ave. façade is not parallel to that street. Therefore a warrant is required for the garage.

WARRANT 2: Section 23-778.A.2 – In all Districts, Principal Buildings shall have their principal pedestrian entrances on a Frontage Line. This requires the office-building to have front doors on both Poplar Ave. and Travure Drive. The office building’s principal entrance is only on Travure Drive. The Poplar Ave. elevation has a single door.

WARRANT 3: Section 23-779.C.1 – Where an above-ground parking structure is located at the perimeter of a building, it shall be screened or treated in such a way that cars and lighting are not visible from the street or from abutting residentially zoned properties. The parking garage elevation plans indicate “green screen” modular trellis panels and 48 in, high walls to screen views of vehicles, and the lighting plan indicates metal panels mounted at the top of the light fixture to shield the direct view of the light. *The applicant should demonstrate to the satisfaction of the Planning Commission how the trellis panels and light shields will function. Material samples, photos of existing garages where those items are used, etc. should be provided.*

WARRANT 4: Section 23-792.B.1 - A pedestrian entrance to all parking lots and parking structures shall be provided directly from a Frontage Line. The parking garage has

pedestrian entrances on the west (Travure Dr.) and east elevations, but not on the Poplar Ave. elevation.

WARRANT 5: : Section 23-813 and 23-826, Appendix B.3 THOROUGHFARE ASSEMBLIES – Thoroughfare plan CS-90-58 calls for angled parking spaces (either head-in or back-in). The Travure plan proposes right-angle spaces due to safety concerns.

In those instances where reasons are shown that would justify a deviation from the strict requirements of the provisions of the SmartCode, the Planning Commission shall have authority to permit such deviations. A warrant is an official decision that permits a practice that is not consistent with a specific provision(s) of this Code, but is justified by its "intent" and is consistent with the urban design guidelines and/or development concepts in the "Germantown Smart Growth Plan".

The following is from the SmartCode section of the zoning regulations: "In determining justifiable reasons for granting a warrant, the PC shall take into account, among other relevant factors that may be applicable, the relationship of the property to other properties, whether the deviation would be in accord with the intent of the SmartCode, principles of good land use planning as same may evolve over time, the topography of the property, and peculiar and exceptional practical difficulties or undue hardship upon the owner of the property. In determining whether to grant a warrant, financial hardship shall not alone be considered sufficient to justify a deviation. In all events, the PC shall take into consideration whether the proposed deviation may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the SmartCode provisions."

STAFF COMMENTS:

B. PRIOR TO FINAL PLAN APPROVAL

1. Provide examples of existing structures, material samples, etc. of how the trellis panels and light shields on the parking garage will function to shield the view of lights and vehicles.
2. All sanitary sewer easements shall be shown as private.
3. Provide a masonry fence, with a minimum height of six feet, along the east property line.

C. GENERAL COMMENTS AND REQUIREMENTS

1. After approval from the Planning Commission, the warrants shall proceed to the Board of Mayor and Aldermen for approval.
3. 0.5% of the development's threshold value shall be committed to public art, not to exceed \$200,000. (Section 23-797.A of the Smart Code). A provision to this effect shall be included in the Development Contract and construction drawings shall provide details of public art.
3. 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.
4. 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.
5. 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.

6. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
7. 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 Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
8. 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.

1. 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.
9. 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.
 10. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.

DESIGN REVIEW CHECKLIST:

14. *Site Layout:* The office building is situated on parcel 2 of the PUD, in the northeast quadrant of the development. The building's long axis will parallel Travure Drive, as will the parking garage.
15. *Building Elevations:* See the attached plans. The building exterior is to be a combination of smooth faced and broken face CMU on the sidewalk level, reflective glass and pre-cast panels on upper levels, and pre-cast concrete panels on the top level. A color rendering and material samples have been provided.
16. *Street Improvements and Curb Cuts:* The parking garage will have access to Travure Drive and a right-in/right-out drive to Poplar Ave.

17. *Parking Lots*: A total of 444 parking spaces are provided; 435 in the parking structure and 9 surface spaces.
18. *Exterior Lighting*: The site will be illuminated in the following manor: 12 pole-mounted fixtures with LED lights (6 ground-mounted poles and 6 lights on the top level of the parking structure); 13 recessed down lights with LED fixtures; 7 building-mounted area lights with LED fixtures. A photometric analysis has been provided that includes average illumination levels at various areas of the site.
19. *Garbage Collection Area*: A trash dumpster is to be located on the south side of the office building, near the entrance to the parking garage.
20. *Vents*: not noted on the plan.
21. *Gas, Electric and Water*: Details not provided. A MLGW service transformer is located at the southwest corner of the parking structure.
22. *Mechanical Units*: information not provided.
23. *Emergency Generators*: none shown.
24. *Landscaping*: a detailed landscape plan has been provided.
25. *Mailboxes*: not shown.
26. *Signs*: not shown. Signs will require separate application and approval.

STAFF RECOMMENDATION: REVISE THE PLANS TO INCORPORATE STAFF COMMENTS

SMART CODE REVIEW COMMITTEE, (MIKE HARLESS, CHAIRMAN): The Smart Code Review Committee met on July 22 and withheld a recommendation.

WARRANTS

PROPOSED MOTION 1: To approve warrant number 1, that will allow the western portion of the parking garage to be setback more than 40 feet from Poplar Ave., as shown on the Phase 3 site plan.

PROPOSED MOTION 2: To approve warrant number 2, that will allow the office building to have a principal entrance on Travure Drive only.

PROPOSED MOTION 3: To approve warrant number 3, that will approve the parking garage screening and lighting as shown on the Phase 3 building elevation plan.

PROPOSED MOTION 4: To approve warrant number 4, that will allow the parking garage to have pedestrian entrances on the west (Travure Dr.) and east elevations, but not on the Poplar Ave. elevation as shown on the Phase 3 site plan.

PROPOSED MOTION 5: To approve warrant number 5, which will allow right-angle parking spaces on Travure Drive, as shown on the Phase 3 site plan?

MAIN MOTION

PROPOSED MAIN MOTION: To approve the preliminary and final plan for Phase 3 on parcel 2 of the Travure Planned Unit Development subject to the comments listed in the staff report.

MAIN MOTION: To approve the preliminary and final plan for Phase 2 of the Travure PUD, subject to comments listed above in the staff report.

9. Travure Planned Unit Development, South Side of Poplar Ave., 750 Feet East of Kirby Parkway – Request Preliminary Plan Approval of Phase 4 (retail/office building, parcel 1) (Case # 15-524)

INTRODUCTION:

Owner/Developer	Gill Poplar GP
Representative Name:	Michael Rogers, w/Fisher Arnold
Location:	South side of Poplar Ave., east of Kirby Pkwy and west of Nottoway PUD
Zoning Districts:	T-5” Urban Center District

*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 3 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	2.139 ac.
Gross Floor Area	34,100
Parking Spaces:	
Provided:	96
Min. Required	86
Max. Permitted	171
With Sharing Factor	72 required

WARRANTS:

Two warrants are required for preliminary approval of phase 4, as described below and in the attached letter from Fisher-Arnold. Additional warrants may be necessary as part of final plan approval.

WARRANT 1: Section 23-770 - The T-5 district requires a minimum front building setback of 10 feet and a maximum of 40 feet from Poplar Ave. The plan proposes the western portion of the retail building to be setback more than 40 feet from Poplar; because the garage’s Poplar Ave. façade is not parallel to that street.

WARRANT 2: : Section 23-813 and 23-826, Appendix B.3 THOROUGHFARE ASSEMBLIES – Thoroughfare plan CS-90-58 calls for angled parking spaces (either head-in or back-in). The Travure plan proposes right-angle spaces due to safety concerns.

In those instances where reasons are shown that would justify a deviation from the strict requirements of the provisions of the SmartCode, the Planning Commission shall have authority to permit such deviations. A warrant is an official decision that permits a practice that is not consistent with a specific provision(s) of this Code, but is justified by its "intent" and is consistent with the urban design guidelines and/or development concepts in the "Germantown Smart Growth Plan".

The following is from the SmartCode section of the zoning regulations: “In determining justifiable reasons for granting a warrant, the PC shall take into account, among other relevant factors that may be applicable, the relationship of the property to other properties, whether the deviation would be in accord with the intent of the SmartCode, principles of good land use planning as same may evolve over time, the topography of the property, and peculiar and exceptional practical difficulties or undue hardship upon the owner of the property. In determining whether to grant a warrant, financial hardship shall not alone be considered sufficient to justify a deviation. In all events, the PC shall take into consideration whether the proposed deviation may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the SmartCode provisions.”

The Technical Advisory Committee (T.A.C.) met on July 16th and made the following comments:

STAFF COMMENTS:

C. GENERAL COMMENTS AND REQUIREMENTS

1. After approval from the Planning Commission, the warrants shall proceed to the Board of Mayor and Aldermen for approval.
2. 0.5% of the development’s threshold value shall be committed to public art, not to exceed \$200,000. (Section 23-797.A of the Smart Code). A provision to this effect shall be included in the Development Contract.
3. 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.
4. 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.
5. 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.
6. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
7. 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 Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.

8. 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.
9. 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.
10. 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.
11. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.

DESIGN REVIEW CHECKLIST:

27. *Site Layout:* The retail/office buildings are situated on parcel 1 of the PUD, in the northwest quadrant of the development. The building's long axis will parallel Travure Drive, as will the parking garage.
28. *Building Elevations:* See the attached plans. The building exterior is to be a combination of smooth faced and broken face CMU.
29. *Street Improvements and Curb Cuts:* The building will use Travure Drive to connect to Poplar Ave.
30. *Parking Lots:* A total of 96 parking spaces are provided.
31. *Exterior Lighting:* No information provided.
32. *Garbage Collection Area:* A trash dumpster is to be located on the west side of the site.
33. *Vents:* not noted on the plan.
34. *Gas, Electric and Water:* Details not provided.
35. *Mechanical Units:* information not provided.

36. *Emergency Generators*: none shown.

37. *Landscaping*: a landscape plan has been provided.

38. *Mailboxes*: not shown.

39. *Signs*: not shown. Signs will require separate application and approval.

STAFF RECOMMENDATION: PRELIMINARY PLAN APPROVAL

SMART CODE REVIEW COMMITTEE, (MIKE HARLESS, CHAIRMAN): The Smart Code Review Committee met on July 22 and withheld a recommendation.

WARRANTS

PROPOSED MOTION 1: To approve warrant number 1, that will allow the western portion of the retail/office building to be setback more than 40 feet from Poplar Ave., all as shown on the Phase 4 site plan.

PROPOSED MOTION 2: To approve warrant number 2 that will allow right-angle parking spaces on Travure Drive, as shown on the Phase 4 site plan.

MAIN MOTION

PROPOSED MAIN MOTION: To approve the preliminary and final plan for Phase 4 on parcel 1 of the Travure Planned Unit Development subject to the comments listed in the staff report.

**10. Germantown Crossing Center, Southeast Corner of Germantown Rd. and Farmington Blvd.
– Request Amendment to the Shopping Center General Plan Conditions (Case # 14-413)**

INTRODUCTION:

Owner/Developer/Applicant Name:	Kroger Limited Partnership 1 (Al Montesi)
Representative Name:	Cara Martin, w/The Pickering Firm – Engineer
Location:	Southeast Corner of Germantown Rd. and Farmington Blvd
Zoning Districts:	“T-5” Urban Center District, (utilizing the pre-existing SC-1 district regulations)

*Refer to the Disclosure Form attached for more information

BACKGROUND: The Planning Commission and Board of Mayor and Aldermen in 1975 approved the General Plan for the Sternberger-Ford SC-1 Shopping Center. The following conditions were approved as part of the plan. Condition 1 requires a 100 foot building setback along Farmington Rd., and Condition 4 prohibits service stations and motels. .

DISCUSSION: “Service Station” is defined as “any facility used for dispensing or sale at retail of any motor vehicle fuels”. The original conditions of approval are:

SHOPPING CENTER CONDITIONS

ALL REGULATIONS OF THE GERMANTOWN SC-1 ZONING DISTRICT WILL APPLY TO THIS SHOPPING CENTER, WITH THE FOLLOWING LIMITATIONS:

1. A 100-FOOT SETBACK TO BE MAINTAINED ALONG FARMINGTON ROAD AND GERMANTOWN ROAD, WITH A 20-FOOT LANDSCAPE STRIP INCLUDED AS A PART OF THAT 100 FEET.
2. LOCATION AND DIMENSIONS OF ACCESS DRIVES FROM BOTH GERMANTOWN ROAD AND FARMINGTON ROAD TO BE APPROVED BY THE GERMANTOWN DESIGN REVIEW COMMISSION.
3. FINAL DESIGN MUST ALLOW FOR A FUTURE ACCESS POINT ALONG THE EAST PROPERTY LINE.
4. SERVICE STATIONS AND MOTELS TO BE PROHIBITED.
5. THIS PROPERTY SHALL AUTOMATICALLY BE TAKEN OUT OF THE "SC-1" SHOPPING CENTER DISTRICT CLASSIFICATION AND REVERT TO "R1" SINGLE FAMILY DISTRICT, IF, WITHIN FIVE (5) YEARS FROM THE DATE OF THE FINAL ADOPTION OF THIS ORDINANCE (MAY 26, 1975), THE OWNER OF SAID PROPERTY HAS NOT OBTAINED APPROVAL OF A FINAL DEVELOPMENT PLAN FROM THE PROPER MUNICIPAL AUTHORITIES AND CONSTRUCTED A SHOPPING CENTER UPON THE PREMISES IN ACCORDANCE WITH SAID FINAL PLAN.

On December 27, 1979, the BMA approved the deletion of condition no. 5, and retained the conditions on building setback and uses.

INDEX: 29, 30 SM
OTHER: PL 77-54,

SHOPPING CENTER CONDITIONS

ALL REGULATIONS OF THE GERMANTOWN SC-1 ZONING DISTRICT WILL APPLY TO THIS SHOPPING CENTER, WITH THE FOLLOWING LIMITATIONS:

1. A 100-FOOT SETBACK TO BE MAINTAINED ALONG FARMINGTON ROAD AND GERMANTOWN ROAD, WITH A 20-FOOT LANDSCAPE STRIP INCLUDED AS A PART OF THAT 100 FEET.
2. LOCATION AND DIMENSIONS OF ACCESS DRIVES FROM BOTH GERMANTOWN ROAD AND FARMINGTON ROAD TO BE APPROVED BY THE GERMANTOWN DESIGN REVIEW COMMISSION.
3. FINAL DESIGN MUST ALLOW FOR A FUTURE ACCESS POINT ALONG THE EAST PROPERTY LINE.
4. SERVICE STATIONS AND MOTELS TO BE PROHIBITED.

~~THIS PROPERTY SHALL AUTOMATICALLY BE TAKEN OUT OF THE "SC-1" SHOPPING CENTER DISTRICT CLASSIFICATION AND REVERT TO "R1" SINGLE FAMILY DISTRICT, IF, WITHIN FIVE (5) YEARS FROM THE DATE OF THE FINAL ADOPTION OF THIS ORDINANCE (MAY 26, 1975), THE OWNER OF SAID PROPERTY HAS NOT OBTAINED APPROVAL OF A FINAL DEVELOPMENT PLAN FROM THE PROPER MUNICIPAL AUTHORITIES AND CONSTRUCTED A SHOPPING CENTER UPON THE PREMISES IN ACCORDANCE WITH SAID FINAL PLAN.~~

CONDITION NO.5 DELETED BY ACTION OF THE MAYOR and BOARD OF ALDERMAN ON DECEMBER 27, 1979.

In 1986, additional amendments were approved to remove the prohibition on motels.

SHOPPING CENTER ZONING CONDITIONS:

- 1 A 100-FT SETBACK TO BE MAINTAINED ALONG FARMINGTON BLVD. AND GERMANTOWN ROAD WITH A 20-FT LANDSCAPE STRIP INCLUDED AS A PART OF THAT 100 FEET
- 2 LOCATION AND DIMENSIONS OF ACCESS DRIVES FROM BOTH GERMANTOWN ROAD AND FARMINGTON BLVD TO BE APPROVED BY THE GERMANTOWN DESIGN REVIEW COMMISSION AND PLANNING COMMISSION
- 3 FINAL DESIGN MUST ALLOW FOR A FUTURE ACCESS POINT ALONG THE EAST PROPERTY LINE
- 4 SERVICE STATIONS TO BE PROHIBITED.

Kroger requests the removal of conditions 1 and 4 in order to allow the construction of a fuel center, with the canopy to be located 50 feet from Farmington Blvd.

STAFF RECOMMENDATION: TAKE WHATEVER ACTION THE PLANNING COMMISSION CONCLUDES IS APPROPRIATE

STAFF COMMENTS:

1. Conditions 1 and 4 to the 1986 Shopping Center Zoning Conditions are deleted.
2. Condition 2 is amended to remove the Design Review Commission from approval of access drives.
3. The amendments require final approval by the Board of Mayor and Aldermen.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE: (DIKE BACON, CHAIRMAN) The subcommittee met on June 17, 2015, and on July 22, 2015, and withheld a recommendation.

PROPOSED MOTION: To approve the amendments to the Germantown Crossing shopping center conditions of approval, as noted under Staff Comments above, and subject to the site plans submitted with the application and the staff comments.

Mr. Bacon stated it is beneficial to hear and discuss all 3 items at same time.

Mr. Bacon noted there is a lot of traffic at Kroger right now, since its new; what's going to happen to traffic in the future and impact on the access from the fire station?

Mr. Gwaltney noted the left turns out or into Kroger will be difficult. Germantown Road and Farmington Road signal may need to be modified.

Blair Parker made a presentation on this project being in the SmartCode and Smart Growth area for bikers, walkers, and it will have a nice looking retaining wall. It will also have a lot of landscaping too.

Brad Schmidke, with the Pickering Firm, 6775 Lenox Center Court, Suite 300, Memphis, TN 38115: presented 3 different designs for a canopy.

Mayor Palazzolo asked about off-site parking for employees?

Mr. Rossier stated we are looking into extending off-site parking for employees.

Mayor Palazzolo stated you may need to look at a flashing signal at the fire station entrance.

Mr. Bacon stated I don't think this is a SmartCode development and not what we wanted long term, but the grade changes in the area will make the Smart Growth development difficult.

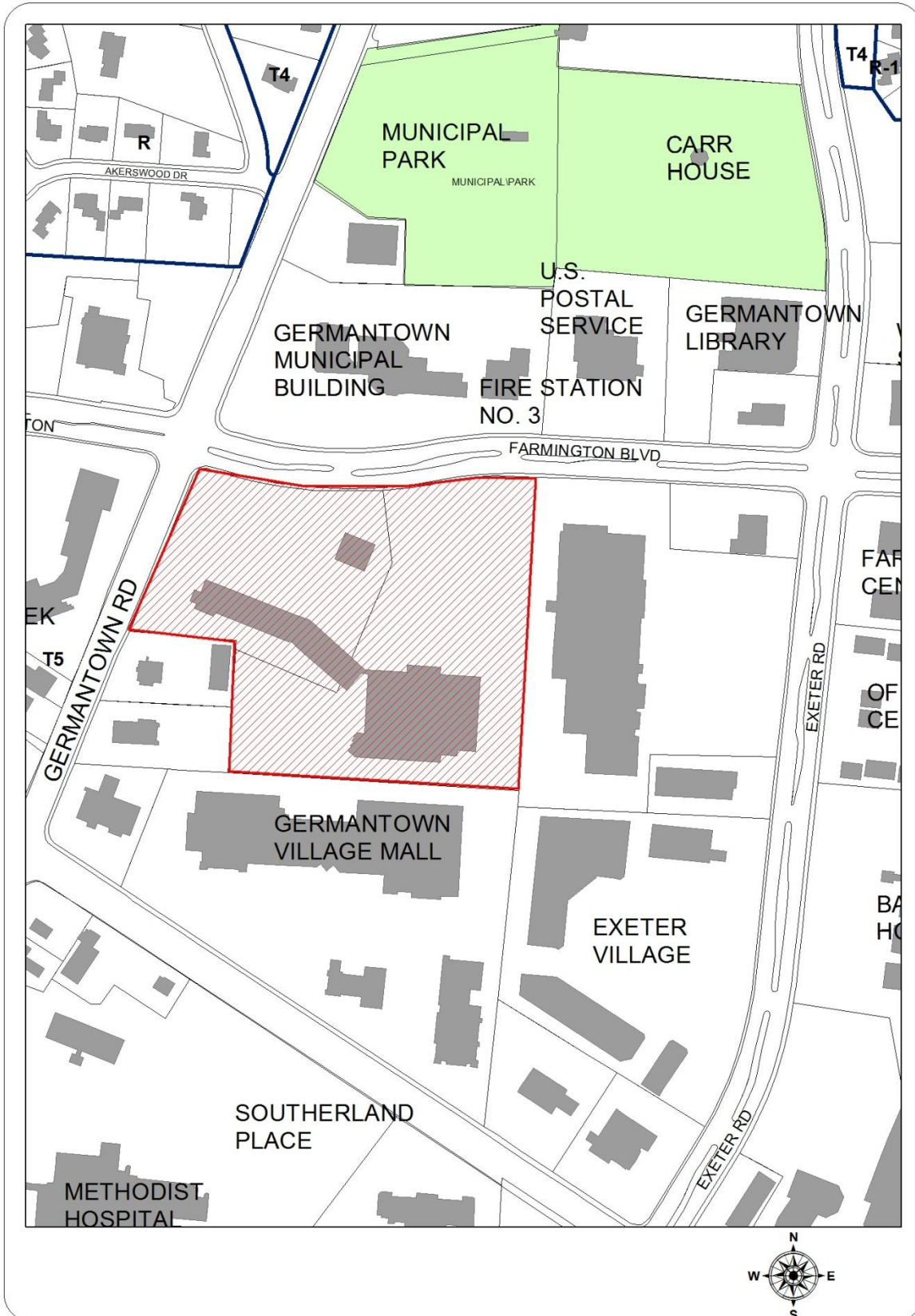
Mr. Clark noted my main concern is the design of the canopy. I want this to be a flagship fuel center.

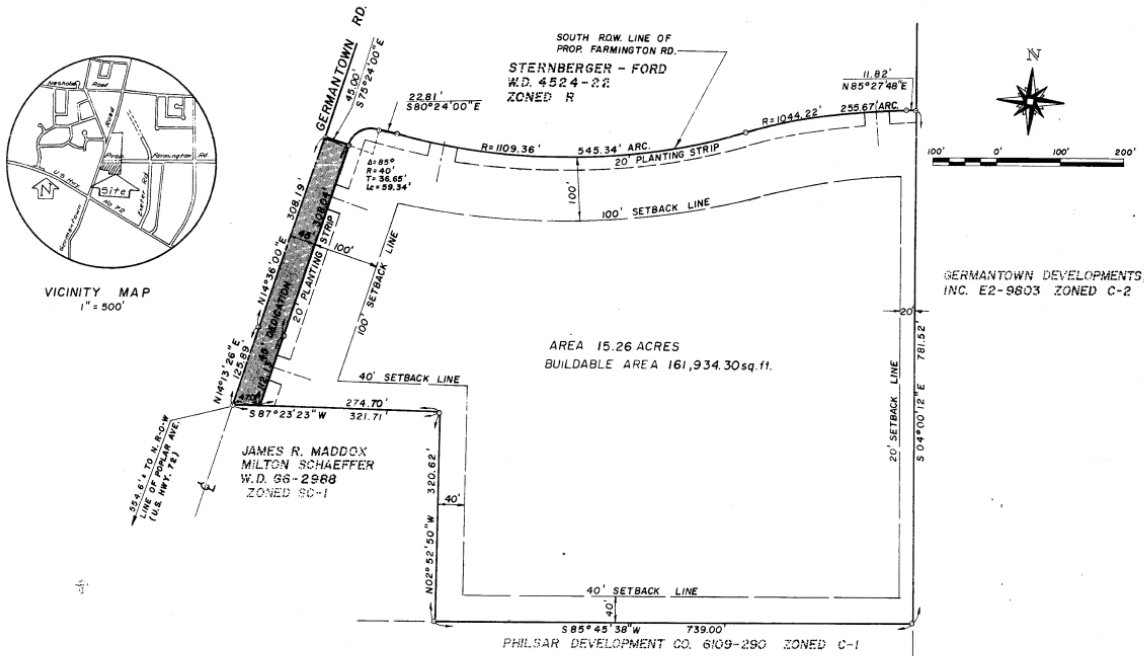
Opposition: None

Mr. Bacon moved to approve the preliminary and final subdivision plat for the Germantown Crossing Shopping Center Subdivision, subject to the plans filed with the application and the staff comments, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

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





OWNER'S CERTIFICATE
 I, PEGGY G. STERNBERGER, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAN AS ITS PLAN OF DEVELOPMENT AND DEDICATE THE STREETS AS SHOWN TO THE PUBLIC USE FOREVER AND HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.
 BY: Peggy G. Sternberger DATE: 3/28/75

NOTARY'S CERTIFICATE
 STATE OF Tennessee, COUNTY OF Shelby
 BEFORE ME, A NOTARY PUBLIC OF THE STATE AND COUNTY AFORESAID PERSONALLY APPEARED PEGGY G. STERNBERGER, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO ALSO ACKNOWLEDGED THAT SHE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AS HER OWN FREE ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL THIS 28 DAY OF March, 1975.
 MY COMMISSION EXPIRES March 22, 1977 NOTARY PUBLIC: W. G. ...

OWNER'S CERTIFICATE
 I, JEAN G. FORD, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAN AS ITS PLAN OF DEVELOPMENT AND DEDICATE THE STREETS AS SHOWN TO THE PUBLIC USE FOREVER AND HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.
 BY: Jean G. Ford DATE: 4/31/75

NOTARY'S CERTIFICATE
 STATE OF Tennessee, COUNTY OF Shelby
 BEFORE ME, A NOTARY PUBLIC OF THE STATE AND COUNTY AFORESAID PERSONALLY APPEARED JEAN G. FORD, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO ALSO ACKNOWLEDGED THAT SHE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AS HER OWN FREE ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL THIS 31 DAY OF April, 1975.
 MY COMMISSION EXPIRES 2/14/80 NOTARY PUBLIC: W. G. ...

SHOPPING CENTER CONDITIONS
 ALL REGULATIONS OF THE ORDINANCE IN DISTRICT WILL APPLY TO THIS SHOPPING CENTER WITH THE FOLLOWING LIMITATIONS:
 1. A 100-FOOT SETBACK TO BE MAINTAINED ALONG FARMINGTON ROAD AND GERMANTOWN ROAD, WITH A 20-FOOT LANDSCAPE STRIP INCLUDED AS A PART OF THAT 100 FEET.
 2. LOCATION AND DIMENSIONS OF ACCESS DRIVES FROM BOTH GERMANTOWN ROAD AND FARMINGTON ROAD TO BE APPROVED BY THE GERMANTOWN DESIGN REVIEW COMMISSION.
 3. FORMAL DELIVERY MUST ALLOW FOR A FUTURE ACCESS POINT ALONG THE EAST PROPERTY LINE.
 4. SERVICE STATIONS AND HOTELS TO BE PROHIBITED.
 5. THE PROPERTY SHALL AUTOMATICALLY BE TAKEN OUT OF THE 150-40 SHOPPING CENTER DISTRICT CLASSIFICATION AND REVERT TO THE SINGLE FAMILY DISTRICT, IF, WITHIN FIVE (5) YEARS FROM THE DATE OF THE FINAL APPROVAL OF THIS INSTRUMENT (MAY 21, 1975), THE OWNER OF SAID PROPERTY HAS NOT OBTAINED APPROVAL OF A FINAL DEVELOPMENT PLAN FROM THE TOWN'S MUNICIPAL AUTHORITY AND SUBMITTED A SHOPPING CENTER UPON THE PROPOSED ACCESS AND SETBACK FINAL PLAN.

MORTGAGEE'S CERTIFICATE
 I, THE UNDERSIGNED, HELEN GOLTMAN, MORTGAGEE OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAN AS ITS PLAN OF DEVELOPMENT AND DEDICATE THE STREETS AS SHOWN TO THE PUBLIC USE FOREVER AND HEREBY CERTIFY THAT I AM THE MORTGAGEE OF SAID PROPERTY AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.
 BY: Helen Goltman DATE: 3/28/75

NOTARY'S CERTIFICATE
 STATE OF Tennessee, COUNTY OF Shelby
 BEFORE ME, A NOTARY PUBLIC OF THE STATE AND COUNTY AFORESAID PERSONALLY APPEARED HELEN GOLTMAN, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO ALSO ACKNOWLEDGED THAT SHE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AS HER OWN FREE ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL THIS 28 DAY OF March, 1975.
 MY COMMISSION EXPIRES June 29, 1976 NOTARY PUBLIC: W. G. ...

CITY'S DEPARTMENT CERTIFICATE
 APPROVED BY THE HEALTH AND WELFARE COUNTY HEALTH DEPARTMENT.
 BY: Anthony J. Tomblak DATE: 27-June-1975
 STREET

APPROVAL CERTIFICATE
 APPROVED BY THE GERMANTOWN PLANNING COMMISSION.
 BY: Paula Cook DATE: 3/4/75
 SECRETARY

APPROVED BY THE CITY OF GERMANTOWN.
 BY: Paula Hester DATE: 5/30/75
 MAYOR

ENGINEER'S CERTIFICATE
 IT IS HEREBY CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.
 BY: Ronald J. ...
 SURVEYOR
 P.L. 1969, CH. 159 D

K 49541
 Plat Book 62 Page 20
 STATE TAX _____
 REG. FEE _____
 REC. FEE _____
 JUN 11 4 23 1975
 STATE OF TENNESSEE
 SHELBY COUNTY
 CLERK

GENERAL PLAN			
SC-1 SHOPPING CENTER DISTRICT			
GERMANTOWN TENNESSEE			
DEVELOPER:			
PEGGY G. STERNBERGER & JEAN G. FORD			
ZONED R 15.26 ACRES			
WSP W.M. S. POLLARD CONSULTANTS, INC.			
60 NORTH THIRD STREET			
MEMPHIS TENNESSEE			
DRAWN BY	CHECKED	DATE	SCALE
G.C.C.		3/28/75	1"=100'
JOB NO.	FLD. BK.	SHEET	
M-141		1 of 1	

ACCESS INTO GERMANTOWN VILLAGE MALL
 IS BY SEPARATE AGREEMENT ON
 FILE WITH THE CITY OF GERMANTOWN

PHILSAR DEVELOPMENT CO ZONED C-1

SHONEY'S SOUTH
 ZONED SC-1

CITY OF GERMANTOWN
 ZONED R

FINAL PLAN OF THE
 AMENDMENT TO AMENDED GENERAL PLAN
 SC-1 SHOPPING CENTER DISTRICT
 GERMANTOWN TENNESSEE
 DEVELOPER:
 GERMANTOWN HOTEL ASSOCIATES

**McGEHEE/NICHOLSON/BURKE/
 ARCHITECTS/INC.**
 465 JACK KRAMER DR / SUITE 1 / MEMPHIS, TENN. 38117

DATE	REV	SCALE	JOB NO	SHEET
9-5-86	11-25-86	1"=100'	109-86	1

Sternburger / Ford SC-1 Shopping Center

SCALE 1"=500
 VICINITY MAP

PHASE -2
 LAND AREA= 8.5244 ACRES
 BUILDABLE AREA
 PHASE-2= 91,910 SQ. FT (LAND COVERAGE
 ALLOWED)

PHASE 1 NOTES:

- BUILDING LOCATION AND OUTLINES ARE TENTATIVE AND SUBJECT TO CHANGE BUT WILL NOT OCCUPY MORE THAN 25 PERCENT OF THE PARCEL AREA
- INTERNAL TRAFFIC CIRCULATION AND SERVICE DRIVES WILL BE MODIFIED TO CONFORM WITH FINAL BUILDING AND PARKING LAYOUT
- A PLAN FOR THE PROPER EROSION CONTROL MUST BE SUBMITTED BY THE DEVELOPER TO THE CITY ENGINEERING DEPARTMENT FOR APPROVAL PRIOR TO ANY CONSTRUCTION
- A DEVELOPMENT SEQUENCE FOR THE IMPROVEMENT OF PHASE 1 MUST BE SUBMITTED BY THE DEVELOPER TO THE CITY ENGINEERING DEPARTMENT FOR APPROVAL PRIOR TO CONSTRUCTION
- UPON APPROVAL OF PHASE 1, IT BECOMES A SEPARATE PARCEL TO THE EXTENT AND SO THAT THERE WILL NOT BE REQUIRED ANY APPROVALS OF THE DEVELOPMENT OF THE REMAINING PORTION OF THE GENERAL PLAN BY THE OWNER OR OWNERS OF PHASE 1 AND THAT THE PROPERTY SHALL BE AND REMAIN IN SEPARATE PARCELS THAT IS TO SAY, PHASE 1 SHALL BE A SEPARATE PARCEL OWNED BY THE PURCHASER THEREOF, AND THE REMAINING PORTION OF THE PROPERTY DESCRIBED ON THE GENERAL PLAN REMAIN IN THE SC-1 SHOPPING CENTER DISTRICT SUBJECT TO FURTHER SUBMISSIONS OF FINAL PLAN OR PLANS FOR THE DEVELOPMENT THEREOF

PHASE 2 NOTES:

- ACCESS EASEMENTS ON THIS PROPERTY SHALL NOT BE REQUIRED WITH PRESENT USE, NAMELY THE USES ON PHASE 1 AND THE HOTEL USE ON PHASE 2; IN THE EVENT OF CHANGES OF LAND USES ACCESS BETWEEN PARCELS MAY BE REQUIRED BY THE PLANNING COMMISSION
- THE LOCATION OF THE STORM WATER DETENTION FACILITY AS SHOWN HEREON IS NOW A PART OF THE APPROVED GENERAL PLAN
- AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF THE PROPOSED DETENTION BASIN WILL BE THE RESPONSIBILITY OF THE OWNER/DEVELOPER

MORGAGEE'S CERTIFICATE

WE THE UNDERSIGNED PEGGY G STERNBERGER AND JEANNE G FORD MORGAGEES OF PHASE 2 OF THE ABOVE DESCRIBED PROPERTY, HEREBY ADOPT THIS PLAN AS OUR PLAN OF DEVELOPMENT AND DEDICATE THE UTILITY AND EASEMENTS SHOWN ON SAID PLAN TO THE PUBLIC USE FOREVER, AND HEREBY CERTIFY THAT WE ARE THE MORGAGEES DULY AUTHORIZED SO TO ACT AND THAT SAID PROPERTY IS NOT ENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE

BY PEGGY G. STERNBERGER
 BY JEANNE G FORD

NOTARY'S CERTIFICATE

STATE OF TENNESSEE, COUNTY OF SHELBY
 BEFORE ME, A NOTARY PUBLIC OF THE STATE AND COUNTY AFORESAID PERSONALLY APPEARED PEGGY G STERNBERGER AND JEANNE G FORD WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO ALSO ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AS THEIR OWN FREE ACT AND DEED

WITNESS MY HAND AND NOTARIAL SEAL THIS ___ DAY OF ___ 1986
 MY COMMISSION EXPIRES ___ NOTARY PUBLIC

SHOPPING CENTER ZONING CONDITIONS:

- A 100-FT SETBACK TO BE MAINTAINED ALONG FARMINGTON BLVD. AND GERMANTOWN ROAD WITH A 20-FT LANDSCAPE STRIP INCLUDED AS A PART OF THAT 100 FEET
- LOCATION AND DIMENSIONS OF ACCESS DRIVES FROM BOTH GERMANTOWN ROAD AND FARMINGTON BLVD TO BE APPROVED BY THE GERMANTOWN DESIGN REVIEW COMMISSION AND PLANNING COMMISSION
- FINAL DESIGN MUST ALLOW FOR A FUTURE ACCESS POINT ALONG THE EAST PROPERTY LINE
- SERVICE STATIONS TO BE PROHIBITED.

HEALTH DEPARTMENT CERTIFICATE
 APPROVED BY THE MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT
 BY Michael C. ... DATE 12/3/86
 DIRECTOR

APPROVAL CERTIFICATE
 APPROVED BY THE GERMANTOWN PLANNING COMMISSION
 BY _____ DATE _____
 SECRETARY

APPROVED BY THE CITY OF GERMANTOWN
 BY _____ DATE _____
 MAYOR

ENGINEER'S CERTIFICATE
 IT IS HEREBY CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION
 BY Richard Engstrom, Inc. DATE 11/23/86
Richard Engstrom, Inc.

OWNER'S CERTIFICATE
 GERMANTOWN HOTEL ASSOCIATES, A TENNESSEE JOINT VENTURE THE UNDERSIGNED OWNERS OF PHASE 2 OF THE ABOVE DESCRIBED PROPERTY HEREBY ADOPT THIS PLAN AS ITS PLAN OF DEVELOPMENT AND DEDICATE THE UTILITY AND EASEMENTS AS SHOWN ON SAID PLAN TO THE PUBLIC USE FOREVER AND HEREBY CERTIFY THAT THE UNDERSIGNED IS THE OWNER IN FEE SIMPLE OF THE PROPERTY AND THAT SAID PROPERTY IS NOT ENCUMBERED BY WHICH HAVE BECOME DUE AND PAYABLE

GERMANTOWN HOTEL ASSOCIATES
 BY _____
 VENTURER

NOTARY'S CERTIFICATE
 STATE OF TENNESSEE, COUNTY OF SHELBY
 BEFORE ME A NOTARY PUBLIC OF THE STATE AND COUNTY AFORESAID PERSONALLY APPEARED DAVID F LEAKE WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO ALSO ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AS HIS OWN FREE ACT AND DEED

WITNESS MY HAND AND NOTARIAL SEAL THIS ___ DAY OF ___ 1986
 MY COMMISSION EXPIRES ___ NOTARY PUBLIC

P14 BK 10 P316
 178703



June 5, 2015

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

Re: City of Germantown
Planning Commission Submittal
Kroger V-419 Fuel Center
7735 Farmington Road

Dear Mr. Ross:

On behalf of Kroger Limited Partnership I, Pickering Firm Inc. is pleased to submit this narrative along with the application form, disclosure form, Planning Commission Checklist, 1 set of plans on 8 ½” x 11” paper, 20 sets of full-sized drawings, 20 full-sized copies of the Subdivision plat, a vicinity map package, traffic impact study, and a CD containing all of the above information in .PDF and .JPG format.

The proposed project is an addition of a 7 MPD Fuel Center to the existing Kroger grocery store at 7735 Farmington Road, inside the Germantown Crossing shopping center. The project will include the construction of a 240 sf kiosk that will have 2 restrooms, the fuel center canopy with 14 fueling positions, updating the street scape along Farmington Road, and all related infrastructure.

There are two variances to the zoning regulations that are requested from the Planning Commission.

A. The reduction in parking ratio to accommodate the new fuel center. The proposed fuel center will require the elimination of 28 parking stalls and will provide 488 stalls for a ratio of 1 space per 240 square feet of gross building area. The request is based upon the following:

1. City of Germantown parking requirements: The City of Germantown provides two different methods for calculating parking for shopping centers:
 - a. “Planned shopping center” the requirement is 1 space per 200 square feet of gross floor area.
 - b. “T-5 Smart Growth” the requirement is 1 space per 300 square feet of gross floor area.

City of Germantown Requirements for Shopping Centers

Parking Requirement	Building Area	Provided Parking	Parking Required	Provided Ratio	Parking Difference
1/200 of gross floor area	117,315	488	587	1/240	(99)
1/200 of net floor area*	93,852	488	470	1/192	18
1/300 of gross floor area per T-5 Smart Growth	117,315	488	391	1/240	97

*net floor area is based on sales/seating area of 80% of GFA

2. Experience: Kroger operates hundreds of stores in shopping centers across the U.S. and a large amount in the Shelby County area. In Kroger’s experience a grocery store of this size based in a shopping center will have sufficient parking given the provided parking ratio of 4.17/1000 sf (1/240 sf) or 488 parking stalls.
3. Best Planning Principles: There are 18 sources of parking standards under the “Shopping Center” category of the publication Parking Standards published by the American Planning Association. The parking requirements for a center this size range from a ratio of 3.3 to 5 spaces per 1,000 SF with the average of those sources requiring a ratio of 4 parking spaces per 1,000 SF of floor area.

There are 4 sources of parking standards under the “Shopping Center” (Non-December) category of the publication Parking Generation published by the institute of Transportation Engineers. The parking requirements for a center, this size, range from a ratio of 2.65 to 3.02 spaces per 1,000 SF.

There are 21 different parking management strategies discussed in the publication PAS EIP-24 Parking Solutions. The strategies reduction in required parking ranges from 5%-30% of total required parking. The parking requirements for a shopping center, this size, range from a ratio of 4.00 to 4.75 spaces per 1,000 SF.

4. Additional Factors: Per City of Germantown request and direction, this site layout was designed to provide a sufficient amount of parking, maximize landscaping potential, and encourage pedestrian traffic from the north to the south and across the site. Standard parking ratios are designed to park the maximum cars on the busiest shopping day of the year. In, reality that day rarely occurs and a sea of asphalt is created for no reason. Current trends in zoning codes is to reduce the amount of parking required and establish minimum/maximum parking standards to reduce the amount of impervious surface area on site. For example, in other municipalities in the surrounding area, parking ratios range from 1 space per 300 of net floor area to 1 space per 250 square feet of gross floor area. In addition, some municipalities have tiered parking requirements so that the parking ratio goes down as the site’s building square footage increases.

Per Sec 23-440 Parking and loading part 2.3.g “Planned shopping center: At least one parking space shall be provided for every 200 square feet of gross floor area. Exceptions: Increases and modifications to the parking requirements for a shopping center may be made in order to accommodate a particular mix of uses.”

The Germantown Crossing shopping center with the grocery store expansion was approved to have a total of 516 parking stalls to serve the proposed 117,075 square feet, providing a ratio of 4.41 stalls per 1,000 square feet of gross building area. The proposed Fuel Center Addition will provide 488 parking stalls for 117,315 square feet, providing 4.17 stalls per 1,000 square feet of gross building area.

The following table itemizes the building square footages:

Proposed Development		
Tenant	GFA	*Net
Kroger	96,750	77,400
Autozone	5,785	4,628
Sportsclips	1,200	960
Special Nail	2,000	1,600
Firehouse	2,180	1,744

Akasaka	5,320	4,256
Hueys	3,840	3,072
Kroger Fuel Center	240	192
Total Retail	102,775	82,220
Total Salon	3,200	2,560
Total Restaurant	11,340	9,072
Total	117,315	93,852

*net floor area is based on sales/seating area of 80% of GFA

B. Greenspace:

The required green space of 35% was reduced to 29% as part of the expansion approval. In order to facilitate the proposed fuel center construction, the greenspace would be reduced to 26.4%. The requested reduction is based on the replacement of the existing detention pond with an underground detention system. The area of the existing detention pond will be a landscaped and well maintained fuel center and vehicular use area.

In addition to the Site Plan approval, the Subdivision Plat for Kroger Shopping Center Subdivision will be revised to create a separate lot for the proposed fuel center. The existing Lot 1 containing 629,394 sf will be divided into two lots: Lot 1 (593,209 sf) and Lot 2 (36,785 sf).

The request also includes the removal of the Access Easement and the following Shopping Center Zoning Conditions as previously recorded on the Subdivision plat:

1. A 100-ft setback to be maintained along farmington blvd. and germantown road with a 20-ft landscape strip included as part of that 100 feet.
2. Location and dimensions of access drives from both germantown road and farmington blvd. are to be approved by the germantown design review commission and planning commission.
3. Service stations to be prohibited.

Please do not hesitate to contact me at 901-729-5508 if you have any questions or require any additional information.

Sincerely,

PICKERING FIRM, INC.



Cara L. Martin, PE
Project Manager

CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION

(Please <input checked="" type="checkbox"/> all that apply): <input type="checkbox"/> Sketch Plan; <input type="checkbox"/> Preliminary Site Plan; <input checked="" type="checkbox"/> Final Site Plan <input type="checkbox"/> Preliminary Plat; <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Grading / Tree Removal; <input type="checkbox"/> WTF (Wireless Transmission Facility)	
<input type="checkbox"/> Rezoning From: _____ To: _____ <input checked="" type="checkbox"/> Other: FUEL CENTER IN KROGER SHOPPING CENTER _____	
<input checked="" type="checkbox"/> Submittal Date: MAY 8, 2015 _____	
PROJECT INFORMATION	
Name: KROGER V-419 EXPANSION Address: 7735 FARMINGTON BOULEVARD Project Location Description: FUEL CENTER ADDITION TO THE KROGER SHOPPING CENTER AT GERMANTOWN ROAD AND FARMINGTON BOULEVARD. THE FUEL CENTER WILL BE LOCATED AT THE NORTHEAST CORNER OF THE SHOPPING CENTER. No. of Acres: 14.45 PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.	
OWNER/DEVELOPER INFORMATION	
Name: AL MONTESI Address: 800 RIDGELAKE BOULEVARD, MEMPHIS TN, 38120 Phone No.: (901) 765-4164 Fax No.: (901) 765-4163 Email Address: al.montesi@kroger.com	
AGENT/REPRESENTATIVE INFORMATION	
Name: CARA MARTIN Title: SR. CIVIL ENGINEER Company Name: PICKERING FIRM, INC. Address: 6775 LENOX CENTER COURT, SUITE 300, MEMPHIS, TN 38115 Phone No.: (901) 726-0810 Fax No.: 901-272-6911 Email Address: cmartin@pickeringfirm.com Who will represent this proposal at the Planning Commission meeting? Cara Martin	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: CARA MARTIN Address: 6775 LENOX CENTER COURT, SUITE 300, MEMPHIS TN, 38115 Phone No. (901) 726-0810 Fax No.: (901) 272-6911 Email Address: cmartin@pickeringfirm.com Surveyor Name: BILL WOODS Address: 6775 LENOX CENTER COURT, SUITE 300, MEMPHIS TN, 38115 Phone No.: (901) 726-0810 Fax No.: (901) 272-6911 Email Address: bwoods@pickeringfirm.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: KROGER LIMITED PARTNERSHIP I (KLPI)

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

Name	Business or Home Address
<u>KLPI</u>	<u>800 RIDGELAKE BOULEVARD, MEMPHIS TN 38120</u>
<u> </u>	<u> </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: KROGER LIMITED PARTNERSHIP I

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

Name	Business or Home Address
<u>KLPI</u>	<u>800 RIDGELAKE BOULEVARD, MEMPHIS TN 38120</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

11. Germantown Crossing Center Subdivision, Southeast Corner of Germantown Rd. and Farmington Blvd. – Request Preliminary and Final Subdivision Plat Approval (Case # 14-413)

INTRODUCTION:

Owner/Developer/Applicant Name:	Kroger Limited Partnership 1 (Al Montesi)
Representative Name:	Cara Martin, w/The Pickering Firm – Engineer
Location:	Southeast Corner of Germantown Rd. and Farmington Blvd
Zoning Districts:	“T-5” Urban Center District, (utilizing the pre-existing SC-1 district regulations)

*Refer to the Disclosure Form attached for more information

BACKGROUND: The Planning Commission approved the preliminary and final site plan for the expansion of the Kroger store on December 3, 2013. The plan expanded the store from 97,088 sq. ft. to 116,281 sq. ft. and reduced the number of parking spaces from 581 to 516.

DISCUSSION: The proposed subdivision will create 2 distinct lots. Lot 1 includes the existing Kroger store and retail building (including AutoZone building). Lot 2 is being created in order to provide an independent lot for the proposed Kroger fuel center canopy, kiosk and pump islands.

LOT 2	STREET FRONTAGE – 242.9 FT.	TOTAL LOT AREA – 0.83 AC.	PROPOSED FUEL CENTER CANOPY AND KIOSK
LOT 1	STREET FRONTAGE - 379.3 ft. on Germantown Rd. 470.17 ft. on Farmington Blvd.	TOTAL LOT AREA 13.62 AC.	EXISTING KROGER STORE AND OTHER TENANTS

The Technical Advisory Committee (T.A.C.) met on June 11th and made the following comments:

STAFF COMMENTS:

A. GENERAL COMMENTS

1. The fuel center’s canopy is 50 feet from the Farmington Blvd. right-of-way. The standard setback distance is 60 feet. Section 23-83 allows an open unenclosed canopy for a filling station may project into the required front yard, provided that the canopy is attached to or constitutes a principal building, and provided further that no portion of the canopy may be closer than 20 feet to the proposed right-of-way line.

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

14. 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.
15. 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.

16. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
17. 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 Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
18. 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:
19. 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.
20. 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.
21. 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.
22. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.
23. The Shelby County Code, Section 3-25 [Reference 1200-3-11-02 (Asbestos)] require building owners and/or operators to submit a notification of intent to do demolition or renovation at least ten (10) working days prior to the start of the activity even if no asbestos is present so compliance can be verified. Notification also includes the submittal of an asbestos survey report. Please contact the Health Department at (901) 544-7349 for more information.

STAFF RECOMMENDATION: APPROVAL, SUBJECT TO THE COMMENTS LISTED ABOVE.

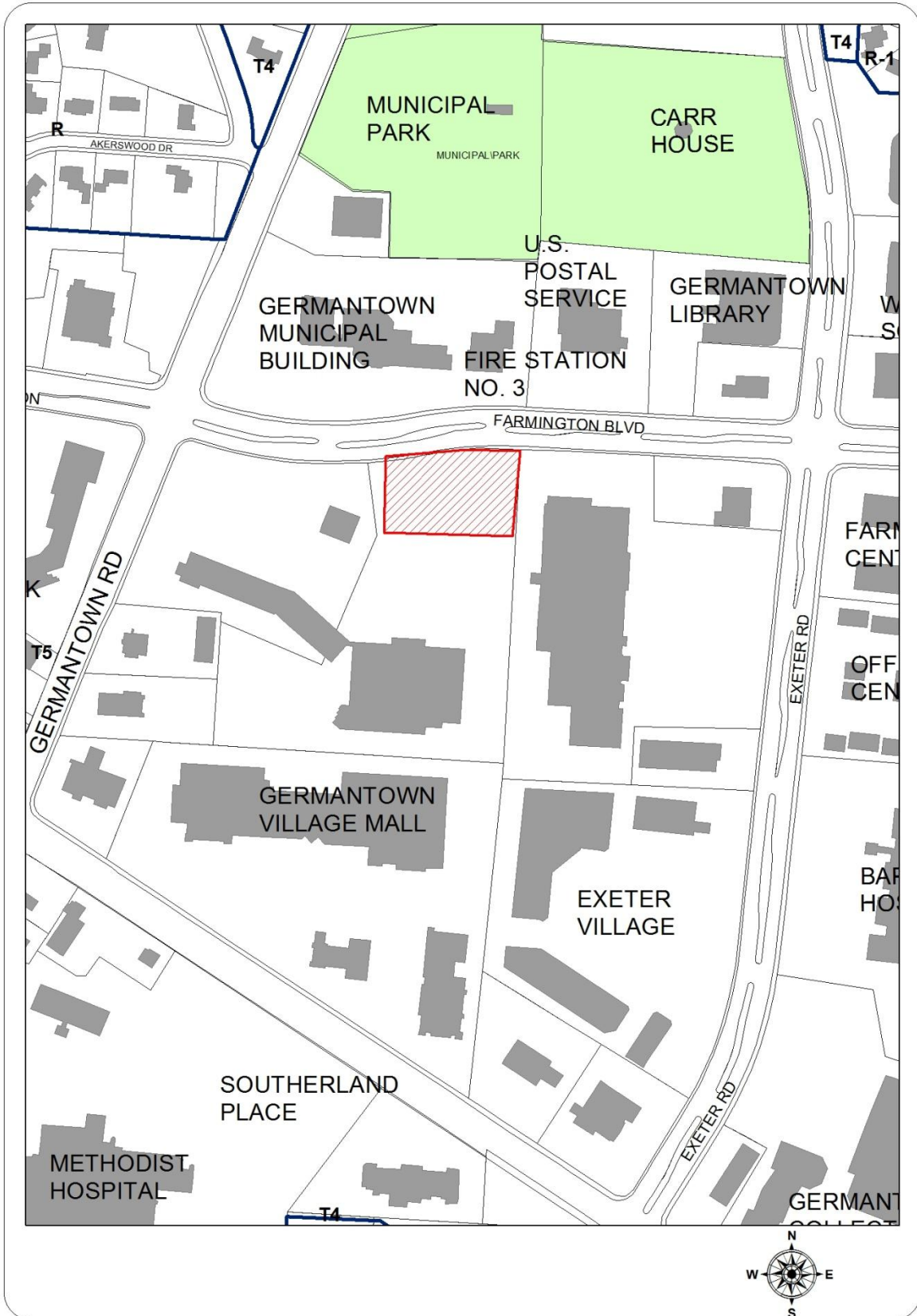
SUBDIVISION AND SITE PLAN SUBCOMMITTEE (DIKE BACON, CHAIRMAN): The subcommittee met on June 17, 2015, and on July 22, 2015, and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final subdivision plat for the Germantown Crossing Shopping Center Subdivision, subject to the plans filed with the application and the staff comments.

Mr. Bacon moved to approve the preliminary and final subdivision plat for the Germantown Crossing Shopping Center Subdivision, subject to the plans filed with the application and the staff comments, seconded by Mr. Barclay.

Chairman Harless asked for a roll call.

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





June 5, 2015

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

Re: City of Germantown
Planning Commission Submittal
Kroger V-419 Fuel Center
7735 Farmington Road

Dear Mr. Ross:

On behalf of Kroger Limited Partnership I, Pickering Firm Inc. is pleased to submit this narrative along with the application form, disclosure form, Planning Commission Checklist, 1 set of plans on 8 1/2" x 11" paper, 20 sets of full-sized drawings, 20 full-sized copies of the Subdivision plat, a vicinity map package, traffic impact study, and a CD containing all of the above information in .PDF and .JPG format.

The proposed project is an addition of a 7 MPD Fuel Center to the existing Kroger grocery store at 7735 Farmington Road, inside the Germantown Crossing shopping center. The project will include the construction of a 240 sf kiosk that will have 2 restrooms, the fuel center canopy with 14 fueling positions, updating the street scape along Farmington Road, and all related infrastructure.

There are two variances to the zoning regulations that are requested from the Planning Commission.

- A. The reduction in parking ratio to accommodate the new fuel center.** The proposed fuel center will require the elimination of 28 parking stalls and will provide 488 stalls for a ratio of 1 space per 240 square feet of gross building area. The request is based upon the following:
 - 1. City of Germantown parking requirements: The City of Germantown provides two different methods for calculating parking for shopping centers:
 - a. "Planned shopping center" the requirement is 1 space per 200 square feet of gross floor area.
 - b. "T-5 Smart Growth" the requirement is 1 space per 300 square feet of gross floor area.

City of Germantown Requirements for Shopping Centers

Parking Requirement	Building Area	Provided Parking	Parking Required	Provided Ratio	Parking Difference
1/200 of gross floor area	117,315	488	587	1/240	(99)
1/200 of net floor area*	93,852	488	470	1/192	18
1/300 of gross floor area per T-5 Smart Growth	117,315	488	391	1/240	97

*net floor area is based on sales/seating area of 80% of GFA

2. Experience: Kroger operates hundreds of stores in shopping centers across the U.S. and a large amount in the Shelby County area. In Kroger’s experience a grocery store of this size based in a shopping center will have sufficient parking given the provided parking ratio of 4.17/1000 sf (1/240 sf) or 488 parking stalls.
3. Best Planning Principles: There are 18 sources of parking standards under the “Shopping Center” category of the publication Parking Standards published by the American Planning Association. The parking requirements for a center this size range from a ratio of 3.3 to 5 spaces per 1,000 SF with the average of those sources requiring a ratio of 4 parking spaces per 1,000 SF of floor area.

There are 4 sources of parking standards under the “Shopping Center” (Non-December) category of the publication Parking Generation published by the institute of Transportation Engineers. The parking requirements for a center, this size, range from a ratio of 2.65 to 3.02 spaces per 1,000 SF.

There are 21 different parking management strategies discussed in the publication PAS EIP-24 Parking Solutions. The strategies reduction in required parking ranges from 5%-30% of total required parking. The parking requirements for a shopping center, this size, range from a ratio of 4.00 to 4.75 spaces per 1,000 SF.

4. Additional Factors: Per City of Germantown request and direction, this site layout was designed to provide a sufficient amount of parking, maximize landscaping potential, and encourage pedestrian traffic from the north to the south and across the site. Standard parking ratios are designed to park the maximum cars on the busiest shopping day of the year. In, reality that day rarely occurs and a sea of asphalt is created for no reason. Current trends in zoning codes is to reduce the amount of parking required and establish minimum/maximum parking standards to reduce the amount of impervious surface area on site. For example, in other municipalities in the surrounding area, parking ratios range from 1 space per 300 of net floor area to 1 space per 250 square feet of gross floor area. In addition, some municipalities have tiered parking requirements so that the parking ratio goes down as the site’s building square footage increases.

Per Sec 23-440 Parking and loading part 2.3.g “Planned shopping center: At least one parking space shall be provided for every 200 square feet of gross floor area. Exceptions: Increases and modifications to the parking requirements for a shopping center may be made in order to accommodate a particular mix of uses.”

The Germantown Crossing shopping center with the grocery store expansion was approved to have a total of 516 parking stalls to serve the proposed 117,075 square feet, providing a ratio of 4.41 stalls per 1,000 square feet of gross building area. The proposed Fuel Center Addition will provide 488 parking stalls for 117,315 square feet, providing 4.17 stalls per 1,000 square feet of gross building area.

The following table itemizes the building square footages:

Proposed Development		
Tenant	GFA	*Net
Kroger	96,750	77,400
Autozone	5,785	4,628
Sportsclips	1,200	960
Special Nail	2,000	1,600
Firehouse	2,180	1,744

Akasaka	5,320	4,256
Hueys	3,840	3,072
Kroger Fuel Center	240	192
Total Retail	102,775	82,220
Total Salon	3,200	2,560
Total Restaurant	11,340	9,072
Total	117,315	93,852

*net floor area is based on sales/seating area of 80% of GFA

B. Greenspace:

The required green space of 35% was reduced to 29% as part of the expansion approval. In order to facilitate the proposed fuel center construction, the greenspace would be reduced to 26.4%. The requested reduction is based on the replacement of the existing detention pond with an underground detention system. The area of the existing detention pond will be a landscaped and well maintained fuel center and vehicular use area.

In addition to the Site Plan approval, the Subdivision Plat for Kroger Shopping Center Subdivision will be revised to create a separate lot for the proposed fuel center. The existing Lot 1 containing 629,394 sf will be divided into two lots: Lot 1 (593,209 sf) and Lot 2 (36,785 sf).

The request also includes the removal of the Access Easement and the following Shopping Center Zoning Conditions as previously recorded on the Subdivision plat:

1. A 100-ft setback to be maintained along farmington blvd. and germantown road with a 20-ft landscape strip included as part of that 100 feet.
2. Location and dimensions of access drives from both germantown road and farmington blvd. are to be approved by the germantown design review commission and planning commission.
3. Service stations to be prohibited.

Please do not hesitate to contact me at 901-729-5508 if you have any questions or require any additional information.

Sincerely,

PICKERING FIRM, INC.



Cara L. Martin, PE
Project Manager

CITY OF GERMANTOWN
PLANNING COMMISSION APPLICATION

(Please <input checked="" type="checkbox"/> all that apply): <input type="checkbox"/> Sketch Plan; <input type="checkbox"/> Preliminary Site Plan; <input checked="" type="checkbox"/> Final Site Plan <input type="checkbox"/> Preliminary Plat; <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Grading / Tree Removal; <input type="checkbox"/> WTF (Wireless Transmission Facility)	
<input type="checkbox"/> Rezoning From: _____ To: _____ <input checked="" type="checkbox"/> Other: FUEL CENTER IN KROGER SHOPPING CENTER <input checked="" type="checkbox"/> Submittal Date: MAY 8, 2015	
PROJECT INFORMATION	
Name: KROGER V-419 EXPANSION Address: 7735 FARMINGTON BOULEVARD Project Location Description: FUEL CENTER ADDITION TO THE KROGER SHOPPING CENTER AT GERMANTOWN ROAD AND FARMINGTON BOULEVARD. THE FUEL CENTER WILL BE LOCATED AT THE NORTHEAST CORNER OF THE SHOPPING CENTER. No. of Acres: 14.45 PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES FROM THE SUBDIVISION AND ZONING REGULATIONS.	
OWNER/DEVELOPER INFORMATION	
Name: AL MONTESI Address: 800 RIDGELAKE BOULEVARD, MEMPHIS TN, 38120 Phone No.: (901) 765-4164 Fax No.: (901) 765-4163 Email Address: al.montesi@kroger.com	
AGENT/REPRESENTATIVE INFORMATION	
Name: CARA MARTIN Title: SR. CIVIL ENGINEER Company Name: PICKERING FIRM, INC. Address: 6775 LENOX CENTER COURT, SUITE 300, MEMPHIS, TN 38115 Phone No.: (901) 726-0810 Fax No.: 901-272-6911 Email Address: cmartin@pickeringfirm.com Who will represent this proposal at the Planning Commission meeting? Cara Martin	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: CARA MARTIN Address: 6775 LENOX CENTER COURT, SUITE 300, MEMPHIS TN, 38115 Phone No. (901) 726-0810 Fax No.: (901) 272-6911 Email Address: cmartin@pickeringfirm.com Surveyor Name: BILL WOODS Address: 6775 LENOX CENTER COURT, SUITE 300, MEMPHIS TN, 38115 Phone No.: (901) 726-0810 Fax No.: (901) 272-6911 Email Address: bwoods@pickeringfirm.com	

12. Kroger Fuel Center at Germantown Crossing Center, Southeast Corner of Germantown Rd. and Farmington Blvd. – Request Preliminary and Final Site Plan Approval (Case # 14-413)

INTRODUCTION:

Owner/Developer/Applicant Name:	Kroger Limited Partnership 1 (Al Montesi)
Representative Name:	Cara Martin, w/The Pickering Firm – Engineer
Location:	Southeast Corner of Germantown Rd. and Farmington Blvd
Zoning Districts:	“T-5” Urban Center District, (utilizing the pre-existing SC-1 district regulations)

*Refer to the Disclosure Form attached for more information

BACKGROUND: The Planning Commission approved the preliminary and final site plan for the expansion of the Kroger store on December 3, 2013. The plan expanded the store from 97,088 sq. ft. to 116,281 sq. ft. and reduced the number of parking spaces from 581 to 516.

DISCUSSION:

TOTAL SITE AREA	14.45 ac.	No change
BUILDING SIZE	Current – 116,281 s.f.	Additional 240 sq. ft. kiosk
NUMBER OF PARKING SPACES	Current - 516	Proposed - 488
PERVIOUS AREA	Current – 30%	Proposed – 26.4%

There have been no revisions to the site plan from what was discussed at the July 22 subcommittee meeting.

This plan proposes the construction of a fuel center on Farmington Blvd., near the northeast corner of the center. There are to be 14 fueling positions plus a 240 sq. ft. kiosk for the attendant and rest rooms. The existing detention basin is to be replaced with an underground system and additional site amenities (bicycle repair station, dog watering facility and benches near the sidewalk) are proposed. The plan proposes the following variances from the standard development regulations and guidelines:

1. A total of 488 parking spaces are proposed. The standard requirement for a building of this size is 587 spaces. Sec. 23-440 of the Zoning Regulations allows the modification of the standard SC-1 district parking requirements to accommodate a particular mix of uses.
2. A pervious area ratio of 26.4% is requested. The standard 35% pervious area ratio was modified by the previous plan to 30%.

STAFF COMMENTS:

A. GENERAL COMMENTS

1. The SC-1 district parking regulations (Sec. 23-440) allow the planning commission to modify the standard parking requirements to accommodate a particular mix of uses.
2. The fuel center's canopy is 50 feet from the Farmington Blvd. right-of-way. The standard setback distance is 60 feet. Section 23-83 allows an open unenclosed canopy for a filling station may project into the required front yard, provided that the canopy is attached to or constitutes a principal building, and provided further that no portion of the canopy may be closer than 20 feet to the proposed right-of-way line.

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. The sanitary sewer service line would be better routed to the existing manhole.
2. Provide economic impact information, including estimated building value, sales tax generation and employment estimates.
3. Modify the eastern driveway at Farmington to a radius instead of a concrete commercial pad.
4. Provide a new fire hydrant on the landscape island to the southwest of the fuel center.
5. Indicate the location and direction of electrical service.
6. Provide details on the trash collection and removal methods.
7. Note on the Fire Truck Circulation Plan the type of vehicle used.
8. Provide the existing finished floor elevation of City fire station no. 2 and the existing grades on Farmington Blvd.

C. GENERAL COMMENTS

24. 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.
25. 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.
26. 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.
27. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
28. 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 Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.

29. 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:
30. 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.
31. 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.
32. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
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33. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.
34. The Shelby County Code, Section 3-25 [Reference 1200-3-11-02 (Asbestos)] require building owners and/or operators to submit a notification of intent to do demolition or renovation at least ten (10) working days prior to the start of the activity even if no asbestos is present so compliance can be verified. Notification also includes the submittal of an asbestos survey report. Please contact the Health Department at (901) 544-7349 for more information.

STAFF RECOMMENDATION: APPROVAL, SUBJECT TO STAFF COMMENTS

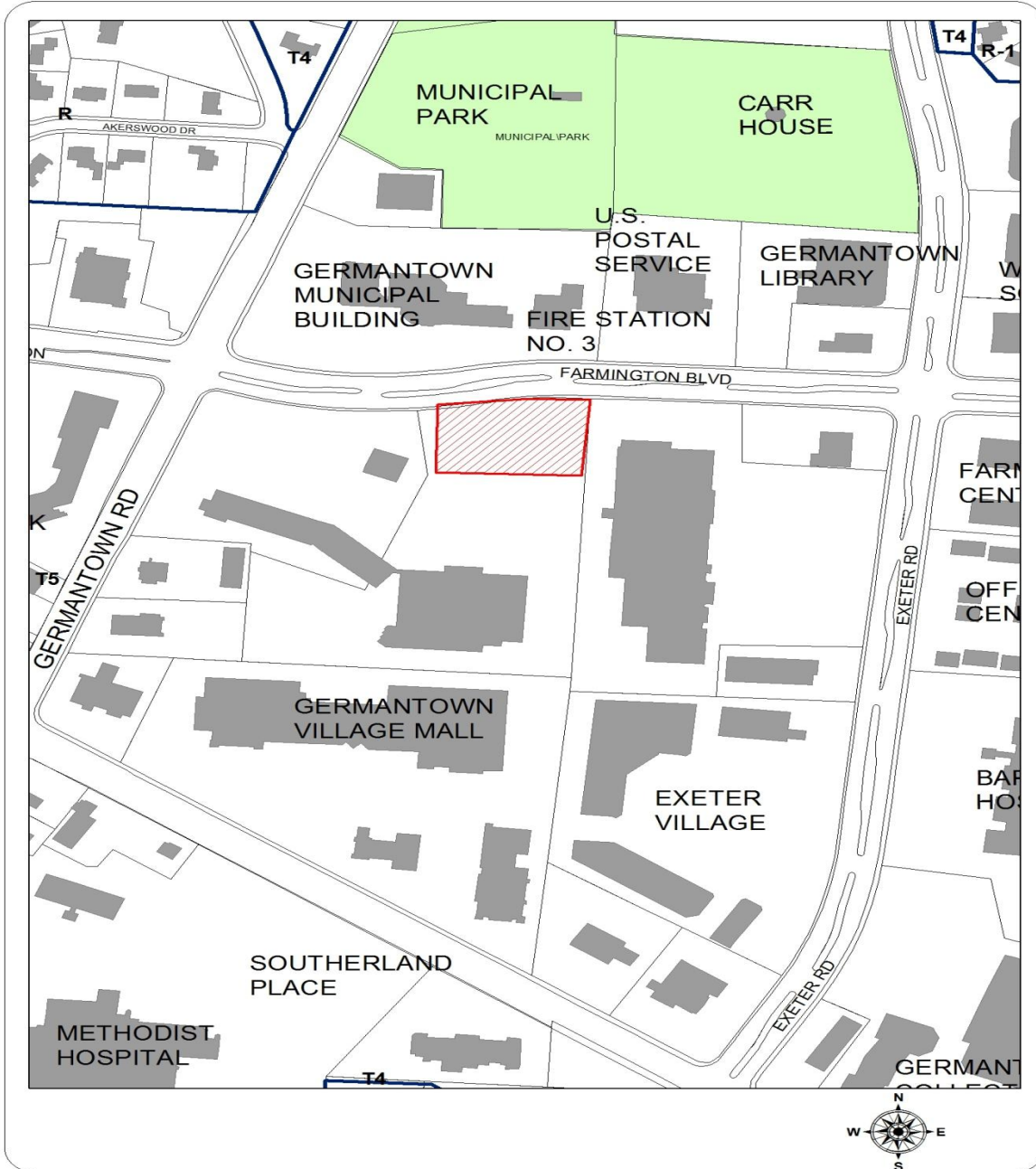
SUBDIVISION AND SITE PLAN SUBCOMMITTEE: (DIKE BACON, CHAIRMAN) The subcommittee met on June 17, 2015, and on July 22, 2015 and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final site plan for a Kroger Fuel Center located in the Germantown Crossing shopping center, subject to the plans filed with the application and staff comments.

Mr. Bacon moved to approve the preliminary and final site plan for a Kroger Fuel Center located in the Germantown Crossing shopping center, subject to the plans filed with the application and staff comments, seconded by Mr. Barclay.

Chairman Harless asked for a roll call.

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





June 5, 2015

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

Re: City of Germantown
Planning Commission Submittal
Kroger V-419 Fuel Center
7735 Farmington Road

Dear Mr. Ross:

On behalf of Kroger Limited Partnership I, Pickering Firm Inc. is pleased to submit this narrative along with the application form, disclosure form, Planning Commission Checklist, 1 set of plans on 8 ½" x 11" paper, 20 sets of full-sized drawings, 20 full-sized copies of the Subdivision plat, a vicinity map package, traffic impact study, and a CD containing all of the above information in .PDF and .JPG format.

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There are two variances to the zoning regulations that are requested from the Planning Commission.

A. The reduction in parking ratio to accommodate the new fuel center. The proposed fuel center will require the elimination of 28 parking stalls and will provide 488 stalls for a ratio of 1 space per 240 square feet of gross building area. The request is based upon the following:

1. City of Germantown parking requirements: The City of Germantown provides two different methods for calculating parking for shopping centers:
 - a. "Planned shopping center" the requirement is 1 space per 200 square feet of gross floor area.
 - b. "T-5 Smart Growth" the requirement is 1 space per 300 square feet of gross floor area.

City of Germantown Requirements for Shopping Centers

Parking Requirement	Building Area	Provided Parking	Parking Required	Provided Ratio	Parking Difference
1/200 of gross floor area	117,315	488	587	1/240	(99)
1/200 of net floor area*	93,852	488	470	1/192	18
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2. Experience: Kroger operates hundreds of stores in shopping centers across the U.S. and a large amount in the Shelby County area. In Kroger's experience a grocery store of this size based in a shopping center will have sufficient parking given the provided parking ratio of 4.17/1000 sf (1/240 sf) or 488 parking stalls.
3. Best Planning Principles: There are 18 sources of parking standards under the "Shopping Center" category of the publication Parking Standards published by the American Planning Association. The parking requirements for a center this size range from a ratio of 3.3 to 5 spaces per 1,000 SF with the average of those sources requiring a ratio of 4 parking spaces per 1,000 SF of floor area.

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There are 21 different parking management strategies discussed in the publication PAS EIP-24 Parking Solutions. The strategies reduction in required parking ranges from 5%-30% of total required parking. The parking requirements for a shopping center, this size, range from a ratio of 4.00 to 4.75 spaces per 1,000 SF.

4. Additional Factors: Per City of Germantown request and direction, this site layout was designed to provide a sufficient amount of parking, maximize landscaping potential, and encourage pedestrian traffic from the north to the south and across the site. Standard parking ratios are designed to park the maximum cars on the busiest shopping day of the year. In, reality that day rarely occurs and a sea of asphalt is created for no reason. Current trends in zoning codes is to reduce the amount of parking required and establish minimum/maximum parking standards to reduce the amount of impervious surface area on site. For example, in other municipalities in the surrounding area, parking ratios range from 1 space per 300 of net floor area to 1 space per 250 square feet of gross floor area. In addition, some municipalities have tiered parking requirements so that the parking ratio goes down as the site's building square footage increases.

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Akasaka	5,320	4,256
Hueys	3,840	3,072
Kroger Fuel Center	240	192
Total Retail	102,775	82,220
Total Salon	3,200	2,560
Total Restaurant	11,340	9,072
Total	117,315	93,852

*net floor area is based on sales/seating area of 80% of GFA

B. Greenspace:

The required green space of 35% was reduced to 29% as part of the expansion approval. In order to facilitate the proposed fuel center construction, the greenspace would be reduced to 26.4%. The requested reduction is based on the replacement of the existing detention pond with an underground detention system. The area of the existing detention pond will be a landscaped and well maintained fuel center and vehicular use area.

In addition to the Site Plan approval, the Subdivision Plat for Kroger Shopping Center Subdivision will be revised to create a separate lot for the proposed fuel center. The existing Lot 1 containing 629,394 sf will be divided into two lots: Lot 1 (593,209 sf) and Lot 2 (36,785 sf).

The request also includes the removal of the Access Easement and the following Shopping Center Zoning Conditions as previously recorded on the Subdivision plat:

1. A 100-ft setback to be maintained along farmington blvd. and germantown road with a 20-ft landscape strip included as part of that 100 feet.
2. Location and dimensions of access drives from both germantown road and farmington blvd. are to be approved by the germantown design review commission and planning commission.
3. Service stations to be prohibited.

Please do not hesitate to contact me at 901-729-5508 if you have any questions or require any additional information.

Sincerely,

PICKERING FIRM, INC.



Cara L. Martin, PE
Project Manager

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: KROGER LIMITED PARTNERSHIP I (KLPI)

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

Name	Business or Home Address
<u>KLPI</u>	<u>800 RIDGELAKE BOULEVARD, MEMPHIS TN 38120</u>
<u> </u>	<u> </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: KROGER LIMITED PARTNERSHIP I

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

Name	Business or Home Address
<u>KLPI</u>	<u>800 RIDGELAKE BOULEVARD, MEMPHIS TN 38120</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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 8:45 p.m.