

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, July 7, 2015**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on July 7, 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 Bierdz, Cameron Ross, Sheila Pounder, and Pam Rush

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

Mr. Bennett moved to approve the Planning Commission minutes of June 2, 2015, as submitted, seconded by Mayor Palazzolo.

Chairman Harless asked for a roll call.

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

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**3. Consent Agenda:**

Chairman Harless stated at the Planning Commission Executive Session this evening, the following item was placed on the Consent Agenda by the Planning Commission:

**3. a. The Village at Germantown, 7820 Walking Horse Circle – Request Preliminary and Final Site Plan Approval for Independent Living Congregate Housing Building**

**INTRODUCTION:**

Owner Name/Applicant Name:	The Village at Germantown, INC (Donald P. Selheimer, CFO)
Representative Name:	Rebecca Conrad w/ANF Architects
Location:	7820 Walking Horse Circle
Zoning District:	“R-H” Retirement Housing Zoning District

\*Refer to the Disclosure Form attached for more information

**BACKGROUND:** The Village at Germantown was initially approved as Project Development Contract #1098 by the Board of Mayor and Aldermen on June 23, 2003. It is currently a 247-unit continuing care retirement community for seniors and contains varying levels of housing and care, including single-family cottages, independent living apartments, assisted living, skilled care and special care units, and a rehabilitation facility.

On February 19, 2014, the Planning Commission approved an expansion plan that included the following: New Memory Care and Assisted Living Facility – a new 3-story building containing 49,705 sq. ft. of floor area, which contains 30 assisted living dwelling units, 16 memory care dwelling units and 2 skilled care units; Rehabilitation Facility – a 1,760 sq. ft. building located in the existing northern courtyard; Kitchen Facility Expansion – the existing building footprint was expanded by approx. 2,968 sq. ft; and Parking Area Expansion – an additional 17 parking spaces to be constructed along the southern portion of Walking Horse Circle; these spaces were approved with the original site plan but were not constructed.

**DISCUSSION:** The current expansion plan proposes a new 4-storey (3 above grade and 1 below of underground parking) brick and frame independent living facility at the existing Village at Germantown senior living complex. The new building will be connected the existing facility with the construction of a single-storey, enclosed walkway between the two structures. The height will be identical to the existing three storey independent living facility already on the property.

*PLAN REVISIONS: The applicant has revised the proposed preliminary and final site plan and engineering drawings to include the following: site plan data table and parking inventory, relocation of fire triangle as requested by the Fire Marshall, and revised sanitary sewer design based on verification of existing flow line elevation at the south property line. Although the grading and drainage plan was revised to show off-site topography to a minimum of 100' to 200' adjacent to the subject site as requested by staff, it does not show on-site topography within the side yard, landscape, and utility easement areas along the south side of the site. This information must be provided on the plan prior to the final approval of construction plans for this project.*

*The applicant has not provided fire flow calculations to meet Fire Code requirements as requested by the Fire Marshall.*

TOTAL PROJECT SITE AREA	1.16 ac.
BUILDING SIZES	20, 380 S.F.
Apartment Structure	19,770 S.F.
Enclosed Walkway Building Connector	610 S.F.
Number of Apartment Units	31
BUILDING HEIGHT (above grade)	35 Feet
NUMBER OF PARKING SPACES	38 Provided 31 Required

**STAFF COMMENTS:**

A. PRIOR TO FINAL PLAN APPROVAL

1. Provide fire flow calculations to meet Fire Code requirements.

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Include the Germantown standard title blocks.
2. Revise Plans to show 12" CPP removed instead of abandoned and left in place.
3. Revise Plans to show sanitary sewer pipe removed instead of abandoned and left in place.

4. Revise construction plans to accurately show existing water lines and valves, and fire hydrants.
5. All Plans must use all Germantown construction details.
6. Revise Demolition Plan legend to accurately represent items shown – existing fence – Plan view shows this symbol representing pipe location.
7. No pipes, stormwater or sanitary sewer may be located under building slab.
8. The trench drains proposed are high maintenance. Staff suggests the use of alternative drainage measures.
9. Grading/Drainage Plan should be revised to show on-site topography, including within the side yard, landscape, and utility easement areas along the south side of the site, as well as off-site topography to a minimum of 100'-200' adjacent to subject site.
10. Revise the Utility Plan to include the revised information on the Sanitary Sewer Plan Profile.

C. GENERAL COMMENTS

1. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
2. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
3. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Design Review Commission.
4. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
5. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Economic Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
6. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, \_\_\_\_\_, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.
7. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
8. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
  - (a) All streets shall be kept clear and free of dirt and debris.
  - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
  - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

**STAFF RECOMMENDATION:** Preliminary Site Plan Approval, subject to Staff comments.

**SUBDIVISION AND SITE PLAN SUBCOMMITTEE:** The subcommittee met on June 17, 2015, and withheld a recommendation.

**PROPOSED MOTION:** To approve the preliminary and final site plan for an additional independent living congregate housing building for The Village at Germantown located at 7820 Walking Horse Circle.

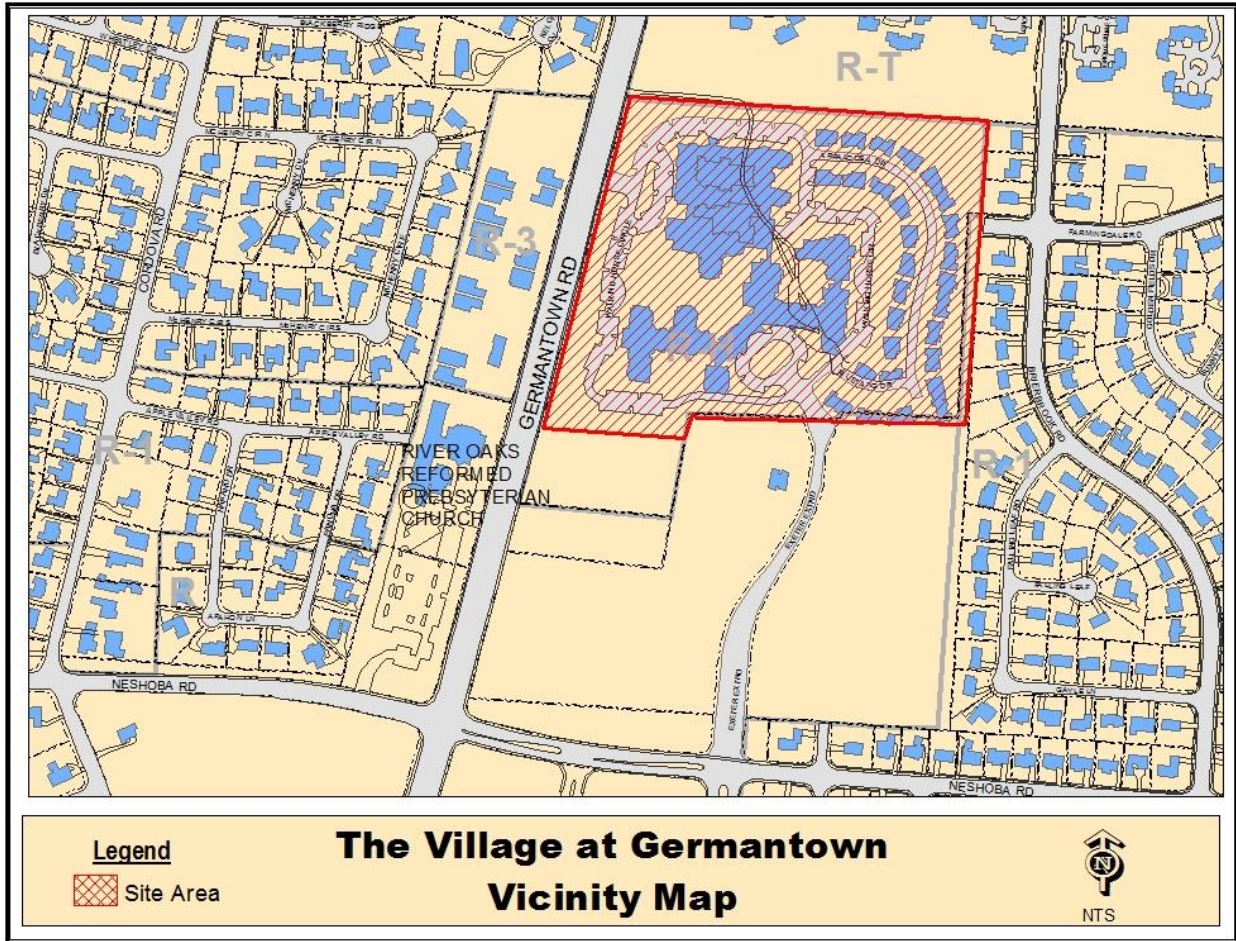
Chairman Harless stated as part of the consent agenda, this item will not be presented, discussed or voted upon individually. If you would like to have this item discussed before the Planning Commission this evening, please come forward at this time.

Seeing no one come forward, I would like to note that on all matters concerning the Consent Agenda, the vote of each member of the Planning Commission will constitute an acknowledgement that the member has read the application or proposal, the staff reports and the Subcommittee report. I am prepared for a motion for approval of the Consent Agenda.

Mr. Bacon moved to approve the item on the Consent Agenda, subject to comments contained in the staff report, 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 – yes; Palazzolo- yes. **The motion was passed**











**DATE RECEIVED** \_\_\_\_\_

**CITY OF GERMANTOWN  
 PLANNING COMMISSION APPLICATION**

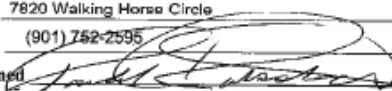
(Check  all that apply):  Sketch Plan;  Preliminary Site Plan;  Final Site Plan  
 Minor Subdivision;  Preliminary Plat;  Final Plat  
 Grading/Tree Removal;  WTF (Wireless Transmission Facility)  
 Rezoning From: \_\_\_\_\_ To: \_\_\_\_\_  
 Other: \_\_\_\_\_

**PROJECT INFORMATION**

Project Name: The Village at Germantown Independent Living Addition  
 Address: 7820 Walking Horse Circle  
 Project Description: A 3-story addition to the Village at Germantown senior living facility, which will connect to the existing building and contain 31 independent living apartments and support spaces such as circulation, mechanical/electrical rooms, and storage.  
 No. of Acres: 1.16 - Project Site Parcel Identification Number(s): G0220 0044C  
28.22 - Total Property Area

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

**OWNER INFORMATION**

Name (Print): The Village at Germantown, Inc. Address: 7820 Walking Horse Circle  
 Phone No.: (901) 752-2508 Fax No.: (901) 752-2595  
 Email Address: dsehmelmer@village-germantown.com Signed: 

**DEVELOPER INFORMATION**

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 Email Address: \_\_\_\_\_ Signed \_\_\_\_\_

**AGENT/REPRESENTATIVE INFORMATION**

Name: Rebecca Conrad Title: Partner  
 Company Name: ANF Architects Address: 1500 Union Ave., Memphis, TN 38104  
 Phone No.: (901) 278-6868 Fax No.: (901) 278-6884  
 Email Address: rebecca@anf.com  
 Who will represent this proposal at the Planning Commission meeting? Tiffany Heard

**ENGINEER/SURVEYOR INFORMATION**

Engineer Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Surveyor Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

3. Not for Profit Entities. If the applicant submitting the Application ("Applicant") is a not for profit entity, the authorized representative of the Applicant must list below the name and business or home address of the President (or equivalent chief executive officer) and the members of its board of directors:

Applicant: The Village at Germantown, Inc.

President or Equivalent Chief Executive Officer: 

Members of the Board of Directors of the Applicant:

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

4. Not for Profit Entities. If the owner and any lessee of the land which is the subject of this Application ("Owner and Lessee") is a not for profit entity, the authorized representative of the Owner and Lessee must list below the name and business or home address of the President (or equivalent chief executive office) and the members of its board of directors:

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

President or Equivalent Chief Executive Officer: \_\_\_\_\_

Members of the Board of Directors of the Owner and Lessee:

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

**The Village at Germantown  
Board of Directors**

**William Kenley, FACHE Chairman**

Sr. Vice President/CEO

Methodist Germantown Hospital

7691 Poplar Avenue

Germantown, TN 38138

**Donna Abney**

Executive Vice President

Methodist Le Bonheur Healthcare

1211 Union Avenue, Suite 700

Memphis, TN 38104

**Chris McLean**

CFO Methodist Healthcare

1211 Union Avenue, Suite 700

Memphis, TN 38104

**Dr. James W. Harkess, M.D.**

Campbell Clinic

1458 West Poplar Suite # 100

Collierville, TN 38017

**Mark Halperin**

Executive Vice President & Chief Operating Officer

Boyle Investment Company

5900 Poplar Avenue

Memphis, Tennessee 38119

Germantown Planning Commission Application  
 Village at Germantown Independent Living Addition

4. A written description of the project, including a list of all requested variances or warrants from the Subdivision and Zoning Regulations.

This project adds a three (3) story brick and frame independent living facility to the existing Village at Germantown senior living facility. The new addition will be identical in appearance and height to the existing three (3) story Independent Living facilities on this property. The proposed facility will contain 30 independent living apartments and support spaces such as circulation, mechanical/electrical rooms, and storage. Out of the total 27.49 acre site area, this project will encompass 1.16 acres. The building will also include an underground parking garage and a one (1) story enclosed walkway connecting it to an existing building located immediately east of the new building. The footprint of the proposed building, not including the enclosed walkway, covers approximately 19,770 square feet. The footprint of the enclosed one (1) story walkway covers approximately 610 square feet. Vehicular ingress-egress to the underground parking garage will be provided via two, one-way "S" shaped drives located between the south face of the new building and the existing Village at Germantown perimeter drive. The grade difference between the finished floor of the garage and the edge of pavement for the existing perimeter drive, combined with the separation distance between the building face and the existing drive will necessitate the use of Redi-Rock gravity retaining walls along both faces of both access drives. The gravity retaining walls will have a textured cobblestone appearance. A 42" high metal safety fence will be provided along the length of all retaining walls. A photograph of a typical use of this type of wall, with the safety fence, is included for reference by the Planning Commission.

While we do not envision the need for any variances or warrants with this project, we will need to relocate an 8" diameter sanitary sewer main that flows north from an existing dead-end manhole located near the south west corner of the site. A portion of the existing 10 foot wide sanitary sewer easement associated with this segment of the sewer main will need to be abandoned and rededicated as a part of this project.

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

**INTRODUCTION:**

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

\*Refer to the Disclosure Form attached for more information

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

**DISCUSSION:**

The eastern 150 feet of the property is within the T4-R district, which allows residential uses and/or parking facilities (either parking structure or surface parking), and requires a 50 foot building setback including a 25 foot landscape screen. The maximum building height is three stories. The remainder of the property is within the T-5 district, which requires a minimum 20-foot tall building, and allows five story buildings (six stories with warrant).

**DEVELOPMENT SUMMARY**

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

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

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

**STAFF COMMENTS:**

A. GENERAL COMMENTS

1. Site infrastructure (Poplar Ave. improvements, internal streets and drives, utilities) shall be the first phase of the development.
2. The 4.6 acre Parcel 3 was transferred to Germantown hotel Group without an appropriate subdivision, so should be identified as a parcel as part of the first phase of the development.
3. The landscape plan sheet (sheet 3 of 4) of the outline plan should be a part of each phase's final plan, and not part of the outline plan.

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

1. Provide all the plans and information listed in the Preliminary/Final Site Plan checklist.

C. GENERAL COMMENTS AND REQUIREMENTS

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

Ms. Brenda Solomito Basar with Solomito Land Planning made a presentation on landscaping, lighting, and the garage, along with the east-west roadway connection with the Outline Plan Approval.

Chairman Harless stated he is very glad to see that you are meeting with the neighbors and trying to work out the issues. That makes it more gratifying.

Gene Henson, 1927 Chatsworth Drive, noted he is the HOA president of Nottoway. We do not oppose or object to the development of the Kirby Farms property. In fact, we embrace the application and we are happy to support it. The thing that would be important to us is to insure that we have a quality development that has an opportunity to succeed, not in the short term, but the long run. We met with Ms. Solomito and with the representative of Gill Properties about a week ago, and a few months ago we met with Sunny Desai, the owner of the property (4.6 acres) regarding the Germantown Hotel Group, LLC.

She mentioned a few areas that were of interests to us: 1) 25 foot landscape buffer, for the design to buffer a single-family residential development from the office building, and hotel and so forth built there, 2) at the 25-foot mark west of our property line there is an access road that will be connected to the parking garage. We do not object to the access road being there. We just want to make sure we have a clear understanding regarding the sound from delivery trucks backing up at 4:00 or 5:00 am with a beeping sound and waking up our residents. The parking garage we understand the issues that are raised. We just ask if the design characteristic including features that protect the privacy of the residents at Nottoway. 3) Lighting, 4) with respect to the wall, I will correct one thing on the fence-it is an 8-foot solid wood fence. We would hope and desire something far more permanent and sustainable than a wooden fence.

Eddie Albert with Greentrees Civic Association stated we are the neighborhood that is directly south of the development and we have some concerns about the hotel being five stories in height. The houses facing directly to the hotel and the congestion would be an issue along with the quality of the development. We would like to be involved in the planning if that is feasible.

Harvey Marcom with the Reeves Firm, 6800 Poplar Avenue, stated he is here representing Robert Fogelman. He is returning from a family vacation and his airplane from Washington DC was delayed. He had a conversation with the staff and Ms. Solomito regarding the connection of the project at his east property line and his concern is that the connection does not best provide him with the utilization of his property going forward. There is no final plan in place. He feels like that the connection as shown on the southern portion will not be desirable. He submitted a couple of sketch's, one where a road would curve further to the north, and another one for a straight-line road going to the north. Mr. Fogelman would like to have some assurance going forward with continued conversation regarding the plan and input between both parties that would hopefully come to a good agreement for this project.

Alderman Owens stated this question is for staff. We talked a little in the executive session about the lining up with this road, not just the property on the east. In addition, with the intersection at Kirby Parkway and the Carrefour entrance, can you touch just a little bit on that?

Mr. Morgan stated the drive at Carrefour lines up with the drive proposed. It also line up with the drive to the office condominium. It does not work with the current development of the Fogelman apartments.

Mayor Palazzolo asked if Greentrees, which is in Memphis, received a notification about zoning changes? Does it cross boundaries of 500 feet?

Mr. Morgan answered yes the notices go out to all property owners within 500 feet. It is in all districts, it even goes across state lines.

Mr. Bennett noted we appreciate everyone coming out for this project. We encourage the neighbors to participate with the developer to work out an agreement on buffers, sound, and fence, for their privacy.

**SMART CODE REVIEW COMMITTEE (MIKE HARLESS, CHAIRMAN):** The committee met on June 17, 2015, and withheld a recommendation.

**PROPOSED MOTION:** To approve the Travure Planned Unit Development outline plan, located on the south side of Poplar Ave., east of Kirby Parkway, subject to the site plans submitted with the application and the staff comments.



Chairman Harless moved to approve the Travure Planned Unit Development outline plan, located on the south side of Poplar Avenue, east of Kirby Parkway, subject to the site plans submitted with the application and the staff comments, seconded by Ms. Burrow.

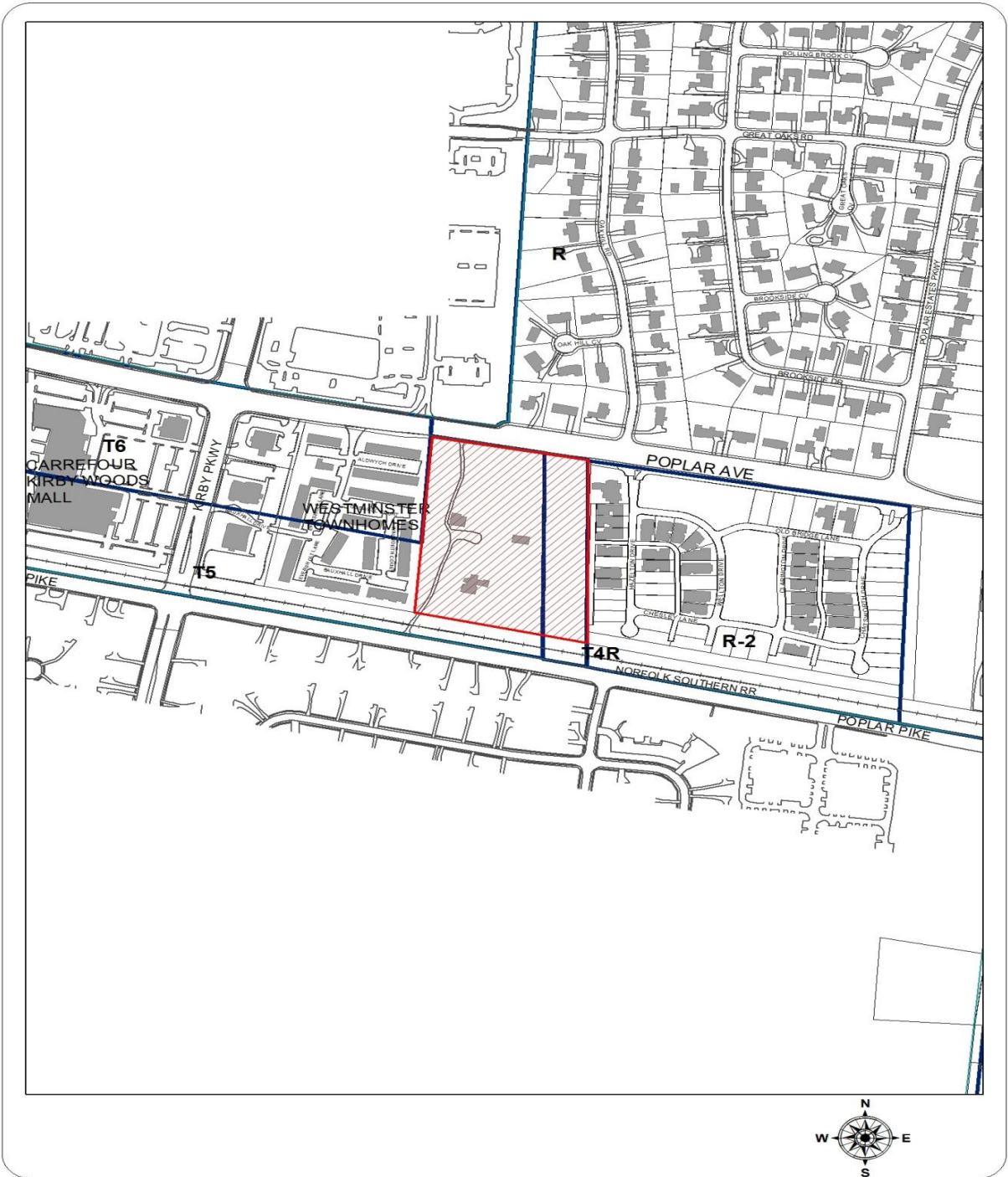
Chairman Harless asked for a roll call.

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

Mr. Bacon stated he thinks this is a very exciting project in the Western Gateway for our community.

Chairman Harless stated this is going to be a first class development in Germantown.

Mayor Palazzolo stated this evening I going to abstain. I am encouraged by the communication from the neighbors in Memphis, the commercial neighbor to the west and residential neighbors to the east. I am going to reserve judgment and hold you, the developer, to continue that. We heard some comments about a wooden or brick fence, so hopefully those things can be resolved at a future meeting.





June 4, 2015

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

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

Dear Wade:

Pursuant to the Planning Commission's decision to table the TRAVURE Outline Plan application during the June 2, 2015 Planning Commission meeting due to the application not listing the owner of a portion of the property (referred to as Parcel 3), Fisher Arnold, on behalf of both owners, Gill Poplar, GP and Germantown Hotel Group, LLC, hereby re-submits the Outline Plan application, with the added ownership information and Disclosure of Ownership Interests. As we said at the Planning Commission, the owner of Parcel 3, Germantown Hotel Group, LLC, has been involved throughout the process with Gill Properties. Both owners are anxious to move forward as the hotel is ready to submit plans for development and Gill Properties has interests from potential office users. Timing is critical, so we look forward to coming back before the Planning Commission sub-committee on June 17, 2015 and before the full Planning Commission on July 7, 2015.

In association with the resubmittal of this application, please find this original and nineteen (19) copies of this cover letter, along with twenty (20) copies of the following: a letter from Mr. Ray Gill to the Planning Commission, completed Planning Commission application form (including ownership disclosure form), completed Planning Commission checklist, a General Statement regarding the proposed development, Outline Plan conditions text, a Pattern Book, Economic Impact Analysis, and full sized copies of the Outline Plan (Sheets 1 – 4 of 4). Additionally please find attached a reduced (11"x17") copy of the Outline Plan, a notification packet consisting of a vicinity map with adjacent property owner names within a 300' radius of

Planning Commission Minutes

July 7, 2015

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Mr. Wade Morgan

May 9, 2014

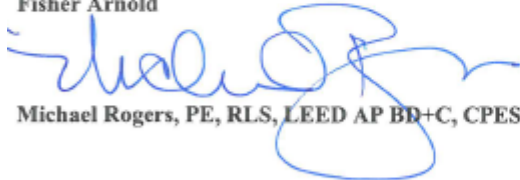
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the development property, one set of address labels, one printed copy of the addresses, a copy of the warranty deeds for the two owners, a transparency of the updated Outline Plan, and a disk with electronic copies of all submitted material. We previously submitted two sets of mailing labels, of which you should still have one set and transparencies of the previously submitted Outline Plan as well as the vicinity map. The vicinity map transparency can still be used, but please replace the Outline Plan transparencies previously submitted with the attached. Also previously submitted was the application fee of \$300.00, and to the City Engineer a Traffic Control Signal Needs Study for justification of a traffic signal at the intersection of Poplar Avenue and the main drive/thoroughfare for the development, an updated of the Traffic Impact Study for the development, and a sanitary sewer analysis of the collection system serving the subject property.

As we have stressed, timing is very critical on this project, so if there is anything else staff or the Planning Commission needs in support of this application, please If you have any initial comments, questions or need additional information prior to the May 20, 2015 Planning Commission sub-committee meeting, please let me know. We look forward to working with City staff as this application proceeds toward the June 2, 2015 Planning Commission meeting.

Sincerely,

**Fisher Arnold**



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

Attachments

Cc: Mr. Ray Gill, Gill Properties, Inc.  
Mr. Sunny Desai, Germantown Hotel Group, LLC  
Mr. C. Barry Ward, Ballin, Ballin, & Fishman of Memphis  
Mr. William R. Thoda, Jr., Thoda & Associates, PLLC  
Ms. Brenda Solomito Basar



June 1, 2015

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

SENT VIA EMAIL

Re: TraVure PUD Project Case # 15-524

Members , City of Germantown Planning Commission,

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

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

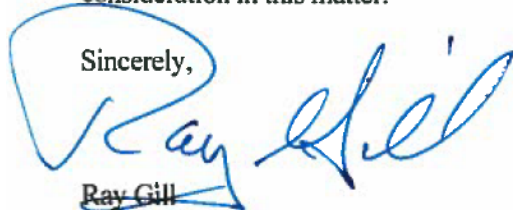
We have continued to refine our plan and deal with the internal aspects of our site plan since our meeting on March 4<sup>th</sup>. Although there have been many modifications and revisions of TraVure's outline plan in the last 90 days, the location of the drive where it meets the adjoining property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

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

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

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

Sincerely,



Ray Gill  
President

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



# TRAVURE

## GENERAL STATEMENT

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

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

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

## **TRAVURE**

### **OUTLINE PLAN CONDITIONS**

#### **I. USES PERMITTED**

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

#### **II. BULK REGULATIONS**

- A. As set by the SmartCode zoning regulations for the property.

#### **III. ACCESS, CIRCULATION, AND PARKING**

- A. Poplar Avenue shall be dedicated fifty-four feet (54') from the centerline of the existing alignment and improved in accordance with the requirements for a seven lane section (forty-four feet from centerline to face of curb).
- B. At least one full movement, primary drive to Poplar Avenue and two (2) secondary, right-in, right-out curb cuts shall be allowed subject to review by the City Engineer and approval by the Planning Commission.
- C. The primary drive may be signalized, subject to review and approval by the City Engineer.
- D. Internal circulation shall be connected via a main ingress/egress access easement thoroughfare.

#### **IV. LANDSCAPING**

- A. Poplar Avenue frontage shall be landscaped with Willow Oaks or a similar "street tree" species planted a minimum of thirty feet on center.
- B. A 25' landscape plate shall be installed along the east property line adjacent to the Nottoway P.D. residential development consisting of a mixture of evergreen and other species matching or similar to the mixture delineated in Buffer Yard "A" or as approved by the Planning Commission of part of the preliminary/final plan approval.
- C. A landscape buffer, a minimum of ten feet (10') in width shall be installed along the west property line, consisting of a mixture of evergreen and other species matching or similar to the mixture delineated in Buffer Yard "B" or as approved by the Planning Commission of part of the preliminary/final plan approval

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

**V. SITE STANDARDS**

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

**VI. STORMWATER MANAGEMENT**

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





DATE RECEIVED \_\_\_\_\_

**CITY OF GERMANTOWN**  
**PLANNING COMMISSION APPLICATION**

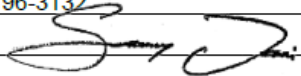
(Check  all that apply):  Sketch Plan;  Preliminary Site Plan;  Final Site Plan  
 Minor Subdivision;  Preliminary Plat;  Final Plat  
 Grading/Tree Removal;  WTF (Wireless Transmission Facility)  
 Rezoning From: \_\_\_\_\_ To: \_\_\_\_\_  
 Other: Outline Plan

**PROJECT INFORMATION**

Project Name: TraVure  
Address: South side of Poplar Avenue, approximately 750' east of Kirby Parkway  
Project Description: An Outline Plan for a mixed use property within the T5 & T4-R zone of the Western Gateway Small Area  
No. of Acres: 10.05 Parcel Identification Number(s): G0219 00216

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

**OWNER INFORMATION (OWNER 2 of 2)**

Name (Print): Germantown Hotel Group, LLC Address: P.O. Box 22628 - Jackson, MS 39225  
Phone No.: (601) 927-4555 Fax No.: (662) 796-3132  
Email Address: sdesai@desaihotelgroup.com Signed: 

**DEVELOPER INFORMATION**

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

**AGENT/REPRESENTATIVE INFORMATION**

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

**ENGINEER/SURVEYOR INFORMATION**

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

**DISCLOSURE OF OWNERSHIP INTERESTS**

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

1. For Profit Entities. If the applicant submitting this Application ("Applicant") is a for-profit entity, i.e. general partnership, limited partnership, corporation, limited liability company, 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: Gill Poplar, GP

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

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

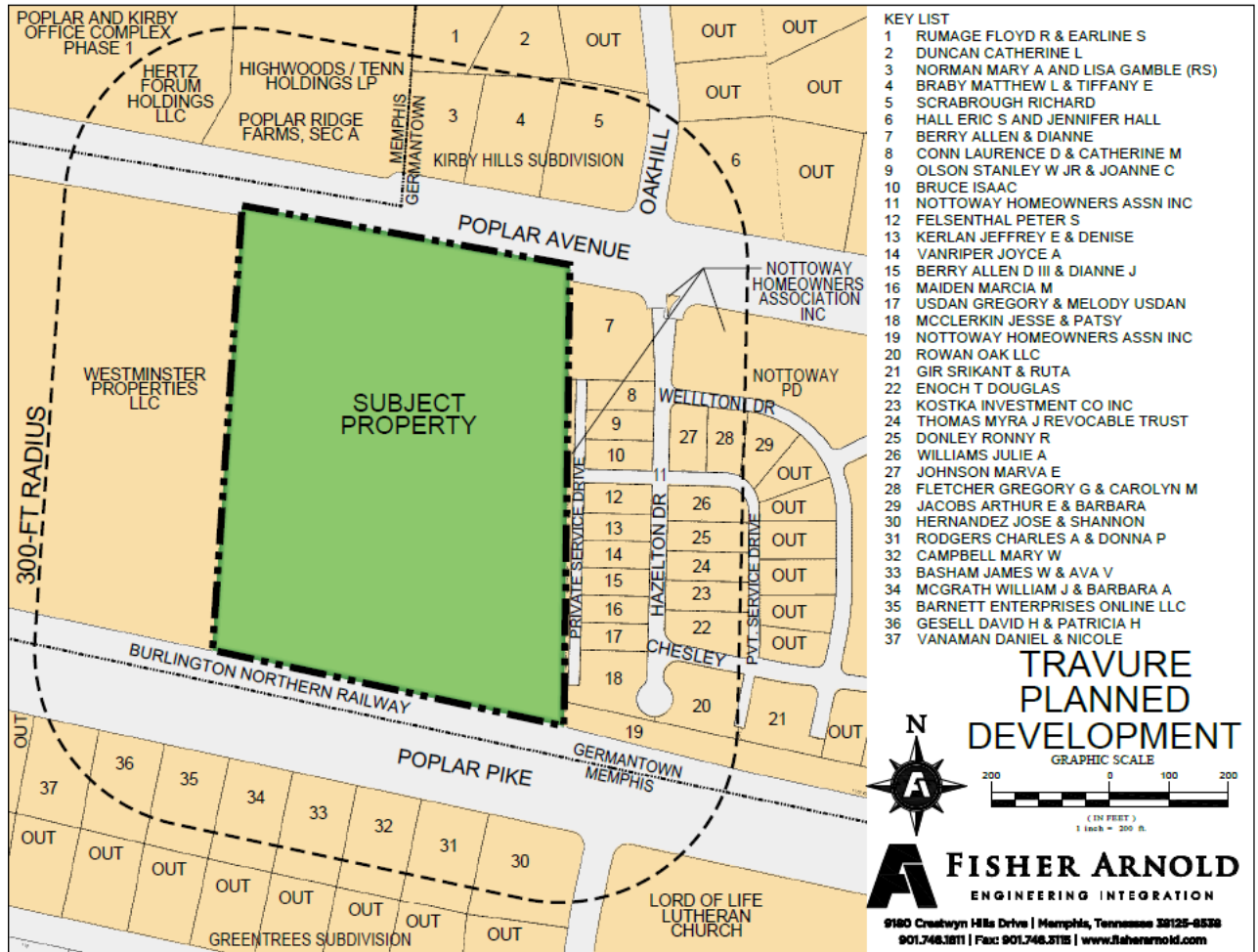
2. For Profit Entities: If the owner and any lessee of the land which is the subject of this Application ("Owner and Lessee") is a for-profit entity, i.e. general partnership, limited partnership, corporation, limited liability company, R.E.LT., a trust, or any other form of for-profit business entity,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

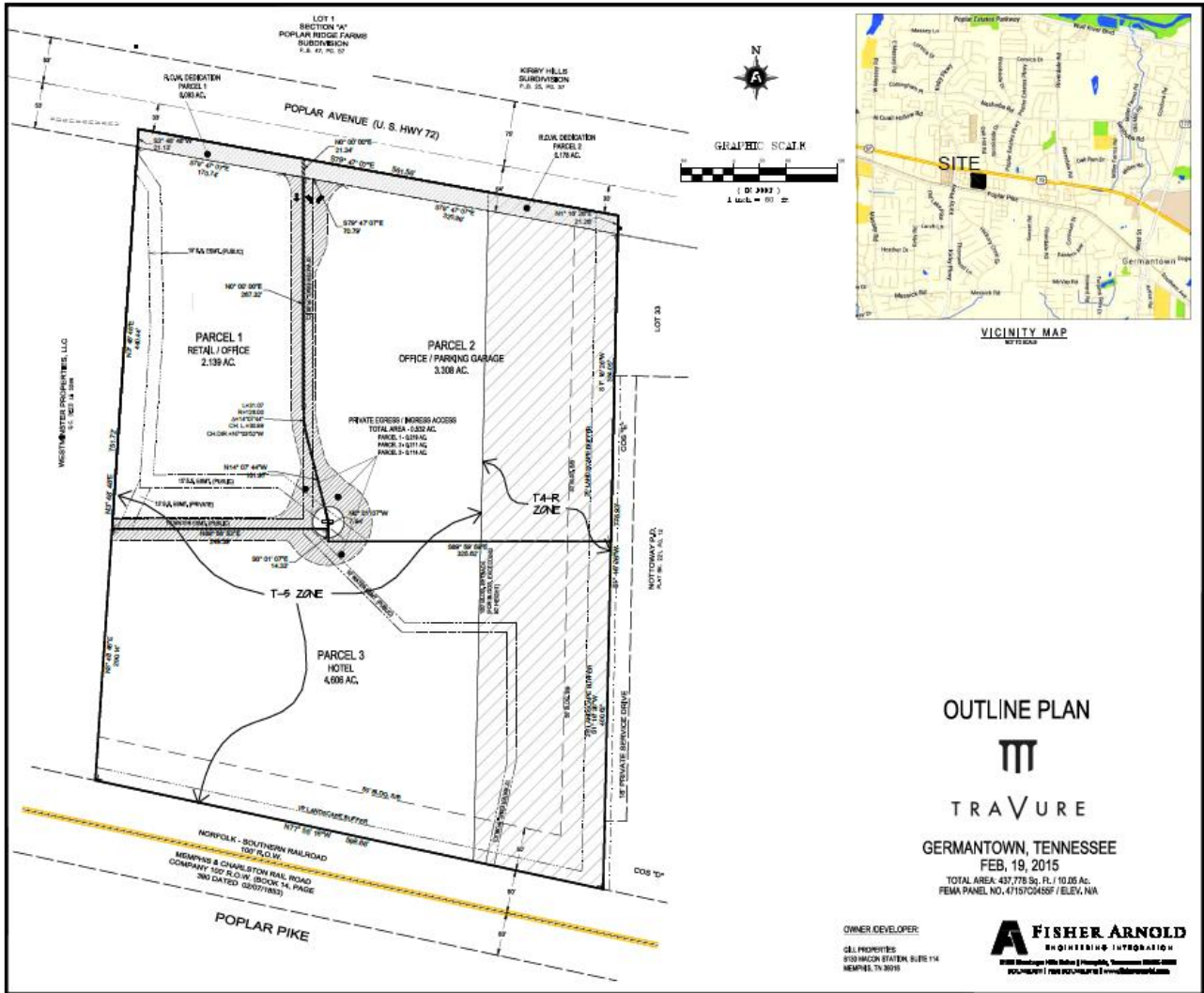
Owner and Lessee: [Signature]

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

Name	Business or Home Address
<u>RAY GILL</u>	<u>8130 MACON STATION</u>
	<u>SPILL 114, Memphis, TN</u>
	<u>38018</u>







OWNER/DEVELOPER:  
 CELL PROPERTIES  
 318 HICKORY STATION, SUITE 114  
 MEMPHIS, TN 38104

ENGINEER:  
**FISHER ARNOLD**  
 ENGINEERING INTEGRATION  
 8308 BROADWAY, 10th FLOOR | Memphis, Tennessee 38125-2000  
 901-949-1111 | 901-949-1112 | www.fisherarnold.com

**FOGELMAN INVESTMENT COMPANY**  
744 South White Station Road  
Memphis, Tennessee 38117 U.S.A.  
901-761-0900 - Fax 901-761-1272  
FIC@FogelmanInvestments.com

June 29, 2015

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

**SENT VIA E-MAIL**

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

Members of the City of Germantown Planning Commission:

I am again writing to you in my capacity as managing member of Westminster Properties LLC, owner of the 8.213 acres of land directly west of the proposed project referenced above. The more specific address of our property is 6755 Poplar Avenue, Germantown, TN. I previously sent your body a letter dated 6/1/15 expressing our objections to the proposed Travure plan.

On June 12, 2015, I met with land planner Brenda Solomito Basar who is now representing Gill Properties. She and I discussed the history of the issue at hand, and I left that meeting expecting there to be some creative effort to reimagine how the Travure east-west roadway would connect to our east property boundary in a location more acceptable to our ownership group. On June 17, 2015, I received an e-mail correspondence from Ms. Solomito Basar that clearly explained the "how and why" of the proposed road layout but offered no alternative options. Her e-mail also stated:

*"Ray Gill is having a reciprocal easement agreement prepared for you to insure non-buildable, mutually beneficial access when the roadway is constructed and access to the traffic signal when it is warranted. This document should be delivered or emailed to you within the next couple of days."*

Nothing has been presented to me to date. The lines of communication with the Gill Properties team remain open, and I remain steadfast in my promise to work towards a mutually beneficial outcome. But to date, nothing presented from their team has addressed our concerns adequately.

As I wrote in my 6/1/15 letter, I continue to vehemently oppose the Travure PUD as presently designed. My land planning advisors and I remain concerned with the road alignment and the likelihood that it will damage the future redevelopment of our property

at 6755 Poplar Avenue, and as such, limit the potential of a successful overall development of the Western Gateway for the City of Germantown.

I again thank you for taking my concerns under advisement.

Respectfully submitted,

  
Robert F. Fogelman II  
President

cc: Ms. Sheila Pounder  
Ms. Marie Lisco  
Mr. Cameron Ross  
Mr. Al Davidson  
Mr. Harvey Marcom  
Mr. Boyd Rhodes, Esq.

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**5. Germantown Crossing Center, Southeast Corner of Germantown Rd. and Farmington Blvd. – Request Amendment to the Shopping Center General Plan Conditions**

**INTRODUCTION:**

Owner/Developer/Applicant Name:	<b><u>Kroger Limited Partnership 1 (Al Montesi)</u></b>
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 "RS" SINGLE FAMILY DISTRICT, IF, WITHIN FIVE (5) YEARS FROM THE DATE OF THE FINAL ADOPTION OF THIS ORDINANCE (MAY 20, 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:

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  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 "RS" SINGLE FAMILY DISTRICT, IF, WITHIN FIVE (5) YEARS FROM THE DATE OF THE FINAL ADOPTION OF THIS ORDINANCE (MAY 20, 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:**

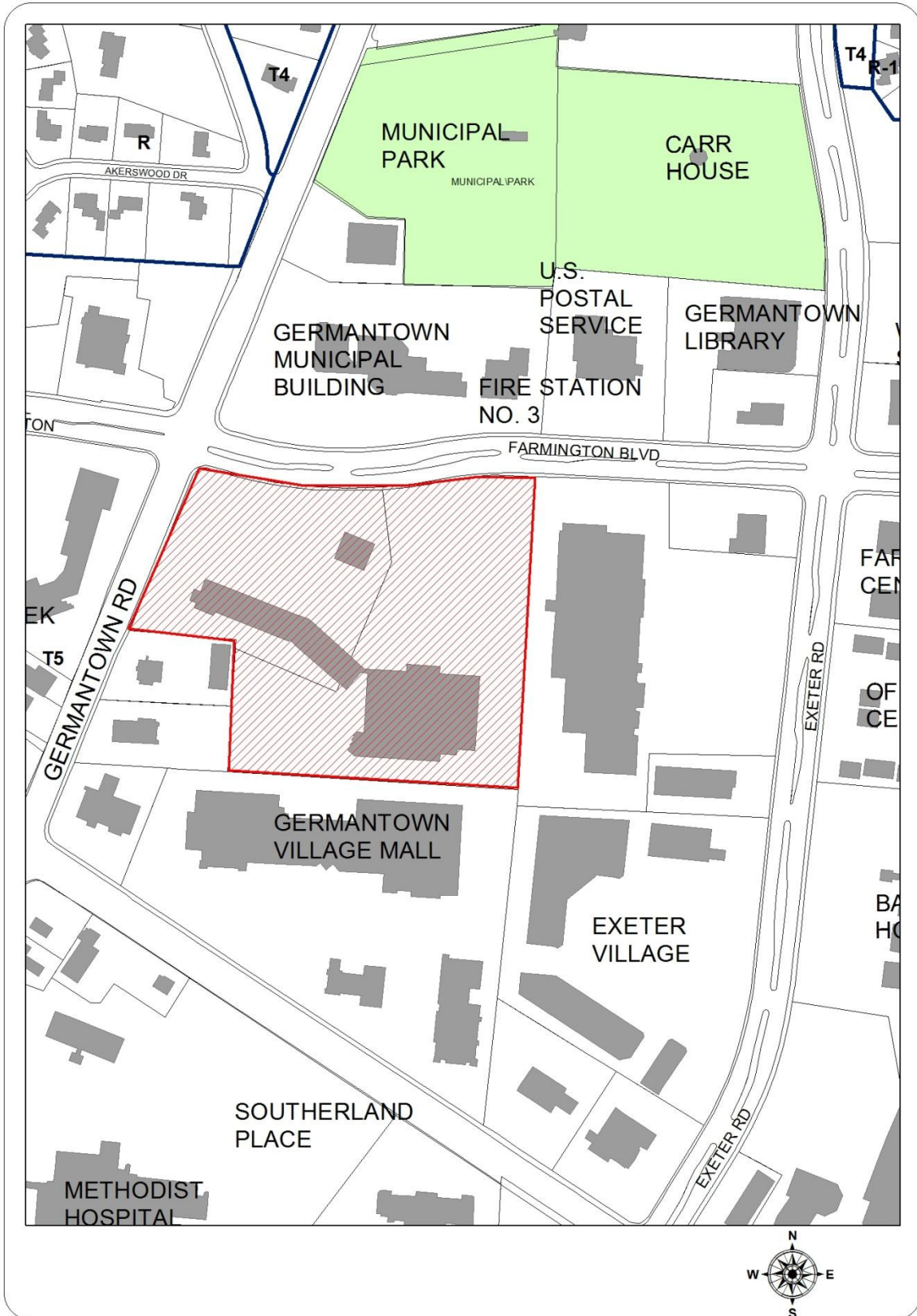
1. The amendments require final approval by the Board of Mayor and Aldermen.

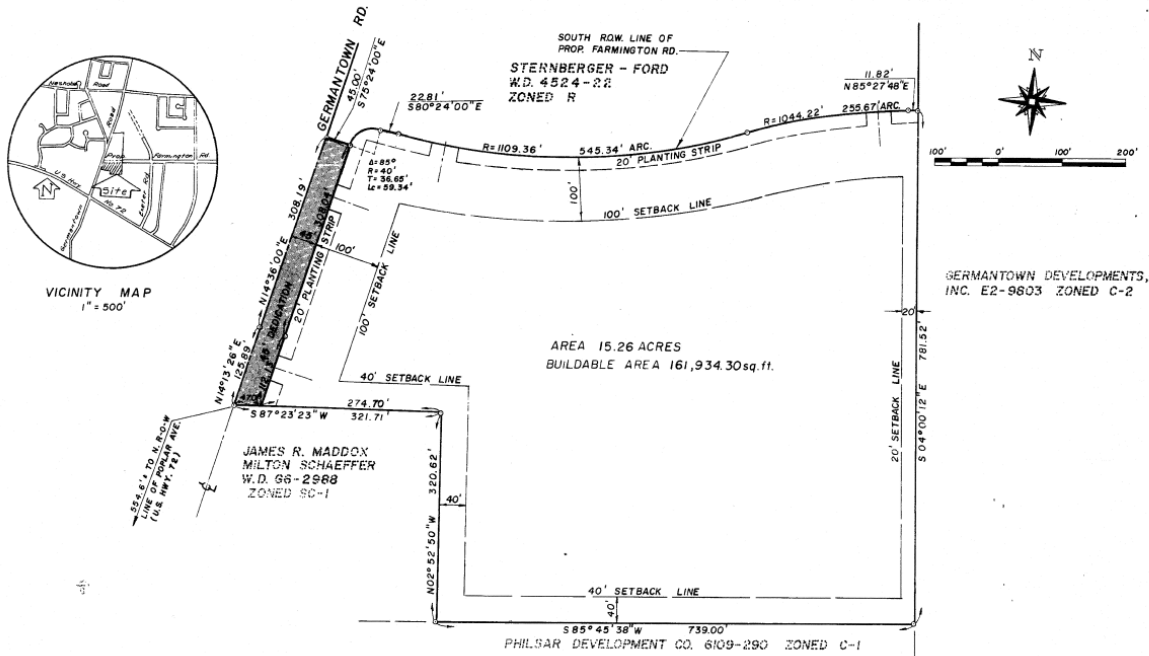
**SUBDIVISION AND SITE PLAN SUBCOMMITTEE: (DIKE BACON, CHAIRMAN)** The subcommittee met on June 17, 2015, and withheld a recommendation.

**PROPOSED MOTION:** To approve the amendments to the Germantown Crossing shopping center conditions of approval, subject to the site plans submitted with the application and the staff comments.

Chairman Harless noted there are three items left on the agenda from Kroger. They ask to be withdrawn from tonight's meeting.







**OWNER'S CERTIFICATE**

I, PEGGY G. STERNBERGER, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADMIT THIS PLAT 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: 2/28/10  
 PEGGY G. STERNBERGER

**WITNESS'S CERTIFICATE**

STATE OF Tennessee, COUNTY OF Madison  
 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 February, 1975.  
 MY COMMISSION EXPIRES June 30, 1977 NOTARY PUBLIC: James H. Ford

**OWNER'S CERTIFICATE**

I, JEAN G. FORD, THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADMIT THIS PLAT 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: 2/28/10  
 JEAN G. FORD

**NOTARY'S CERTIFICATE**

STATE OF Tennessee, COUNTY OF Madison  
 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 28 DAY OF February, 1975.  
 MY COMMISSION EXPIRES 2/14/80 NOTARY PUBLIC: James H. Ford

**MORTGAGEE'S CERTIFICATE**

I, THE UNDERSIGNED, HELEN GOLTMAN, MORTGAGEE OF THE PROPERTY SHOWN HEREON, HEREBY ADMIT THIS PLAT 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: 2/28/10

**NOTARY'S CERTIFICATE**

STATE OF Tennessee, COUNTY OF Madison  
 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 February, 1975.  
 MY COMMISSION EXPIRES June 30, 1976 NOTARY PUBLIC: James H. Ford

**HEALTH DEPARTMENT CERTIFICATE**

APPROVED BY THE HEALTH AND WELFARE DEPARTMENT.  
 BY: James H. Ford DATE: 27-June-1975  
 DIRECTOR

**APPROVAL CERTIFICATE**

APPROVED BY THE GERMANTOWN PLANNING COMMISSION.  
 BY: James H. Ford DATE: 3/4/75  
 CHAIRMAN

**APPROVED BY THE CITY OF GERMANTOWN.**

BY: James H. Ford DATE: 5/30/75  
 MAYOR

**ENGINEER'S CERTIFICATE**

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.

BY: Ronald J. Schmidt  
 RONALD J. SCHMIDT  
 P.L. 1174, DIST. 39/10

**SHOPPING CENTER CONDITIONS**  
 ALL REGULATIONS OF THE GERMANTOWN 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. SEWER STATIONS AND WELLS TO BE PROHIBITED.
5. THE PROPERTY SHALL AUTOMATICALLY BE TAKEN OUT OF THE "SC-1" SHOPPING CENTER DISTRICT CLASSIFICATION AND REVERT TO THE "SINGLE-FAMILY" DISTRICT, IF, WITHIN FIVE (5) YEARS FROM THE DATE OF THE FINAL ADJUSTMENT TO THE FINANCE (MAY 27, 1975), THE OWNER OF SAID PROPERTY HAS NOT OBTAINED APPROVAL OF A FINAL DEVELOPMENT PLAN FROM THE TOWN'S MUNICIPAL AUTHORITIES AND CONSTRUCTION A SHOPPING CENTER UPON THE PREMISES IN ACCORDANCE WITH SAID FINAL PLAN.

K 49541  
 Plat Book 62 Page 20  
 STATE TAX  
 REG. FEE 100  
 REC. FEE  
 JUN 17 4 23 PM '75  
 STATE OF TENNESSEE  
 COUNTY OF MADISON  
 James H. Ford

**GENERAL PLAN**  
 SC-1 SHOPPING CENTER DISTRICT  
 GERMANTOWN, TENNESSEE  
 DEVELOPER:  
 PEGGY G. STERNBERGER & JEAN G. FORD  
 ZONED R 15.26 ACRES

**WSP** WM. S. POLLARD CONSULTANTS, INC.  
 60 NORTH THIRD STREET  
 MEMPHIS, TENNESSEE

DRAWN BY	CHECKED	DATE	SCALE	JOB NO.	FLD. BK.	SHEET
Q.C.C.		3/26/75	1"=100'	M-141		1 of 1



ACCESS INTO GERMANTOWN VILLAGE MALL  
 IS BY SEPERATE 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'	109-88	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 SEPERATE 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 SEPERATE PARCELS THAT IS TO SAY, PHASE 1 SHALL BE A SEPERATE PARCEL OWNED BY THE PURCHASER THEREOF AND THE REMAINING PORTION OF THE PROPERTY DESCRIBED IN 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

**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
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- 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: Walter G. ... 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 PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION  
Richard Engstrom, Inc.  
 BY: \_\_\_\_\_ DATE: 11/21/86

**OWNER'S CERTIFICATE**  
 GERMANTOWN HOTEL ASSOCIATES A TENNESSEE JOINT VENTURE THE UNDERSIGNED OWNERS OF PHASE 2 OF THE ABOVE DESCRIBED PROPERTY HEREBY ADOPT THIS PLAT AS ITS PLAN OF DEVELOPMENT AND DEDICATE THE UTILITY AND EASEMENTS AS SHOWN ON SAID PLAT 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 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

STATE TAX  
 REGISTER'S FEE \$15.00  
 RECORDING FEE \$15.00  
 Dec 3 11 AM '86  
 STATE OF TENNESSEE  
 CLERK OF COURTS

Plat 88-110 pg 16  
 178705



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:

<b>Proposed Development</b>		
<b>Tenant</b>	<b>GFA</b>	<b>*Net</b>
<b>Kroger</b>	<b>96,750</b>	<b>77,400</b>
<b>Autozone</b>	<b>5,785</b>	<b>4,628</b>
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<b>Special Nail</b>	<b>2,000</b>	<b>1,600</b>
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<b>Akasaka</b>	<b>5,320</b>	<b>4,256</b>
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<b>Total Salon</b>	<b>3,200</b>	<b>2,560</b>
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<b>Total</b>	<b>117,315</b>	<b>93,852</b>

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

Rezoning From: \_\_\_\_\_ To: \_\_\_\_\_  
 Other: FUEL CENTER IN KROGER SHOPPING CENTER  
 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







**6. Germantown Crossing Center Subdivision, Southeast Corner of Germantown Rd. and Farmington Blvd. – Request Preliminary and Final Subdivision Plat Approval**

**INTRODUCTION:**

Owner/Developer/Applicant Name:	<b><i>Kroger Limited Partnership 1 (Al Montesi)</i></b>
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 two 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 Road 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 11 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, if 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. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
2. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.

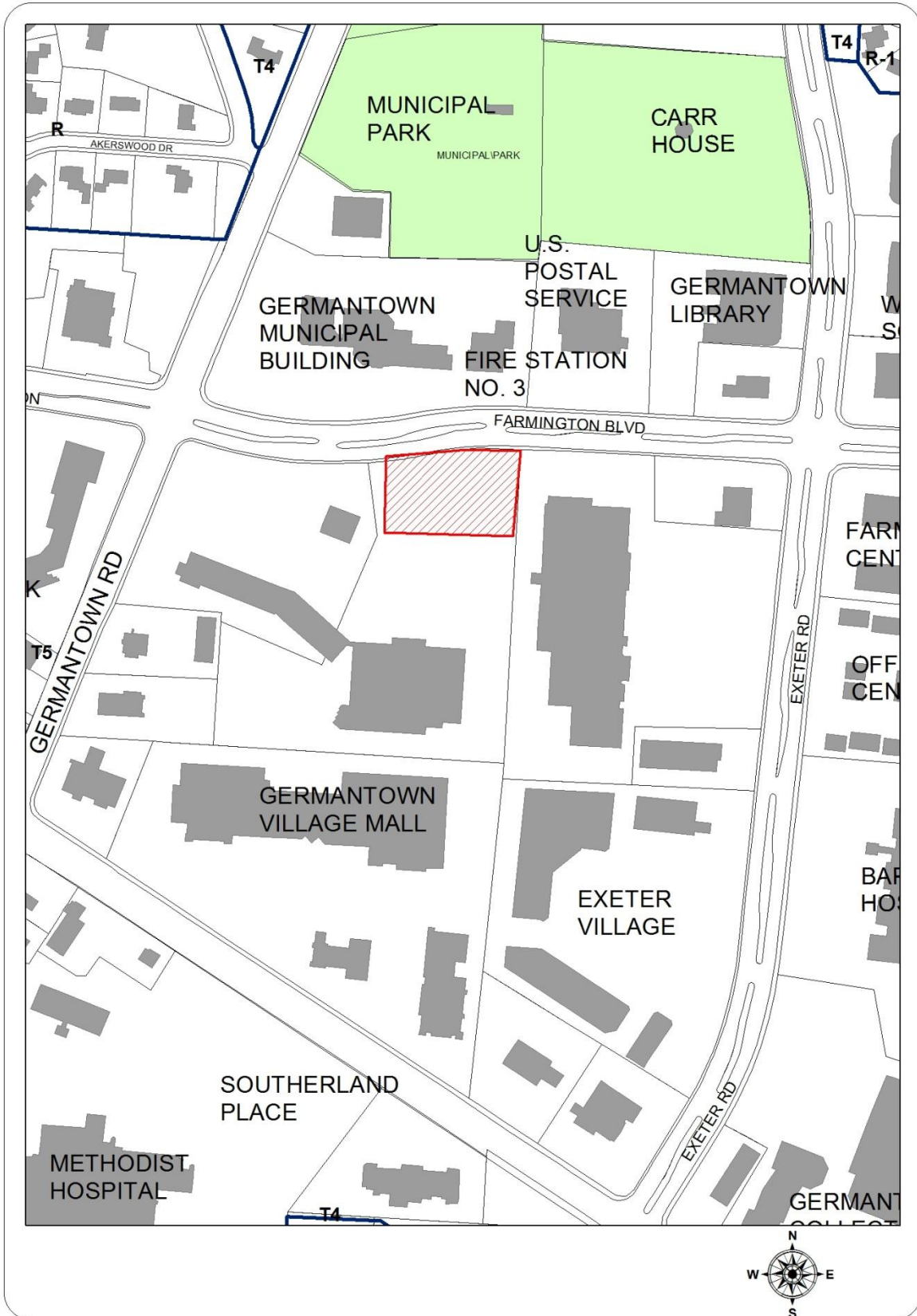
3. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
4. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
5. 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:
  6. I, \_\_\_\_\_, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.
  7. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
  8. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
    - (a) All streets shall be kept clear and free of dirt and debris.
    - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
    - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.
  9. 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.
  10. 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.

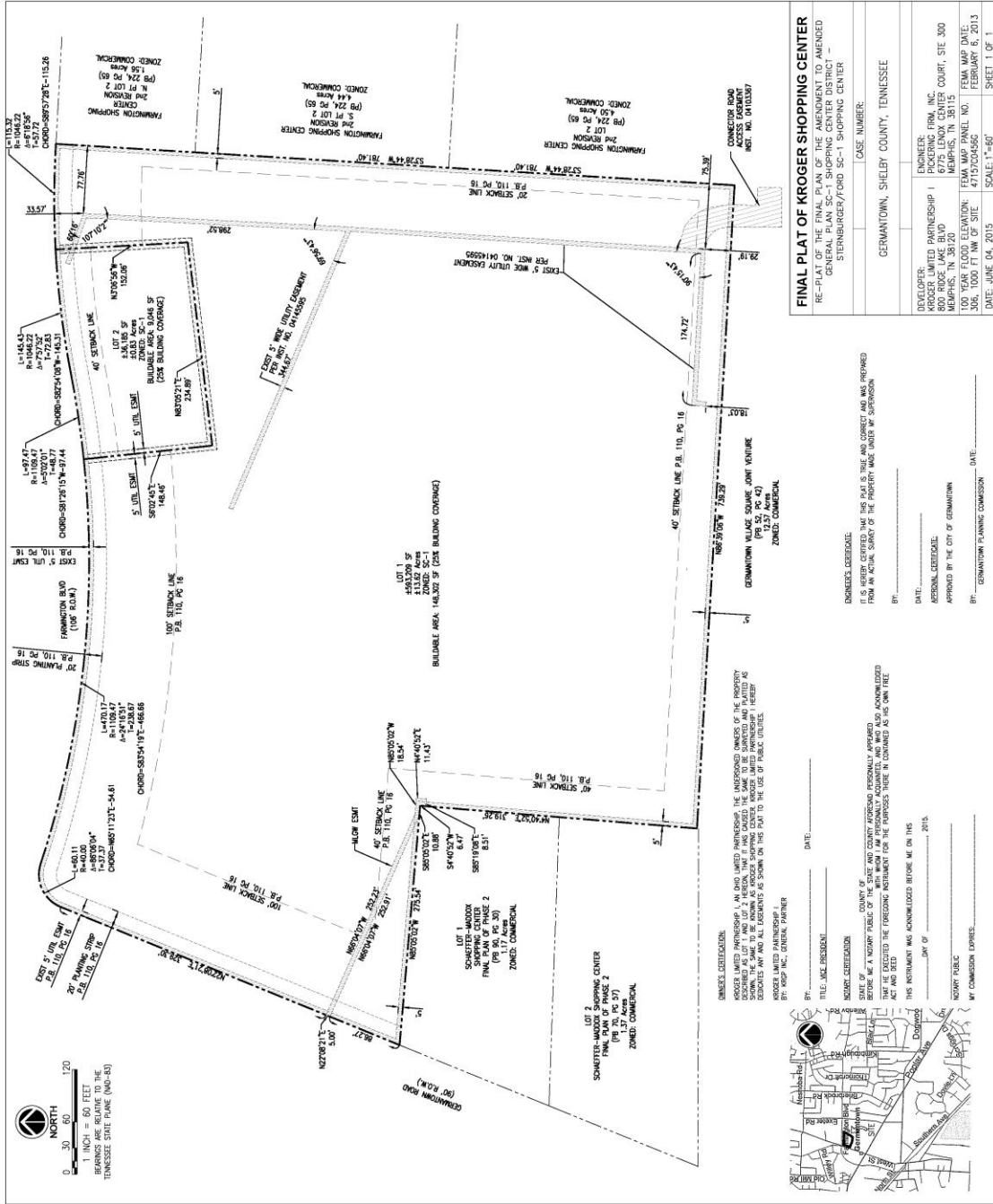
**STAFF RECOMMENDATION:** APPROVAL, SUBJECT TO THE COMMENTS LISTED ABOVE.

**SUBDIVISION AND SITE PLAN SUBCOMMITTEE (DIKE BACON, CHAIRMAN):** The subcommittee met on June 17, 2015, and 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.

This item from Kroger has been withdrawn from tonight's meeting.



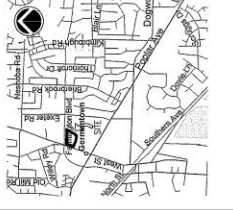


<b>FINAL PLAT OF KROGER SHOPPING CENTER</b>	
RE-PLAT OF THE FINAL PLAN OF THE AMENDMENT TO AMENDED GENERAL PLAN SC-1 SHOPPING CENTER DISTRICT - STENBERGER/POD SC-1 SHOPPING CENTER	
CASE NUMBER:	GERMANTOWN, SHELBY COUNTY, TENNESSEE
DEVELOPER:	KROGER LIMITED PARTNERSHIP I PICKERING FIRM, INC. 1000 SOUTH MAIN STREET MEMPHIS, TN 38120
ENGINEER:	PICKERING FIRM, INC. 1000 SOUTH MAIN STREET MEMPHIS, TN 38120
100 YEAR FLOOD ELEVATION:	FEMA MAP PANEL NO. 7 FEBRUARY 6, 2013
DATE:	JUNE 04, 2015
SCALE:	1"=50'
SHEET 1 OF 1	

ENGINEER'S CERTIFICATE:  
 IT IS HEREBY CERTIFIED THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACCURATE SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.  
 BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DEVELOPER'S CERTIFICATE:  
 I, \_\_\_\_\_, OWNER OF THE PROPERTY, DO HEREBY ACKNOWLEDGE AND AGREE TO THE TERMS AND CONDITIONS OF THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AS MY OWN FREE ACT AND DEED.  
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.  
 BY: \_\_\_\_\_, OWNER OF THE PROPERTY.  
 BY: \_\_\_\_\_, OWNER OF THE PROPERTY.

OWNER'S CERTIFICATION:  
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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**

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**City of Germantown Requirements for Shopping Centers**

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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  all that apply):  Sketch Plan;  Preliminary Site Plan;  Final Site Plan  
 Preliminary Plat;  Final Plat  
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 Submittal Date: MAY 8, 2015

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No. of Acres: 14.45  
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**OWNER/DEVELOPER INFORMATION**

Name: AL MONTESI Address: 800 RIDGELAKE BOULEVARD, MEMPHIS TN, 38120  
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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



**7. Kroger Fuel Center at Germantown Crossing Center, Southeast Corner of Germantown Rd. and Farmington Blvd. – Request Preliminary and Final Site Plan Approval**

**INTRODUCTION:**

Owner/Developer/Applicant Name:	<b><i>Kroger Limited Partnership 1 (Al Montesi)</i></b>
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 sq. ft.	Additional 240 sq. ft. kiosk
NUMBER OF PARKING SPACES	Current - 516	Proposed - 488
PERVIOUS AREA	Current – 30%	Proposed – 26.4%

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, if 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**

11. 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.
12. 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.
13. 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.
14. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
15. 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.



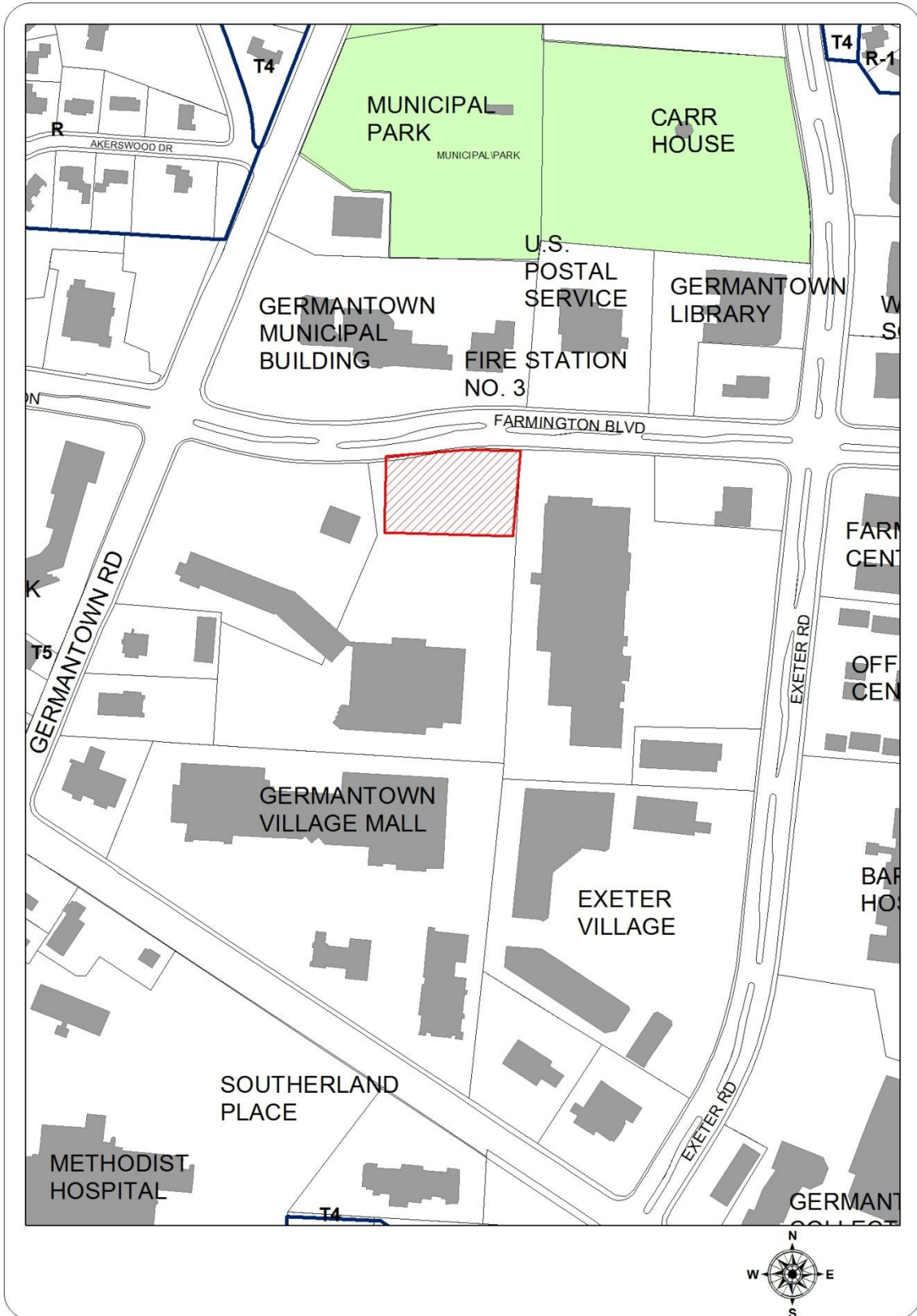
16. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:
17. I, \_\_\_\_\_, a duly licensed professional engineer in the State of Tennessee, hereby certify 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.
18. 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.
19. 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.
20. 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.
21. 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 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.

This item from Kroger has been withdrawn from tonight's meeting.







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:

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



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

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

Rezoning From: \_\_\_\_\_ To: \_\_\_\_\_  
 Other: FUEL CENTER IN KROGER SHOPPING CENTER  
 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 <u>or</u> 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 <u>or</u> 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 6:40 p.m.