

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, December 8, 2015**

1. The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on December 8, 2015. Regular meetings of the Planning Commission are broadcast and recorded electronically. Minutes reflect a summary of the proceedings and actions taken.

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 called the meeting to order at 6:05 p.m. requesting the roll call.

2. Ms. Pam Rush called the roll of the Commission and established a quorum.

**Commissioners Present:** Mike Harless, Susan Burrow, Alderman Forrest Owens, Dike Bacon, George Hernandez, David Clark, and Mayor Mike Palazzolo

**Commissioners Absent:** Rick Bennett, and Hale Barclay

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

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

Ms. Burrow moved to approve the Planning Commission minutes of November 3, 2015, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

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

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**4. Consent Agenda:**

There were no consent items.

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**5. Riverdale Elementary School, 7391 Neshoba Rd. – Request Preliminary and Final Site Plan Approval (case 15-552)**

Mr. Ross made a presentation of the application to the Planning Commission.

**INTRODUCTION:**

Owner/Developer/Applicant Name: Germantown Municipal School District

Representative Name: David Smith, PE, w/A2H – Engineer

Location: Southeast Corner of Germantown Rd. and Farmington Blvd

Zoning District: "R" Low Density Residential Zoning District

\*Refer to the Disclosure Form attached for more information.

**BACKGROUND:** Riverdale Elementary School was constructed by the Shelby County Board of Education in 1969. It was transferred to the Germantown Municipal School District when that entity was created. The Board of Zoning Appeals approved on November 10, 2015, a use on appeal for the addition.

**DISCUSSION:** The proposed expansion of the school consists of a 60,751 sq. ft. building addition on the east side of the existing school building and 135 parking spaces east and south of the proposed building.

|                          |                          |                 |
|--------------------------|--------------------------|-----------------|
| TOTAL SITE AREA          | 15.35 ac.                | No change       |
| BUILDING FLOOR AREA      | Current –132,254 sq. ft. | 152,442 sq. ft. |
| NUMBER OF PARKING SPACES | Current - 136            | Proposed - 136  |
| PERVIOUS AREA            | Current – NA             | Proposed – 60%  |

The Technical Advisory Committee (T.A.C.) met on November 12<sup>th</sup> and made the following comments:

**STAFF COMMENTS:**

**A. PRIOR TO CONSTRUCTION PLAN APPROVAL**

1. The sanitary sewer service line would be better routed to the existing manhole.
2. Provide on drainage structure #1 a separate access structure (control structure) with orifice detail showing 36” RCP to Ex 24” RCP.
3. Need detail of 36” RCP to reduce to Ex 24” RCP.
4. Are there reductions from 36” drainage pipes?
5. Drain structure #2 must be a junction box.
6. Map for waterline locations are incorrect. Verify existing utilities from markings, visible boxes & records.
7. See Utility Plan from 1977 classroom addition for existing water main and sanitary sewer locations.
8. Water mains must be ductile iron.
9. Show sizes of all existing water& sewer lines.
10. On the Utility Plan – Sewer service from existing building – runs to SMH 2 instead of SMH 1.
11. Sanitary Sewers between Manholes must be 8” in size.
12. Route existing 4” sanitary sewer line from 1977 classroom addition directly to new sewer manhole #2.
13. Provide a maintenance plan for the drainage structures, swales and rain gardens.  
 Germantown Municipal School District will be responsible for maintenance.
14. Emergency vehicle access is subject to approval of the Fire Marshal.
15. Provide an access easement or an alternative driveway to the Nesby property driveway.
16. Verify the location of existing utilities from markings, visible boxes and records, and locate them correctly on construction drawings.
17. Explain the text “Road-side swale 2” and “Direct Offsite 1.55 AC” on Grading & Drainage sheet.

**B. 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 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:
7. I, \_\_\_\_\_, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.
8. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
9. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
  - (a) All streets shall be kept clear and free of dirt and debris;
  - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
  - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.
10. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.
11. 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 noted above.

Mr. Bacon asked about traffic issues with school staff parking and parents dropping off children during construction.

Mr. Morgan answered I know the Riverdale school staff does a lot to keep things moving.

David Smith with A2H, Inc., 3009 Davies Plantation Road, Lakeland, TN 38002, stated we have looked at temporary traffic barriers. There will be crossing guards directing traffic from multi directions. There will be a two lane drop off and pick up system so we can have 40 cars at a time in front of the school. We met with the neighbors last Wednesday night and presented the plan concept to them. We discussed scheduling and the concerns that were mention: 1) how long will this take, 2) where will the construction workers park, 3) how will we assure that dirt debris is not track out of to the neighborhoods. We assure them this was items we were incorporating into construction plans.

Chairman Harless stated if in the future Riverdale should continue to grow will the portables come back in there and if so where would they be relocated?

Josh Cathy answered we have capacity issues at Farmington and Dogwood elementary schools, we hope no more portables will be needed during our five year scope. We hope to add an elementary school in the future.

Jim Jacobs stated they need physical barrier between drop off and travel lane for safety of the children.

Mr. Smith answered due to the design of the facility to have fire department needs access in front of the school. That median came to be a raised surface, because the fire truck needs to pull 26 feet for access. The medium area will be a different colored material. During the school drop off and pick up times the school will have that staff with teachers watching over that area.

Mayor Palazzolo asked just for the safety in mind, seem to be a good topic, related to the construction project. Please discuss the Safe Routes to School Grant.

Mr. Ross answered the City did receive a Safe Routes to School Grant to apply to this area. So this does give us an opportunity to manage traffic within a half mile area of going to the school at a safer way for children on bicycles, walking and better manage the traffic in a drop fashion. It also allows the opportunity to education children and their parents that live in the area on the safety that is being created within this program, so more start to walk and bike to school and take away some of the traffic.

Greg Marcom, 1400 Pecan Trees Drive, asked what is the net increase in parking? It does not look like there as much parking in plan as it is now. How does that work when you are expanding the building 60,000 square feet adding additional teachers?

Mr. Smith answered the net increase in parking is zero. We are taking out 136 parking spaces for the propose facility and putting back in 136 parking spaces because that all we can fix for continue operations. The school expansion is to remove the portable buildings. This is not an increase in capacity for the school; it's to get them out of trailers and in one facility.

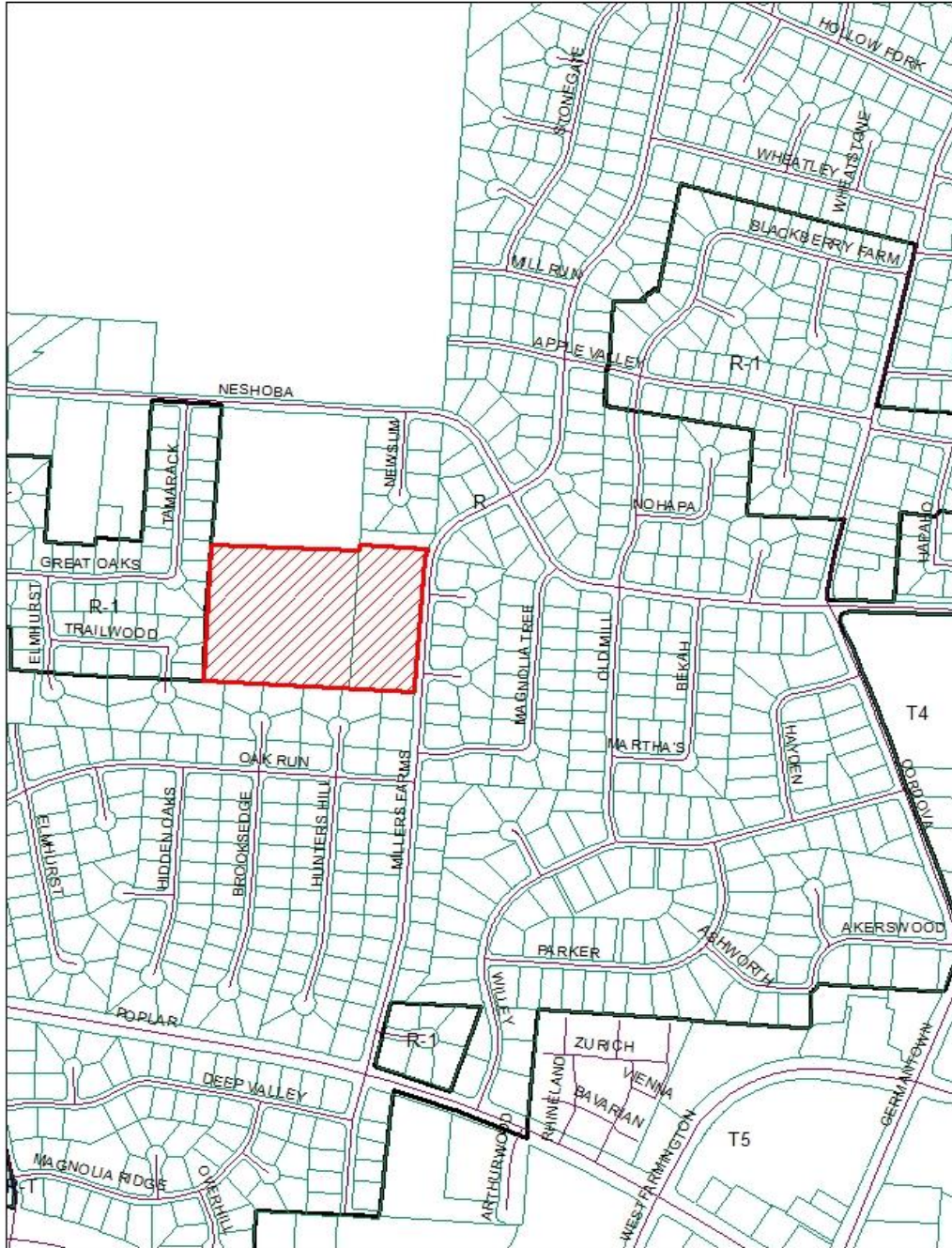
**Subdivision and Site Plan Subcommittee (Dike Bacon):** The subcommittee met on November 24, 2015, and withheld a recommendation.

**PROPOSED MOTION:** To approve the preliminary and final site plan for Riverdale Elementary School, at 7391 Neshoba Road., subject to the plans filed with the application and the staff comments.

Mr. Bacon moved to approve the preliminary and final site plan for Riverdale Elementary School, at 7391 Neshoba Road., subject to the plans filed with the application and the staff comments, seconded by Mayor Palazzolo.

Chairman Harless asked for a roll call.

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



**VICINITY MAP**

**6. TraVure PUD, South side of Poplar Avenue, approximately 750 feet east of Kirby Parkway, Request Approval of Amended Outline Plan (Case #: 15-524)**

Mr. Ross made an extensive presentation of the TraVure application to the Planning Commission.

**INTRODUCTION:**

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

\*Refer to the Disclosure Form attached for more information

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

The eastern 150 feet of the property is within the T4-R district, which allows residential uses and/or parking facilities (either parking structure or surface parking), and requires a 50 foot building setback including a 25 foot landscape screen. The maximum building height is 3 stories. The remainder of the property is within the T-5 district, which requires a minimum 20 foot tall building, and allows five story buildings (six stories with warrant).

The TraVure PUD outline plan was approved by the Planning Commission on July 7, 2015, and by the Board of Mayor and Aldermen on July 27, 2015. The applicant has now submitted an amended outline plan for approval. The Planning Commission, at its meeting on November 3, 2015, voted to take the application under advisement until the December PC meeting.

**DISCUSSION:** The developer has applied for an amended outline plan to incorporate the revisions being made to the location and configuration of the hotel building proposed for Parcel 2 and the associated configuration of the TraVure Drive roundabout and street design. The hotel and TraVure Drive are substantially different from the TraVure outline plan that was approved by the PC and BMA. Under the amended outline plan and proposed phases, the developer will not be requesting certain warrants that would have been required under the previously proposed development.

**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                                     | 220 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 AND REQUIREMENTS**

1. After approval from the Planning Commission, the amended outline plan shall proceed to the Board of Mayor and Aldermen for approval.
2. In the event a traffic signal is located at the intersection of TraVure Drive and Poplar Ave., the following conditions are imposed:
  - A. Building permits for both phases 2 and 3 are required prior to construction of the traffic signal.
  - B. Certificates of Occupancy for both phases 2 and 3, and Certificates of Occupancy for a minimum of 60% of the floor area of phase 3 (office building), are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.

**STAFF RECOMMENDATION:** Approval of the amended of the Outline Plan, subject to staff comments.

**Smart Code Review Committee: (Mike Harless, Chairman):** The committee met on November 24, 2015, and withheld a recommendation. The DRC and EDC have submitted letters of support for the development.

Alderman Owens stated we talked about increasing the right in and right out lane on the eastern drive in the subcommittee meeting. He asked if we were approving the roundabout tonight and the water feature in Phase 4?

Mr. Bacon asked Mr. Ross to go back and read the traffic signal issue that relates to the outline plan.

Mr. Ross stated the outline plan is not associated to the traffic signal. It was previously associated to Phase 1. Yes they will be approved as preliminary. The stormwater will be handled underground with the storage tanks.

Brenda Solomito Basar discussed the traffic signal is included in Phase 3, unless it is determined by the City Engineer that earlier operation is warranted. She showed a video of the TraVure PUD.

Mr. Gwaltney answered the current conditional approval is from the Phase 3 staff report section B conditions: (A) Building permits for both phases 2 and 3 are required prior to construction of the traffic signal. (B) Certificates of Occupancy for both phases 2 and 3, and Certificates of Occupancy for a minimum of 60% of the floor area of phase 3 (office building) are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an early time.

Chairman Harless asked if anyone wanted to speak in opposition. The following people spoke in opposition to the development:

1. Gene Henson, 1927 Chatsworth Drive –
  - Representing Nottoway as the HOA president.
  - They are against Smart Growth rezoning T4-R, need more solid wall, 25 feet driveway, garage additional screening, roof top lighting, and south side 5 foot wall, lighting from south side.
2. Hunter Humphries, from Glanker, Brown Law Firm –
  - Parking garage not visible 23-779 and 23-796.
  - Lighting would be visible from houses on south side.



- The Nottoway home owners need time to review the new plans that we just got for the first time this afternoon.
3. Robert Fogelman, 7744 White Station Road –
    - Stand opposed to some of the Western Gateway Plan of 58 acres.
    - We are ready and willing to work together, the traffic study took two weeks to do, as a RFP was recently issued City of Germantown for a Western Gateway on a traffic analysis, and need a 26 foot driveway.
  4. Catherine Conn, 1885 Hazelton Drive –
    - Was concern about the landscaping and screening.
  5. Dr. Lillian Landrigan, 1635 Holly Hill Drive –
    - On page 62 in the Western Gateway Plan it states there has to be an access road off of Kirby Parkway Road, that is the only way to make this area safe.
    - People are going to die at the intersection. They will be our residents.
  6. Peter Felsenthal, 1901 Hazelton Drive -
    - We are worried about the visibility and design on south side of garage. Safety and lighting are concerns.
  7. Gary Smith, 1770 Great Oaks Cove -
    - President of Poplar Estates HOA.
    - We have some traffic study and light issues.
    - The red light needs to be put at the Forum.
  8. Mr. Martin Lipinski, 774 Stonewall Circle –
    - He questioned the amendment on traffic signal.
    - The traffic study that Fisher & Arnold did was a good study.
    - As development proceeds you can actually count the traffic generated from that development.
  9. Greg Marcom, 1400 Pecan Trees Drive –
    - There are too many cars traveling on Great Oaks Road (1540 cars).
    - If the drive was moved some, it would eliminate much of the cut through traffic.

Brenda Solomito Basar, - speaking for the applicants

- We are 100% in compliance with the Smart Code and with no warrants.

Barry Ward, 200 Jefferson Avenue, Suite 1250, Memphis, TN, with Ballin, Ballin, and Fishman, P.C.,

- Stated once the Smart Code has been met “it is your duty to issue the approval and the permit”.
- Noted that the developer put 650 foot wall that was not required by any code.

Michael Rogers at Fisher & Arnold

- Addressed maturity of landscape; noted it will reach maturity in 10 years.

Mayor Palazzolo asked for the reason for the access road being open 24/7? Some of the commissioners express concern about the median or the device created for right in or out being painted on or raised. I think it could be raised.

Brown Gill with Gill Properties 8130 Macon Station, Suite 114, answered the drive is in full compliance with T4-R zoning. We needed for full access on and off the property for the hotel guests. I don't think the drive will be used often.

Mr. Bacon asked is lighting on east side sufficient and also could you address the wall?

Ms. Burrow addressed the lighting on south side.

Mr. Ross answered views are taking from the ground using a 6 foot tall person, it will be 5' and 6' for the parking garage wall heights and there will be 8 feet tall masonry wall.

Mr. Clark asked who will maintain the wall?

Mr. Ross answered TraVure.

Mr. Clark asked why 5' and 6' for the parking garage wall heights.

Mr. Hernandez asked what is thickness of the wall at the Whole Foods development and does the outline plan locate the signal at TraVure?

Mr. Ross answered thickness is the same, less than 2 inches, it is a similar product. No on signal.

Mr. Ross stated we will be adding this in the staff comments and not in the motion itself. In the event it is determined by the City Engineer that operations of the traffic signal is warranted at an earlier time.

Mayor Palazzolo noted I would like to thank all the residents of Germantown for coming to speak out. We have always done a good job of protecting our residential properties.

**PROPOSED MOTION:** To approve the TraVure PUD amended outline plan, subject to the plans filed with the application and the staff comments.

Ms. Burrow moved to approve the TraVure PUD amended outline plan, subject to the plans filed with the application and the staff comments, seconded by Mayor Palazzolo.

Chairman Harless asked for a roll call.

**Roll Call:** Barclay – absent; Burrow – yes; Hernandez – yes; Bacon – yes; Harless – yes; Owens – no; Clark – yes; Bennett – absent; Palazzolo-no. **The motion was passed.**

Mr. Ross stated we will be adding this in the staff comments and not in the motion itself. In the event it is determined by the City Engineer that operations of the traffic signal is warranted at an earlier time.

Mr. Bacon voted yes; it has been a long process and it is always good to have representation in the community, certainly from the neighborhoods. We tried to do the best job we can with the information we are given. I would like to take an opportunity to at least with this application to recognize the developer's current condition of zero warrant development. We started with 12 warrants, which were kind of frightening, but they made it work with the staff by eliminating the warrants.

Ms. Burrow voted yes; I thank Mr. Gill has done everything, but jump over the fence to try and help and please everybody. I applaud you for that. You have listened to Nottoway and have made a compromise. I think this will be a good development for the City.

Mr. Clark voted yes; I thank Mr. Gill for his work. It was two years ago when we developed the Western Gateway Plan, it was stated that someone had to start this thing somewhere. I know it didn't fit in well with the Fogelman property as its current status. But that's what we planned for and sometime driveways don't lineup like they should, we have to work toward that end. We started with 12 warrants, and we have none.

Mr. Hernandez voted yes; I really commend the developer, residents and all interested parties.

Alderman Owens voted no; I want to applaud the developers for bringing this to zero warrants. We want this development in this location. We have always done a good job of protecting our residential properties. I think we are so close, but I do feel like we set a precedent with that wall that we approved between Whole Foods and the residents, I'm thrown by this 2 inch status. I would love to see some increase in landscaping to help protect those residents and like to see those hours restricted in terms of the operation of the drive.

Chairman Harless voted yes; the reason is I think the process has worked, with two years of give and take negotiations. I would also like to commend the developer of the hotel; they have made changes to the landscaping and putting green space in the back. I think the Nottoway residents have done a great job in communicating with us. The system does work.

Mayor Palazzolo voted no; I think sometimes at times we look at the warrants. They are not variances or exceptions. Case in point, we talked about the warrant that is necessary to have a traffic light, so when it develops there is a need. Going from a certain number of warrants to zero, which may be minimum it does not necessarily mean that warrants were needed at one time based on the outline plan. We talked about the Gateway. I still have a lot of faith in the 58-60 acres. We look forward to a good plan and when we talk about Smart Growth I think about things like you live, work, play, and shop there. Our major contention with the project is because of that I don't feel that the access road is needed 24/7. Our Fire Marshall has also said it could be restricted based on a fire gate.



CITY OF  
GERMANTOWN  
TENNESSEE

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October 30, 2015

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

RE: TraVure PUD – Phase 1, 2, 3 & 4  
Germantown, TN

Per your request, the review of the landscaping selection and placement, the material selections for the finishes for the exterior of the buildings to be constructed and along with the lighting for the proposed site located on Poplar Ave., east of Kirby Parkway, has been completed by the Design Review Commission members of the Planning Commission Smart Growth Subcommittee.

The landscaping was reviewed based on landscaping materials to be used both around the perimeter of the project per the designated plates and landscaping materials to be used around the hotel portion of the project. Based on the materials shown in the plates to be used along the perimeter of the project that separates it from the adjoining properties, we found the types of planting, both trees and understory to be satisfactory and meet the landscaping requirements of DRC manual and ordinances. However, the members would like to suggest that the magnolia tree that is used in the plate, "A", that is along the eastern property line be increased in initial size to greater than 12 feet. Further based on the materials and sizes to be planted along the eastern property line, the initial heights of the plantings will provide a natural barrier between the homes and new project. As the planting matures over the next 3 to 5 years, the height will be at a point that most, if not all of the project structures will not be seen from the homes to the east. It is our further recommendation that the planting of the plates along the property boundaries be planted during Phase I of the project so that they will have additional time to grow prior to the final completion of the hotel, office and parking garage structures.

The masonry wall that runs along the eastern property line was also reviewed. It should be pointed out that the DRC members are not to provide design nor engineering for any of the project structures or landscaping, so our only objective is to review the wall as to material used and their finishes. However, since this is our first exposure to a wall of this type of construction and height, it is our recommendation that during the construction drawing review by the City of Germantown that the components of the wall be shown to be of a design that is sustainable for the life of the project. As for the materials used, the brick is acceptable for the east face of the wall. However, it is the opinion of the members that the brick is not a finish surface on the west face. Therefore, it is our recommendation that the west face of the brick be covered with a finish acceptable to the City or that the brick be used with same finish on both faces.

The vine that is proposed to grow on the wire mesh that is placed on the east elevation of the parking garage is a plant that is suitable and sustainable for this proposed use. The growth is rapid for this particular plant and will provide suitable coverage over the mesh once full growth has been obtained. This will aid in the softening of the structure's eastern elevation.

Also, it is required by the DRC manual that all landscaping be provided with adequate irrigation system. This was not shown on the plans, but should be reviewed during final construction drawing phase and provided as required.

Based on the material presented by the applicant for the hotel structure, all material were found to be acceptable in sustainability, color, and texture for use on the exterior of the proposed building. The proposed materials for the exterior of the building work within the normal criteria reviewed by the Design Review Commission for commercial buildings outside the Smart Growth review. The only material not shown was that to be used at the "beacon"

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located on the top of the structure. Based on a picture of a beacon of similar nature that was used on another hotel by the same national chain, the beacon appears to be acceptable. It is our recommendation that this beacon be allowed only if it does not have any signage to be placed on or near it in the future and that the translucent material be of a density that will not allow the view of any light fixture or lamp from the exterior view of the structure.

Based on the materials presented by the applicant for the office building, all materials were found to be acceptable in sustainability, color, and texture for use on the exterior of the proposed buildings, except proposed brick was not included in with the samples. The proposed materials for the exterior of the buildings work within the normal criteria reviewed by the Design Review Commission for commercial buildings outside the Smart Growth review. The placement, continuity and coordination of the proposed materials could not be reviewed fully for the office since the placement information on the provided building elevations did not have all the proposed products labeled as per the labels on the sample products. However, the Subcommittee members would suggest that the building again be reviewed during the construction review process to make sure that all items have remained the same in regard to materials to be used on the exterior of the building.

No materials were presented by the applicant for the parking garage. Therefore, the parking garage could not be reviewed for materials to be used. The placement, continuity and coordination of any proposed materials could not be reviewed for the parking garage until such time as detail elevation drawings are submitted for review by the applicant showing location of use of products proposed along with samples of the proposed materials. However, the parking garage was reviewed as to the proposed design in regard to visibility of vehicles and lighting within the structure. Particular attention has been given to the height of the walls around the perimeter of the structure in regard to limiting the direct sightline of the vehicles and light fixtures within the structure. The lower walls are of a height from the parking deck that all sightline of vehicles would be minimized, if not totally hidden. The wall at the upper portion of the parking deck, along with the opening between the lower and upper walls have been designed to prevent line of sight to the interior light fixtures. Further, the design has a four (4) foot wide wire mesh trellis placed at ten (10) on centers along the east elevation. This trellis would also add to the limiting of the view of vehicles and lighting from the exterior view once the trellis plants have fully matured and covers the trellises. Further the planting on the trellis will soften the structure and make it blend into the vertical landscaping as viewed from the eastern property line.

Review of light fixtures to be used on the proposed site and structures was included in our review and based on the proposed lighting photometric plan, the lighting levels are within the guidelines around the site and the fixtures are acceptable. The DRC requirement that lighting level be at zero (0) foot-candles at the property line has been achieved. Further, based on the photometric plan, the lighting levels at the completion of the parking garage would be less than one (1) foot-candle at the openings in the walls. Again, as the planting matures and fully covers the trellises, the lighting levels would further decrease due to the coverage of the openings by the trellises. The light fixtures located on the top level of the parking garage are shown to have lighting shields that would prevent the view of the light fixture lens from the rear and side views. However, it is the recommendation of the members that the applicant work to provide a system that would have the lighting fixtures be turned off on the upper deck when the deck is not needed for parking during the night time hours. This again would help in limiting the light visible from the upper deck. The lighting levels within the parking lot of the hotel also fall within the recommended levels of foot-candles and are acceptable.

Review of the retail/office building was not part of this review by the members and will need to be submitted and reviewed at a later date.

Further, final approval granted by the Planning Commission should be subject to the final construction drawings of each building, along with the photometric plans and light fixture data sheets, and the landscaping plans for both the site and all buildings be of same materials and design as presented for this review. This information will also be required for inspection by the City of Germantown Office of Code Enforcement to determine that products have been used in manner as approved by the Planning Commission.

Also, all signage needs to be presented for review under separate application and should not be approved under the approval granted at this time.

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The landscaping planting, building materials, and lighting fixtures as presented by the applicant and reviewed by the member meet the commercial requirements under the Design Review Commission standards and therefore approval is recommend to the Planning Commission.

On behalf of the members,

By:   
Keith B. Saunders, LEED AP BD+C  
Chairman, Design Review Commission

DRC Review Subcommittee Members: Keith B. Saunders  
Steve Landwehr  
Paul Bruns

cc: Cameron Ross – Director of Economic and Community Development  
Wade Morgan – Chief Planner



Morgan, Wade <wmorgan@germantown-tn.gov>

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**Travure Project**  
1 message

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Jerry Klein <jerry@kossmankleinco.com>  
To: "Morgan, Wade" <wmorgan@germantown-tn.gov>

Sun, Nov 1, 2015 at 4:20 PM

Good morning Wade:

With reference to the Travure project, the EDC representatives are certainly in favor of it. It appears that the developer and his associates have worked closely with the City officials in seeing that all the Smart Growth rules and regulations are adhered too. However, we do feel that the lighting both in and on the parking structure must be addressed aggressively, again, to satisfy the requests of the neighbors that are being adversely effected. This item should be addressed and satisfied before the project moves forward.

**Jerry Klein**

(901) 335-9980 Mobile  
(901) 754-3190 Home  
jerry@kossmankleinco.com

P. O. Box 38624  
Germantown, TN 38183-0624

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Jerry Klein.vcf  
4K

## Nottoway neighbors unhappy with Germantown's rezoning plans for Kirby Farms

By Jennifer Pignatelli

Posted: Feb. 25, 2015

A long-term plan to revamp the western end of Germantown has residents in the Nottoway subdivision upset over the potential for five-story buildings behind their homes.

Several dozen residents came to Monday's Board of Mayor and Aldermen meeting to contest the western gateway plan. The meeting included a public hearing on the rezoning plan.

Nottoway Homeowners Association board president Greg Fletcher called the changes "radical" and said many of the residents moved into the area because of the limitations on what could be built on adjacent property.

"This is a change that is inconsistent with Germantown's historically residential character," Fletcher said.

The western gateway plan includes the rezoning of 43 acres of mixed-use property from Poplar and Poplar Pike between the eastern boundary of 6755 Poplar and the western limits of the city. That area includes 10 unused acres known as Kirby Farms, which runs along the Nottoway neighborhood.

The zoning change for Kirby Farms would permit a five-story building, or a six-story building with a warrant, at a minimum of 150 feet from the edge of the neighborhood. Buildings up to three stories tall could be built as close as 50 feet from the property line. Other areas of the western gateway could see eight-story buildings.

Aldermen Rocky Janda, Forrest Owens and Palazzolo voted to move the issue to a third and final reading. Alderman John Deinson was absent and Greg Marcom abstained due to a business conflict.

Owens said he understands the concerns of the neighbors but sees positives in the rezoning plan.

"We're a suburban area that is trying to remain sustainable," Owens said. "We don't have a lot of large commercial centers. I believe strongly we have to increase the density in our commercial centers to remain sustainable."

He said he hoped for further discussions between the Kirby Farms developer and the neighbors before the final vote, set for March 10.



In his presentation of the plan, economic and community development director Cameron Ross called the project "responsible development." The aim, he said, is to create a corridor of walkable commercial and residential areas conducive to a changing population.

"This is a phased, incremental approach, and we have to take the long view on this," Ross said. There are no submitted plans for construction as of yet, he said, but developer Ray Gill owns the Kirby Farms land and has been a part of the creation of the plan. Other property stakeholders, including the Bank of Bartlett and the Carrefour at Kirby Woods shopping center, have been part of the discussion and contributed funds to involve the public through planning meetings over the last year.

Chief planner Wade Morgan showed the aldermen drawings of what kinds of buildings could go at certain intersections. They included multigenerational housing units, office spaces and storefronts, all with sidewalks accessible for people with disabilities.

Resident Walter Taylor expressed concern about housing values in the area declining with the additional commercial property nearby. "We need to protect our homeowners," he said.

Ross said the opposite is true when the development is done right.

"In other markets, when you have walkable amenities similar to what's being proposed, property values have been shown to increase," he said.

Tax dollars for the city would also increase. Ross said the city has examined a few potential development scenarios, including hotels, residences and shopping centers, and estimated the increase in tax dollars to be anywhere from \$300,000 to \$2 million a year.

Alderman Mike Palazzolo said the plan was a chance to "diversify our tax base."

"It relieves the pressure we have on our residential community," he said. "We don't want to have to look at revenue increases strictly by property taxes."

**KIRBY PARKWAY PROFESSIONAL CONDOMINIUM ASSOCIATION**

1900 KIRBY PARKWAY, GERMANTOWN, TN 38138

November 24, 2015

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

Dear Mr. Ross:

We are the owners of the medical office condominiums located along Kirby Parkway, and we make up the Kirby Parkway Professional Condominium Association. The land encompassed by the Condominium Association is bordered by Kirby Parkway on the west, the Bank of Bartlett parcel on the north, the Westminster apartments on the East, and the railroad tracks on the south. This Association has been in existence, as have some of the medical practices, since the mid-1970s. The majestic trees that line the property along Kirby Parkway were planted by the grandfather of one of our current members and are a testament to the length of time spent in this location.

We have been watching with interest the consideration of the TraVure Development, and now the new Fogelman proposal which suggests an alternative location for the traffic signal on Poplar. While we do not directly own the TraVure property, this new plan submitted by Mr. Fogelman suggests two connections to Kirby Parkway which would [theoretically] cross the property owned by the Association. This has raised considerable concerns among our membership, as our property is ill-suited for traffic which would be generated by the combination of the Gill and Fogelman projects, or either of them individually, for that matter.

The only legal access currently available from the Fogelman property across the Association's property to Kirby Parkway is between the two office buildings via a somewhat serpentine 20' easement granted in December, 1974. The drive that runs along that easement, and that passes between the buildings, is owned and

maintained by our Association, and was never contemplated as a commercial thru street. The easement is not sufficiently wide to accommodate commercial access and the increased traffic would present a considerable burden on the Association. That same traffic would have a significant impact on our medical practices, and would represent a very real safety hazard for patients coming and going from the 12 offices which occupy these two buildings.

The medical practices which make up our association are unique, as is any medical practice, built on relationships often fashioned over a period of years. Those relationships are built on trust and familiarity, and our location is an integral part of our appeal. We and our patients are invested in this location and our intent is to maintain our practices here for the foreseeable future. The Fogelman proposal now being reviewed by the Commission is of great concern because it appears to presume connections through property owned and maintained by the Association and about which there have been no discussions. To see those proposed connections represented in aerial images and engineering drawings without so much as a conversation is disquieting to us, to say the least, but it also raises questions for our patients.

We recognize that the City's Western Gateway Plan incorporates an area that includes the land owned by the Kirby Parkway Professional Condominium Association. Neither the TraVure development proposal, nor the Fogelman alternative now before you, directly involve our property. However, we feel it is incumbent upon the City to consider the merits of each proposal, to construe them in the manner most beneficial to the City, but also to protect owners of adjacent parcels and members of the Germantown community, as we have been for over 40 years.

In reading the letter submitted to the City by Mr. Fogelman, dated 11/20/15, we note he points to a provision in the Western Gateway Plan that requires that a signal not be installed along the former Kirby Farms Poplar Avenue frontage unless and until the adjacent property owners [effectively] grant access to Kirby Parkway. Mr. Fogelman directs the reader's attention to page sixty-two (62) of the approved and adopted Western Gateway Plan which he quotes as follows:

*"[permitting the signal] should be contingent upon the construction of the new internal street on the Kirby Farm site, as well as agreements from adjacent property owners that allow for a future connection to continue an internal street to Kirby Parkway."*

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Mr. Fogelman goes on to say, with emphasis, that as the adjacent property owner to the TraVure project he has NOT AGREED to grant access to Kirby Parkway. We would echo Mr. Fogelman's comment and submit, with equal emphasis, that the Kirby Parkway Professional Condominium Association has also NOT AGREED to grant access across its land to Kirby Parkway.

If either pending proposal is to be considered for approval, we believe strongly that approval should be predicated on traffic solutions provided by way of enhanced connections to Poplar Avenue. This would imply requiring a property located and signalized intersection on Poplar sufficient in capacity to accommodate any incremental traffic to flow to and from the new development(s).

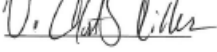
Respectfully submitted,

Board of Directors  
Kirby Parkway Professional Condominium Association

Dr. Lisa Myers



Dr. Art Miller



Dr. Hugo Caballero



Dr. Tony Pagliarulo



Dr. Barbara Duncan-Cody

(see attached)

Dr. William Whitehead

Karen Currey by proxy for William Whitehead

Dr. Lillian Landrigan

Karen Currey by proxy for Lillian Landrigan

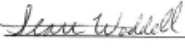
Dr. Thomas A. Currey, Jr.



Dr. Betty Mirro

(see attached)


Dr. Stanley Waddell



Dr. Gerald Jerkins

(see attached)

Robert Thomas



Dr. Gerald Jerkins

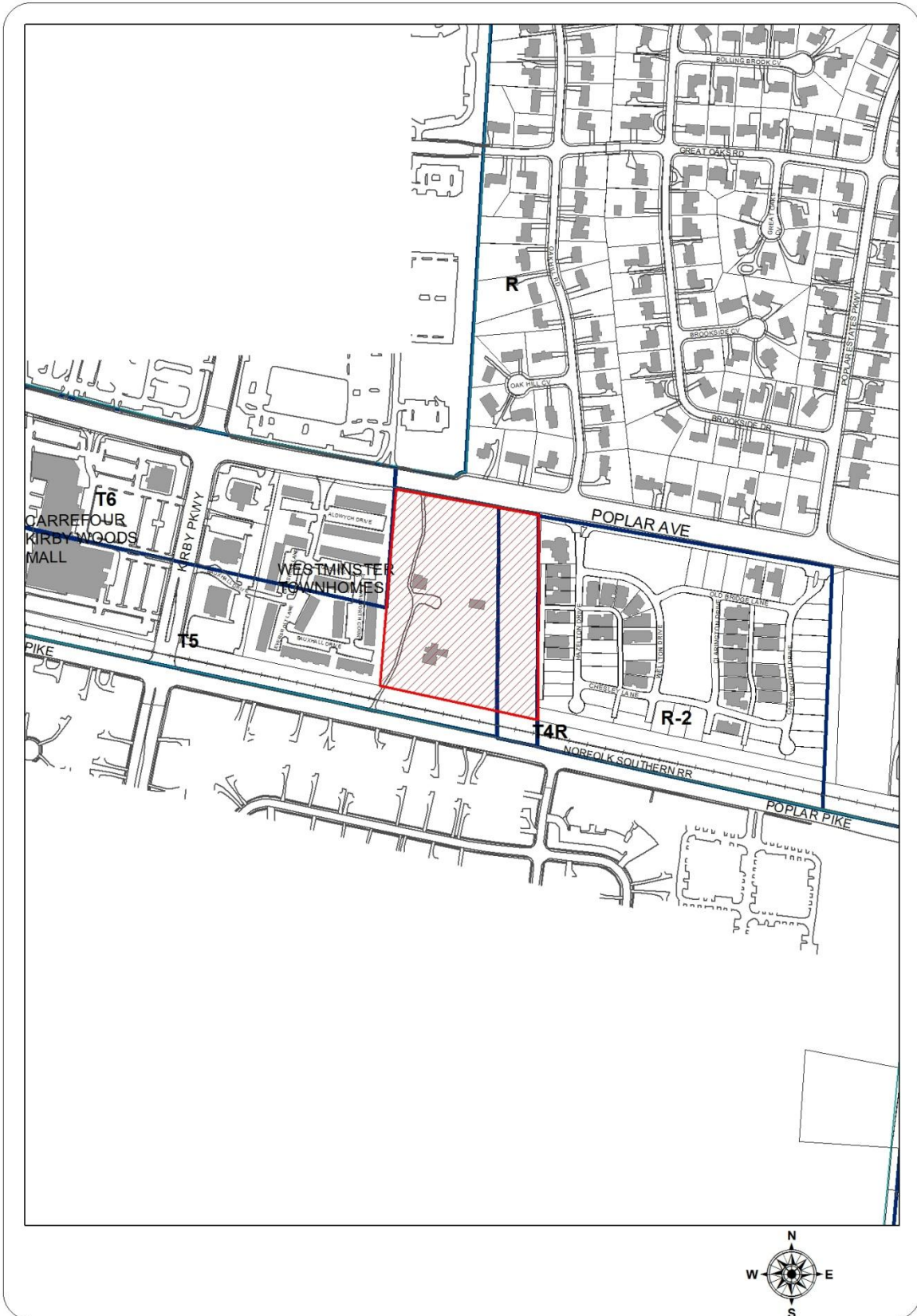


Dr. Barbara Duncan-Cody



Dr. Betty Mirro







FISHER ARNOLD  
ENGINEERING INTEGRATION

October 8, 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  
P.D. Amendment**

Dear Wade:

Pursuant to the changes that have evolved during the site plan process for the planned developments within TraVure P.D. since the Outline Plan for TraVure P.D. was recommended for approval by the Planning Commission on July 7, 2015, and approved by the Board of Mayor & Alderman on July 27, 2015, we hereby make application for an amendment to the TraVure P.D. Outline Plan. The proposed amendment is limited to the conceptual layout, which is being revised to reflect the site plans being submitted for each of the three parcels within TraVure P.D. In addition to site layout revisions, the specific layout of the Reciprocal Ingress/Egress Easement is revised. This amendment does not alter the intent of the Planned Development, which remains completely in accordance with the intent and vision of both the Germantown 2020 vision and the Western Gateway Small Area Plan.

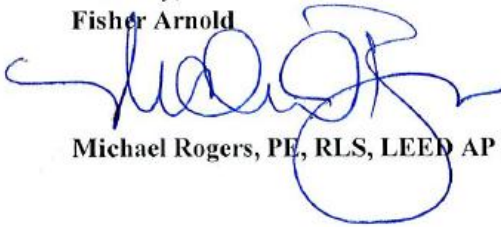
In association with this application, please find this original and nineteen (19) copies of this cover letter, along with twenty (20) copies of the following: the Planning Commission application form (including ownership disclosure form), Planning Commission checklist, one (1) full-sized and nineteen (19) 11"x17" sized copies of the amended Outline Plan (Sheets 1 – 3 of 3). Additionally please find a notification packet consisting of vicinity maps (one with adjacent property owner names within a 300' radius of the development property), a set of mailing labels, as well as a disk with electronic copies of the submitted material and a check made payable to the City of Germantown in the amount of \$300.00 for the application

Mr. Wade Morgan  
October 8, 2015  
Page 2

fee. We have not included copies of the warranty deeds for the two owners, as that remains the same as when we previously filed the Outline Plan.

We look forward to presenting this application before the Planning Commission sub-committee on October 21, 2015, and before the full Planning Commission on November 3, 2015. If staff has any initial comments, questions or need additional information prior to the Planning Commission sub-committee meeting, please let me know.

Sincerely,  
**Fisher Arnold**



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

Attachments

Cc: Mr. Ray Gill, Gill Properties, Inc.  
Mr. Brown 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, Solomito Land Planning













# 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.

## PROPOSED BY THE DEVELOPER

# 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 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 1 of 2)**

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

**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 [Signature]

**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

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

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

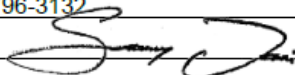
(Check  all that apply):  Sketch Plan;  Preliminary Site Plan;  Final Site Plan  
 Minor Subdivision;  Preliminary Plat;  Final Plat  
 Grading/Tree Removal;  WTF (Wireless Transmission Facility)  
 Rezoning From: \_\_\_\_\_ To: \_\_\_\_\_  
 Other: Outline Plan

**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: Germantown Hotel Group, LLC

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

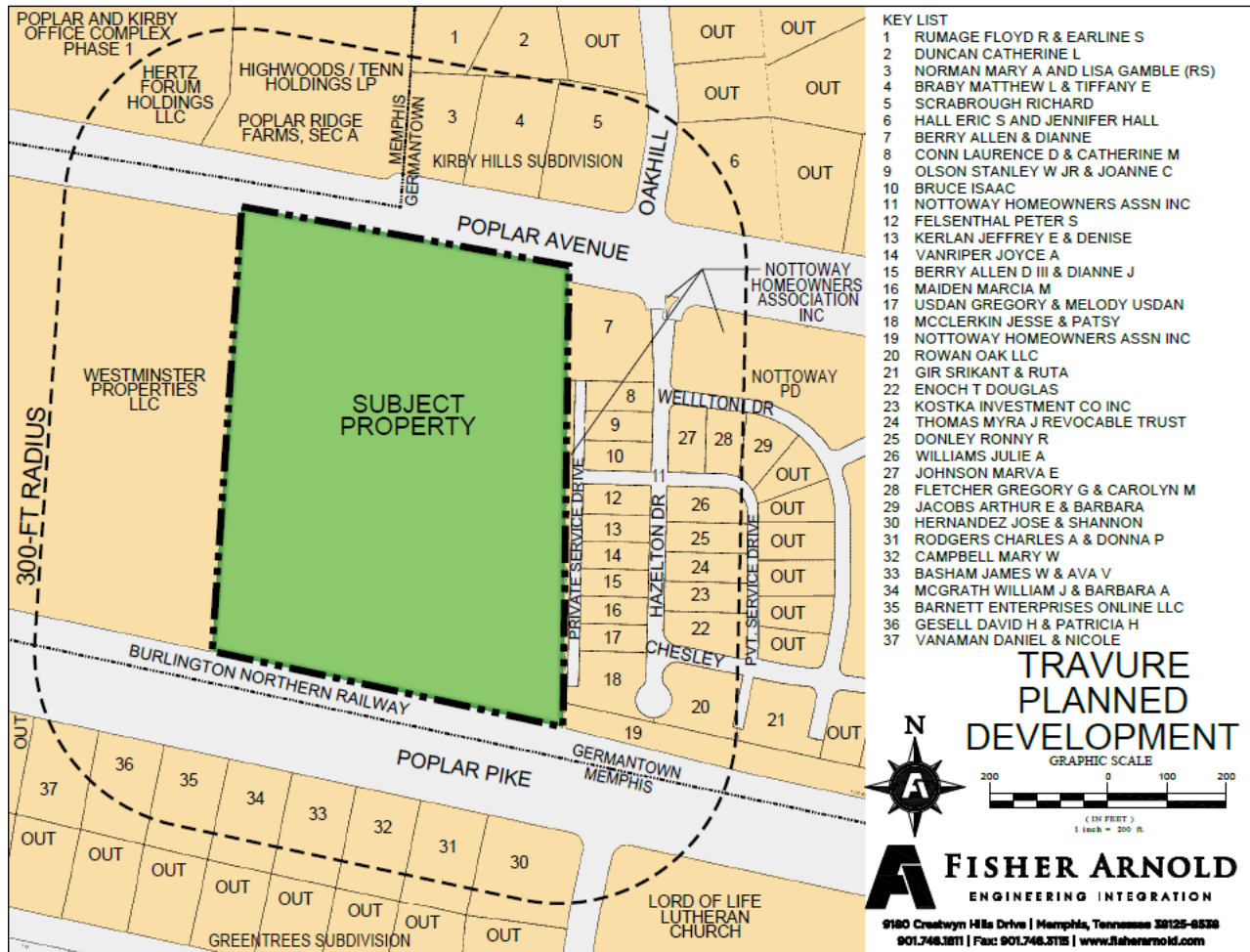
| Name                  | Business or Home Address                          |
|-----------------------|---|
| <u>Sunny Desai</u>    | <u>222 Eastpark Street, Ridgeland, MS 39157</u>   |
| <u>Ramesh Purohit</u> | <u>431 Green Lake East, Hernando, MS 38632</u>    |
| <u>Mohan Patel</u>    | <u>7812 Coley Davis Road, Nashville, TN 37221</u> |
| <u>Amish Purohit</u>  | <u>5505 Iron Gate Drive, Franklin, TN 37069</u>   |

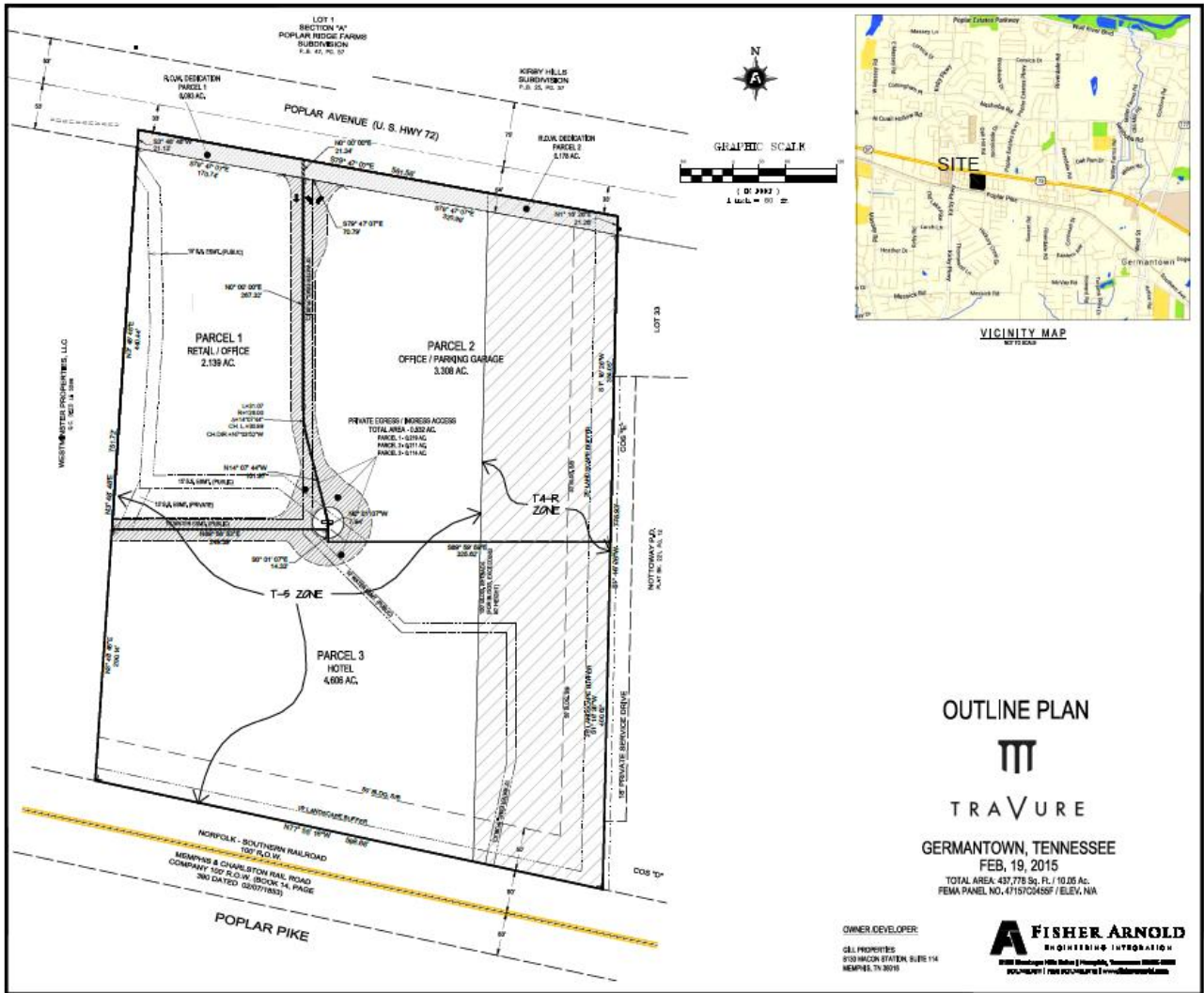
2. For Profit Entities: If the owner and any lessee of the land which is the subject of this Application ("Owner and Lessee") is a for-profit entity, i.e. general partnership, limited partnership, corporation, limited liability company, R.E.LT., a trust, or any other form of for-profit business entity, 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: \_\_\_\_\_

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

| Name  | Business or Home Address |
|-------|--------------------------|
| _____ | _____                    |
| _____ | _____                    |
| _____ | _____                    |
| _____ | _____                    |





**7. TraVure Planned Unit Development, South Side of Poplar Ave., 750 Feet East of Kirby Parkway – Request Preliminary and Final Plan Approval of Phase 1 (Access Easement and Infrastructure) (Case # 15-5)**

Mr. Ross made a presentation of the application to the Planning Commission.

**INTRODUCTION:**

|                      |  |
|----------------------|--|
| Owner                | Gill Poplar GP   |
| Developer:           | Gill Poplar GP   |
| Representative Name: | Michael Rogers, w/Fisher Arnold  |
| Location:            | South side of Poplar Ave., east of Kirby Pkwy and west of Nottoway PUD |
| Zoning Districts:    | T4-R” General Urban Restricted, “T-5” Urban Center Districts           |

\*Refer to the Disclosure Form attached for more information.

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

The eastern 150 feet of the property is within the T4-R district, which allows residential uses and/or parking facilities (either parking structure or surface parking), and requires a 50 foot building setback including a 25 foot landscape screen. The maximum building height is 3 stories. The remainder of the property is within the T-5 district, which requires a minimum 20 foot tall building, and allows five story buildings (six stories with warrant).

The TraVure outline plan was approved by the Planning Commission on July 7, 2015 and by the Board of Mayor and Aldermen on July 27, 2015. The Phase 1 final plan was discussed by the Smart Code Review Committee on July 22, 2015. The plan was withdrawn from the PC agenda at its meeting on August 18, 2015. The Phase 1 final plan was modify and resubmitted. It was discussed again by the Smart Code Review Committee on October 21, 2015. The Planning Commission, at its meeting on November 3, 2015, voted to take it under advisement until the December PC meeting.

A traffic impact analysis of relocating the signalized intersection westward onto the Fogelman (Westminster townhouses) property was prepared by Dr. Martin Lipinski and The Reaves Firm. A memo from Kimley-Horn reviewing that analysis is attached.

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

The Technical Advisory Committee (T.A.C.) met on October 15<sup>th</sup> and made the following comments:

**STAFF COMMENTS:**

**A. PRIOR TO CONSTRUCTION PLAN APPROVAL**

1. Provide a standard 5 ft. utility easement around the perimeter of all lots, or provide an alternative location, acceptable to the City of Germantown, for utility easements.
2. Approval from the City of Memphis will be required for extending the water line to Poplar Pike.
3. Provide deflection angle on the roundabout pavement.

4. A 15 FT. sanitary sewer easement has been dedicated for a future tie-in when the Westminster property redevelops. Said easement cannot be accessed for tie-in to sanitary sewer within TraVure PUD unless the downstream system has adequate capacity which allows for elimination of the TraVure sanitary sewer storage system. If the tie-in occurs, all 8 in. main lines and manholes in private sanitary sewer easements within TraVure PUD and downstream of said tie-in shall become public. Under no circumstances will the City take maintenance responsibility of the sanitary sewer storage system or the 6 in. diameter service laterals.
5. All construction details must be current City of Germantown details.
6. Any work to or within Poplar Ave., including any proposed traffic signal, requires TDOT approval.
7. Include details on the street lights along TraVure Drive and TraVure West Drive, including pole heights and fixture types, using a consistent pole height and light fixture type.
8. If phase 1 proceeds before or without phase 2 (parcel 3) proceeding, a temporary turnaround shall be constructed at the west terminus of TraVure West Drive.
9. The developer's Traffic Impact Analysis (TIA) indicates that a traffic signal is justified for the proposed TraVure Drive and Poplar Avenue intersection when the hotel (Phase 2) and office building (Phase 3) are occupied. In the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed:
  - C. Building permits for both phases 2 and 3 are required prior to construction of the traffic signal.
  - D. Certificates of Occupancy for both phases 2 and 3, and Certificates of Occupancy for a minimum of 60% of the floor area of phase 3 (office building), are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
10. On the Grading and Drainage Plan, remove the COS "E", located within the Nottoway PUD. It is confusing.
11. Provide a fire hydrant a minimum of every 300 feet.

**B. GENERAL COMMENTS AND REQUIREMENTS**

1. All recorded easements shall be shown on the plat. Provide a standard 5 ft. utility easement around the perimeter of all lots, or provide an alternative location, acceptable to the City of Germantown, for utility easements.
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 Planning 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 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.
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.

**STAFF RECOMMENDATION:** Approval, subject to the staff comments

**Smart Code Review Committee: (Mike Harless, Chairman)** The committee met on November 24, 2015, and withheld a recommendation. The DRC and EDC have submitted letters of support for the development.

Ray Gill stated the more access points we have, the better the roadways can accommodate the cars. I think we are creating a huge problem considering blocking that road. We need multiple points of access back to from Poplar Avenue.

Mr. Clark questioned whether it is appropriate to place restrictions on the access drive.

Ms. Solomito noted the east access drive is needed for access to the hotel and for traffic flow. She mentioned the amendment on traffic signal included the 60% provision.

Mr. Hernandez asked if the landscaping is included in this phase?

Mr. Ross answered yes; that is correct.

Chairman Harless asked if anyone wanted to speak in opposition. The following people spoke in opposition to the development:

Mr. Robert Fogelman, 7744 White Station Road, is concerned over a sewer tank and its odor, and the construction traffic.

Tim Gwaltney stated upon full build out and occupancy of the TraVure development, calculations indicate that the City's sanitary sewer system downstream of TraVure is undersized. The purpose of the proposed sanitary sewer holding tank is to temporarily detain the flow from the site, then pump it down nightly during off peak hours when the City's existing downstream sanitary sewer system is able to adequately handle the flow from TraVure.



Mr. Rogers elaborated on the odor control system.

Mr. Henson stated his objection to unrestricted use of the access road to the east.

Mr. Lipinski stated the hotel entrance in a roundabout not a good idea; plus the parking garage entrance is too close to Poplar. People will be seeking an exit to Poplar and this will become a safety issue.

Dr. Lillian Landrigan stated that on page 62 in the Western Gateway Plan it states there has to be an access road off of Kirby Parkway, which is the only way to make this area safe. I don't want the City to condemn property due to the traffic flow.

Mr. Bacon asked why did the Western Gateway Plan put a street in this location?

Mr. Ross answered it relates to a 1,000 feet spacing between traffic signals.

**PROPOSED MOTION:** To approve the preliminary and final plan for Phase 1 of the TraVure PUD (Access Drive and Infrastructure), subject to the plans filed with the application and the revised staff comments.

Chairman Harless moved to approve the preliminary and final plan for Phase 1 of the TraVure PUD (Access Drive and Infrastructure), subject to the plans filed with the application and the revised staff comments, seconded by Ms. Burrow.

Chairman Harless asked for a roll call.

**Roll Call:** Barclay – absent; Burrow – yes; Hernandez – yes; Bacon – yes; Harless – yes; Owens – no; Clark – yes; Bennett – absent; Palazzolo-no. **The motion was passed.**

Mr. Bacon voted yes; the trees will mature. We certainly listened to Mr. Collins' advice as to the location of the traffic light I think pushing the drive to the east to line up with the Forum drive.

Ms. Burrow voted yes; I do agree with the east drive and think it will work.

Mr. Clark voted yes; the landscaping has met the requirements for the Western Gateway Plan. We have dimmed the lighting, and they are building an 8 foot wall with heavy landscaping.

Mr. Hernandez voted yes; the eastern drive is really an essential element to the circulation for the whole project.

Alderman Owens voted no; I would love to see some increase in landscaping along the wall to help protect those residents and like to see those hours restricted in terms of the operation of the drive.

Chairman Harless voted yes; I want the City to keep a close eye on the sanitary sewer issues.

Mayor Palazzolo voted no; based on the access to the state road (Poplar Avenue).






EXAMPLE OF PROPOSED WALL



**MEMORANDUM**

To: Tim Gwaltney, P.E.  
Germantown City Engineer

From: James Collins, P.E. 

Date: November 23, 2015

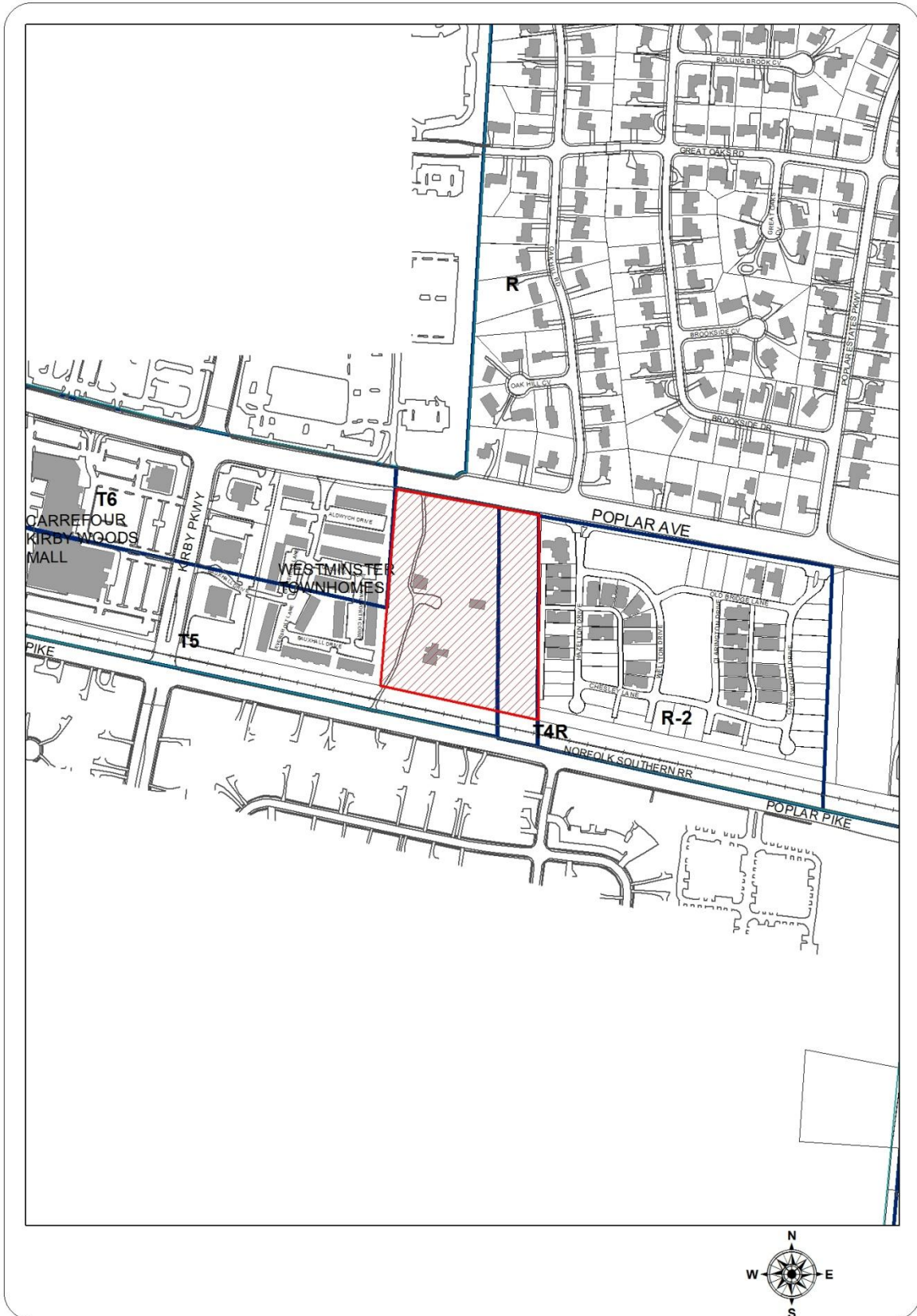
Subject: TraVure and Fogelman Site Traffic Study Review

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I have reviewed the traffic impact analysis prepared by Dr. Martin Lipinski titled "Alternative Signalized Driveway Locations – TraVure/ Western Gateway Site" dated November 2015.

I agree with the conclusion stated in the report that moving the proposed signalized intersection from the location proposed as part of the TraVure development to the location of the current Forum/ Atrium driveway will result in worse service in both the AM and PM peak periods. Therefore, it appears that the best location for the new traffic signal on Poplar east of Kirby Parkway would be at the location proposed by the TraVure development.

Please let me know if you have any questions.



**8. TraVure PUD, Phase 2 (Hotels), South side of Poplar Avenue, approximately 750 feet east of Kirby Parkway, Request Preliminary and Final Plan Approval (Case #: 15-524)**

Mr. Ross made a presentation of the application to the Planning Commission.

**INTRODUCTION:**

|                           |  |
|---------------------------|--|
| Owner Name:<br>Developer: | Germantown Hotel Group, LLC<br>Desai Hotel Group, Inc.                 |
| Representative Name:      | Leonard Messina, w/LLW Architects, Inc.                                |
| Location:                 | South side of Poplar Ave., east of Kirby Pkwy and west of Nottoway PUD |
| Zoning Districts:         | T4-R” General Urban Restricted, “T-5” Urban Center Districts           |

\*Refer to the Disclosure Form attached for more information.

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

The eastern 150 feet of the property is within the T4-R district, which allows residential uses and/or parking facilities (either parking structure or surface parking), and requires a 50 foot building setback including a 25 foot landscape screen. The maximum building height is 3 stories. The remainder of the property is within the T-5 district, which requires a minimum 20 foot tall building, and allows five story buildings (six stories with warrant).

The plan was discussed at the July Smart Code Review Committee meeting and was withdrawn from the August 18, 2015 Planning Commission agenda. The phase 2 plans were revised and re-filed for the November Planning Commission agenda. The Phase 2 final plan was discussed again by the Smart Code Review Committee on October 21, 2015. The Planning Commission, at its meeting on November 3, 2015, voted to take it under advisement until the December PC meeting.

**DISCUSSION:**

**DEVELOPMENT SUMMARY**

|                              |                  |
|------------------------------|------------------|
| TOTAL SITE AREA              | 4.606 ac.        |
| USES: hotel                  |                  |
| No. of rooms                 | 220 rooms        |
| Building Height              | 66 ft.; 5 floors |
| Parking spaces:<br>Provided: | 194              |
| Minimum Required:            | 220              |
| Maximum:                     | NA               |

***PLAN REVISIONS:*** *The plans have been revised from what was discussed at the August Smart Code Review Committee meeting: 1)the building has been brought closer to the TraVure Drive roundabout; 2) parking spaces have been placed to the rear and sides of the building; 3) A shared parking agreement between the hotel developer (Germantown Hotel Group) and the parking garage developer (Gill Poplar) has been executed; 4) a 3 ft. 6 in. masonry street screen has been added to fill in the front building setback area, thereby eliminating the previous warrant.*

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

The Technical Advisory Committee (T.A.C.) met on October 15<sup>th</sup> and made the following comments:

**STAFF COMMENTS:**

**A. GENERAL COMMENTS AND REQUIREMENTS**

1. All infrastructures (water lines, sanitary sewer, storm drains) shall be privately maintained.
2. A second riser room may be needed to meet fire codes. Consult with Fire Marshal Jody Dwyer on the implications of this change.
3. 0.5% of the development's threshold value shall be committed to public art, not to exceed \$200,000. (Section 23-797.A of the Smart Code). A provision to this effect shall be included in the Development Contract.
4. Provide a standard 5 ft. utility easement around the perimeter of all lots, or provide an alternative location, acceptable to the City of Germantown, for utility easements.
5. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
6. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval.
7. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
8. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
9. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, \_\_\_\_\_, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and \_\_\_\_\_ location of natural water courses.
10. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
11. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
  - (a) All streets shall be kept clear and free of dirt and debris;

(b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and

(c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

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

**DESIGN REVIEW COMMISSION CHECKLIST:**

1. *Site Layout:* The hotel building is situated on parcel 3 of the PUD, in the southern section of the development. The building is “U” shaped, with parking to the sides and rear.
2. *Building Elevations:* See the attached plans. The building exterior is to be a combination of velour brown brick (59%), beige, and gray and “Flower Power” stucco (29.5%), tile (6.5%), and aluminum composite panels (2.5%). A street screen is to be constructed along the section of the building frontage where the setback exceeds the 12 foot maximum. The street screen is to be 3 ft. 6 in. in height, double-sided and constructed of stone veneer to match the building material. In addition, a clear glass “beacon”, 4 ft. in ht. and 12 ft. in width, with LED lighting at its base, is proposed for the building roof on the west side of the building. Material samples have been provided.
3. *Street Improvements and Curb Cuts:* The hotel will have access to the TraVure Drive roundabout and to the access drive east of the parking garage.
4. *Parking Lots:* A total of 194 surface parking spaces are provided.
5. *Exterior Lighting:* The site will be illuminated in the following manner: 14-foot tall pole-mounted fixtures with LED lights within the parking area, abutting the roundabout and TraVure West Drive; LED up-lights along the building wall of the Hilton Garden Inn building; and LED lights under the entrance canopies. . A photometric analysis has been provided that includes average illumination levels at various areas of the site.
6. *Garbage Collection Area:* A trash dumpster area is to be located on the south side of the building, near its eastern end.
7. *Vents:* not noted on the plan.
8. *Gas, Electric and Water:* Details not provided.
9. *Mechanical Units:* information not provided.
10. *Emergency Generators:* none shown.
11. *Landscaping:* a detailed landscape plan has been provided.
12. *Mailboxes:* not shown.

13. *Signs*: not shown. Disregard all signs included in the plan sheets. Signs will require separate application and approval.

**STAFF RECOMMENDATION:** Approval, subject to staff comments.

Brenda Solomito Basar noted this is a dual flag hotel; there will be two entrances: one on the north and one on the west.

Chairman Harless asked if anyone wanted to speak in opposition. The following people spoke in opposition to the development:

Mr. Gene Henson stated on behalf of the Nottoway HOA, we would actually like to extend our thanks and appreciate to Sunny Desai, Ramesh Purohit, Mohan Patel, and Amish Purohit along with his development team for what we believe to be an effective design.

Gary Smith asked if the hotel will be built before the office buildings. We will need a traffic light put in due to the increase in traffic for this project.

Alderman Owens noted a traffic signal has to be warranted.

Tim Gwaltney stated there has to be 60% occupancy of the office building for a traffic light to be put in.

**Smart Code Review Committee: (Mike Harless, Chairman)** The committee met on November 24, 2015, and withheld a recommendation. The DRC and EDC have submitted letters of support for the development.

**PROPOSED MOTION:** To approve the preliminary and final plan for Phase 2, Parcel 3 (hotels) of the TraVure PUD, subject to the plans filed with the application and the staff comments.

Chairman Harless moved to approve the preliminary and final plan for Phase 2, Parcel 3 (hotels) of the TraVure PUD, subject to the plans filed with the application and the staff comments, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

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

Mr. Bacon voted yes; I applaud the hotel developers for addressing the concerns of the Nottoway neighbors, and the extra 25 feet for the roundabout.

Ms. Burrow voted yes; due to the additional screening with mature landscaping and the wall. I like the parking being behind and to the side.

Mr. Clark voted yes; I commend the developer because they started with 12 warrants and now there are none.

Mr. Hernandez voted yes; considering that there are no warrants and they have bent over backward to reconfigure the site.

Alderman Owens voted yes; I want to thank you for all the changes you made.

Planning Commission Minutes

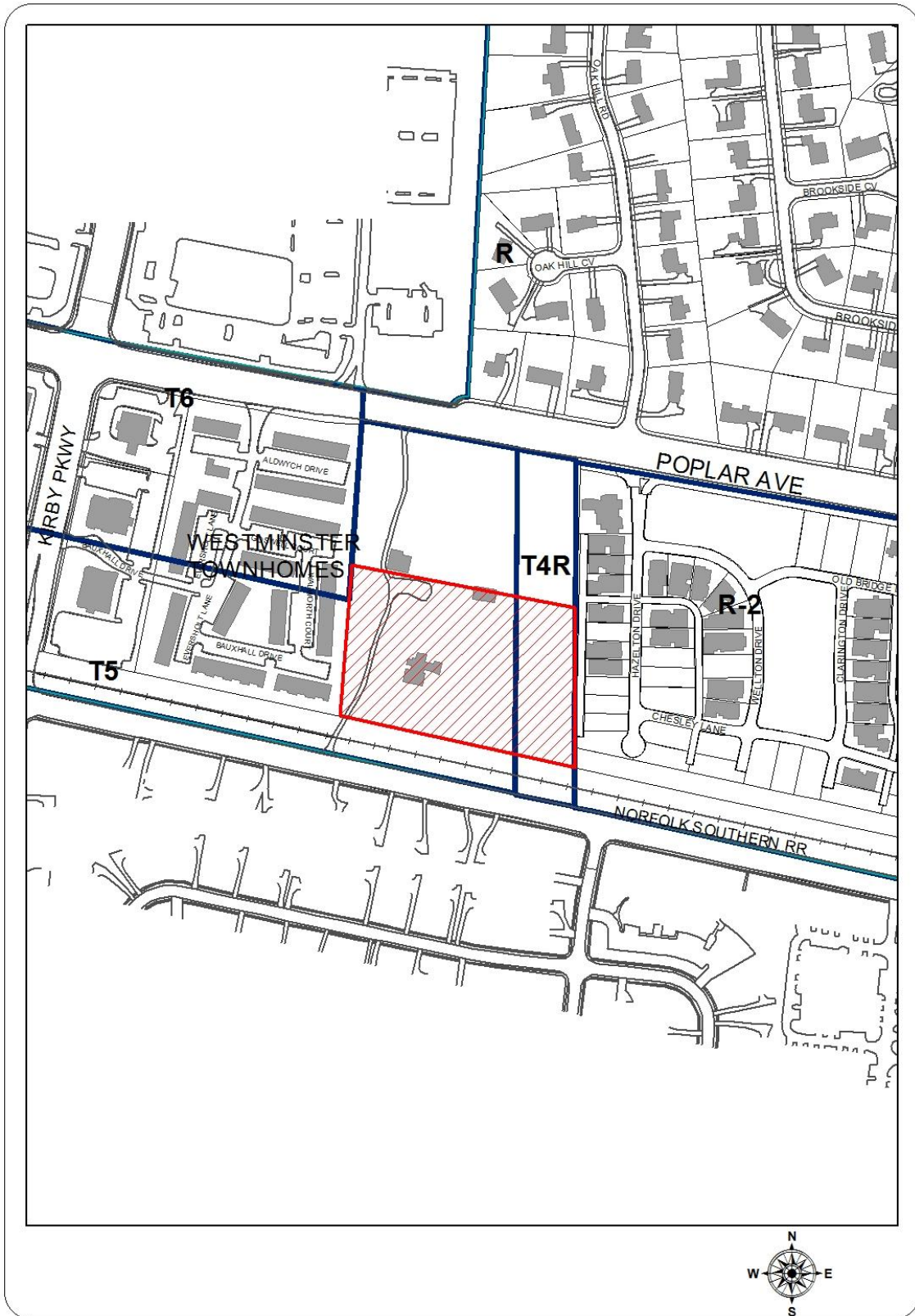
December 8, 2015

Page 48

Chairman Harless voted yes; I agree with all the other commissioners, and the hotel group has done an excellent job of working with us and I commend them.

Mayor Palazzolo voted yes.







November 12, 2015

Mr. Cameron Ross  
Director of Economic & Community Development Services  
City of Germantown  
1920 S. Germantown Rd.  
Germantown, TN 38138

Re: Tra Vure Planned Development  
Letter Regarding Warrant for the Tra vure PUD  
Lot 3, Phase 2

Dear Mr. Ross:

This letter is to indicate that we have worked hard to establish a "Warrant Free" design for the layout of Lot 3 of the TraVure PUD, Phase 2. We greatly appreciate you and your team's input into the redesign to coordinate this effort between our team and yours. We believe that we have adapted our plan to meet all provisions of the Smart Code and feel that we have developed the "Sense of Place" that the City of Germantown Planning Commission requested in our original planning commission meeting.

Thank you and please contact me if you have any questions or require any additional information regarding the above observations.

A handwritten signature in black ink, appearing to read 'Dell Livingston', with a long horizontal line extending to the right.

Dell Livingston, AIA  
Principal

DL/jc

Cc: Davis Patrikios Criswell  
Desai Design Group  
Brenda Solomito

P:\project14\2314 - Germantown, TN H2S-HGI\Admin\05 Corp to Other\Cameron Ross - 3-11-12-15.doc

October 9, 2015

Mr. Cameron Ross  
Director of Economic & Community Development Services  
City of Germantown  
1920 S. Germantown Road  
Germantown, Tennessee 38138

Re: TraVure Planned Development  
Letter Regarding Warrants for the TraVure PUD  
Lot 3, Phase 2

Mr. Ross:

This letter is to indicate that the design team has worked hard to fully redesign the layout of Lot 3 of Travure to provide a "Warrant Free" design for TraVure PUD, Phase 2. We greatly appreciate you and your team's input into the redesign to coordinate this effort between our team and yours. We believe that we have adapted our plan to meet all the provisions of the Smart Code and feel that we have developed the "Sense of Place" that the City of Germantown Planning Commissioners requested in our last planning commission meeting.

Thank you and please contact me if you have any questions or comments.

Yours truly,

Davis Patrikios Criswell, Inc.



Eric Criswell, P.E.

cc LLW, Desai Design Group











# CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road • Germantown, Tennessee 38138-2815  
 Phone (901) 757-7200 Fax (901) 757-7292 www.germantown-tn.gov

DATE RECEIVED: \_\_\_\_\_  
 RECEIVED BY: \_\_\_\_\_

## PLANNING COMMISSION OFFICIAL APPLICATION FORM

| TYPE OF APPLICATION  |
|--|
| <p><b>(Check <input checked="" type="checkbox"/> all that apply):</b></p> <p> <input type="checkbox"/> Sketch Plan;                    <input checked="" type="checkbox"/> Preliminary Site Plan;    <input checked="" type="checkbox"/> Final Site Plan<br/> <input type="checkbox"/> Minor Subdivision;            <input type="checkbox"/> Preliminary Plat;            <input type="checkbox"/> Final Plat<br/> <input type="checkbox"/> Grading/Tree Removal;    <input type="checkbox"/> WTF (Wireless Transmission Facility)<br/> <input type="checkbox"/> Rezoning From: _____ To: _____<br/> <input type="checkbox"/> Other: _____                 </p> <p>*****</p> <p><b>IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) <u>YES</u> NO</b><br/>                     (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)</p> |
| <p><b>PLANNED USE DEVELOPMENT'S (PUD) ONLY:</b></p> <p> <input type="checkbox"/> PUD Outline Plan (Master Plan);            <input type="checkbox"/> PUD Amendment to Outline Plan;<br/> <input type="checkbox"/> PUD Preliminary Plan (individual phases);    <input checked="" type="checkbox"/> Final Plan (individual phases);                 </p> <p>Phase: <u>2</u> of <u>4</u>            Date of PUD Outline Plan (Master Plan) Approval: _____<br/>                     Other: _____</p>   |
| PROJECT INFORMATION<br>(Provide Additional Pages as Needed)  |
| <p>Project Name: <u>TRAVURE PUD LOT 3, PHASE 2</u></p> <p>Address/Location: <u>6797 POPLAR AVENUE, GERMANTOWN, TENNESSEE</u></p> <p>Project Description: <u>DUAL BRAND HOTEL</u></p> <p>No. of Acres: <u>4.606</u>            Parcel Identification Number(s): _____</p> <p><b>PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.</b></p>  |
| OWNER/LESSEE/DEVELOPER INFORMATION   |
| <p>Owner Name (Print): <u>Germantown Hotel Group LLC</u> Address: <u>210 EAST CAPITOL STREET #1256 JACKSON, MS</u><br/>                     Phone No.: <u>601-927-4555</u>            Email Address: <u>SDESAI@DESAIHOTELGROUP.COM 39201</u></p> <p><b>Signature of Owner</b> <u>[Signature]</u></p> <p>Lessee Name (Print): _____ Address: _____<br/>                     Phone No.: _____ Email Address: _____</p> <p><b>Signature of Lessee</b> _____</p> <p>Developer Name (Print): <u>Desai Hotel Group</u> Address: <u>210 East Capitol St #1256</u><br/>                     Phone No.: <u>601-850-6436</u>            Email Address: <u>msharma@desaihotelgroup.com</u></p> <p><b>Signature of Developer</b> <u>[Signature]</u></p> <p style="text-align: center;"><b>PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY</b></p>                           |

| <b>AGENT/REPRESENTATIVE INFORMATION</b>   |  |
|---|--|
| Name: <u>BRENDA SOLOMITO</u>  | Title: <u>OWNER</u>                                |
| Company Name: <u>SOLOMITO LAND PLANNING</u>   | Address: <u>2067 KIRBY PARKWAY</u>                 |
| Phone No.: <u>901-569-0310</u>  | Email Address: <u>BRENDASOLOMITO@BELLSOUTH.NET</u> |
| Who will represent this proposal at the Planning Commission meeting? <u>BRENDA SOLOMITO</u> |  |

| <b>ENGINEER/SURVEYOR INFORMATION</b>          |   |
|---|---|
| Engineer Name: <u>ERIC CRISWELL, P.E.</u>     | Address: <u>7975 STAGE HILLS BOULEVARD STE 1, MEMPHIS, TN 38133</u> |
| Phone No. <u>901-377-9984</u>                 | Email Address: <u>ECRISWELL@DPCMEMPHIS.COM</u>                      |
| Surveyor Name: <u>PARKER ESTES ASSOCIATES</u> | Address: <u>3460 RIDGE MEADOW PKWY MEMPHIS, TN 38115</u>            |
| Phone No.: <u>901-360-9805</u>                | Email Address: <u>N.A.</u>  |



**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:

- For Profit Entities.** If the Applicant (including all owners, lessees and developers) submitting this Application ("Applicant") is a for-profit entity, i.e. sole proprietor, 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: Germantown Hotel Group LLC  
Address: 222 Eastpark Ridgeland, MS 39157

Owner: Germantown Hotel Group LLC  
Address: 222 Eastpark Ridgeland, MS 39157

Lessee: \_\_\_\_\_  
Address: \_\_\_\_\_

Developer: Desai Hotel Group LLC  
Address: 210 E. Capitol St. Suite 1256 Jackson, MS 39201

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

| Name                  | Business or Home Address                        |
|-----------------------|---|
| <u>Sunny Desai</u>    | <u>222 Eastpark Ridgeland, MS 39157</u>         |
| <u>Ramesh Purohit</u> | <u>431 Green Lake East Hernando, MS 38632</u>   |
| <u>Mohan Patel</u>    | <u>7812 Coley Davis Rd. Nashville, TN 37221</u> |
| <u>Amish Purohit</u>  | <u>5505 Iron Gate Dr Franklin, TN 37069</u>     |

**9. TraVure Planned Unit Development, Phase 3 (Office Building & Parking Structure), South side of Poplar Avenue, approximately 750 feet east of Kirby Parkway, Request Preliminary and Final Plan Approval (Case #: 15-524)**

Mr. Ross made a presentation of the application to the Planning Commission.

**INTRODUCTION:**

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

\*Refer to the Disclosure Form attached for more information.

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

The eastern 150 feet of the property is within the T4-R district, which allows residential uses and/or parking facilities (either parking structure or surface parking), and requires a 50 foot building setback including a 25 foot landscape screen. The maximum building height is 3 stories. The remainder of the property is within the T-5 district, which requires a minimum 20 foot tall building, and allows five story buildings (six stories with warrant).

The TraVure outline plan was approved by the Planning Commission on July 7, 2015 and by the Board of Mayor and Aldermen on July 27, 2015. The Phase 3 final plan was discussed by the Smart Code Review Committee on July 22, 2015. The plan was withdrawn from the PC agenda at its meeting on August 18, 2015. The Phase 3 final plan was amended and discussed again by the Smart Code Review Committee on October 21, 2015. The Planning Commission, at its meeting on November 3, 2015, voted to take it under advisement until the December PC meeting.

**DISCUSSION:** DEVELOPMENT SUMMARY – Phase 3 consists of a five story office building with 150,620 sq. ft. of floor area and a 467 space parking structure. The parking structure will have 2 levels below grade and 3 levels above.

**DEVELOPMENT SUMMARY**

|                     |                             |
|---------------------|-----------------------------|
| TOTAL SITE AREA     | 3.308 ac.                   |
| Gross Floor Area    | 150,620                     |
| Parking Spaces:     |                             |
| Provided:           | 467 (garage)<br>7 (surface) |
| Min. Required       | 302                         |
| Max. Permitted      | 754                         |
| With Sharing Factor | 306 min.                    |

***PLAN REVISIONS:*** *The plans have been revised in the following manor from what was originally submitted, to address comments from TAC and the Smart Code Review Committee: 1) the parking garage*

*has been redesigned so that it is closer and parallel to Poplar Ave.; 2) angled parking spaces have been provided on TraVure Drive; 3) entries to the parking garage and the office building on the Poplar Ave. frontage have been provided; 4) the eastern drive and parking garage lighting plans now place interior, wall-mounted light fixtures on the east side of the garage upper level, instead of pole-mounted fixtures which have been removed; 5) the developer has revised the parking garage plans to replace the vertical trellises with a solid wall on the second and third levels of the garage eastern elevation adjoining Nottoway. The developer has provided a sight-line analysis to illustrate the view from the western property line of Nottoway PUD (see attached plans).*

**STAFF COMMENTS:**

**A. PRIOR TO FINAL PLAN APPROVAL**

1. Staff has requested that the developer provide the sight-line analysis of the south elevation of the parking garage from the Nottoway PUD, so as to comply with sections 23-779.C.1 and 23-792.B.4. That additional information will be provided prior to the Planning Commission meeting.

**B. PRIOR TO CONSTRUCTION PLAN APPROVAL**

1. The developer's Traffic Impact Analysis (TIA) indicates that a traffic signal is justified for the proposed TraVure Drive and Poplar Avenue intersection when the hotel (Phase 2) and office building (Phase 3) are occupied. In the event a traffic signal is located at TraVure Drive and Poplar Ave., the following conditions are imposed:
  - A. Building permits for both phases 2 and 3 are required prior to construction of the traffic signal.
  - B. Certificates of Occupancy for both phases 2 and 3, and Certificates of Occupancy for a minimum of 60% of the floor area of phase 3 (office building), are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.
2. The color/stain of the Fence stone wall shall match as closely as possible, to City of Germantown's satisfaction, the color of the existing stone wall.

**C. GENERAL COMMENTS AND REQUIREMENTS**

- 1.0.5% of the development's threshold value shall be committed to public art, not to exceed \$200,000. (Section 23-797.A of the Smart Code). A provision to this effect shall be included in the Development Contract and construction drawings shall provide details of public art.
2. All signs shown on the plans shall be disregarded. Signs must be approved by separate application.
3. Include parking garage interior drainage plans in the construction drawings.
4. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, or an alternative location acceptable to the City of Germantown, adjacent to and not within any other easement.
5. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.

6. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Planning Commission.
7. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
8. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
9. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, \_\_\_\_\_, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and \_\_\_\_\_ location of natural water courses.
10. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
11. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
  - (a) All streets shall be kept clear and free of dirt and debris;
  - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
  - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.
12. Total acres disturbed shall be provided. A NOC is required for TDEC for the NPDES, Phase II. The NOC shall be posted on the site at all times and the stormwater reports/documentation/inspections shall be available at all times. The SWPP shall be posted at the site and available. Inspections must be performed by personnel who have completed the Level I – Fundamentals of Erosion Prevention and Sediment Control course.

**DESIGN REVIEW CHECKLIST:**

1. *Site Layout:* The office building is situated on parcel 2 of the PUD, in the northeast quadrant of the development. The building's long axis will parallel TraVure Drive, as will the parking garage.
2. *Building Elevations:* See the attached plans. The building exterior is to be a combination of smooth faced and broken face CMU on the sidewalk level, reflective glass and pre-cast panels

on upper levels, and pre-cast concrete panels on the top level. A color rendering and material samples have been provided.

3. *Street Improvements and Curb Cuts:* The parking garage will have access to TraVure Drive and a right-in/right-out drive to Poplar Ave.
4. *Parking Lots:* A total of 474 parking spaces are provided; 467 in the parking structure and 7 surface spaces.
5. *Exterior Lighting:* The site will be illuminated in the following manor: 15 pole-mounted fixtures with LED lights (9 ground-mounted poles and 6 lights on the top level of the parking structure); 25 wall-mounted area lights with LED fixtures on the east side of the parking garage roof. A photometric analysis has been provided that includes average illumination levels at various areas of the site. Zero foot-candles of illumination are indicated at the east property line.
6. *Garbage Collection Area:* A trash dumpster is to be located on the south side of the office building, near the entrance to the parking garage.
7. *Vents:* not noted on the plan.
8. *Gas, Electric and Water:* Details not provided. A MLGW service transformer is located at the southwest corner of the parking structure.
9. *Mechanical Units:* information not provided.
10. *Emergency Generators:* none shown.
11. *Landscaping:* a detailed landscape plan has been provided.
12. *Mailboxes:* not shown.
13. *Signs:* Signs will require separate application and approval.

**STAFF RECOMMENDATION:** Approval, subject to satisfactory response to staff comments.

Brenda Solomito Basar noted we are 100% in compliance with the Western Gateway Plan. We were able to modify the garage on the eastern side.

Chairman Harless asked if anyone wanted to speak in opposition. The following people spoke in opposition to the development:

Gene Henson stated with respect for everyone's time this late in the evening, what I would like to do at this point, is simply refer back to my earlier comments be noted in the record.

Hunter Humphries, from Glanker, Brown Law Firm stated the garage does not comply with the lighting requirements. The cars and lights will be visible. This is contrary to sections 23-779 and 23-796. Also the lighting would be clearly visible from houses on south side.

Mr. Ross added a revised staff comment on the traffic signal. Certificates of Occupancy for both phases 2 and 3, and Certificates of Occupancy for a minimum of 60% of the floor area of phase 3 (office building),

are required prior to placing the signal in operation, unless it is determined by the City Engineer that operation of the traffic signal is warranted at an earlier time.

Mr. Ross noted there is a 90 foot queuing lane now.

Chairman Harless asked about the City's lighting measurement method.

Mr. Ross answered the City measures from the ground up for consistency.

**Smart Code Review Committee: (Mike Harless, Chairman)** The committee met on November 24, 2015, and withheld a recommendation. The DRC and EDC have submitted letters of support for the development.

**PROPOSED MOTION:** To approve the preliminary and final plan for Phase 3, Parcel 2 (Office building and parking garage) of the TraVure PUD, subject to the plans filed with the application and the staff comments.

Chairman Harless moved to approve the preliminary and final plan for Phase 3, Parcel 2 (Office building and parking garage) of the TraVure PUD, subject to the plans filed with the application and the staff comments, seconded by Mr. Bacon.

Chairman Harless asked for a roll call.

**Roll Call:** Barclay – absent; Burrow – yes; Hernandez – yes; Bacon – yes; Harless – yes; Owens – yes; Clark – yes; Bennett – absent; Palazzolo-no. **The motion was passed.**

Mr. Bacon voted yes; I applaud and have respect for Nottoway and the developers' willingness to close up those openings. I think Nottoway has gotten a lot of concessions from the developer.

Ms. Burrow voted yes; they discussed earlier that the landscape would be put in at the time that phase 1 is started, so they will mature by the time the project is finished. I like how they have amended the lighting and made the wall solid.

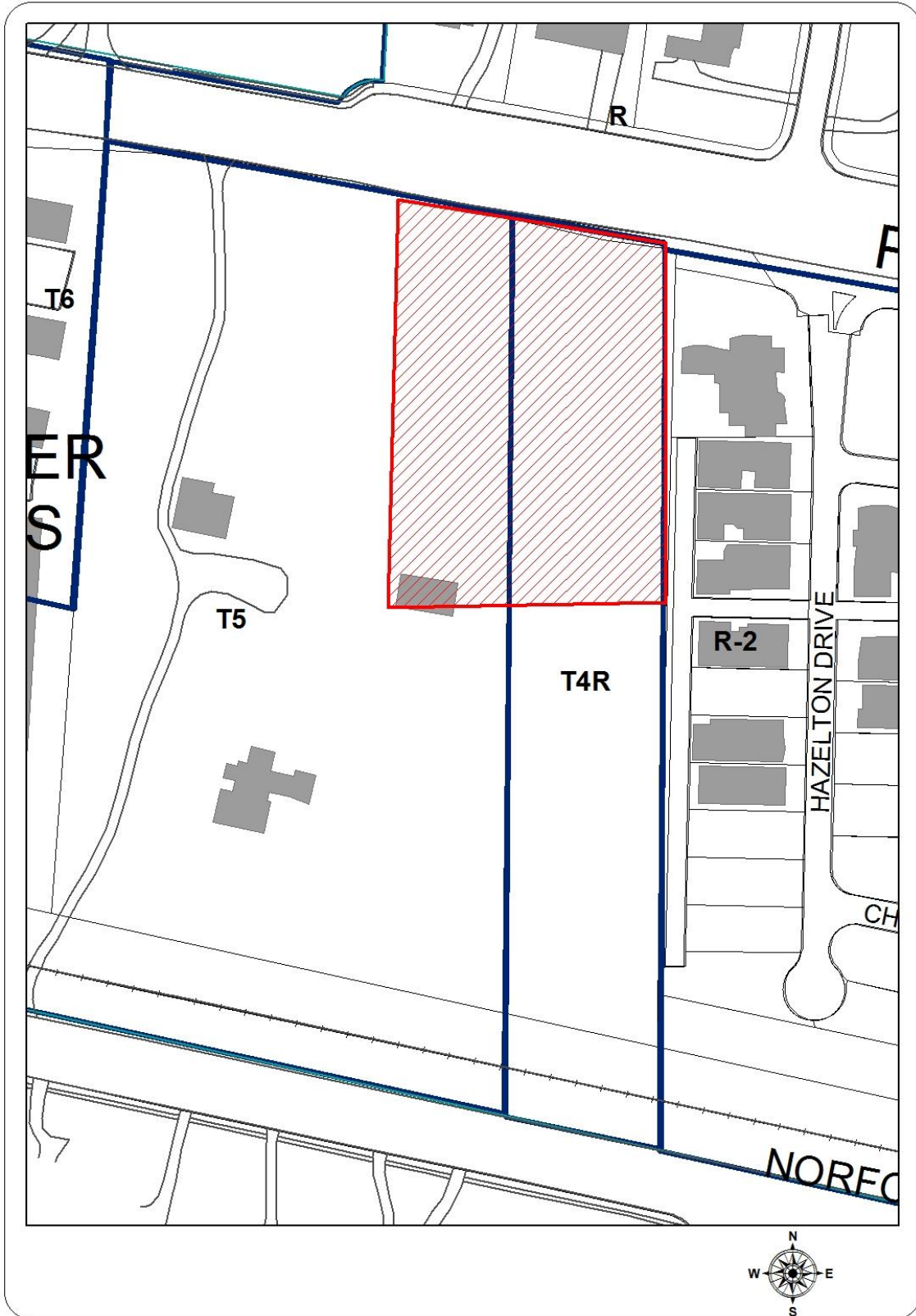
Mr. Clark voted yes; I am not crazy about the parking garage and the lighting. The issues that Nottoway brought up, I see where they are coming from. However, we approved the Western Gateway Plan years ago allowing parking garages. It's my understanding from staff and out City Attorney that this all complies.

Mr. Hernandez voted yes; the developers will take care of the visibility issue.

Alderman Owens voted yes; I am going to have to defer to staff on this one with regards to the issue of the lighting. I will say that in the subcommittee meeting I asked them to investigate doing some screening for us and I appreciate that as a sufficient move in the right direction.

Chairman Harless voted yes; for the reasons stated above and as well as two years ago when they started this project.

Mayor Palazzolo voted no; based on the comments on the access road.





**10. TraVure Planned Unit Development, Phase 4 (Office/Retail Buildings), South Side of Poplar Ave., 750 Feet East of Kirby Parkway – Request Preliminary Plan Approval (Case # 15-524)**

Mr. Ross made a presentation of the application to the Planning Commission.

**INTRODUCTION:**

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

\*Refer to the Disclosure Form attached for more information.

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

The eastern 150 feet of the property is within the T4-R district, which allows residential uses and/or parking facilities (either parking structure or surface parking), and requires a 50 foot building setback including a 25 foot landscape screen. The maximum building height is 3 stories. The remainder of the property is within the T-5 district, which requires a minimum 20 foot tall building, and allows five story buildings (six stories with warrant).

The TraVure outline plan was approved by the Planning Commission on July 7, 2015 and by the Board of Mayor and Aldermen on July 27, 2015. The Phase 4 preliminary plan was discussed by the Smart Code Review Committee on July 22, 2015. The plan was withdrawn from the PC agenda at its meeting on August 18, 2015. The Phase 4 preliminary plan was amended and discussed again by the Smart Code Review Committee on October 21, 2015. The Planning Commission, at its meeting on November 3, 2015, voted to take it under advisement until the December PC meeting.

**DEVELOPMENT SUMMARY**

|                     |             |
|---------------------|-------------|
| TOTAL SITE AREA     | 2.139 ac.   |
| Gross Floor Area    | 34,100      |
| Parking Spaces:     |             |
| Provided:           | 92          |
| Min. Required       | 86          |
| Max. Permitted      | 171         |
| With Sharing Factor | 72 required |

The Technical Advisory Committee (T.A.C.) met on October 15<sup>th</sup> and made the following comments:

**STAFF COMMENTS:**

A. GENERAL COMMENTS AND REQUIREMENTS

1. 0.5% of the development's threshold value shall be committed to public art, not to exceed \$200,000. (Section 23-797.A of the Smart Code). A provision to this effect shall be included in the Development Contract.
2. A guardrail or another appropriate safety barrier/treatment will likely be required between the Poplar Ave. sidewalk and the water feature.
3. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, or an alternative location acceptable to the City of Germantown, adjacent to and not within any other easement.
4. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
5. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Planning Commission.
6. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
7. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
8. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

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

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

**DESIGN REVIEW CHECKLIST:**

1. *Site Layout:* The retail/office buildings are situated on parcel 1 of the PUD, in the northwest quadrant of the development. The building's long axis will parallel TraVure Drive.
2. *Building Elevations:* See the attached plans. The building exterior is to be a combination of smooth faced and broken face CMU.
3. *Street Improvements and Curb Cuts:* The building will use TraVure Drive to connect to Poplar Ave.
4. *Parking Lots:* A total of 92 parking spaces are provided.
5. *Exterior Lighting:* No information provided.
6. *Garbage Collection Area:* A trash dumpster is to be located on the west side of the site.
7. *Vents:* not noted on the plan.
8. *Gas, Electric and Water:* Details not provided.
9. *Mechanical Units:* information not provided.
10. *Emergency Generators:* none shown.
11. *Landscaping:* a landscape plan has been provided.
12. *Mailboxes:* not shown.
13. *Signs:* not shown. Signs will require separate application and approval.

**STAFF RECOMMENDATION:** Preliminary Plan approval.

**Smart Code Review Committee: (Mike Harless, Chairman)** The committee met on November 24, 2015, and withheld a recommendation. The DRC and EDC have submitted letters of support for the development.

Chairman Harless asked if there could be parallel parking spaces? The backing out on the angled parking with a SUV parked next to you where you cannot see until your vehicle is 2/3 of the way into the active driveway is an issue.

Mr. Ross stated that the parallel parking can be a challenge for some people.

Mr. Hernandez asked about any reservations about the parking spaces nearest Poplar Avenue?

Mr. Ross answered the deceleration lane will help slow down traffic entering the development.

Mr. Bacon asked can Mr. Fogelman access the west drive? Will you create an egress – ingress easement?

Brenda Solomito Basar stated we have offered him the ability to connect to the drive, and yes to the easement. Yes, we will have a raised curb driveway with turning in and along with signage.

Robert Fogelman noted he would agree to put an access easement on his property and give TraVure access to it, so it will line up the drive with the Forum. I have a concern about the construction staging and traffic along with the equipment.

Mr. Gill asked who would pay for it?

Michael Rogers stated I want to address the construction traffic. The City has standards which they always require as part of the plans that limits the hours we work and controls dust/dirt.

Mr. Ross stated we can work toward that goal at the time of the final plan.

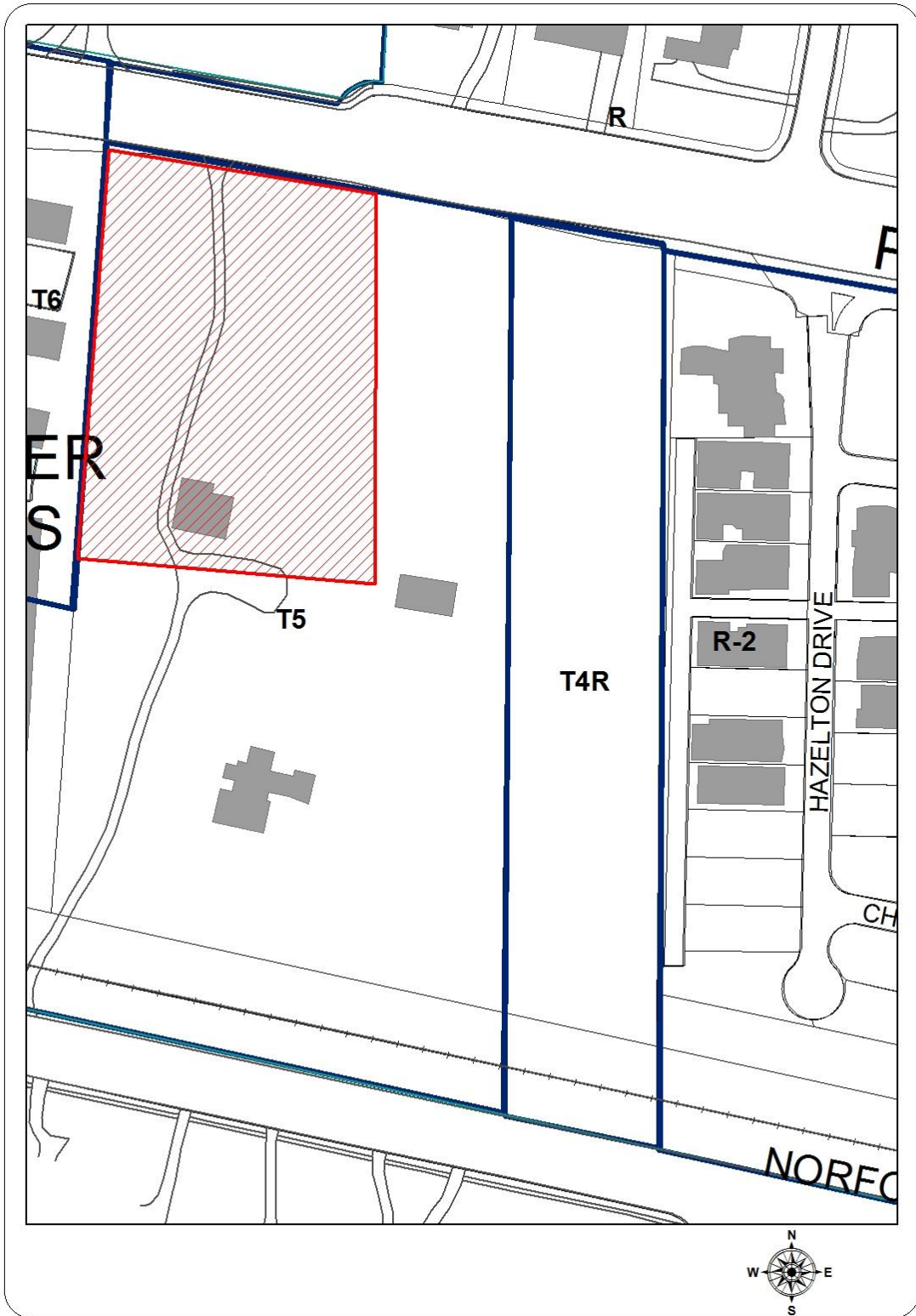
Brenda Solomito Basar stated we agree to work with Mr. Fogelman on the access and the easement.

**PROPOSED MOTION:** To approve the preliminary and final plan for Phase 4, Parcel 1 (retail/office building) of the TraVure PUD, subject to the plans filed with the application and the staff comments.

Chairman Harless moved to approve the preliminary and final plan for Phase 4, Parcel 1 (retail/office building) of the TraVure PUD, subject to the plans filed with the application and the staff comments, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

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



11. Chairman Harless asked if there was any old business to come before the Commission. There were none.
12. Chairman Harless asked if there was any new business to come before the Commission. There were none.
13. Chairman Harless asked if there were any liaison reports. There were none.
14. **ADJOURNMENT:** The meeting adjourned at 10:30 p.m.