

**PLANNING COMMISSION MEETING
ECONOMIC AND COMMUNITY DEVELOPMENT CONFERENCE ROOM
Tuesday, September 5, 2017**

The regular meeting of the Planning Commission was scheduled and held in the Blue Conference Room at Economic and Community Development Department on September 5, 2017. Regular meetings of the Planning Commission are broadcast and recorded electronically. Minutes reflect a summary of the proceedings and actions taken.

1. Chairman Harless welcomed everyone and called the meeting to order at 6:13 p.m.
2. Pam Rush called the roll of the Commission and established a quorum.

Commissioners Present: Mike Harless, Dike Bacon, Alderman Forrest Owens, Hale Barclay, George Hernandez, David Clark, Rick Bennett, Keith Saunders, and Mayor Mike Palazzolo

Commissioners Absent: None

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

3. Approval of Minutes for August 1, 2017:

Chairman Harless stated that the next order of business is the approval of the minutes for the August 1, 2017, meeting. If there are no additions, corrections or deletions to the minutes of the August 1, 2017, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Clark moved to approve the Planning Commission minutes of August 1, 2017, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

Chairman Harless noted there was a change to the agenda. Item 5.a. Germantown United Methodist Church and Item 5.b. Susan Brown and City of Germantown Subdivision had been placed on the Consent Agenda. Item 5.d. Forest Hill Heights Amended P.D. (Watermark at Forest Hill Heights) had been withdrawn (by the applicant).

4. Consent Agenda:

Chairman Harless announced that at Executive Session, Item 5.a. Germantown United Methodist Church and Item 5.b. Susan Brown and City of Germantown Subdivision have been placed on the Consent Agenda as items 4.a. and 4.b.

Chairman Harless noted these items would be voted upon as one motion and would not be discussed individually unless someone on the Commission or in the audience comes forward to remove that item from the Consent Agenda. Seeing no one coming forward, Chairman Harless prepared for a motion for approval of the Consent Agenda.

Mr. Hernandez made a motion for approval of the Consent Agenda, seconded by Mr. Barclay.

Chairman Harless asked for a roll call.

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

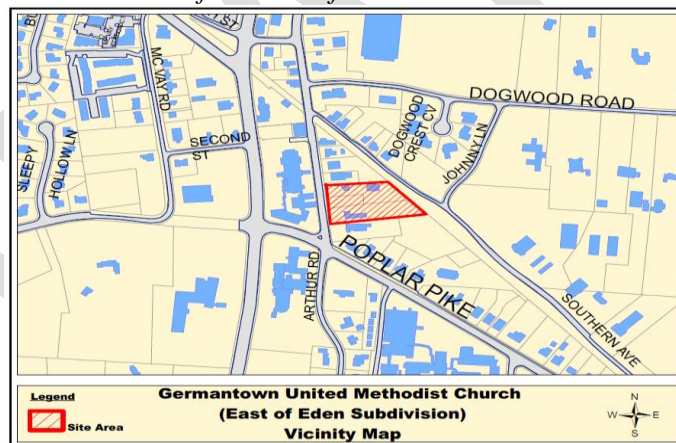
Alderman Owens abstained from voting on item 4.a. Germantown United Methodist Church, as he works for the consulting firm who prepared the plans.

4.a. Germantown United Methodist Church – East of Eden Subdivision, Approval of a 2 Lot Preliminary and Final Subdivision Plat

INTRODUCTION:

Development Case Number:	17-743
Case Name:	Germantown United Methodist Church – East of Eden Subdivision
Location:	East side of S. Germantown Rd.; directly across from 2331 S. Germantown Rd. (Church)
Owner Name:	Rev. Bradley Gabriel w/ Germantown United Methodist Church
Applicant/Representative:	Vince Thillen w/ ETI
Zoning District:	“OG” Old Germantown
Area:	2.12 acres
Request:	Approval of a 2 Lot Preliminary and Final Subdivision Plat

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



BACKGROUND: In 2009, the applicant purchased the three (3) properties at 2320, 2330, 2338 S. Germantown Rd. for the church’s use. In order to expand the current parking lot, the applicant received approval for demolition of the building (formerly Cottage Antiques) at 2330 S. Germantown Rd. by the DRC at its January 27, 2009 meeting.

DISCUSSION: The applicant is requesting to create a two-lot subdivision through a preliminary and final subdivision plat. (Currently, there is no recorded plat for the property. Rather, there are three separate tax parcels.) Per the Municipal Code, there are no minimum site standards for lot size, setbacks or parking in the “OG” Old Germantown zoning district. Per Section 23-521(b), the maximum lot coverage is 45%. Lot 1 would be 1.82 acres and is improved with two office/meeting buildings of 2,450 s.f. and 3,550 s.f. (totaling 6,000 s.f.) and a surface parking lot. Lot 2 would be 0.3 acres and is improved with 2 buildings, an office (1,214 sf.) and shed (400 s.f.) together totaling 1,614 s.f., and a surface parking lot. Both new lots would conform to the lot coverage requirement.

While the "OG" zoning district does not have any parking requirements, the amount of parking provided on Lot 2, namely 11 parking spaces, would be sufficient for most uses, per the parking regulations for commercial zoning in Sections 23-379 and 23-410.

Following the Planning Commission Sub-Committee meeting on August 16, 2017, the applicant met with the Public Works Director, Bo Mills, to clarify utility locations and service. An updated utility plan is included in this report. The Public Works Director and the applicant agreed that utility services may continue to be shared across both lots. However, on the plat, a note shall be added that any maintenance, repair or replacement shall solely be at the cost of the property owners.

The Technical Advisory Committee (T.A.C.) met on August 9th and reviewed the submitted plans.

STAFF COMMENTS:

A. PRIOR TO FINAL SUBDIVISION APPROVAL

1. The square footage for each building shall be added to the final plat.
2. Following Planning Commission approval, the applicant shall submit a subdivision plat to the Planning Division for review and recording.
3. Utility easements shall be added for all existing utilities.
4. Separate water meters are required for each new lot.
5. If any utilities run across one lot to service another, they shall be in easements.
6. A note shall be added to the final plat, stating: "All maintenance and responsibility of the private portion of domestic water and sanitary sewer lines servicing Lots 1 and 2 shall be shared by the property owners of said lots. If failure of said shared domestic water and/or sanitary sewer lines occurs, the repair shall take place immediately and all costs shall be equally shared by the property owners."

B. GENERAL COMMENTS

1. All recorded easements shall be shown on the plat.
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. 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.
4. 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.

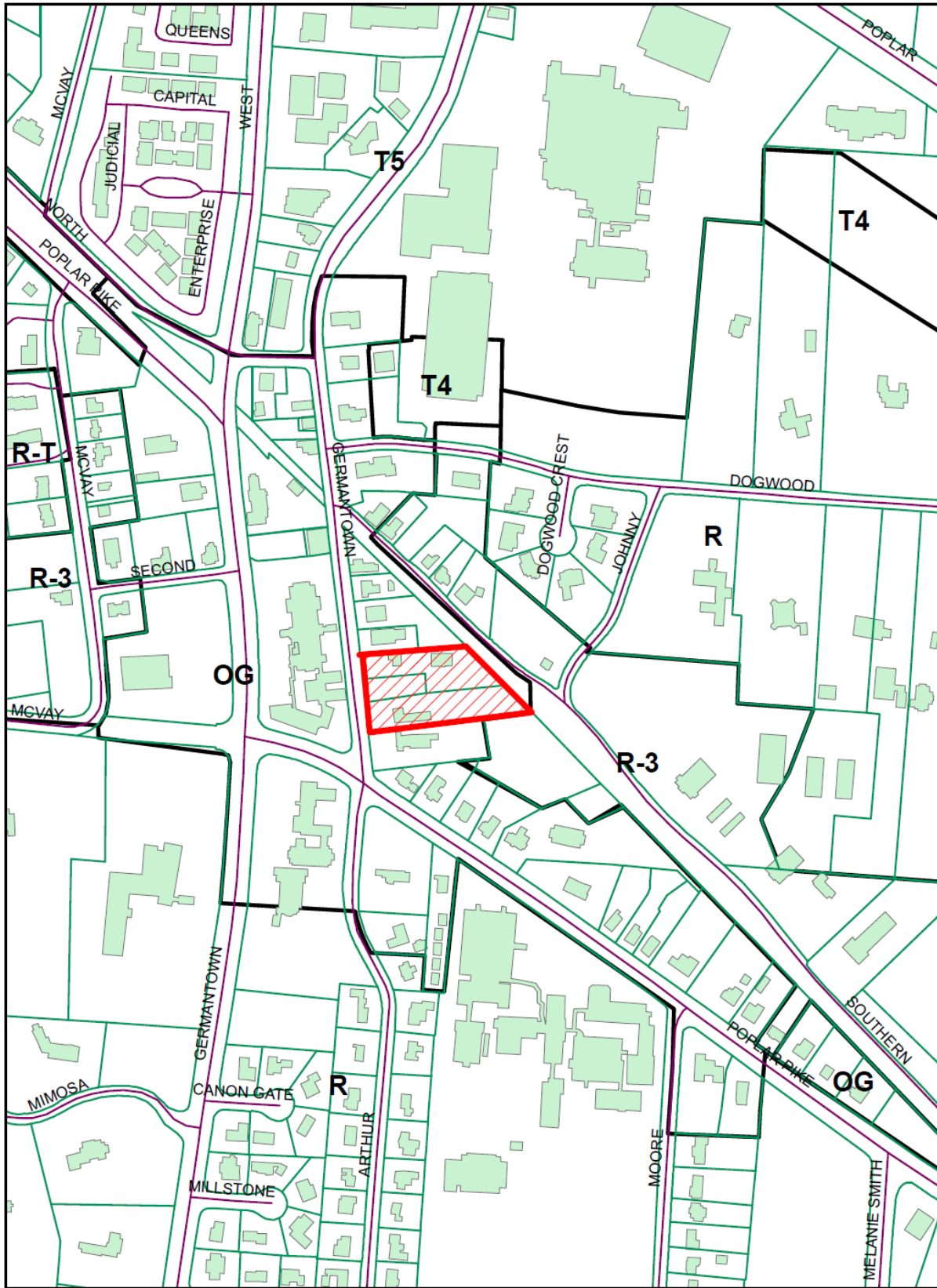
STAFF RECOMMENDATION: Approval, subject to the comments listed above.

SUBDIVISION AND SITE PLAN SUB-COMMITTEE: (DIKE BACON, CHAIRMAN)

The Sub-Committee met on August 16, 2017, and requested that the applicant discuss with the Public Works Director the treatment of utility lines and services on the two proposed lots. The applicant has completed this, as noted in the staff report.

PROPOSED MOTION: To approve a 2 Lot Preliminary and Final Subdivision Plat across the street from 2331 S. Germantown Rd. (Germantown United Methodist Church, subject to the Commission's discussion, staff comments in the staff report, and the plans and documents filed with the application.

DRAFT



ZONING MAP



**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	
(Check <input checked="" type="checkbox"/> all that apply):	
<input type="checkbox"/> Sketch Plan;	<input type="checkbox"/> Preliminary Site Plan; <input type="checkbox"/> Final Site Plan
<input checked="" type="checkbox"/> Minor Subdivision;	<input type="checkbox"/> Preliminary Plat; <input type="checkbox"/> Final Plat
<input type="checkbox"/> Grading/Tree Removal;	<input type="checkbox"/> WTF (Wireless Transmission Facility)
<input type="checkbox"/> Rezoning From: _____	To: _____
<input type="checkbox"/> Other: _____	
IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) <input checked="" type="radio"/> YES <input type="radio"/> NO (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)	
PLANNED USE DEVELOPMENT'S (PUD) ONLY:	
<input type="checkbox"/> PUD Outline Plan (Master Plan);	<input type="checkbox"/> PUD Amendment to Outline Plan;
<input type="checkbox"/> PUD Preliminary Plan (individual phases);	<input type="checkbox"/> Final Plan (individual phases);
Phase: _____ of _____	Date of PUD Outline Plan (Master Plan) Approval: _____
Other: _____	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
Project Name: <u>Germantown United Methodist Church East of Eden Subdivision</u>	
Address/Location: <u>Across Germantown Road From 2331 South Germantown Road</u>	
Project Description: <u>Subdivision of existing parking lot; There are no improvements or construction associated with the project</u>	
No. of Acres: <u>2.12</u> Parcel Identification Number(s): <u>Ward 002, Block 31, Parcels 1446, 146, 147</u>	
PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.	
OWNER/LESSEE/DEVELOPER INFORMATION	
Owner Name (Print): <u>Germantown United Methodist Church</u> Address: <u>2331 S. Germantown Road, Germantown, TN</u>	
Phone No.: <u>901-754-7216</u>	Email Address: <u>bgabriel@germantownumc.org</u>
Signature of Owner: <u><i>Bryan Gabriel</i></u>	
Lessee Name (Print): _____ Address: _____	
Phone No.: _____ Email Address: _____	
Signature of Lessee: _____	
Developer Name (Print): _____ Address: _____	
Phone No.: _____ Email Address: _____	
Signature of Developer: _____	
PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY	

Planning Commission – Official Application Form
Page 2

AGENT/REPRESENTATIVE INFORMATION	
Name: <u>N/A</u>	Title: _____
Company Name: _____	Address: _____
Phone No.: _____	Email Address: _____
Who will represent this proposal at the Planning Commission meeting? _____	

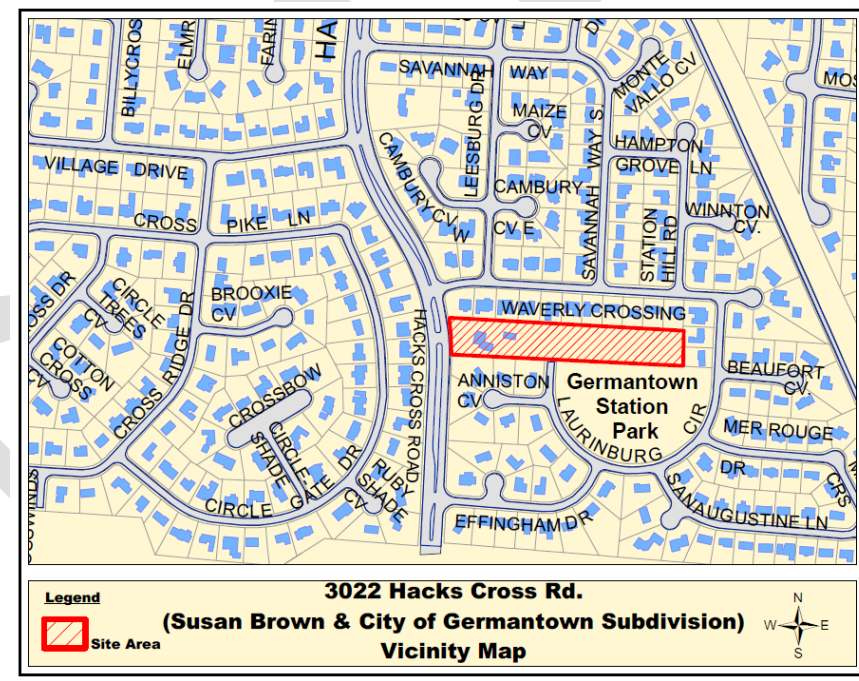
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>VINCE THILLEN - ETI Corp</u>	Address: <u>1755 LYNNFIELD, #100, MEMPHIS, TN 38119</u>
Phone No. <u>901-758-0400</u>	Email Address: <u>vthillen@etiCorp.com</u>
Surveyor Name: <u>CHRIS PERRY - ETI Corp</u>	Address: <u>1755 LYNNFIELD, #100, MEMPHIS, TN 38119</u>
Phone No.: <u>901-758-0400</u>	Email Address: <u>CPERRY@ETICORP.COM</u>

4.b. Susan Brown & City of Germantown Subdivision – 3022 Hacks Cross Road, Approval of a 2 Lot Preliminary and Final Subdivision Plat

INTRODUCTION:

Development Case Number:	17-744
Case Name:	Susan Brown & City of Germantown Subdivision
Location:	3022 Hacks Cross Road
Owner Name:	Susan Brown & City of Germantown
Applicant/Representative:	Pam Beasley, Director of Parks and Recreation
Zoning District:	“R” Low-Density Residential
Area:	1.1 acres
Request:	Approval of a 2 Lot Preliminary and Final Subdivision Plat

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



BACKGROUND:

The 3.29 property at 3022 Hacks Cross Road contains a house (built in 1870) to the east, and a portion of a lake to the west of the site. The property was originally part of the John C. Larkin, Jr. subdivision.

DISCUSSION:

The applicant is requesting to create a two-lot subdivision through a preliminary and final subdivision plat. Lot 1 is 2.163 acres and contains the existing house. The remaining property, named “Part of Lot 1” on the survey, is 1.127 acres, and contains a portion of the lake. On the final plat, this will be named “Germantown Station Park Addition, non-buildable” and would become City of Germantown property

adjoining Germantown Station Park, where the rest of the lake exists. Lot 1 would remain private property.

Germantown Station Park is a well established neighborhood park serving families south of Poplar Pike. The site features a playground, picnic area, sand volleyball court, a walking trail and a lake. Improvements were made to the trail, pedestrian bridge and lake several years ago with the input of the neighborhood. One of their major requests was to have a complete trail loop around the lake for walkers and joggers. However, approximately a third of the lake has been privately owned for many years, preventing that request from moving forward. This subdivision of property will allow that loop to be finalized as part of the purchase of property that was approved by the BMA on June 26, 2016.

STAFF COMMENTS:

A. PRIOR TO FINAL SUBDIVISION APPROVAL

1. All existing utilities shall be shown in easements on the plat.
2. If any utilities run across one lot to service another, they shall be in easements.
3. Each lot must have its own water and sewer service. The meters and services cannot be shared between the two lots. Prior to approval of the final subdivision plat, please provide proof that separate meters and services have been established for Lot 1, and all shared services with "Part of Lot 1" have been abandoned.
4. Following Planning Commission approval, the applicant shall submit a subdivision plat to the Planning Division for review and recording.
5. On the final subdivision plat, "Part of Lot 1" shall be named "Germantown Station Park Addition, non-buildable."

B. GENERAL COMMENTS

1. All recorded easements shall be shown on the plat.
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. 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.
4. 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.

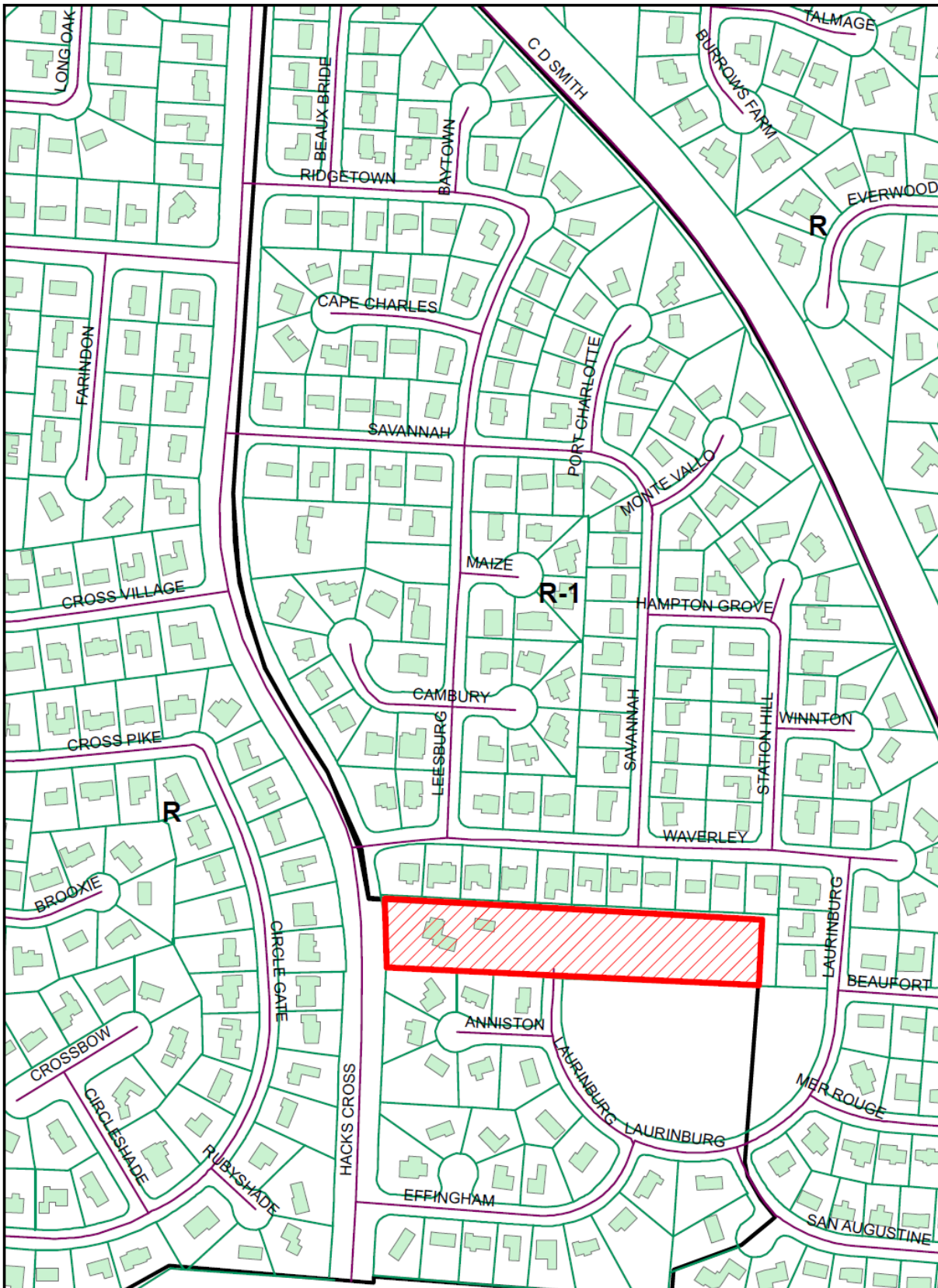
STAFF RECOMMENDATION: Approval, subject to the comments listed above.

SUBDIVISION AND SITE PLAN SUB-COMMITTEE: (DIKE BACON, CHAIRMAN)

The Sub-Committee met on August 16, 2017, and recommended approval.

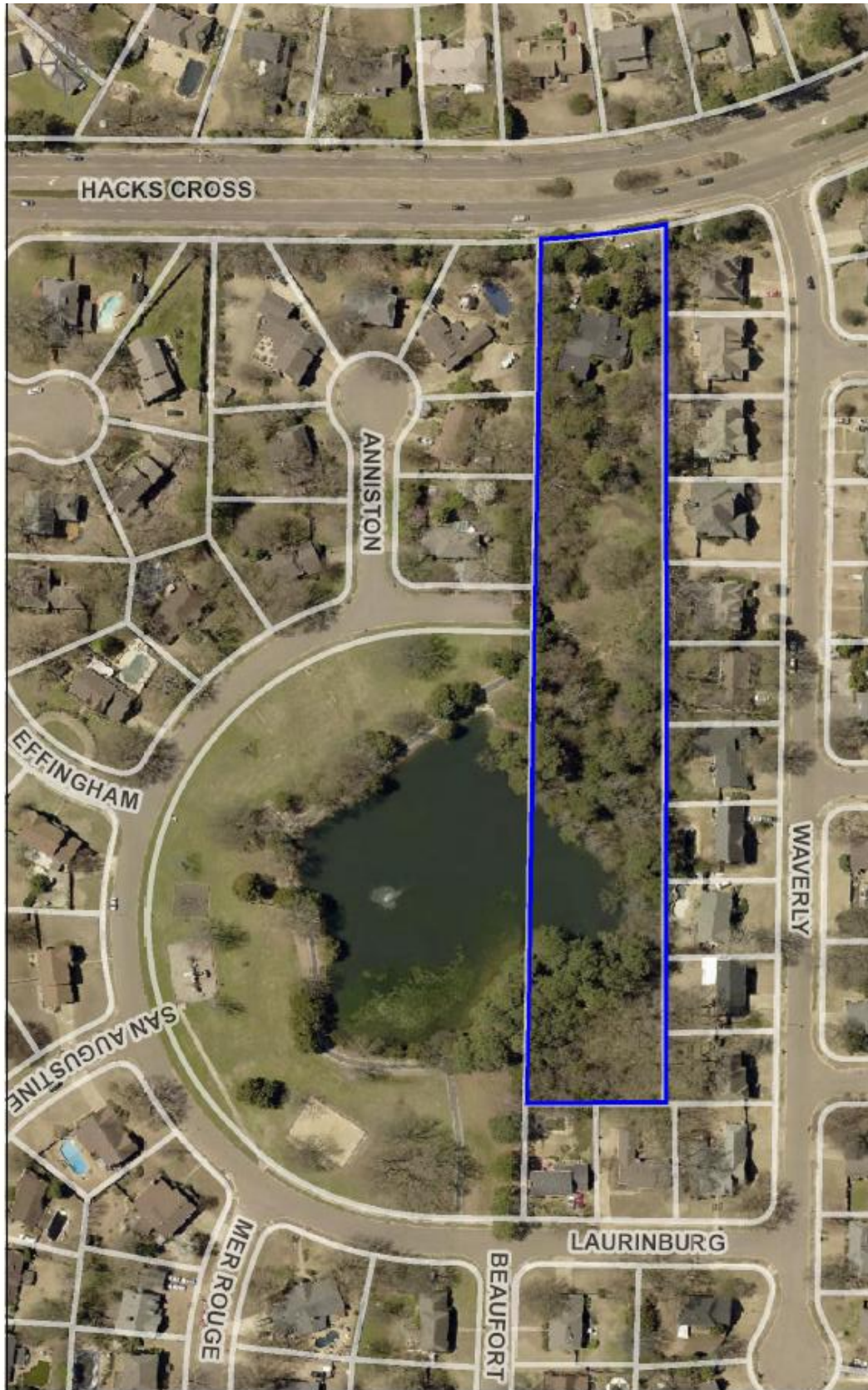
PROPOSED MOTION: To approve a 2 Lot Preliminary and Final Subdivision Plat at 3022 Hacks Cross Road, creating “Lot 1” and “Germantown Station Park Addition, non-buildable,” subject to the Commission’s discussion, staff comments in the staff report, and the plans and documents filed with the application.

DRAFT



ZONING MAP

AERIAL PHOTO

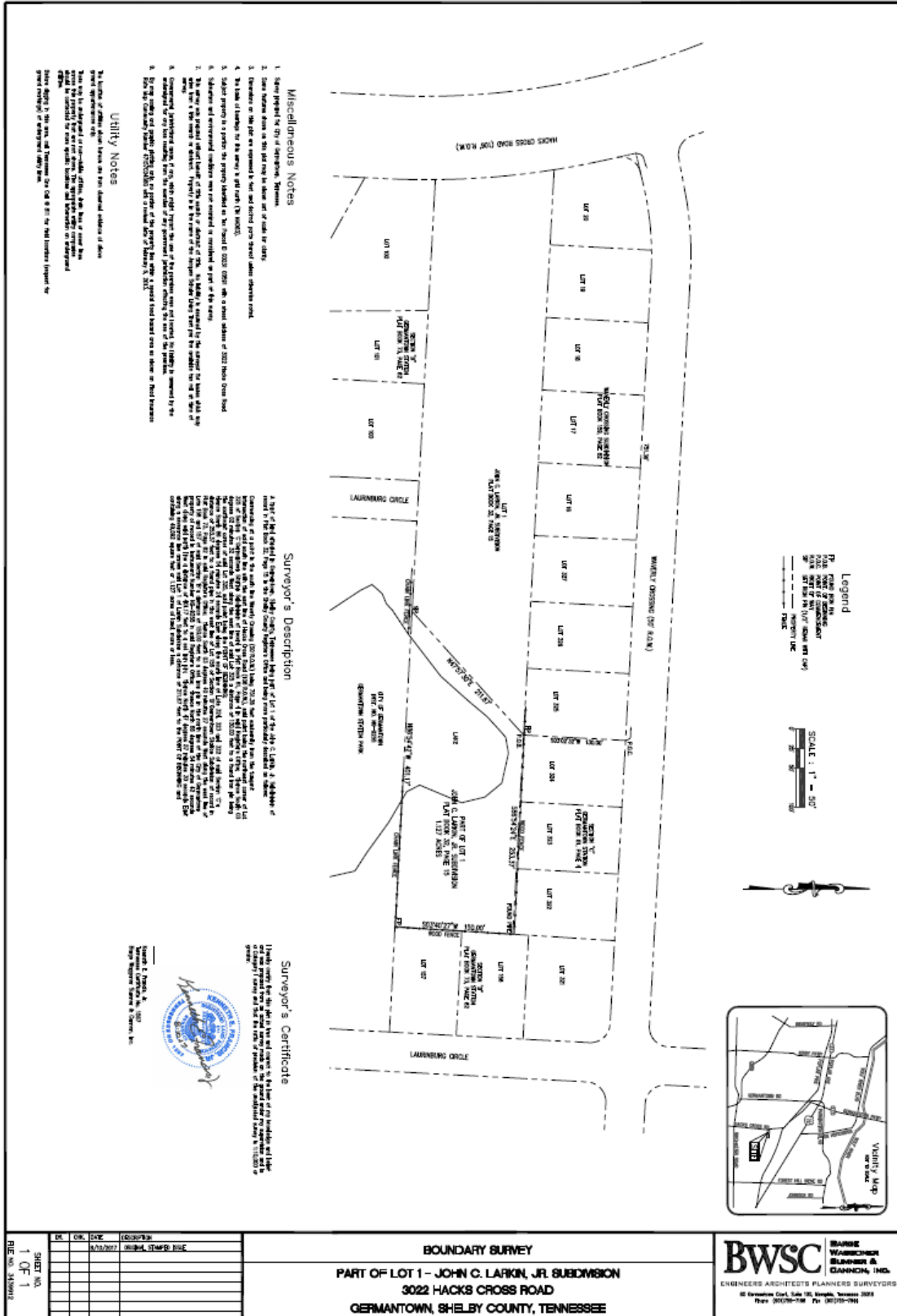


PROPOSED SUBDIVISION DESCRIPTION

A tract of land situated in Germantown, Shelby County, Tennessee being part of Lot 1 of the John C. Larkin, Jr. Subdivision of record in Plat Book 32, Page 15 in the Shelby County Register's Office and being more particularly described as follows:

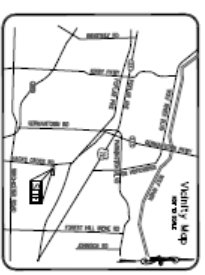
Commencing at a point in the south line Waverly Crossing (50' R.O.W.) being 751.36 feet eastwardly from the tangent intersection of said south line with the east line of Hacks Cross Road (106' R.O.W.), said point being the northeast corner of Lot 325 of Section "C" Germantown Station Subdivision of record in Plat Book 81, Page 4 in said Register's Office; thence South 03 degrees 02 minutes 32 seconds West along the east line of said Lot 325 a distance of 130.00 feet to a found iron pin being the southeast corner of said Lot 325, said point being the POINT OF BEGINNING; thence South 86 degrees 54 minutes 24 seconds East along the south line of Lots 324, 323 and 322 of said Section "C" a distance of 253.37 feet to a found pipe in the west line of Lot 156 of Section "B" Germantown Station Subdivision of record in Plat Book 73, Page 62 in said Register's Office; thence South 03 degrees 40 minutes 27 seconds West along the west line of Lots 156 and 157 of said Section "B" a distance of 150.00 feet to a set iron pin in the north line of the City of Germantown property of record in Instrument Number N9-9255 in said Register's Office; thence North 86 degrees 54 minutes 42 seconds West along said north line a distance of 401.17 feet to a set iron pin; thence North 47 degrees 57 minutes 30 seconds East along a severance line across said Lot 1 of Larkin Subdivision a distance of 211.67 feet to the POINT OF BEGINNING and containing 49,092 square feet or 1.127 acres of land, more or less.

PROPOSED SUBDIVISION



Legend
 --- PLANNED OR PROPOSED
 --- EXISTING
 --- PROPERTY LINE
 --- FENCE
 --- PARTIAL LOT

SCALE 1" = 50'



Miscellaneous Notes

1. Survey prepared by City of Memphis, Tennessee.
2. Survey shown here is the property boundary as of date of survey.
3. Bearings or the part or required by law and every part shown thereon correct.
4. The land is shown in the survey as part of Lot 1, 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A, 24A, 25A, 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33A, 34A, 35A, 36A, 37A, 38A, 39A, 40A, 41A, 42A, 43A, 44A, 45A, 46A, 47A, 48A, 49A, 50A, 51A, 52A, 53A, 54A, 55A, 56A, 57A, 58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66A, 67A, 68A, 69A, 70A, 71A, 72A, 73A, 74A, 75A, 76A, 77A, 78A, 79A, 80A, 81A, 82A, 83A, 84A, 85A, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, 100A.
5. Survey prepared in part by the property boundary as of date of survey.
6. Dimensions and bearings shown here are not intended to constitute a part of the survey.
7. The survey is shown as a part of the survey of Lot 1, 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A, 24A, 25A, 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33A, 34A, 35A, 36A, 37A, 38A, 39A, 40A, 41A, 42A, 43A, 44A, 45A, 46A, 47A, 48A, 49A, 50A, 51A, 52A, 53A, 54A, 55A, 56A, 57A, 58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66A, 67A, 68A, 69A, 70A, 71A, 72A, 73A, 74A, 75A, 76A, 77A, 78A, 79A, 80A, 81A, 82A, 83A, 84A, 85A, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, 100A.
8. The survey is shown as a part of the survey of Lot 1, 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A, 24A, 25A, 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33A, 34A, 35A, 36A, 37A, 38A, 39A, 40A, 41A, 42A, 43A, 44A, 45A, 46A, 47A, 48A, 49A, 50A, 51A, 52A, 53A, 54A, 55A, 56A, 57A, 58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66A, 67A, 68A, 69A, 70A, 71A, 72A, 73A, 74A, 75A, 76A, 77A, 78A, 79A, 80A, 81A, 82A, 83A, 84A, 85A, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, 100A.
9. Being made out of right, title, title, or portion of the property, the other 2, signed and sealed here in the presence of said witnesses.

UNITY NOTES

The location of adjacent lots shown on this plan is intended to show the relative positions of the lots and is not intended to constitute a part of the survey. The survey is shown as a part of the survey of Lot 1, 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A, 24A, 25A, 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33A, 34A, 35A, 36A, 37A, 38A, 39A, 40A, 41A, 42A, 43A, 44A, 45A, 46A, 47A, 48A, 49A, 50A, 51A, 52A, 53A, 54A, 55A, 56A, 57A, 58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66A, 67A, 68A, 69A, 70A, 71A, 72A, 73A, 74A, 75A, 76A, 77A, 78A, 79A, 80A, 81A, 82A, 83A, 84A, 85A, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, 100A.

Surveyor's Description

A part of the original survey of Lot 1, 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A, 24A, 25A, 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33A, 34A, 35A, 36A, 37A, 38A, 39A, 40A, 41A, 42A, 43A, 44A, 45A, 46A, 47A, 48A, 49A, 50A, 51A, 52A, 53A, 54A, 55A, 56A, 57A, 58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66A, 67A, 68A, 69A, 70A, 71A, 72A, 73A, 74A, 75A, 76A, 77A, 78A, 79A, 80A, 81A, 82A, 83A, 84A, 85A, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, 100A.

Surveyor's Certificate

I hereby certify that the above survey was conducted in accordance with the laws and regulations of the State of Tennessee, and that the same is a true and correct representation of the facts as shown to me on the ground.

W. C. LARKIN, JR., SURVEYOR
 No. 12345
 State of Tennessee, Shelby County, Tennessee.

REVISION	DATE	BY	CHKD BY

SHEET NO.
1 OF 1
FILE NO. 12345

BOUNDARY SURVEY
PART OF LOT 1 - JOHN C. LARKIN, JR. SUBDIVISION
3022 HACKS CROSS ROAD
GERMANTOWN, SHELBY COUNTY, TENNESSEE

BWSC
 BARRY WASSCHER
 BARRY WASSCHER & COMPANY, INC.
 ENGINEERS ARCHITECTS PLANNERS SURVEYORS
 60 Eastman Court, Suite 105, Memphis, Tennessee 38103
 Phone 901-948-1018 Fax 901-948-1011

LETTER OF CONCERN FROM RESIDENT

----- Forwarded message -----

From: **Stewart Smith** <stewarts@a2h.com>

Date: Mon, Aug 28, 2017 at 5:50 PM

Subject: RE: 3022 Hacks Cross Rd.

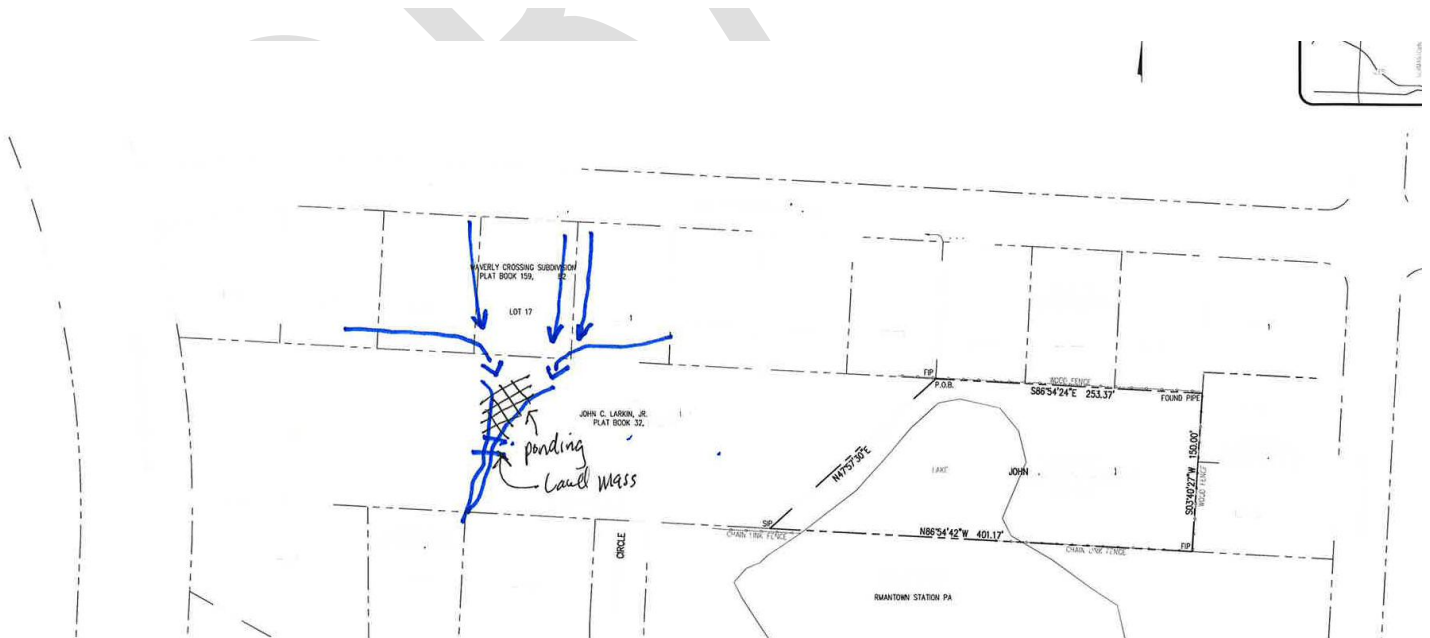
To: "Goralewski, Sarah" <sgoralewski@germantown-tn.gov>

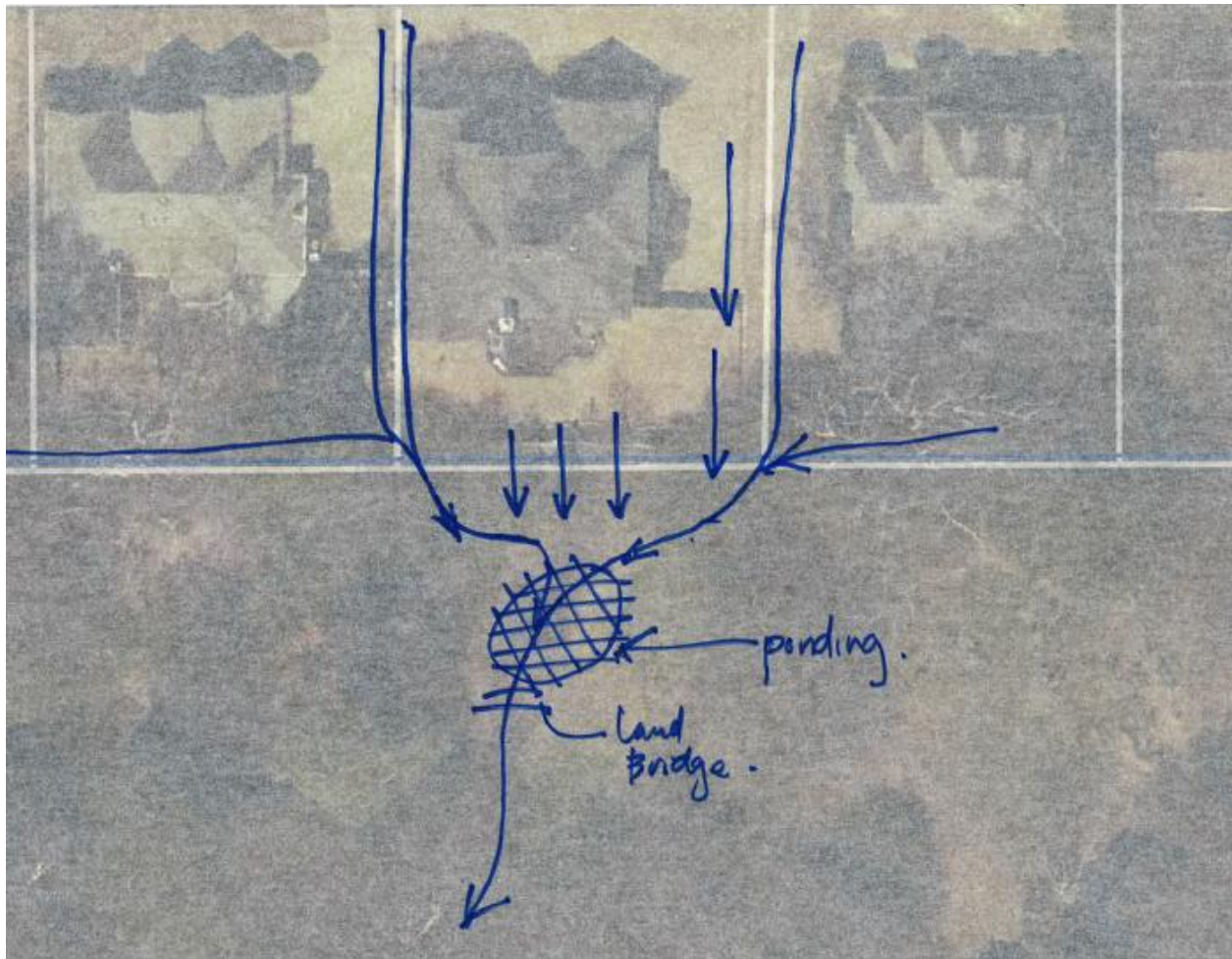
Ms. Goralewski,

I live at 8133 Waverly Crossing and have concerns about the development of property adjacent to my house. My lot is the lowest point on our street and significant amount of water travels thru my back yard and through the corner rock ditches in my back yard from adjacent properties. The storm water then travels thru the property behind me. Most recent property owner had built a land bridge to cross this water conveyance in order to access the back of his property. This land form has created at times, ponding that remains for some time after the rain. My concern is the habitat this creates for mosquitos and varmints. I understand further development may occur with the sale of the remaining property not sold to the City.

I would like to have it noted that any development on the remaining property address the impact that site grading and increase of hard surface will have on the drainage of this property and that the storm water runoff from Waverly Xing will not be adversely affected by ponding water as this is already happening.

Stewart Smith





DRAFT



**CITY OF
 GERMANTOWN
 TENNESSEE**

DATE RECEIVED: 8/10/2017
 RECEIVED BY: ROSS

#17-744

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

**PLANNING COMMISSION
 OFFICIAL APPLICATION FORM**

TYPE OF APPLICATION	
(Check <input checked="" type="checkbox"/> all that apply):	
<input type="checkbox"/> Sketch Plan;	<input type="checkbox"/> Preliminary Site Plan; <input type="checkbox"/> Final Site Plan
<input type="checkbox"/> Minor Subdivision;	<input checked="" type="checkbox"/> Preliminary Plat; <input checked="" type="checkbox"/> Final Plat
<input type="checkbox"/> Grading/Tree Removal;	<input type="checkbox"/> WTF (Wireless Transmission Facility)
<input type="checkbox"/> Rezoning From: _____ To: _____	
<input type="checkbox"/> Other: _____	

IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES <input type="radio"/> NO <input checked="" type="radio"/>	
(Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)	
PLANNED USE DEVELOPMENT'S (PUD) ONLY:	
<input type="checkbox"/> PUD Outline Plan (Master Plan);	<input type="checkbox"/> PUD Amendment to Outline Plan;
<input type="checkbox"/> PUD Preliminary Plan (individual phases);	<input type="checkbox"/> Final Plan (individual phases);
Phase: _____ of _____ Date of PUD Outline Plan (Master Plan) Approval: _____	
Other: _____	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
Project Name: <u>BROWN/CITY OF GERMANTOWN SUBDIVISION</u>	
Address/Location: <u>3022 HACKS CROSS ROAD</u>	
Project Description: <u>2 LOT SUBDIVISION in "R" zoning district</u>	
No. of Acres: <u>1.127</u> Parcel Identification Number(s): <u>G0231 00591</u>	
PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.	
PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION (All applicable parties shown below must sign the application)	
Property Owner Name (Print): <u>Susan Brown</u> Address: <u>3022 Hacks Cross Road</u>	
Phone No.: _____ Email Address: _____	
Signature of Property Owner <u>Susan Kay Brown</u>	
Lessee Name (Print): _____ Address: _____	
Phone No.: _____ Email Address: _____	
Signature of Lessee _____	
Developer Name (Print): <u>City of Germantown</u> Address: <u>1930 S. Germantown Rd.</u>	
Phone No.: <u>901-757-7177</u> Email Address: <u>pbeasley@germantown-tn.gov</u>	
Signature of Developer _____ (Pam Beasley)	
PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY	

Planning Commission – Official Application Form
Page 2

AGENT/REPRESENTATIVE INFORMATION	
Name: <u>CITY OF GERMANTOWN</u>	Title: <u>Economic + Community Development Director</u>
Company Name: _____	Address: <u>1930 S. GERMANTOWN ROAD</u>
Phone No.: <u>901-757-7281</u>	Email Address: <u>CROSS@germantown-ta.gov</u>
Who will represent this proposal at the Planning Commission meeting? <u>CAMERON ROSS</u>	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>BNSC</u>	Address: <u>60 GERMANTOWN CT ST. 100</u>
Phone No. <u>901-755-7166</u>	Email Address: _____
Surveyor Name: _____	Address: _____
Phone No.: _____	Email Address: _____

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 (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.I.T., a trust, or any other form of for-profit business entity, the authorized representative of the Applicant must list below the respective names and business or home addresses of all persons or entities which own 10% or more of the ownership interests in the Applicant. (If another business entity owns 10% or more of the ownership interests in the Applicant, all persons owning a 10% or more interest in such last mentioned entity must be identified by name and business or home address.) (If a trust owns a 10% or more interest in the Applicant, all beneficiaries of 10% or more of the trust assets must be identified by name and business or home address.) The amount of ownership interest does not have to be disclosed.

Applicant: City of Germantown (Pam Beasley, Director of
Address: 1930 S. Germantown Rd. Parks + Rec)
Signature of Applicant: _____

Property Owner: Susan Brown
Address: 3022 Hacks Cross Rd., Germantown, TN 38138
Signature of Property Owner: see pg. 1

Lessee: _____
Address: _____
Signature of Lessee: _____

Developer: City of Germantown
Address: 1930 S. Germantown Rd.
Signature of Developer: _____

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

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

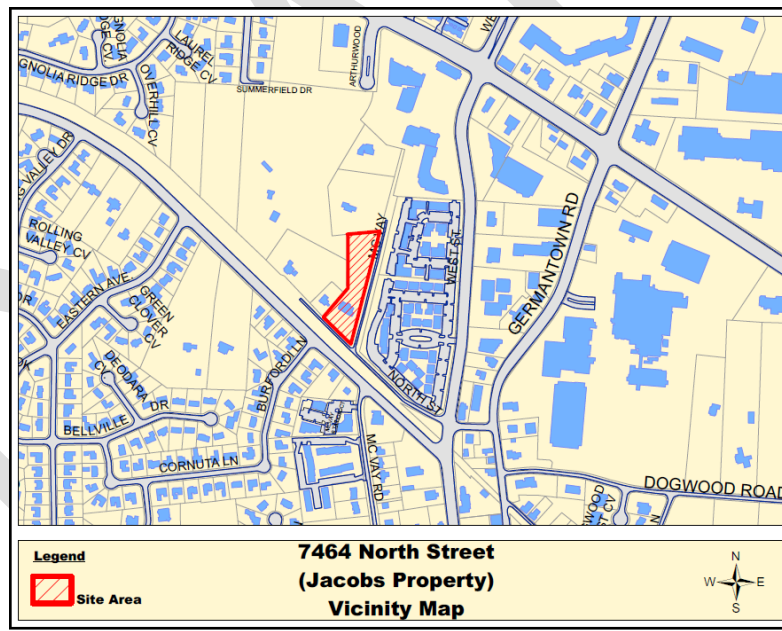
5.c. Jacobs Property, Approval of a 4,788 s.f. Accessory Dwelling Unit/Live-Work Building

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

INTRODUCTION:

Development Case Number:	17-730
Case Name:	Jacobs Property
Location:	7464 North St.
Owner Name:	Jim Jacobs
Applicant/Representative:	S. Berry Jones w/ S. Berry Jones Architects
Zoning District:	“T5” Urban Center
Area:	2.16 acres
Request:	Approval of a Preliminary and Final Site Plan for a 4,788 s.f. Outbuilding (Accessory Dwelling/Live-Work Unit)

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



BACKGROUND: According to the Shelby County Register of Deeds, the existing house and detached garage on the subject property was constructed in 1998. In March 2002, the subject property was rezoned from “R” Residential to “O-C” Office Campus; it was subsequently rezoned from “O-C to the “T5” Urban Center District” in 2007 by the approved of the Smart Code. On May 10, 2016, the applicant was granted a variance for a 5’ high fence located 9’ to 12’ from the front property lines of North Street and McVay Road and located in the front yard of this property. The applicant intends to continue using this property as residential and add a live/work building to the site under the current “T5” zoning.

DISCUSSION: The property is currently improved with a single-family residence and a detached garage, which predates the current “T5” Urban Center zoning placed on the property. The applicant is

proposing to construct a live/work unit (outbuilding) on the site, utilizing the current “T5” Urban Center zoning. Per Section 23-763, both live-work and accessory dwelling units are permitted uses by right in the “T5” zoning district. The proposed outbuilding would be a maximum of two stories, which complies with the requirements of Sec. 23-770.

Details concerning the proposed outbuilding are as follows:

TOTAL SITE AREA	2.16 ac.
EXISTING MAIN HOUSE BUILDING AREA	4,489 sq. ft.
EXISTING GARAGE AREA	528 sq.ft.
PROPOSED OUTBUILDING BUILDING AREA	4,788 sq.ft.
<i>TOTAL BUILDING AREA</i>	<i>9,805 sq.ft.</i>
LOT BUILDING COVERAGE	10.4%
PROPOSED OUTBUILDING HEIGHT	28' (to roof mid-point)
NUMBER OF PROPOSED PARKING SPACES FOR OUTBUILDING	
Garage	4
Parking Maximum Allowed	1

NOTE: THE ABOVE FIGURES ARE BASED ON THE SUBMITTED CONCEPT PLANS AND DATA FROM THE SHELBY COUNTY ASSESSOR’S WEBSITE.

WARRANTS: Two Requested.

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

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

WARRANTS: The following warrants from the standard development regulations are required for this project (See **Warrant Application with applicant’s justification for each request on pages 11 of this report.**):

WARRANT 1: Sec. 23-770.4.E. – Front Setback. Maximum Front Yard Setback shall be 40 ft. from rear property line. The proposed outbuilding would be approximately 166 ft. from the rear property line. The existing pond on the site prevents the building from being within the maximum setback. Steep grade and topography greatly limit possible locations of the structure. (See enclosed site plan.)

WARRANT 2: Sec. 23-792.A.3. – Parking. Maximum Number of Parking Spaces is 1.0 per Dwelling Unit. The applicant is requesting four garage spaces for the proposed live/work unit.

The Technical Advisory Committee (T.A.C.) met on August 9th, 2017, and reviewed the submitted plans.

STAFF COMMENTS:

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Prior to any construction, the applicant shall submit a grading plan to the Engineering Division for approval.
2. Water service tap to new building must be from the water main in McVay Rd., not from the fire hydrant service.
3. If any commercial use is to occur in the new live/work building, then there shall be a fire hydrant within 300' of the new live/work building. The applicant shall bear the cost of a new hydrant, if needed.
4. The applicant has confirmed with the Fire Department that the proposed use of the outbuilding is for a personal home office only, and no commercial use shall occur on the property.
5. The applicant shall submit to the Planning Division a final plat for the property that shows the existing and proposed building, as well as all easements, to be recorded following the Planning Commission approval.
6. Each house/building must have its own water and sewer services, with separate meters. Service for the new live/work building cannot be shared with existing home.
7. Water service tap to new live/work building must be from the water main in McVay Rd., not from the fire hydrant service.
8. Sewer force main from the new live/work building shall not tie into sewer cleanout, but shall tie into the sewer manhole on McVay Rd.

B. GENERAL COMMENTS

1. After approval from the Planning Commission, the warrants shall proceed to the Board of Mayor and Aldermen for approval.
2. 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 BMA.
3. 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.
4. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
5. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.

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

STAFF RECOMMENDATION: Approval, subject to the comments listed above

Board Discussion:

Chairman Harless asked if there were any questions of staff. Mr. Hernandez asked if the four parking spaces on the ground floor were enclosed parking spaces, and Mr. Ross confirmed yes.

Mr. Clark inquired as to what is the minimum side yard setback. Mr. Ross answered there is a minimum of 0, and the project proposes a maximum of 15.

The applicant, Berry Jones with S. Berry Jones Architects, 1861 Madison Avenue, Memphis, TN 38104, made a presentation, stating the intention was have the building blend with the landscaping. The site has hilly terrain, with the building partially set into a hill. The lot is wooded and very insulated from surrounding properties.

Chairman Harless inquired if the applicant and homeowner were aware of all the potential development going around the area. The applicant and homeowners (Mr. & Mrs. Jacobs) confirmed they were and are excited about the opportunity occurring behind their property.

Chairman Harless asked if there was anyone in the audience that would like to speak in support or opposition of the project. There were none.

SMART CODE REVIEW COMMITTEE: (MIKE HARLESS, CHAIRMAN) The Smart Code Review Committee met on August 16, 2017 and recommended moving this item to be heard at the September 5, 2017 Planning Commission meeting, subject to the Committee's discussion, comments of staff and revisions presented by the applicant. Letters of recommendation from the DRC and ECD representatives are included in this report.

MAIN MOTION: To approve the revised preliminary and final site plan for an outbuilding (an accessory dwelling unit/live-work building) at 7464 North St., subject to the Commission's discussion, staff comments as contained in the staff report, and documents and plans submit with the application.

Planner Sarah Goralewski asked to remove the word "revised" on the staff report, since this is the first time this project is coming forward with the preliminary and final site plan.

Mr. Bacon moved to approve the preliminary and final site plan for an outbuilding (an accessory dwelling unit/live-work building) at 7464 North St., subject to the Commission's discussion, staff comments as contained in the staff report, and documents and plans submit with the application, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

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

WARRANTS

PROPOSED WARRANT MOTION 1: To approve a warrant from Section 23-770.4.E., to allow the front yard setback of the outbuilding to be more than 40 ft. from the rear property line.

Mr. Bacon moved to approve a warrant from Section 23-770.4.E., to allow the front yard setback of the outbuilding to be more than 40 ft. from the rear property line, subject to the Commission's discussion, staff comments as contained in the staff report, and documents and plans submit with the application, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

Mr. Bennett voted yes; the topography dictates the necessity for the warrant in this case.

Mr. Clark voted yes; the pond and the topography are going to allow for a larger setback.

Mr. Hernandez voted yes; given the characteristics on the property, the setback is warranted.

Chairman Owens voted yes, for the reasons stated previously; the pond makes it physically impossible to set the proposed live-work unit that close to the rear setback.

Mr. Saunders voted yes, for the same reasons previously stated, due to the topography and location of pond. Both of these warrant the setback change.

Chairman Harless voted yes, for the reasons stated previously.

PROPOSED WARRANT MOTION 2: To approve a warrant from Section 23-792.A.3. to allow 4 parking spaces for the outbuilding (rather than the maximum 1.0 per dwelling unit).

Mr. Bacon moved to approve a warrant from Section 23-792.A.3. to allow 4 parking spaces for the outbuilding (rather than the maximum 1.0 per dwelling unit), subject to the Commission's discussion,

staff comments as contained in the staff report, and documents and plans submit with the application, seconded by Mr. Hernandez.

Chairman Harless asked for a roll call.


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

Mr. Bennett voted yes; the project is consistent with Smart Growth, namely adding parking without going against the intent of the Smart Code.

Alderman Owens voted yes, stating the parking is justified and needed.

Mr. Saunders voted yes; due to the fact this is a detached live-work unit, I think the parking will be consistent with that use.

Chairman Harless voted yes; due to the unique parking requirement for this outbuilding.



Goralewski, Sarah <sgoralewski@germantown-tn.gov>

SmartCode Review Letters of Recommendation: 17-730 Jacobs Property (7464 North St.)

Jerry Klein <jerry@kossmankleinco.com> Mon, Aug 28, 2017 at 1:59 PM
To: "Goralewski, Sarah" <sgoralewski@germantown-tn.gov>

Sarah:

The Economic Development Commission is pleased to lend its support to Smart Growth Plan for the Jacobs Property at 7464 North Street and recommends approval of same.

Jerry Klein, Chairman
Economic Development Commission

Jerry Klein
(901) 325-9980 Mobile
(901) 754-2980 Home
jerry@kossmankleinco.com
P. O. Box 28404
Germantown, TN 38163-0404



CITY OF GERMANTOWN TENNESSEE

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

August 28, 2017

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

RE: Case # 17-730
Jacobs Property @ 7464 North Street
Request Approval of Accessory Dwelling Unit/Live-Work Building

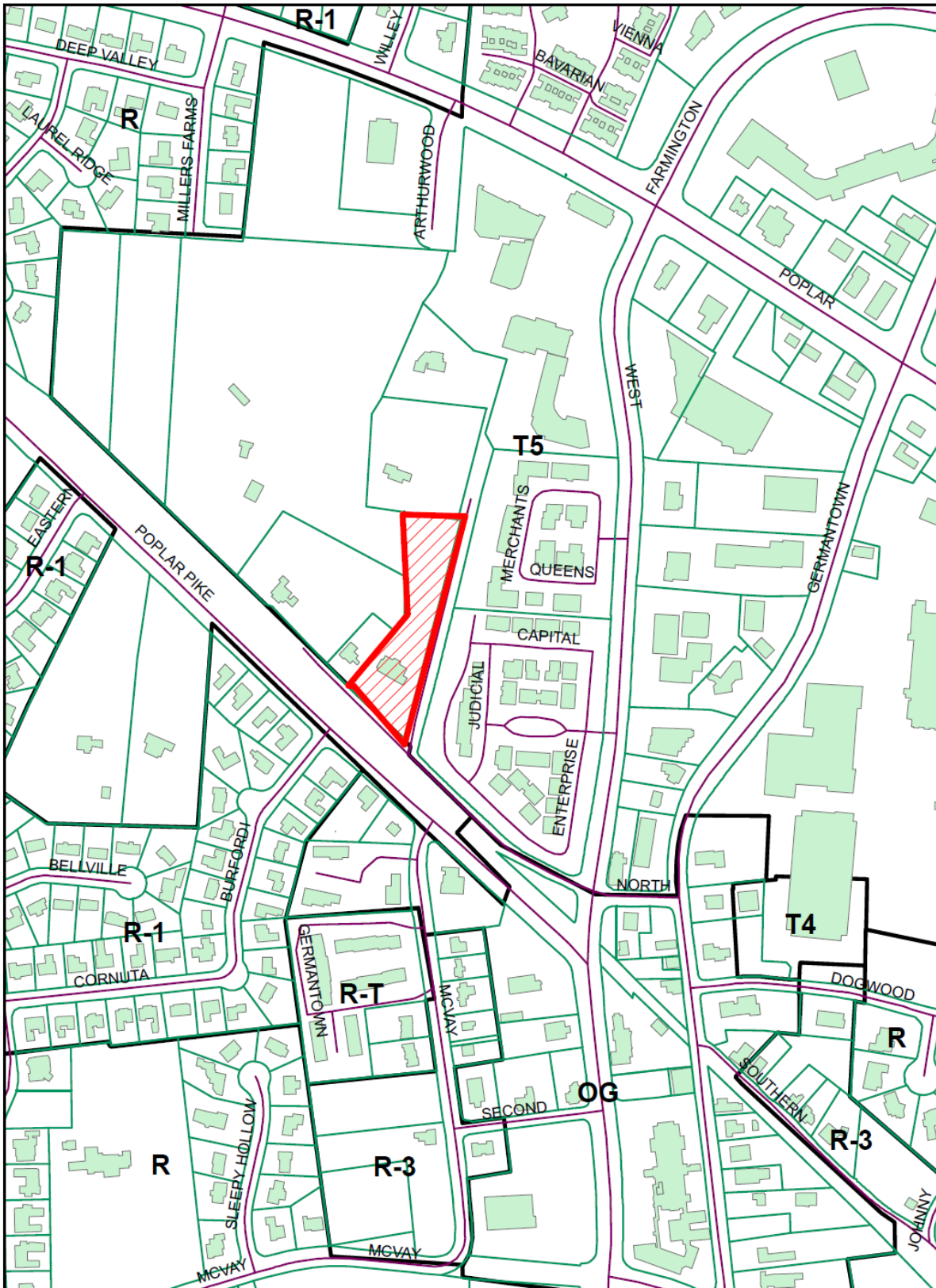
The Jacobs Project presentation to the Planning Commission Subcommittee on August 16th 2017 was very thorough and explained the unique conditions of the site very well. The applicant and architect were very agreeable to the requests of the committee concerning the utility connections. The building site seemed very appropriate on the lot with the lake and other obstructions. The DRC Smart Code Review Committee recommends the Jacobs Project for approval.

Regards,

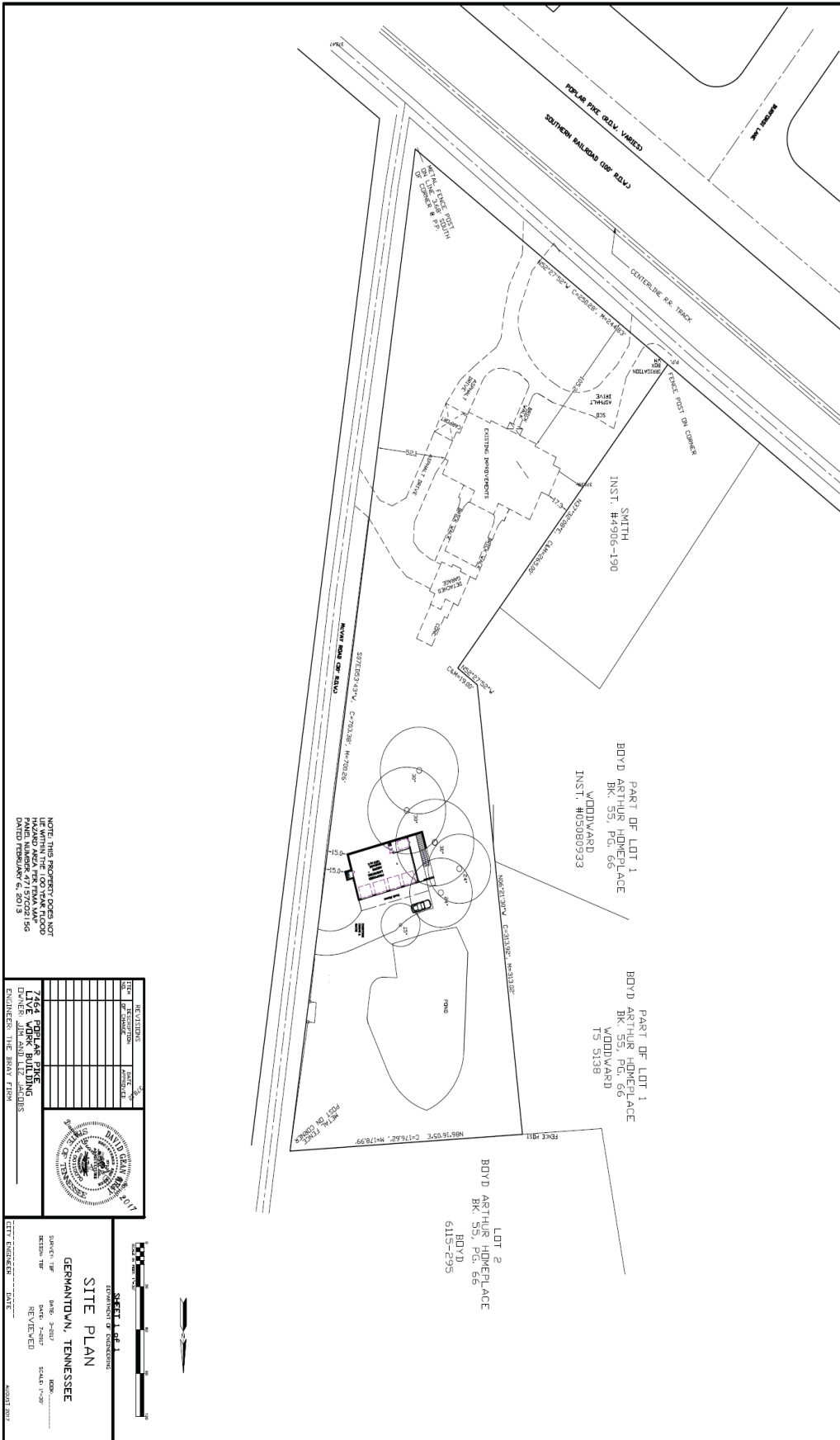
A handwritten signature in black ink, appearing to read "Paul Bruns", with a long, sweeping flourish extending to the right.

Paul Bruns, BLA MLA
Design Review Commission

Cc: Cameron Ross – Director of Economic and Community Development
Sheila Pounder - Planning Division Manager



ZONING MAP



NOTE: THIS PROPERTY LIES NOT WITHIN THE HAZARD AREA FOR TYPICAL AND UNUSUAL FLOODING AS SHOWN ON THE HAZARD AREA FOR TYPICAL AND UNUSUAL FLOODING MAP DATED FEBRUARY 6, 2013

NO.	REVISIONS	DATE
1	7/24/17	
2		
3		
4		
5		
6		
7		
8		
9		
10		

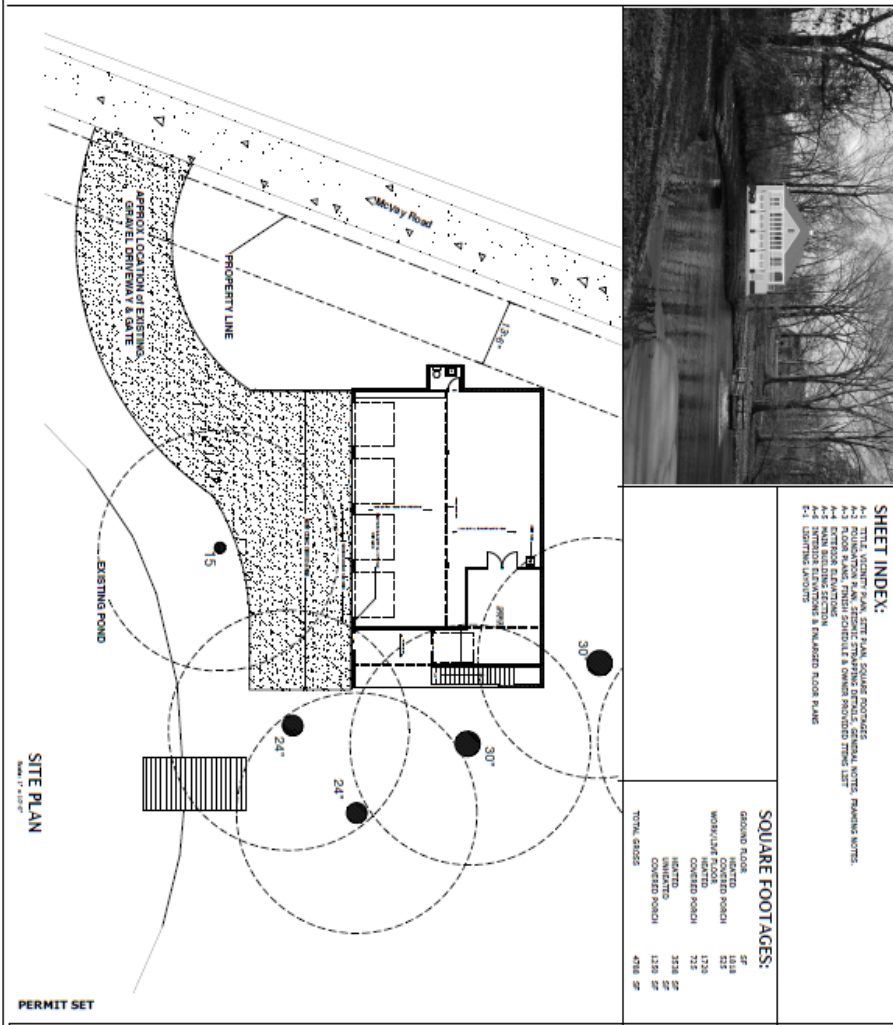
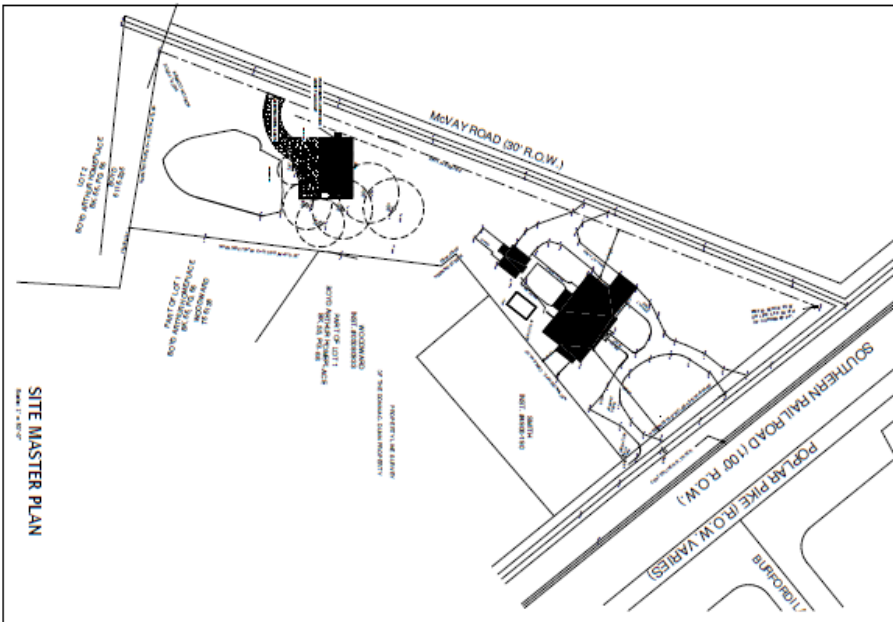
7/24/17
 BOYD ARTHUR HOMEPLACE
 INST. #05080933
 OWNER: JIM AND LIZ JACOBSON
 ENGINEER: THE BRAY FIRM

SEAL OF THE STATE OF TENNESSEE
 REGISTERED PROFESSIONAL ENGINEER
 JIM BRAY
 No. 10000
 Exp. 12/31/2018

DATE: 7/24/17
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1
 SITE PLAN
 GERMANTOWN, TENNESSEE
 LIZ JACOBSON
 DATE: 7/24/17
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1
 SITE PLAN
 GERMANTOWN, TENNESSEE

NEW LIVE-WORK BUILDING for the JACOBS' RESIDENCE

7464 NORTH STREET - GERMANTOWN, TN 38138



SHEET INDEX:
 A-1 TITLE, EXISTING PLAN, EXIST' PLAN, SQUARE FOOTAGES
 A-2 FLOOR PLANS, FINISH SCHEDULE & COVERED POOLING TRUSS LIFT
 A-3 EXTERIOR ELEVATIONS
 A-4 INTERIOR ELEVATIONS & FINISHED FLOOR PLANS
 E-1 LIGHTING LAYOUTS

SQUARE FOOTAGES:

GROUND FLOOR	HEATED	1818
	COVERED PORCH	257
WORKSHOP GARAGE	HEATED	1729
	COVERED PORCH	752
HEATED	2828	57
UNHEATED	1291	57
COVERED PORCH	1291	57
TOTAL GARAGE		4118

A1	<p>JIM & LIZ JACOBS</p>	<p>NEW LIVE-WORK BUILDING for the JACOBS' RESIDENCE 7464 NORTH STREET - GERMANTOWN, TN 38138</p>	<p>S. Berry Jones - Architects 1801 Madison Avenue Memphis, TN 38104 Phone: 901.521.2299 Fax: 901.521.5676 email: berry@sjarchitects.com</p>
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SOUTH ELEVATION
 Scale: 1/8" = 1'-0"

EAST ELEVATION
 Scale: 1/8" = 1'-0"

WEST ELEVATION
 Scale: 1/8" = 1'-0"

POND-SIDE ELEVATION
 Scale: 1/8" = 1'-0"

PERMIT SET

<p>DATE: APRIL 13, 2017 A4</p>	<p>OWNER: JIM & LIZ JACOBS</p>	<p>PROJECT: 1601-000-0000 NEW LIVE-WORK BUILDING for the JACOBS' RESIDENCE 7464 NORTH STREET - GERMANTOWN, TN 38138</p>	<p>S. Berry Jones - Architects 1801 Madison Avenue Memphis, TN 38104 PHONE: 901.261.1229 FAX: 901.725.3639 email: berry@sjaxn.com</p>
--	--	---	---



**CITY OF
 GERMANTOWN
 TENNESSEE**

DATE RECEIVED: 8/24/2017
 RECEIVED BY: G.ralewski

#17-730

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

**PLANNING COMMISSION
 OFFICIAL APPLICATION FORM**

TYPE OF 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: _____

 IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES NO
 (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)

PLANNED USE DEVELOPMENT'S (PUD) ONLY:

- PUD Outline Plan (Master Plan); PUD Amendment to Outline Plan;
- PUD Preliminary Plan (individual phases); Final Plan (individual phases);

Phase: _____ of _____ Date of PUD Outline Plan (Master Plan) Approval: _____
 Other: _____

**PROJECT INFORMATION
 (Provide Additional Pages as Needed)**

Project Name: Jacobs Property
 Address/Location: 7464 North St.
 Project Description: Auxillary Dwelling/Live-Work Unit in the T-5
 Urban Center zoning district
 No. of Acres: 2.16 Parcel Identification Number(s): G0230 00059

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

**PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION
 (All applicable parties shown below must sign the application)**

Property Owner Name (Print): Elizabeth Jacobs Address: 7464 North St.
 Phone No.: 901-485-2340 Email Address: ljacobs10@comcast.net
 Signature of Property Owner: [Signature] jim@gmxps.com
 Lessee Name (Print): _____ Address: _____
 Phone No.: _____ Email Address: _____
 Signature of Lessee: _____
 Developer Name (Print): _____ Address: _____
 Phone No.: _____ Email Address: _____
 Signature of Developer: [Signature]

PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY

Planning Commission - Official Application Form
Page 2

AGENT/REPRESENTATIVE INFORMATION	
Name: <u>S. BERRY JONES ARCHITECTS</u>	Title: <u>OWNER</u>
Company Name: <u>S. BERRY JONES ARCHITECTS</u>	Address: <u>1861 MADISON AVE. 38104</u>
Phone No.: <u>901-340-1229</u>	Email Address: <u>berry@sbjarchitects.com</u>
Who will represent this proposal at the Planning Commission meeting? <u>S. BERRY JONES</u>	

ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>BRAY-DAVIS FIRM</u>	Address: <u>2950 N. STAGE PLAZA 38134-3705</u>
Phone No. <u>901-383-8668</u>	Email Address: <u>dgbay@comcast.net</u>
Surveyor Name: <u>KEVIN BRAY</u>	Address: <u>SAME</u>
Phone No.: <u>SAME</u>	Email Address: <u>KEVINBRAYDAVIS@AOL.COM</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.I.T., a trust, or any other form of for-profit business entity, the authorized representative of the Applicant must list below the respective names and business or home addresses of all persons or entities which own 10% or more of the ownership interests in the Applicant. (If another business entity owns 10% or more of the ownership interests in the Applicant, all persons owning a 10% or more interest in such last mentioned entity must be identified by name and business or home address.) (If a trust owns a 10% or more interest in the Applicant, all beneficiaries of 10% or more of the trust assets must be identified by name and business or home address.) The amount of ownership interest does not have to be disclosed.

Applicant: S. BERRY JONES - ARCHITECTS
Address: 1261 MADISON AVE. MEMPHIS TN 38104
Signature of Applicant: [Signature]

Property Owner: Elizabeth Jacobs
Address: 7464 North St.
Signature of Property Owner: [Signature]

Lessee: _____
Address: _____
Signature of Lessee: _____

Developer: _____
Address: _____
Signature of Developer: _____

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

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



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: 6.12.17
RECEIVED BY: [Signature]

SMART CODE WARRANT APPLICATION (TO BE SUBMITTED WITH THE PLANNING COMMISSION APPLICATION)

PROJECT INFORMATION	
Project Name:	<u>LIVE-WORK BUILDING FOR JACOBS RESIDENCE</u>
Address:	<u>7464 NORTH STREET</u>
Project Description:	<u>NEW AUXILIARY DWELLING UNIT</u>
No. of Acres:	<u>2.16 AC</u> Parcel Identification Number(s): _____ Zoning District <u>T-5</u>
APPLICANT/OWNER/LESSEE/DEVELOPER INFORMATION	
Applicant Name (Print):	<u>PHILIP ALBERTINE</u> Address: <u>2176 WEST ST. #207</u>
Phone No.:	<u>901-751-7077</u> Email Address: <u>PHILIP@ALBERTINE.CO.COM</u>
Signature of Applicant:	<u>[Signature]</u>
Owner Name (Print):	<u>Jim Jacobs</u> Address: <u>7464 NORTH STREET</u>
Phone No.:	<u>901-496-0926</u> Email Address: <u>Jim@GMCPS.COM</u>
Signature of Owner:	<u>[Signature]</u>
Lessee Name (Print):	_____ Address: _____
Phone No.:	_____ Email Address: _____
Signature of Lessee:	_____
Developer Name (Print):	_____ Address: _____
Phone No.:	_____ Email Address: _____
Signature of Developer:	_____
AGENT/REPRESENTATIVE INFORMATION	
Name:	<u>Philip Albertine</u> Company Name: <u>ALBERTINE COMPANY, LLC</u>
Address:	<u>2176 WEST ST. #207</u> Phone No.: <u>901-751-7077</u>
Fax No.:	<u>901-751-6840</u> Email Address: <u>PHILIP@ALBERTINE.CO.COM</u>
Who will represent this proposal at the Planning Commission meeting?	<u>Jim Jacobs</u>

Smart Code - Warrant Application Form
Page 2

WARRANT REQUEST(S)
WARRANT #1 Section 23-745, A warrant is an official decision that permits a practice that is not consistent with a specific provision(s) of the Code, but is justified by its intent (Sec. 23-741) and is consistent with the adopted small area plan applicable to that location. Section of Smart Code from which the deviation is sought: <u>40' ^{FRONT} MANUAL REAR YARD</u> <u>SETBACK (23.770.4.E) FROM REAR PROPERTY LINE</u>
Justification of Intent (provide additional information as necessary to make the case): <u>THERE IS AN EXISTING POND THAT PREVENTS THE LOCATION OF THE BUILDING FROM BEING WITHIN THE MAXIMUM SETBACK THAT POND ALONG WITH THE STEEP GRADE OF EXISTING TOPOGRAPHY GREATLY LIMIT POSSIBLE LOCATIONS OF THE PROPOSED STRUCTURE.</u>
WARRANT REQUEST
WARRANT #2 Section 23-745, A warrant is an official decision that permits a practice that is not consistent with a specific provision(s) of the Code, but is justified by its intent (Sec. 23-741) and is consistent with the adopted small area plan applicable to that location. Section of Smart Code from which the deviation is sought: _____ Justification of Intent (provide additional information as necessary to make the case): _____

PLEASE NOTE: If more than 1 warrant is being requested, please complete this page and attach to the application. If more than 2 warrants are being requested, please make copies of this page, provide the information requested and attach the pages to the back of the application.

Smart Code – Warrant Application Form
 Page 3

CITY OF GERMANTOWN

SMART CODE WARRANT APPLICATION CHECKLIST


	Completed by applicant as of date of submittal		Completed by staff as of date of completeness review
Completed	Required Items	Staff Verification	Staff Comments:
✓	A pre-development meeting with staff is required	CP	
✓	A completed application for a warrant and required fees	CP	
	A site plan illustrating the Warrant request		
N/A	Documentation of authorization to represent the property owner, if applicant is not the owner		
	CD of the application and all supporting documents, in .jpg and PDF format.		
✓	Application Fee \$150 per warrant request	CP	

Please Note: The signature of owner authorizes City of Germantown staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

(Check One):
 I, the owner, will represent this application with the City of Germantown.
 I, the owner, hereby authorize the person named below to act as my agent in processing this application with the City of Germantown.

I certify that the information in this application is complete and accurate. I understand that I or a representative should be present at all meetings concerning this application.

I am the property owner of record or developer ; or I am the agent authorized to represent the owner in this application (provide documentation of owner's authorization with this application)

Signature:  Date: 6.12.17

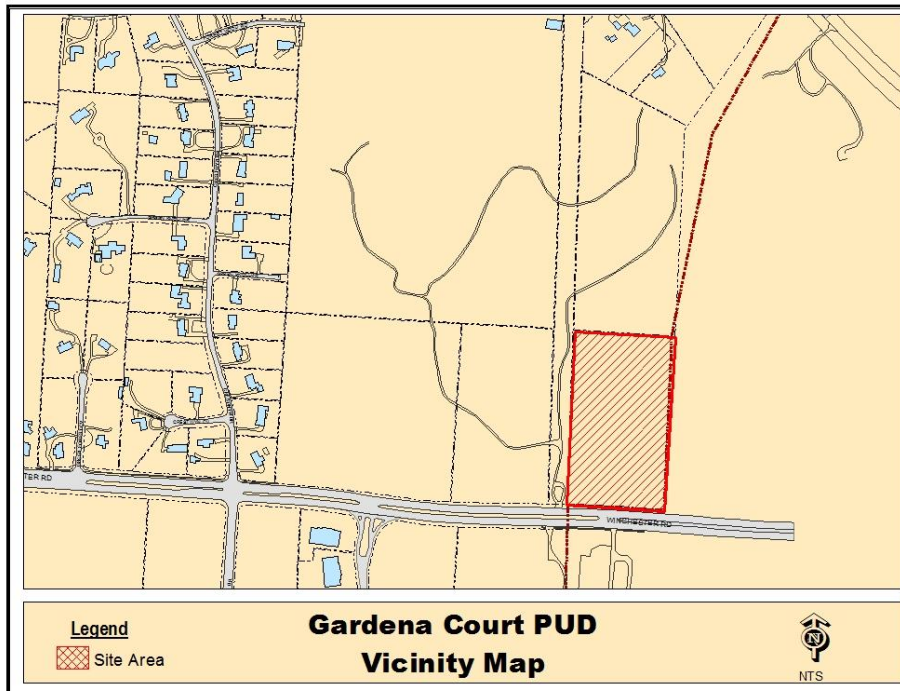
5.e. Gardena Court Planned Unit Development

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

INTRODUCTION:

Development Case Number:	17-737
Case Name:	Gardena Court Planned Unit Development (PUD)
Location:	North side of Winchester Road and east of Crestwyn Hill Drive
Owner Name:	Henry M. Turley Jr.; Steven G. Beem; James Massey; Ralph Michael Robison; and Beverly Marrero
Developer:	Les Binkley w/ Boyle Investment Company
Applicant/Representative Name:	Michael Rogers, PE w/Fisher Arnold
Zoning District:	“T4” General Urban
Area:	10.193 Acres
Request:	Outline Plan Revocation Approval

*Refer to the Disclosure Form attached for more information



BACKGROUND: Gardena Court Planned Unit Development (Outline Plan-Plat Book 134, Page 63) is a 10.53 acre parcel that was approved and recorded by Memphis & Shelby County in 1991. The property was annexed by the City of Germantown in 2000, at which time it was zoned AG, Agricultural, by Shelby County. Also in 2000, the property was rezoned to C-1, Neighborhood Commercial, by the Board of Mayor and Aldermen’s approval of Ordinance 2000-14. In 2016, the BMA adopted the Forest Hill

Heights Small Area Plan and in conjunction with the plan's recommendations rezoned the property to T4, General Urban, with their approval of Ordinance 2016-09. The property has remained undeveloped since its annexation into the City of Germantown.

DISCUSSION: This application for an Outline Plan Revocation is being filed pursuant to 23-576 *et seq.*, the Germantown Code of Ordinances as follows:

Sec. 23-576. - Outline or Final Plan Repeal Process.

An application for repeal of approval of all or a portion of an outline or final plan may be filed with the planning commission at any time. The planning commission shall meet and forward a recommendation to the board of mayor and aldermen concerning the repeal of approval of the outline and/or final plan of development. The board of mayor and aldermen shall schedule a public hearing on the request and make a decision regarding the request for repeal based on the following criteria:

- (1) Prior to commencement of any construction based on an approved final plan, plan approvals may be repealed and contracts voided if the applicant proposes no development or development consistent with existing zoning.
- (2) After commencement of construction based on an approved final plan, plan approvals may be repealed and contracts voided only if, in the opinion of the board of mayor and aldermen, the public health, safety and welfare will not be jeopardized. Specifically, public facilities must be provided to future owners of property within the development and adequate traffic circulation maintained. Development of property constituting a portion of an approved final plan in accordance with the existing zoning may not be approved if such development would be incompatible with the remainder of the property included in the approved final plan.

The Gardena Court PUD was approved to allow the development of commercial uses in accordance with the Outline Plan Conditions reflected on the recorded document. The property is currently vacant land and has no final plans recorded on it. Revocation of the existing recorded Outline Plan will null and void its regulating of how the property develops and allow the owners to move forward with new plans that would conform to the "T4 zoning that currently overlays the property. A Letter of Intent from the applicant is attached to this report.

The Technical Advisory Committee (T.A.C.) met on July 12th and made the following comments:

STAFF COMMENTS:

A. GENERAL COMMENTS AND REQUIREMENTS

1. No public right-of-way or easements were dedicated with the recording of this Outline Plan.
2. The applicant shall prepare a revocation instrument for this Outline Plan and submit it to staff for review and forwarding to the Board of Mayor and Aldermen for final approval.
3. The approval of the revocation of this Outline Plan shall be contingent upon the approval of the Outline Plan for Viridian Planned Unit Development as requested by the applicant.
4. If approval by the Planning Commission, the revocation instrument for this Outline Plan shall proceed to the Board of Mayor and Aldermen for approval concurrently with the Outline Plan for Viridian Planned Unit Development.

STAFF RECOMMENDATION: Approval, subject to the comments listed above

Board Discussion:

Chairman Harless asked if there were any questions of staff. There were none.

The applicant, Les Binkley with Boyle Investments Company, 5900 Poplar Avenue, Memphis, TN 38119, stated he was in agreement with the staff report and had nothing to add.

Chairman Harless asked if there was anyone in the audience that would like to speak in support or opposition of this project. There were none.

SMART CODE REVIEW COMMITTEE ACTION: (MIKE HARLESS, CHAIRMAN) The SmartCode Review Committee met on August 16, 2017 and recommended that this item be heard at the September 5, 2017 Planning Commission meeting, subject to the Committee's discussion, comments of staff as contained in the staff report, and documents and plans submitted with the application. Letters of recommendation from the DRC and ECD representatives are included in this report.

PROPOSED MOTION: To approve revocation of the Outline Plan for Gardena Court PUD, located on the north side of Winchester Road and east of Crestwyn Hill Drive, subject to the Commission's discussion, staff comments and conditions as contained in the staff report, and documents and plans submitted with the application.

Mr. Bacon moved to approve revocation of the Outline Plan for Gardena Court PUD, located on the north side of Winchester Road and east of Crestwyn Hill Drive, subject to the Commission's discussion, staff comments and conditions as contained in the staff report, and documents and plans submitted with the application, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

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



CITY OF GERMANTOWN TENNESSEE

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

August 28, 2017

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

RE: Case # 17-737
Gardena Court Planned Unit Development
Outline Plan Revocation

The DRC Smart Code Review Committee recommends the revocation of currently approved Outline Plan. For the Gardena Court PUD. The property for this development has been rezoned to a SmartCode District T4 which is not a permitted zoning district for this type of development.

Regards,

A handwritten signature in black ink, appearing to read "Paul Bruns".

Paul Bruns, BLA MLA
Design Review Commission

Cc: Cameron Ross – Director of Economic and Community Development
Sheila Pounder - Planning Division Manager



CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road Germantown, Tennessee 38133
Phone (901) 757-7200 Fax (901) 757-7292 [www.germantown-](http://www.germantown-tn.gov)

8/31/2017

Mike Harless, Chairman
Planning Commission
City of Germantown
1930 S. Germantown Rd.
Germantown, TN 38138

Re: Case #17-737
Gardena Court Planned Unit Development
Outline Plan Revocation

The Economic Development Commission (the "EDC") does not believe increasing the density of residential units per acre on the subject project is prudent in the overall development of the Forest Hill Heights corridor. Therefore, the EDC recommends the revocation of the currently approved Outline Plan, which would otherwise allow for such increased density.

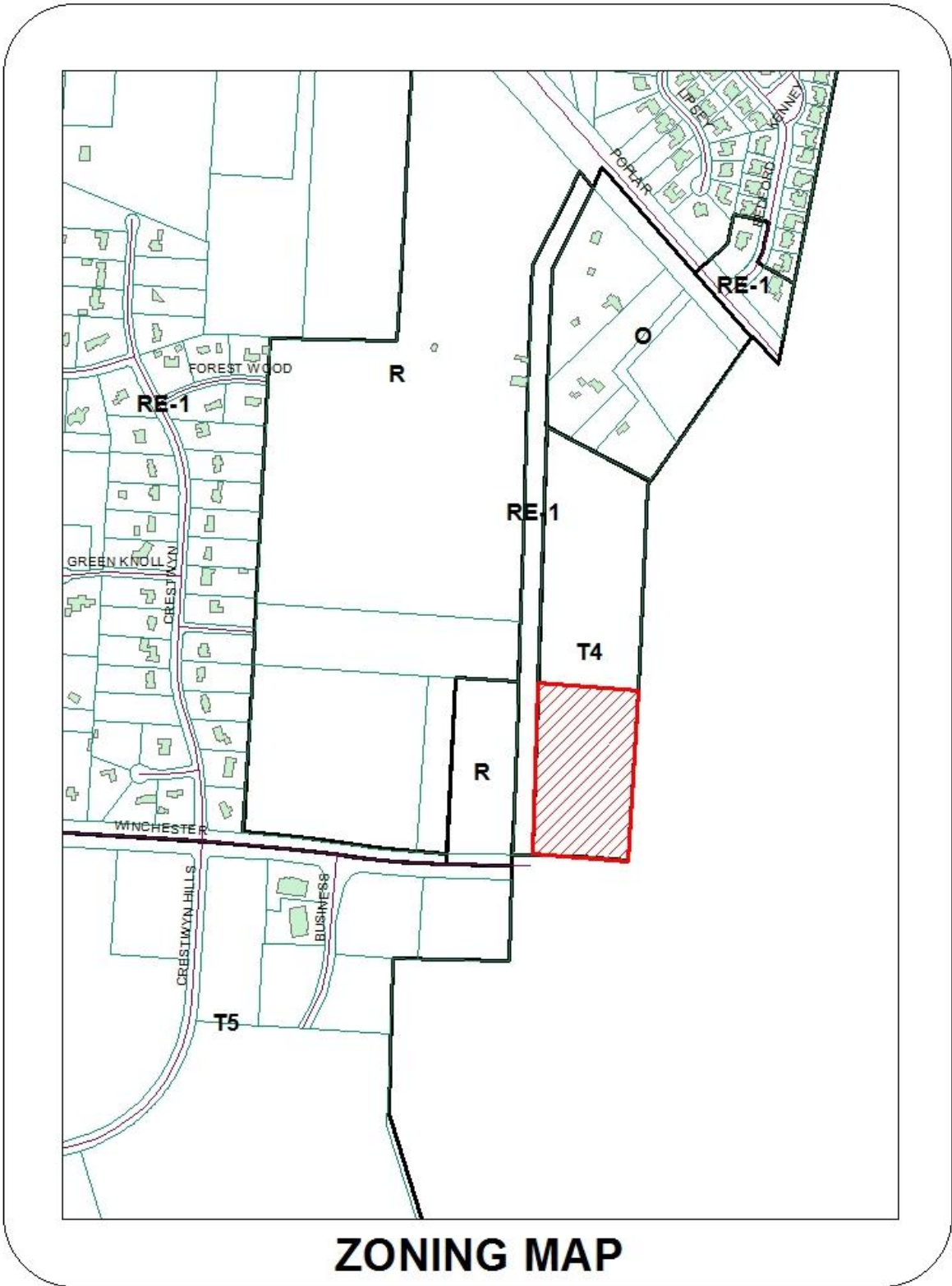
Respectfully,

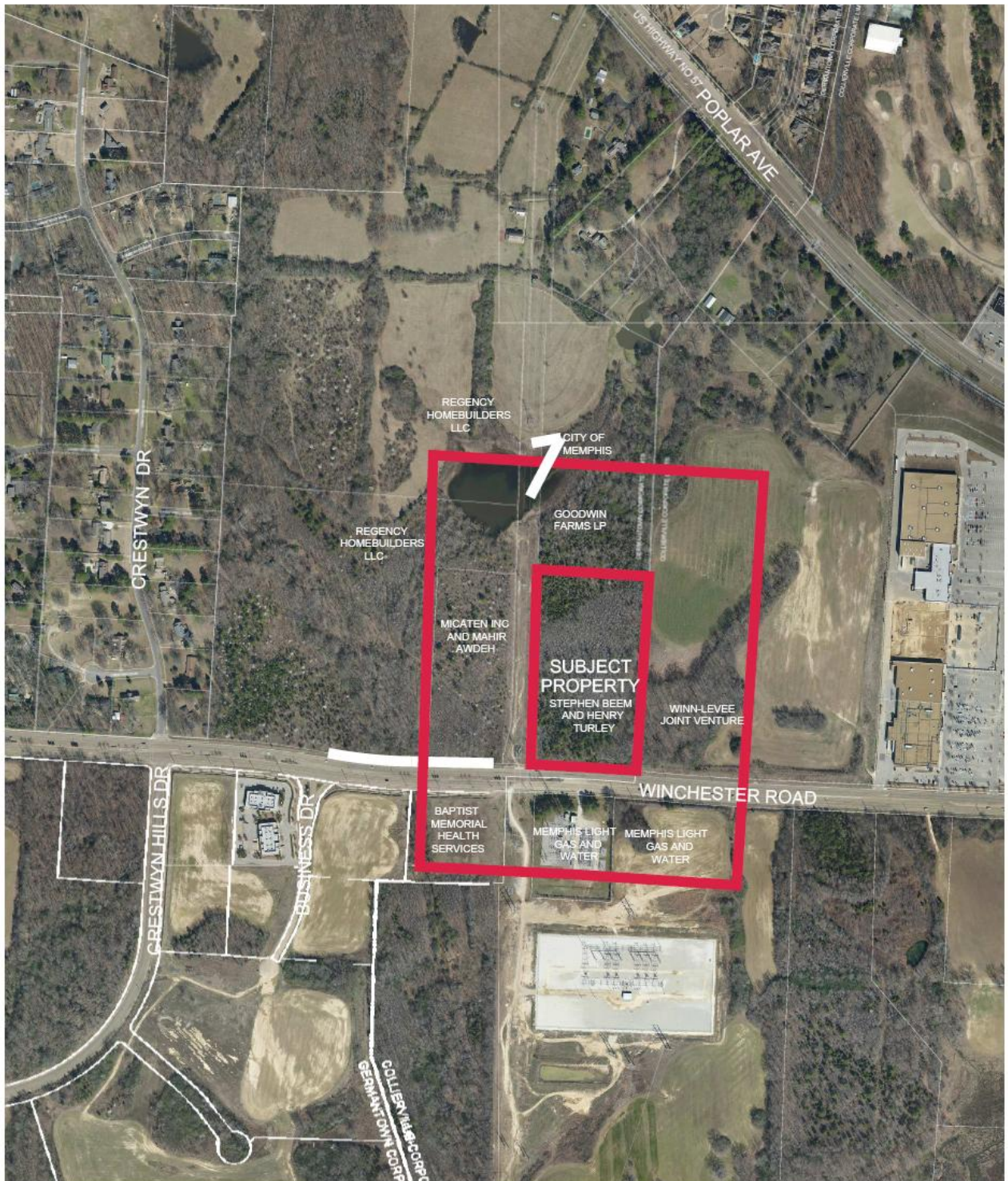
A handwritten signature in blue ink, appearing to read "S. Levy", written over a horizontal line.

Steven Levy, Vice Chairman
Economic Development Commission

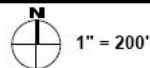
cc: Cameron Ross - Director of Economic and Community Development
Sheila Pounder - Planning Division Manager





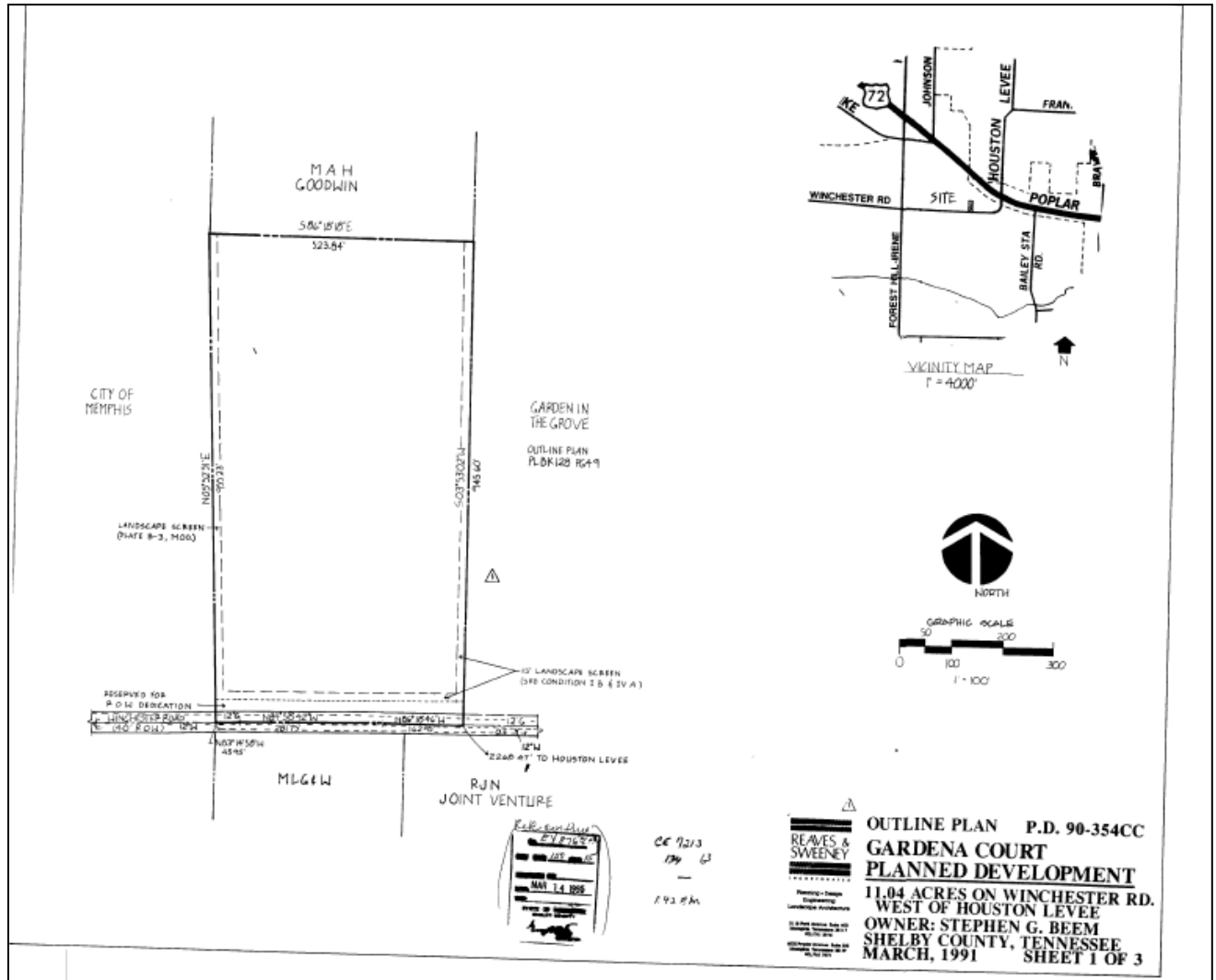


VICINITY MAP



A FISHER ARNOLD
ENGINEERING INFORMATION
8002 Chestnut Hill Drive | Memphis, Tennessee 38125-6000
901.748.3911 | Fax: 901.748.3700 | www.fishernad.com

RECORDED OUTLINE PLAN



**GARDENA COURT PLANNED DEVELOPMENT
OUTLINE PLAN CONDITIONS**

I Uses Permitted.

A Any use permitted in the C-P District shall be permitted, except the following uses:

- 1 Amusements, commercial indoor
- 2 Garage, commercial
- 3 Flea shop
- 4 Used goods, second-hand sales
- 5 Tavern, cocktail lounge, night club
- 6 Group shelter
- 7 Transitional home
- 8 Airport, heliport
- 9 Amusements, commercial outdoor
- 10 Motor vehicle sales
- 11 Retail sales (outdoor)
- 12 Drive-in restaurant
- 13 Gasoline sales
- 14 Motel
- 15 Hotel

B Carry out restaurant (with drive through) shall be permitted only in accordance with the following development standards:

- 1 Plate J or equivalent landscaping shall be provided along Winchester Road
- 2 Access shall be from a private drive serving the shopping center. Direct access to Winchester Road from the carry out restaurant site shall be prohibited.

C All buildings shall be constructed of brick, split face block or other natural material designed to conform to and be consistent with the architectural style and materials of other buildings within the shopping center.

D A maximum of one carry out restaurant (with drive through window) shall be permitted in a free standing building.

E Retail sales (outdoor) shall be permitted only as part of a department or discount store and in accordance with the following development standards:

- 1 Outdoor displays shall be a minimum of 250 feet from Winchester Road
- 2 Outdoor displays shall be visually enclosed along the south and west boundaries by buildings, walls or landscaping designed to conform to the overall appearance of the shopping center.
- 3 Outdoor displays shall not be visible from adjacent property to the west or from Winchester Road

II Bulk Requirements -- In accordance with the Planned Commercial (C-P) District with the following exceptions:

A Maximum Floor Area Ratio (FAR) -- 25

B Maximum building height -- two stories or 28 feet. An increase in height up to a maximum of 30 feet may be permitted by the Land Use Control Board during the site plan review process. Architectural screening shall completely conceal all heating, cooling or any other mechanical or other apparatuses located on the roof or elsewhere attached to the building.

III Access, Parking and Circulation

A Dedicate a minimum of 42 feet from the centerline of Winchester (Frontage) Road and improve in accordance with the Subdivision Regulations. Additional right-of-way may be required up to a maximum of 57 feet from the centerline.

B Curb cuts: Curb cuts to Winchester Road -- two (2)

C Internal circulation shall be provided between all parking areas.

D All private drives shall be constructed to meet City standards and provide a minimum pavement width of 12 feet exclusive of curbs and gutters.

E A street dedication plat shall be recorded providing for the dedication and improvement of a collector street to provide internal access between the northern portion of the site and Winchester Road prior to the recording of any final plat.

IV. Landscaping, Screening and Lighting.

A Landscaping consisting of Plant F, a 15 foot wide landscape strip, or equivalent approved by the Office of Planning and Development shall be provided and maintained along Winchester Road and the Collector Street (or Plate J, see condition I B)

B Plate B-3, a 15 foot wide planting screen (modified to delete the chain link fence), shall be provided along the west property line or an equivalent subject to approval of the Office of Planning and Development.

C A minimum of 300 square feet of internal landscaping and one shade tree (Tree A) shall be provided and maintained for every 20 parking spaces including required perimeter landscaping and screening. No parking space shall be located more than 75 feet from a landscaped island including at least one tree (Tree A)

D All trash receptacles shall be completely screened from view from adjacent properties and from the public roads. Masonry walls or a combination of fencing and landscaping shall be provided subject to the approval of the Office of Planning and Development.

E Parking lot light standards shall be located on the eastern side of the landscaping screen, shall not exceed 20 feet in height and shall be designed and located so as not to glare toward residential property.

F Required landscaping and screening shall be located exclusive of all easements and shall not conflict with any easements including overhead wires.

G Equivalent landscaping may be substituted for that required above, subject to the approval of the Office of Planning and Development.

V Other.

A All buildings, signs and other structures shall be constructed in a consistent style and using consistent building materials.

B Buildings of metal or concrete block siding shall be prohibited.

C A rendering of the exterior appearance of proposed buildings with proposed siding and roof materials labeled shall be provided on any final plan subject to the approval of the Office of Planning and Development.

D A maximum of four (4) free standing buildings shall be permitted on the site with no more than two within 100 feet of the west property line and not more than one free standing building on Winchester Road.

VI Signs:

A Detached signs

- 1 A maximum of four (4) ground mounted signs shall be permitted with a maximum of 50 square feet in area each with a maximum height of eight (8) feet and minimum setback of 15 feet. The design and materials of signs shall be consistent with the proposed buildings subject to approval by the Office of Planning and Development.
- 2 In addition, two ground mounted integrated center signs shall be permitted with a maximum height of 12 feet, and a minimum setback of 15 feet. No blinking or flashing lights shall be permitted.
- 3 No more than one such sign shall be permitted on Winchester Road.
- 4 Detached signs shall be prohibited within 300 feet of the western property line. Roof signs are prohibited.

B Attached signs -- In accordance with the General Office O-G District Regulations

C Temporary and portable signs shall not be permitted

VII Drainage

A Drainage improvements to be provided under contract in accordance with Subdivision Regulations, and the City of Memphis Drainage Design Manual

B Design of the storm water conveyance and management facilities for this project shall be in accordance with the "City of Memphis Drainage Design Manual". The manual requires on-site detention of storm water run-off, generated from this project, which exceeds the capacity of the downstream system. Drainage calculations performed in accordance with this manual shall be submitted verifying that adequate non-buildable areas have been provided for storm water detention facilities. For information concerning this requirement, please contact the City Engineer's Office.

C All drainage remaining on-site shall be private. Easements will not be accepted.

D The drainage plans submitted to the City (and County) Engineer must include a written determination from the Tennessee Department of Health and Environment regarding their jurisdiction over the watercourses on this site. If an Aquatic Resource Alteration Permit (ARAP) is required by the State (99-3-101 et seq.), a copy of the permit shall accompany the drainage plans submitted, and the plans shall comply with the requirements and conditions of the ARAP.

VIII Site Plan Review by the Land Use Control Board

A A site plan shall be submitted for the review, comment and recommendation of the Office of Planning and Development (OPD) and appropriate City and County agencies and the approval of the Land Use Control Board prior to approval of any final plan. Notice of hearing before the Land Use Control Board shall be provided to all neighbors within the notice area and to the President of the Winchester Forest Hills Estates Property Owners Association.

B The site plan shall be submitted at least twenty days prior to a Land Use Control Board meeting and shall include the following:

1. The exact location, dimensions, floor areas and heights of all buildings.
2. The number, location and dimensions of parking spaces.
3. The location of all loading docks, openings, spaces, and trash receptacles and the means of screening these facilities from the west and from the public roads.
4. Illustrations of proposed buildings with proposed siding and roof materials labeled.
5. Illustrations of proposed signs with dimensions, height and materials labeled.
6. Specific plans for internal and perimeter landscaping and screening including identification by name and location of plant materials.
7. Documentation that a collector street as required in Condition III E has been dedicated and is to be constructed prior to or simultaneous with development of the initial phase of the development.
8. Conformance with specific standards required for automobile service stations, gasoline sales and drive-in restaurants.

C The site plan shall be reviewed based upon the following criteria:

1. Conformance with the outline plan conditions
2. Conformance to the standards and criteria for commercial planned development contained in Section 14-C and 14-E of the Zoning Regulations.
3. Compatibility with adjacent land uses

IX. The Land Use Control Board may modify the bulk, access, parking, circulation, signage, lighting, landscaping and other site design features if equivalent alternatives are presented, provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the City Council.

X. In addition to the outline plan conditions, any final plan shall include the following:

- A The outline plan conditions.
- B A standard subdivision contract as defined by the Subdivision Regulations.
- C The exact location and dimensions, including height of all buildings, parking areas, landscaping and screening.
- D The number of parking spaces.
- E An illustration of the exterior appearance of proposed buildings with proposed siding and roof materials labeled.
- F An illustration of proposed signs with dimensions, height and materials labeled.
- G Specific plans for internal and perimeter landscaping and screening including identification by name and location of plant materials.
- H The location and ownership of any private or public easements.
- I A statement conveying all common facilities and areas to a property owners' association, or other entity, for ownership and maintenance.
- J The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: "The areas denoted by 'Reserved for Storm Water Detention' shall not be used as a building site or filled without first obtaining written permission from the City or County Engineer, as applicable. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City/County Engineer's Office. Such maintenance shall include, but not be limited to: removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures."

Refer to Plan
6723
134.63
1.48 PM
10/13/17
10/13/17

REAVES & SWEENEY

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Engineers
Landscape Architecture

1111 East Main Street, Suite 200
Memphis, Tennessee 38103
901-528-1800
www.reavesandsweeney.com

**OUTLINE PLAN P.D. 90-354CC
GARDENA COURT
PLANNED DEVELOPMENT
11.04 ACRES ON WINCHESTER RD.
WEST OF HOUSTON LEVEE
OWNER: STEPHEN G. BEEM
SHELBY COUNTY, TENNESSEE
MARCH, 1991 SHEET 2 OF 3**

Owner's Certificate

I, Stephen G. Beem, the undersigned owner(s) of the property shown, hereby adopt this plat as my/our plan of development. I/we certify that I/we am/are the owner(s) of the said property in fee simple, duly authorized to act, and that said property is not encumbered by any taxes which have become due and payable.

Stephen G. Beem
 Signature Signature

Notary's Certificate

State of Tennessee
 County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared Stephen G. Beem, with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be owner of the subject property, the within named bargainer, and that he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 24 day of May, 1991.

Notary Public Debra Ann Duggins
 My Commission Expires 10-3-92

Mortgagee's Certificate

We, Shelby County of Memphis, Tenn., the undersigned mortgagee of the property shown herein, hereby consent and agree to the plan of development as submitted by Stephen G. Beem, owner(s) of the property.

Shelby County of Memphis, Tenn.
 Institution Signature

Notary's Certificate

State of Tennessee
 County of Shelby

Before me, the undersigned, a Notary Public in and for the said State and County at Memphis, duly commissioned and qualified, personally appeared Stephen G. Beem, with whom I am personally acquainted, and who upon his (her) oath acknowledged himself (herself) to be owner of the subject property, the within named bargainer, and that he executed the foregoing instrument for the purpose therein contained. In witness whereof, I have hereunto set my hand and affixed my notarial seal at my office in Memphis, this 24 day of May, 1991.

Notary Public Debra Ann Duggins
 My Commission Expires 10-3-92

Engineer's Certificate

It is hereby certified that this plat is true and correct as in accordance with the design requirements of the Zoning Ordinance, the Subdivision Regulations and the specific conditions imposed on this development, and takes into account all applicable federal, state and local building laws and regulations.

By Shelby D. Smith (Seal) (Date)
 Tennessee Certificate No. 82571

Office of Planning and Development Certificate

Plan of development acted on by the Memphis and Shelby County Land Use Control Board on MARCH 14, 1991. Approved by the Shelby County Commissioners on APRIL 23, 1991, and by the Memphis City Council on APRIL 23, 1991.

BY: _____ DATE _____
 Director, Office of Planning & Development

⚠️ This plan is being re-recorded to reflect the deletion of the proposed collector street on the adjacent property. This change is a result of the proposed collector street being within the boundary of this P.D.

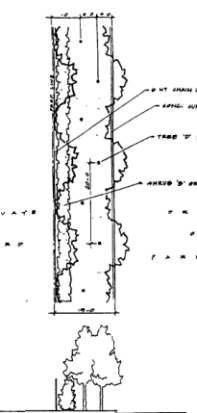
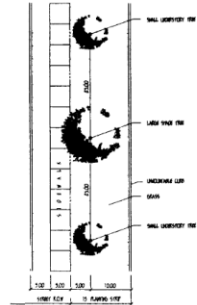
Christina Buchanan 3/13/95
 Director, O.P.D. Date
ANN LEE DAVIDSON #1
NOTARY PUBLIC
MEMPHIS, TENNESSEE
3/2/75

EY8764

RECORDING STAMP: CE 7213, 134 63, 4500, APR 11 1991 AM, 24 11:30 AM, SHELBY COUNTY, TENNESSEE.

PLANNING & DEVELOPMENT STAMP: RECEIVED, APR 23 1991, OFFICE OF PLANNING & DEVELOPMENT, MEMPHIS, TENNESSEE.

RECORDING STAMP: APR 24 1991, SHELBY COUNTY, TENNESSEE.



OUTLINE PLAN P.D. 90-354CC
GARDENA COURT
PLANNED DEVELOPMENT
 11.04 ACRES ON WINCHESTER RD.
 WEST OF HOUSTON LEVEE
 OWNER: STEPHEN G. BEEM
 SHELBY COUNTY, TENNESSEE
 MARCH, 1991 SHEET 3 OF 3



June 29, 2017

Ms. Shelia Pounder, City Planner
Department of Economic & Community Development
City of Germantown
1920 S. Germantown Road
Germantown, Tennessee 38138

**RE: Gardena Court P.D.
Revocation Plat**

Dear Shelia:

Fisher Arnold, on behalf of Boyle Investment Company, hereby submits a Revocation Plat to rescind the Gardena Court P.D. associated with the Stephen G. Beem, Henry M. Turley, Jr., James Massey, Ralph Michael Robison, and Beverly Marrero property located on the north side of Winchester Road immediately west of and adjacent to the Germantown city/Collierville town limits. As discussed with Mr. Cameron Ross by the applicant, we are requesting approval of this revocation at the present time, and are subsequently filing a companion planned development application (to be heard at the September Planning Commission meeting) encompassing the underlying 10.193 acres of the subject property plus the adjoining 14.735 acre Goodwin property in order to codify the property's current T-4 Smart Growth zoning entitlements and, in particular, expressly state the approved development of multifamily apartments at a minimum density of 15/DUA. If the Gardena Court P.D. Revocation Plat is approved, but the subsequent planned development is not approved, the applicant will not close on the subject property and the Revocation Plat will not be recorded. It is the desire of the current owners that the Gardena Court P.D. remains active and not be rescinded until the applicant receives approval of this revocation, approval of the subsequent new PD and closes on the property.

In association with this request, please find attached this letter and four (4) copies, along with one (1) copy of the property deeds, and five (5) copies of the Planning Commission application form and the Gardena Court Revocation Plat. Additionally, please find a vicinity map with notification labels and addresses, as well as a disk with electronic copies of the submitted material.

9180 Crestwyn Hills Drive
Memphis, TN 38125

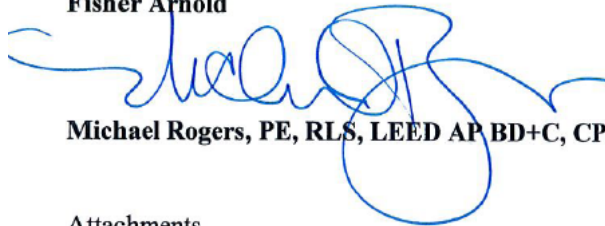
901.748.1811
Fax: 901.748.3115
Toll Free: 1.888.583.9724

www.fisherarnold.com

Ms. Shelia Pounder
June 29, 2017
Page 2

We look forward to working with City staff as we move forward with this application. If you need any additional information or have any questions, please don't hesitate to call.

Sincerely,
Fisher Arnold

A handwritten signature in blue ink, appearing to read 'Michael Rogers', with a large, stylized flourish at the end.

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

Attachments

Cc: Mr. Les Binkley, Boyle Investment Company
Mr. Henry Turley, Jr., Henry Turley Companies

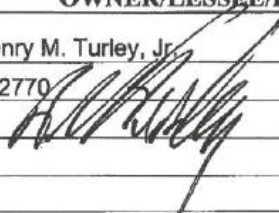



CITY OF GERMANTOWN TENNESSEE

DATE RECEIVED: _____
 RECEIVED BY: _____

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

PLANNING COMMISSION OFFICIAL APPLICATION FORM

TYPE OF APPLICATION	
<p>(Check <input checked="" type="checkbox"/> all that apply):</p> <p> <input type="checkbox"/> Sketch Plan; <input type="checkbox"/> Preliminary Site Plan; <input type="checkbox"/> Final Site Plan <input type="checkbox"/> Minor Subdivision; <input type="checkbox"/> Preliminary Plat; <input type="checkbox"/> Final Plat <input type="checkbox"/> Grading/Tree Removal; <input type="checkbox"/> WTF (Wireless Transmission Facility) <input type="checkbox"/> Rezoning From: _____ To: _____ <input checked="" type="checkbox"/> Other: <u>Outline Plan Revocation Plat</u> </p>	
<p>*****</p> <p>IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) <input checked="" type="radio"/> YES NO</p> <p><small>(Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)</small></p>	
<p>PLANNED USE DEVELOPMENT'S (PUD) ONLY:</p> <p> <input type="checkbox"/> PUD Outline Plan (Master Plan); <input type="checkbox"/> PUD Amendment to Outline Plan; <input type="checkbox"/> PUD Preliminary Plan (individual phases); <input type="checkbox"/> Final Plan (individual phases); </p> <p>Phase: _____ of _____ Date of PUD Outline Plan (Master Plan) Approval: _____ Other: _____</p>	
PROJECT INFORMATION <small>(Provide Additional Pages as Needed)</small>	
<p>Project Name: <u>Gardena Court P.D. Revocation Plat</u></p> <p>Address/Location: <u>North side of Winchester Road, abutting Germantown/Collierville city limits</u></p> <p>Project Description: <u>Revocation of existing Gardena Court P.D.</u></p>	
<p>No. of Acres: <u>10.193</u> Parcel Identification Number(s): <u>G0243 00201</u></p>	
<p>PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.</p>	
OWNER/LESSEE/DEVELOPER INFORMATION	
<p>Owner Name (Print): <u>Henry M. Turley, Jr.</u> Address: <u>65 Union Avenue, Suite 1200 - Memphis, TN 38103</u></p> <p>Phone No.: <u>(901) 527-2770</u> Email Address: <u>hturley@henryturley.com</u></p> <p>Signature of Owner: </p> <p>Lessee Name (Print): _____ Address: _____</p> <p>Phone No.: _____ Email Address: _____</p> <p>Signature of Lessee: _____</p> <p>Developer Name (Print): <u>Boyle Investment Co. (Les Binkley)</u> Address: <u>5900 Poplar Avenue - Memphis, TN 38119</u></p> <p>Phone No.: <u>(901) 766-4219</u> Email Address: <u>lhb@boyle.com</u></p> <p>Signature of Developer: </p>	
<p>PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY</p>	

AGENT/REPRESENTATIVE INFORMATION	
Name: <u>Michael Rogers</u>	Title: <u>Principal</u>
Company Name: <u>Fisher Arnold</u>	Address: <u>9180 Crestwyn Hills Drive - Memphis, TN 38125</u>
Phone No.: <u>(901) 748-1811</u>	Email Address: <u>mrogers@fisherarnold.com</u>
Who will represent this proposal at the Planning Commission meeting? <u>Michael Rogers</u>	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>Fisher Arnold</u>	Address: <u>9180 Crestwyn Hills Drive - Memphis, TN 38125</u>
Phone No. <u>(901) 748-1811</u>	Email Address: <u>mrogers@fisherarnold.com</u>
Surveyor Name: <u>Fisher Arnold</u>	Address: <u>9180 Crestwyn Hills Drive - Memphis, TN 38125</u>
Phone No.: <u>(901) 748-1811</u>	Email Address: <u>mrogers@fisherarnold.com</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: Boyle Investment Company
Address: 5900 Poplar Avenue - Memphis, TN 38119

Owner: Stephen G. Beem, Henry M. Turley Jr., James Massey, Ralph Michael Robison & Beverly Marrero
Address: _____

Lessee: _____
Address: _____

Developer: Same as Applicant
Address: _____

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

Name	Business <u>or</u> Home Address
<u>Paul Boyle</u>	<u>5900 Poplar Avenue - Memphis, TN 38119</u>
<u>Henry Morgan, Jr.</u>	<u>5900 Poplar Avenue - Memphis, TN 38119</u>
<u>Bayard Morgan</u>	<u>5900 Poplar Avenue - Memphis, TN 38119</u>
_____	_____

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Applicant: Boyle Investment Company
 Address: 5900 Poplar Avenue - Memphis, TN 38119

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 Address: _____

Lessee: _____
 Address: _____

Developer: Same as Applicant
 Address: _____

Persons or Entities Owning 10% or More of the Ownership Interests of the ~~Applicant~~ ^{Owner}:

Name	Business <u>or</u> Home Address
<u>Stephen G. Beem</u>	<u>Law Office of Stephen Beem - P.O. Box 4014 - Park City, UT 84060</u>
<u>Henry M. Turley, Jr.</u>	<u>65 Union Avenue, Suite 1200 - Memphis, TN 38103</u>
<u>James Massey</u>	<u>2108 Southwind Circle - Birmingham, AL 35244</u>
<u>Ralph Michael Robison</u>	<u>3181 Poplar Avenue, Suite 305 - Memphis, TN 38111</u>
<u>Beverly Marrero</u>	<u>243 Hawthorne Street - Memphis, TN 38112</u>

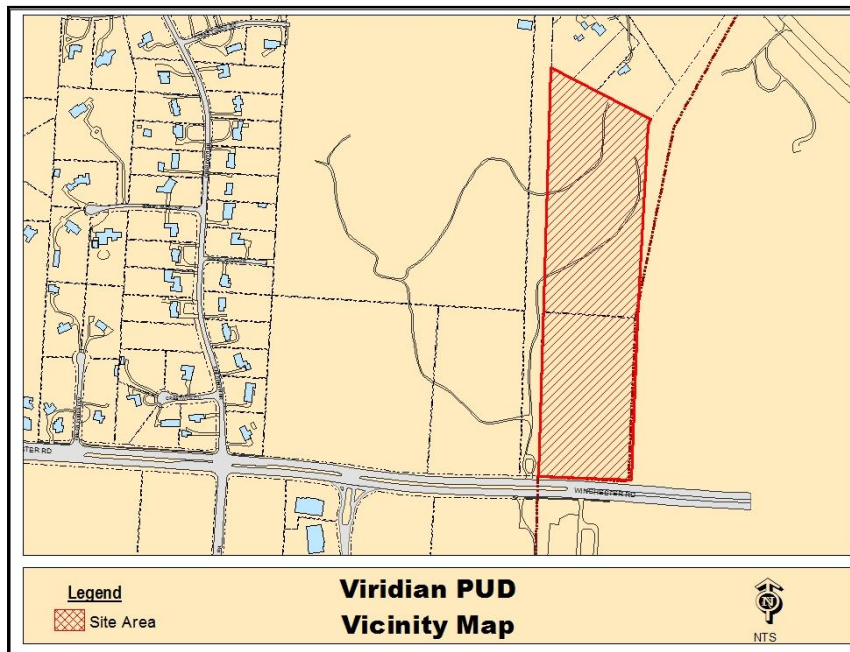
5.f. Viridian Planned Unit Development, North Side of Winchester Road, abutting the Town of Collierville's city limit, Outline Plan Approval

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

INTRODUCTION:

Development Case Number:	17-742
Case Name:	Viridian Planned Unit Development
Location:	North Side of Winchester Road, abutting the Town of Collierville's city limit
Owner Name:	Henry M. Turley, Jr., John B. Goodwin, Steven G. Beem; James Massey; Ralph Michael Robison; and Beverly Marrero
Developer:	Les Binkley w/ Boyle Investment Company
Applicant/Representative:	Michael Rogers w/ Fisher Arnold - Agent
Zoning District:	"T4" General Urban
Area:	24.928 Acres
Request:	Outline Plan Approval of a Multi-Family, Residential Development

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



BACKGROUND: The lower portion of this site is a 10.53 acre parcel that is within the Gardena Court Planned Unit Development (Outline Plan-Plat Book 134, Page 63). That development was approved and recorded by Memphis & Shelby County in 1991. The 10.53 acre parcel and a 13.93 acre parcel adjacent to the north was annexed by the City of Germantown in 2000, at which time both parcels were zoned AG, Agricultural, by Shelby County. Also in 2000, the 10.53 acre property was rezoned to C-1, Neighborhood

Commercial, by the Board of Mayor and Aldermen’s approval of Ordinance 2000-14. In 2016, the BMA adopted the Forest Hill Heights Small Area Plan and in conjunction with the plan’s recommendations rezoned both parcels to T4, General Urban, with their approval of Ordinance 2016-09. The properties have remained undeveloped since their annexation into the City of Germantown.

DISCUSSION: The proposed development has been filed as a Planned Unit Development (PUD) in order to incorporate a private internal drive system into the plan in accordance with Section 17-56 of the Municipal Code. The approval of an outline plan is not an approval of the concept plan but an agreement that the future preliminary and final site plan will be similar in layout. The outline plan only approves the proposed future use of the property, the proposed street system, and the proposed density of the site. All other details, such as building placement, height, scale, setback, architectural details, etc..., will be addressed on the preliminary and final plan and subject to review and approval by the Planning Commission at that time.

The current outline plan proposes combining both the 10.53 acre and 13.93 acre parcels into one (24.928 acres) for development as a new multi-family residential development using the SmartCode district requirements (T4). The T4 district allows a mixture of uses including limited residential, limited commercial, limited retail, and limited office. The T4 district also allows a minimum two story building and a maximum three story building. Below is the summary table for the proposed development of the property under the approved Outline Plan.

DEVELOPMENT SUMMARY

TOTAL SITE AREA	24.928 ac.
USES:	
Multi-Family (15 du/per acre)	375 apartments
BUILDING HEIGHT	4 stories
PARKING: Total Provided	685 spaces
Garage	196
On-Site Surface	431
On-Street (private)	58
TOTAL GREENSPACE AREA	11.74 ac.

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

The Forest Hill Heights Small Area Plan’s Concept Master Plan and Land Use Plan recommends this section of the study area be developed with retail uses along the Winchester Road frontage and residential uses on the remaining area to the north. The Concept Master Plan recommends that higher density residential be limited to 8 or more dwelling units/per acre. Based on the market analysis and recommended build out schedule in the Small Area Plan, an *optimum* density ratio for this site in the T4 District is 12 dwelling units per acre. See both Plans from the FHH Small Area Plan on page 9 of this report.

Planned Unit Developments must comply with Sec. 23-566 through 23-580 of the Municipal Code. Compliance with the Code is the responsibility of the developer to prove not the staff or the planning commission. The applicant has submitted a general statement of development for the PUD (please page 11).

The Viridian Planned Unit Development complies with Section 23-573, which states the following:
The outline plan shall contain at a minimum:

- (1) For all planned residential developments:
 - a. A map on a scale of one inch equals 100 feet or larger showing available utilities, easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.
 - b. A graphic rendering of the existing conditions and/or aerial photographs showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of tree cover; location and extent of watercourses, marshes and floodplains on or within 100 feet of the subject property; existing drainage patterns and soil conditions.
 - c. A drawing defining the general location and maximum number of lots, parcels or sites to be developed or occupied by buildings in the planned development; the general location and maximum amount of area to be developed for parking; the general location and maximum amount of area to be devoted to open space and to be conveyed, dedicated or served for parks, playgrounds, school sites, public buildings and other common use areas; the approximate location of points of ingress and egress and access streets, where required; the approximate location of pedestrian and vehicular ways or the restrictions pertaining thereto and the extent of landscaping, planting or fencing and other treatment for adjustment to surrounding property.
 - d. A tabulation of the maximum number of dwelling units proposed, including the number of units with two or less bedrooms and more than two bedrooms.
 - e. A tabulation of the maximum floor area to be constructed, except for single-family detached dwellings and their accessory buildings, and the proposed maximum height of any building or structure.
 - f. A written statement generally describing the relationship of the proposed planned development to the current policies and plans of the city and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with applicable regulations. The statement shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives and the rationale governing the applicant's choices of objectives and approaches. In addition, a specific list of the exceptions to applicable regulations requested shall be required.
 - g. If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
 1. The approximate date when construction of the project can be expected to begin;
 2. The order in which the phases of the project will be built; and
 3. The minimum area and the approximate location of common open space and public improvements that will be required at each stage.
 - h. Proposed means of ensuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned development.
 - i. A statement setting forth in detail the bulk, use, and/or other regulations under which the planned development is proposed.
 - j. If any stage or unit as proposed contains a share of open space or other public or private recreation or service facility less than that which its size, number of units or density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise be required and that which the applicant proposes to provide in the instant stage or unit is ultimately provided.

Per Section 23-566: "The city may, upon proper application, approve a planned development for a site of at least one acre to facilitate the use of flexible techniques of land development and site

design, by providing relief from zone requirements designed for conventional developments in order to obtain one or more of the following objectives:

- (1) Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- (2) Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- (3) Functional and beneficial uses of open space areas.
- (4) Preservation of natural features of a development site.
- (5) Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- (6) Rational and economic development in relation to public services.
- (7) Efficient and effective traffic circulation, both within and adjacent to the development site.

WARRANTS: Per Section 23-745, any requested deviation from the T4 regulations must be granted by approval of a warrant. No warrants are required at this time; however, future warrants may be requested with preliminary and final plan applications.

PLAN REVISION (S): the application and plans have been revised to address all of the comments from TAC and the SmartCode Review Committee pertaining to the Outline Plan, since the application has been amended to request Outline Plan approval only.

The Technical Advisory Committee (TAC) met on August 16th and reviewed the submitted plans. TAC's made the following comments on the Outline Plan:

STAFF COMMENTS:

(Items below are to be recorded on the Outline Plan)

B. OUTLINE PLAN CONDITIONS

1. T4 permitted uses only.
2. Multi-Family Residential shall be limited to a maximum of 12 units per acre.
3. A central spine roadway shall be provided as the primary entrance into site. Final design to be determined prior to preliminary and final plan approval.
4. Prior to the site plan submittal, the demand for the water system will have to be hydraulically calculated to determine the size of the water main for the development.

C. PRIOR TO CONSTRUCTION PLAN APPROVAL FOR ANY PHASE

1. The FHH SAP identifies the need for two (2) new signalized intersections as the FHH area continues to develop. Those intersections are 1) Crestwyn Hills Drive and Forest Hill Irene and 2). Crestwyn Hills Drive and Winchester Road. For budgetary purposes, the City estimates \$400,000 for design and construction per intersection. Each development will be responsible for contributing an equitable cost share for the future traffic signals. The Viridian site's equitable shares are as follows:
 - Crestwyn/FHI - 5% - 5% of \$400,000 = \$20,000.
 - Crestwyn/Winchester - 10% - 10% of \$400,000 = \$40,000
 - Developer will be responsible for a portion of needed sanitary sewer upgrades. For budgetary purposes, the sewer upgrades design/construction cost is estimated at approximately \$1.5 million. Proposed development is anticipated to generate a

sanitary sewer volume of approximately 8% of the future improved capacity. To be conservative, developer should budget for 10% of future construction cost, \$150,000.

D. GENERAL COMMENTS

1. If approved, the outline plan for Viridian Planned Development and the revocation instrument for Gardena Court Planned Unit Development should be presented to the Board of Mayor and Alderman concurrently, so that the Outline Plan and the revocation instrument may also be recorded with the Shelby County Register concurrently.
2. All recorded easements shall be shown on the plat. A five (5) foot utility easement is required along all property lines, adjacent to and not within any other easement.
3. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
4. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
5. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

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.

6. No owner, developer, or tenant of property within the development 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.
7. 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 shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

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

Board Discussion:

Chairman Harless asked if there were any questions of staff.

Mr. Bennett stated that he remembered the concept plan for this area, as presented in the Forest Hill Heights Small Area Plan, was supposed to be a graduation of uses, with commercial, retail, and the multi-use on the front portion of the property, and multi-family or other residential towards the back of the site. This proposed Outline Plan does not reflect that concept.

Mr. Ross stated that the project before the Commission is simply an Outline Plan, but the concept plan is part of the Outline Plan.

Mr. Bennett stated that although this is simply an Outline Plan, it is his understanding that by approving this Outline Plan, the Planning Commission is approving a particular density of development, and he has a real problem with the density level. It is way too much.

Mr. Ross stated that is correct, that by approving this Outline Plan, the Planning Commission is approving a particular density.

Mr. Bacon asked that he believes the Forest Hill Heights Small Area Plan makes sufficient references to multi-family developments and the number of stories permitted. The density level proposed by this Outline Plan would have to be a four story building.

Mr. Ross stated the only references to building height for this portion of the Forest Hill Heights Small Area Plan is that there be a minimum of two stories. Per the design standards included as part of the packet, buildings should be two to four stories. One story development permitted is only where it is economically not feasibility to build multi-story buildings. Currently, under the Smart Code, it is not permitted to build a one-story development. Two to four stories are the recommend standard, as shown on page 47 in the Forest Hill Heights Small Area Plan.

Chairman Harless invited the applicant to discuss the project.

Les Binkley with Boyle Investments Company, 5900 Poplar Avenue, Memphis, TN 38119, stated as part of this Outline Plan proposal, he would like to have 15 dwellings per acre, as opposed to 12 dwelling per acres as referenced in the Forest Hill Heights Small Area Plan. The applicant believes the higher density is consistent with the developments in the area, such as Miller Creek Apartments in Memphis, the Watermark multi-family development application, and other sites on the Baptist properties south of Winchester Rd. With a lower density of 12 units per acre, it would be challenging with three stories. It would mean a lot fewer buildings. Thus, the Outline Plan proposal before the Planning Commission would be 15 dwelling units per acre. This higher density is consistent with the neighborhood.

Mr. Bacon asked if there was any consideration for the retail as part of this project, as was envisioned in the Forest Hill Heights Small Area Plan for this area.

Mr. Binkley stated that land use planning should be flexible, with the pressure of retail in the market and Amazon taking over the world. Rather, it's very important to cluster retail in strategic nodes, rather than as part of residential projects.

Mr. Bennett noted that he takes a completely differ view. The whole concept of this area is to be developed as neighborhoods, with a mix of uses beyond residential, such as a dry cleaner, coffee shop, and small restaurant. These businesses could directly service the residential in this area. It would be appropriate to consider that there is already a subdivision approved going in next door (namely Goodwin Farms) that could take advantage of these businesses. The Outline Plan as proposed is very dense, thus it will create a need for services industries on the back side of the street, none of which are part of this project. The whole point is that it is to be mixed use, which is not apparent with this project. The citizens and the city went to a lot of time and effort, and a lot of people contribute to come up with the Forest Hill Heights Small Area Plan. Its intent should be recognized and honored.

Mr. Binkley stated that he doesn't believe that each parcel needs to be mixed use. Rather, retail needs to be in clusters, and people can cross streets to get to these retail nodes. The important takeaway is to have continuity in place, and that can be created here, to be consistent with where it has been done more

appropriately on the south side of Winchester Road. The density of either 12 units per acre or 15 units per acre would not prohibit the Outline Plan from including a little 2,000 square foot strip retail as part of the project, if that is what the Commission desires. However, when retail is gathered together, it is more successful.

Mr. Saunders stated to the applicant, you talk about this being a Smart Growth project, which looks at having a blend with each building or several buildings, and not necessarily a strip center. Perhaps retail and apartments would be staged at this particular site on Winchester Blvd., and would have services for people back in the apartment complex. This would bring together the mixed use that is desired. Mr. Saunders stated that he didn't believe anyone on the Commission is looking for a strip center to be built along Winchester Blvd. as part of this site. Boyle has a development in Collierville where they had some of the corner areas of the Main Street portion of the building with businesses like coffee shops and bakeries. That is what the city desires, not Costco or more strip centers. We are looking for mom and pop operations that might be intertwine within the overall project, so it is a mixed use.

Mr. Binkley stated Boyle has much more land that can be developed there.

Chairman Harless asked if there was anyone in the audience that would like to speak in support of this project. If so please come forward and state you name and address for the record, you have 3 minutes. There were none.

Chairman Harless asked if there was anyone in the audience that would like to speak in opposition to this project. If so, please would come forward and state you name and address for the record, you have 3 minutes.

Opposition:

Edgar Babian at 3580 Crestwyn Drive, Germantown, TN 38139, stated normally when these projects are brought in, there would be more drawings, with the height and sizes proposed. The area to the west of this site is a low-density area. Presently, it's for 15,000 square minimum size lots. This project proposes to put in all four story buildings, if approved by the Planning Commission. There will be houses to the west of this development that going to be built and those in the four-story apartments will be able to look right into the backyards of the single-family houses. A project on this site should be more low-density, as the Commission has stated. For the neighboring Goodwin Farms single-family development, the developer was supposed to put the waterline all the way to Poplar Avenue in phase 1 of that project. Now, the city agreed to move it to phase 4 of that project. That's four years from now. How will this proposed project impact the current water line situation? This project is supposed to be mixed-use, similar to Boyle's development in Collierville that has a little eatery where people go to eat breakfast and lunch. That project is mixed use, where different types of businesses and residential are there. The city recently changed the zoning of this area to mixed use to allow this, and now this developer doesn't want to deal with the mixed use. The neighbors would like to see less density, and see a little bit more of what is really being proposed in order to make sure the infrastructure and the sewer there is sufficient to handle a development like this.

Kevin Speed at 9181 Forest Downs Road, Germantown, TN 38139, stated that he represents the Forest Downs Homeowners Association, just west of Crestwyn. For some history, the neighbors were told that this area wouldn't develop as is being proposed. The neighbors were lead to believe there wouldn't be apartments there, rather that it would be a subdivision with 15,000 square feet lots. This concept was approved by this Commission. The zoning changes are not consistent. The residents in the Vinings, Crestwyn, and Forest Downs are opposed to this development.

Mr. Clark asked Mr. Gwaltney if the city has done any research on servicing that area with this much proposed density, especially related to water pressure or water service.

Mr. Gwaltney answered yes; the existing water system cannot handle the proposed developments today. The two water projects, currently in the works that will provide better pressure and volume, are a new waterline down Forest Hill Irene Road that the City of Germantown will be installing with the Forest Hill Irene improvements project, schedule for next fiscal year for construction. That will help provide better pressure and volume. The second water project is another waterline from Poplar Avenue to Winchester Road to be installed with the Goodwin Farms single-family development project. Mr. Babian was correct that the infrastructure of the Goodwin Farms project is to be in phases. By phase 3, it should be completely connected. So, yes, everything is timing, in regards to sufficient water pressure and volume for the development in this proposed Outline Plan. If the Goodwin Farms project is not built, then in order to support the needs of an apartment complex like this, they would have to then put in the water line, rather it's the Goodwin Farms developer or whichever developer is in line at that time.

Alderman Owens asked if the Forest Hill Irene Rd. improvements that are being done would alone satisfy the pressure requirements that are needed for this apartment complex proposed as part of this Outline Plan.

Mr. Gwaltney answered that for just for this apartment complex alone, probably. But other proposed projects include Watermark multi-family south of Winchester Rd., Goodwin Farms single-family, and another multi-family project at Crestwyn and Winchester. The Forest Hill Irene Rd. waterline alone, for all those properties, could not service them. The answer is no.

Mr. Bacon asked what about the ones that have been approved, just Goodwin Farms plus this application?

Mr. Gwaltney answered potentially, yes.

The project engineer, Michael Rogers with Fisher and Arnold at 9180 Crestwyn Drive, Memphis, TN 38125, stated the applicant is proposing an Outline Plan that allows for the use. The applicant understands that the water capacity for this project is dependent on timing, especially if the Goodwin Farms project has not made the connection all the way to Poplar Avenue, even if the Forest Hill Irene Rd. improvements and water line have not been completed. As part of the development with this Outline Plan, it might be a possibility to put in water booster pumps to get adequate fire flow and water pressure for this development. The applicant is aware of that and will be evaluating where the existing Germantown water system is at that time and whether it will be sufficient to serve this development at that time. The applicant does not anticipate all the buildings being four story, rather the development will be a mix of four and two story buildings.

Mr. Bennett commented that although ECD staff has recommended up to 12 units per acre, that doesn't mean that the Planning Commission has agreed to 12 units per acre. The Planning Commission may decide that eight dwelling units per acre is more appropriate, as that is what the Forest Hill Heights subdivision is.

Mayor Palazzolo stated he fully recognizes those two sites put together (namely Goodwin Farms single-family development and the proposed Outline Plan) may be difficult to develop, especially with the master concept as portrayed in the Forest Hill Heights Small Area Plan (FHHSAP). The Mayor would like to remind the Commission that they all participated in the FHHSAP process, as well as many of the residents, property owners, and stakeholders. He hopes the Commission would try to adhere to the plan to the best of its ability. He remembers a figure of approximately 500 multi-family units in total for the entire FHHSAP. Again, it was a concept, and not necessarily written in stone. Hopefully, the total unit count for the entire FHHSAP stays somewhere in that vicinity. The Planning Commission has a lot of experience and wisdom; this is a tough task.

Chairman Harless asked if there was anyone in the audience that would like to speak in support of this project. If so please come forward and state your name and address for the record, you have 3 minutes.

Planning Manager Shelia Pounder stated she would like to remind the Commission that on part two of the motion, if the total density of the project is increased or decreased, item A.2 would have to be amended.

City Attorney David Harris stated if the Commission is talking about a maximum density, the staff has recommended 12 units per acre. Also, the motion includes the Fire Department recommendation that was presented in the Planning Commission Subcommittee.

Alderman Owens asked Mr. Binkley to clarify that if 12 dwelling units per acre is approved, then the buildings probably wouldn't be four stories. He heard from the neighbors that having four stories is a big concern.

Mr. Binkley stated, yes, that is correct. Whether the final allowable density is 15 units per acre or 12 units per acre, it can be done without four stories. The density really doesn't push one to develop four stories. The reason for having a four-story building is to justify the cost of adding an elevator.

Chairman Harless stated that the motion is following staff's recommendation, which is 12 units per acre maximum. The applicant is requesting 15 units per acre.

Mr. Gwaltney stated that he wanted to remind the Commission that the first staff comment on page 5 concerning the sewer is deleted.

Mr. Bennett noted at this point there isn't enough information about the project and what they are trying to do to move forward. The development should be less dense as it gets close to the single-family residential areas that are being developed on the Goodwin Farms site.

Chairman Harless stated the applicant has heard the density argument on several occasions and has decided to proceed, knowing this is just an Outline Plan and not the final product. The project can be modified when he comes before us.

Mr. Binkley stated the reason he would like to proceed with an Outline Plan is because of the numerous amount of constraints that this property has, with Norfolk Southern railroad to our north, high power transmission lines to the west. Having all those constraints, he requires a better framework to work in. The property is long and narrow, and about 500 feet wide.

Mr. Clark stated that the Commission hasn't heard anything that the developer is in favor of. The Planning Commission is approving 12 per unit acre, if approved. That will have to be acceptable or the applicant will have to consider less than four stories. The Planning Commission has also stated that it would like to see mixed-use in the site. The developer is saying that he will move forward with an Outline Plan that takes all of these requirements into account.

Mr. Binkley stated in regard to the height, he would like to bring forth a design and have it be flexible to go up to four stories. If four stories would not even be an option, he would like to know at this time, so that he doesn't bring forward designs that contemplate four stories, and spend all those dollars just to get shot down.

ECD Director Cameron Ross stated thinking about this proposed project from the Outline Plan conditions, the 12 units to acre and 15 units to the acre is a number in thinking about the way that Goodwin Farms talked about their development plan being a phase development. With Goodwin Farms taking ten years to respond to the market and building those with 10 to 20 lots at a time, with 230 lots

over ten years. There could be a way for Boyle Investments to design around the 15 units to the acre and phase it over longer period of time, including the mixed use elements that the Commission is looking for. If the developer comes back with a final plan that doesn't utilize the 15 units to the acre or the four story building, not that he is getting the four story option tonight as part of his Outline Plan approval. But the ability to spread those units out over phases, with some being 12 units to the acre and others being 15 units to the acre, and create some dynamic buildings out there up to four stories, even if it's two four story buildings out of 12 to 15 buildings out there built over time. He could build the market and community; and our neighbor to the east in Collierville could be ready to respond with other elements of mixed use design to where the two cities are able to blur those borders. If the entire project comes in all at once, it's this commission job to determine whether the community is ready for this in terms of infrastructure, which also now includes a new school. The question is whether the city is ready for 15 units to the acre, and whether the developer builds all 375 units at once, or takes it down over three phases at 125 a piece?

Chairman Harless stated some good comments were made from the commission and they should all be taken to heart. All are residents of Germantown and are passionate about what they do. The ECD staff does an excellent job of getting a feel for what the residents of Germantown want. He encouraged the Planning Commission to listen closely to them.

SMART CODE REVIEW COMMITTEE ACTION: (MIKE HARLESS, CHAIRMAN) The SmartCode Review Committee met on August 16, 2017 and heard a presentation from the applicant. It was recommended that the application be amended to only request Outline Plan approval at this time. If revised as recommended the application would be placed on the September 5, 2017 Planning Commission agenda for public hearing, subject to the Committee's discussion, comments of staff and revisions presented by the applicant. Letters of recommendation from the DRC and ECD representatives are included in this report.

MAIN MOTION: To approve the Outline Plan for Viridian Planned Development located at north side of Winchester Road, abutting the Town of Collierville's city limit, subject to the Commission's discussion, staff comments and conditions as contained in the staff report, and documents and plans submit with the application.

Mr. Bacon moved to approve the Outline Plan for Viridian Planned Development located at north side of Winchester Road, abutting the Town of Collierville's city limit, subject to the Commission's discussion, staff comments and conditions as contained in the staff report, and documents and plans submit with the application, seconded by Mr. Hernandez.

Chairman Harless asked for a roll call.

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

Mr. Bacon voted no; no one's disputing it's a very difficult piece of property with the location of power lines and railroad, not the least of which it's a long, linear piece of property. It's the wrong place to put apartments of that size. Winchester Road is a small contender, whatever the density is, 12 or 15. It's too dense in that location on that side of Winchester Rd.

Mr. Barclay voted no, as he would like to see a lot more information on this property, in agreement with Mr. Bacon that the increased density is too much and there is a lack of mixed use on this development.

Mr. Bennett voted no, due to all the comments he previously made. He wants to see a proposal that fits within the spirit of the Forest Hill Heights Area Plan.

Mr. Clark voted yes; in his opinion, the proposed project is just an Outline Plan, not a site plan. He would like the developer to return with a site plan that addresses the three points he made: density, height, and overall mixed-use development.

Mr. Hernandez voted yes; he certainly respects the opinions of his fellow Commissioners that this might not be a fully developed plan at this point. By the same token, it is an Outline Plan, and generally is consistent with the Forest Hill Small Area Plan. He encouraged the applicant to come back and take into consideration the number of the comments from the Commissioners, regardless of how the vote goes.

Alderman Owens voted yes; he would like to say in true political fashion, he very much appreciates Boyle Investments. He thinks that they all have a concern about the amount of multi-family that is being presented down in the Forest Hill Heights Small Area Plan. He does not think density and multifamily are necessarily a bad thing. As a matter of fact, it's necessary for the area to have density to support the retail envisioned in the Small Area Plan.

Mr. Saunders voted yes; however, he would like to point out that Boyle Investments kept talking about four stories, dividing on the higher end. One of the things Commission will be looking for when the developer brings back this plan is how well it fits in with the Forest Hill Heights Sm. If the developer brings in a cookie cutter apartments complex design, he will be amazed how far it doesn't go.

Chairman Harless voted yes, for the Outline Plan. He believes the comments that Mr. Saunders made, along with the other Commissioners are very apropos. The developer will get a lot of scrutiny when you come before us with the site plan. The Commission is looking for something other than a cookie cutter development. He would also strongly encourage the developer to talk to the neighbors before a site plan is brought before the Commission.

Mayor Palazzolo stated in true political fashion, the developer has his votes. Thus, the Mayor is going to abstain. He would lean toward yes, simply because he would to see this plan come back. However, the Mayor would point out to the applicant that he has his work cut out for him. The City would like to see a lot more Schilling Farms style development on this pervious piece of land. It is a challenging site, but look at the design standards that the City and Commission have set for this particular district. They are at the highest end. This is about seeing the best product mix in this area, pure and simple, end of story. The City knows that it can require that, because there are a lot of people competing for the rare amount of land that is left in Germantown. He encouraged the developer to bring back his best, when he comes back before the Commission. The Mayor agreed with every comment that was made.



CITY OF GERMANTOWN TENNESSEE

1930 South Germantown Road Germantown, Tennessee 3813
Phone (901) 757-7200 Fax (901) 757-7292 [www.germantown-](http://www.germantown-tn.gov)

8/31/2017

Mike Harless, Chairman
Planning Commission
City of Germantown
1930 S. Germantown Rd.
Germantown, TN 38138

Re: Case #17-742
Viridian Planned Unit Development
Outline Plan Approval

The Economic Development Commission (the "EDC") recommends approval of the submitted Outline Plan for the subject property. In addition, the EDC recommends to the applicant that, in order to facilitate the process for the applicant to obtain all subsequent necessary municipal approvals, it will be to the applicant's benefit to timely provide to the various municipal agencies and representatives as much detailed information as is practicable.

Respectfully,

A handwritten signature in blue ink, appearing to be "S. Levy", is written over a horizontal line.

Steven Levy, Vice Chairman
Economic Development Commission

cc: Cameron Ross – Director of Economic and Community Development
Sheila Pounder – Planning Division Manager





CITY OF GERMANTOWN TENNESSEE

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

August 28, 2017

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

RE: Case # 17-742
Viridian PUD
Outline Plan Approval

The Viridian PUD presentation to the subcommittee on August 16, 2017 described with little detail an Outline Plan for their PUD. After much discussion between the applicant and the committee, the DRC Smart Code Review Committee recommends the Outline Plan for approval with some understanding.

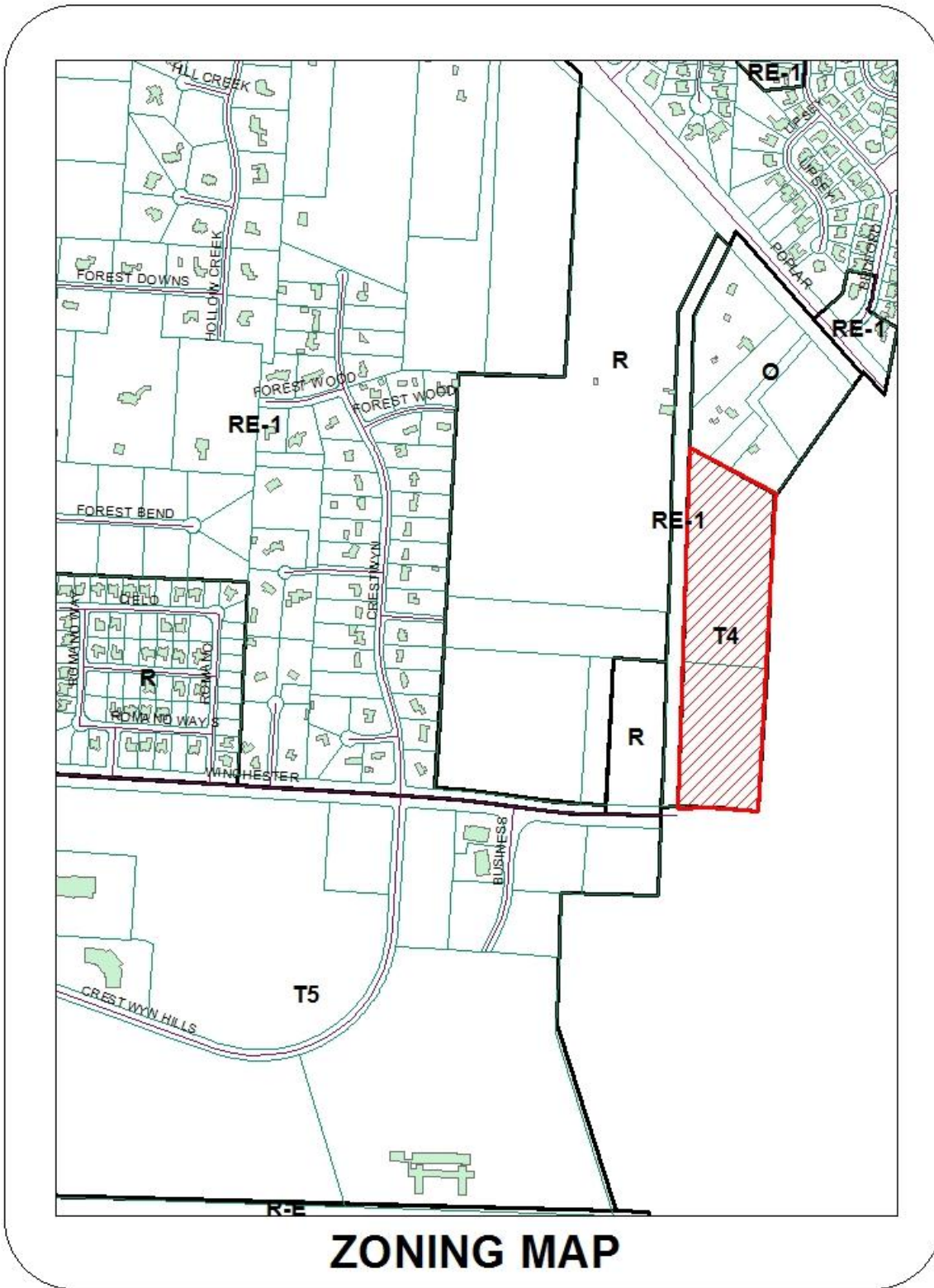
The DRC's role on the PC Subcommittee is to review the aesthetics and "look" of the development. The applicant shared very little of this information in the Outline Plan. Further conversation and questions revealed the intentions of the applicant, but there is still much to be determined. The overall, broad concept of the building layout and traffic/pedestrian circulation appeared acceptable for the Outline Plan approval.

Regards,

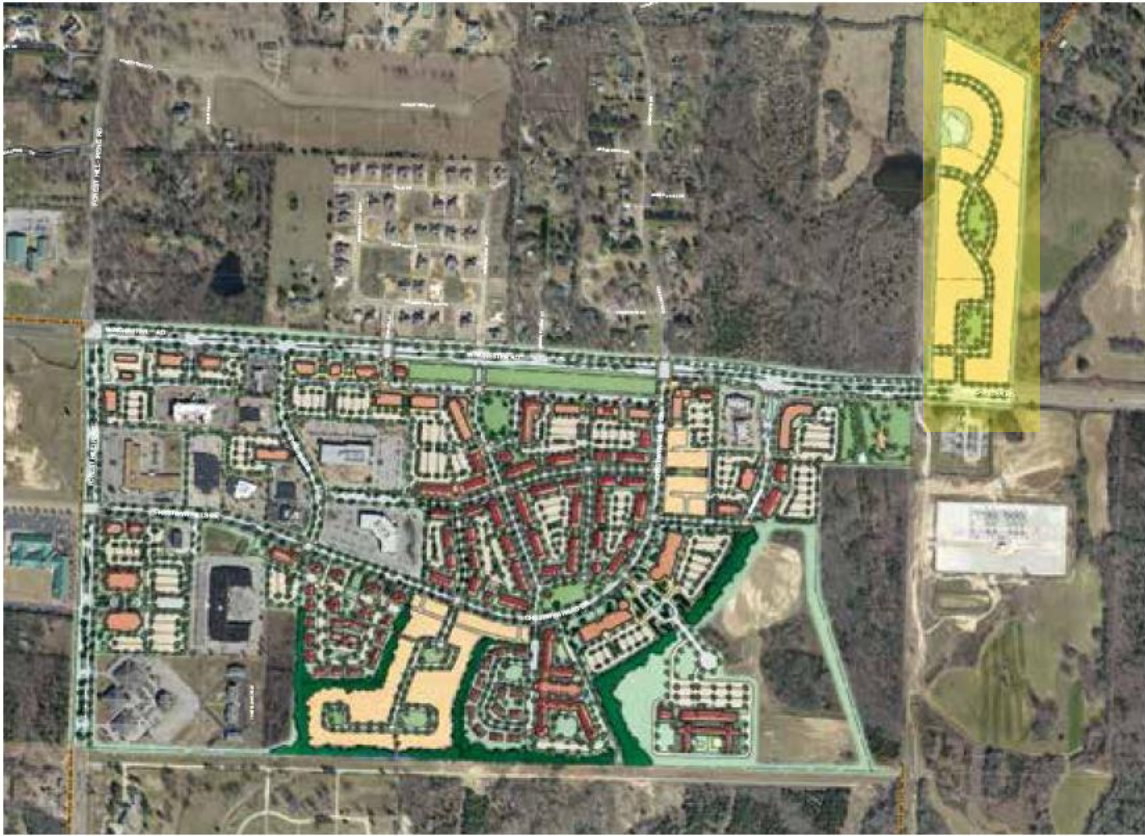
A handwritten signature in black ink, appearing to read "Paul Bruns", is written over a horizontal line.

Paul Bruns, BLA MLA
Design Review Commission

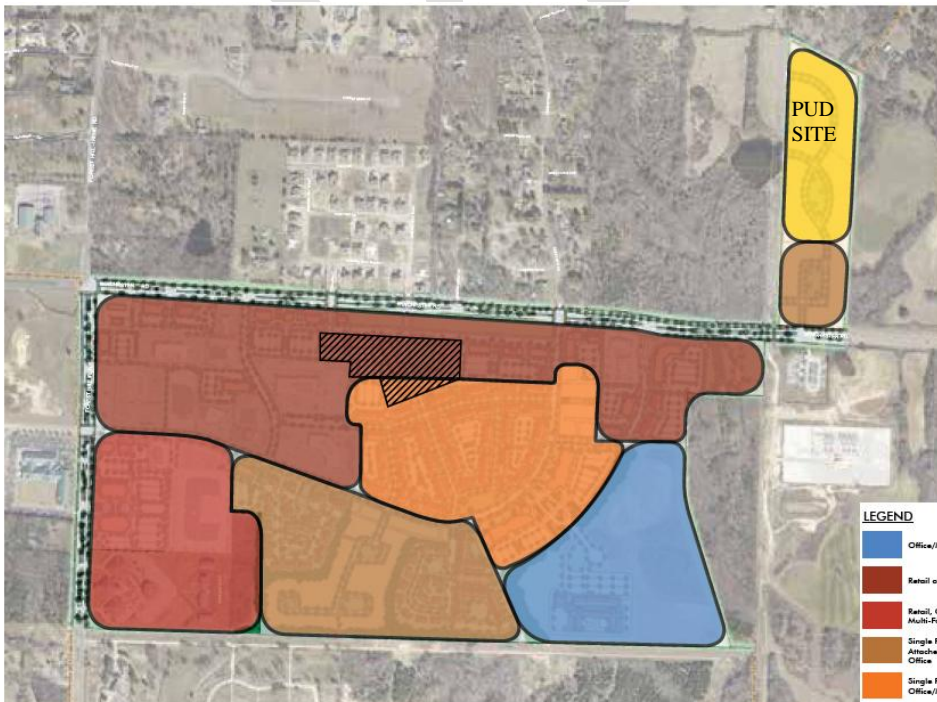
Cc: Cameron Ross – Director of Economic and Community Development
Sheila Pounder - Planning Division Manager



FOREST HILL HEIGHTS SMALL AREA PLAN EXCEPTS
Site of Proposed PUD Highlighted on Concept Master Plan



Beyond 10-Year Concept Master Plan diagram



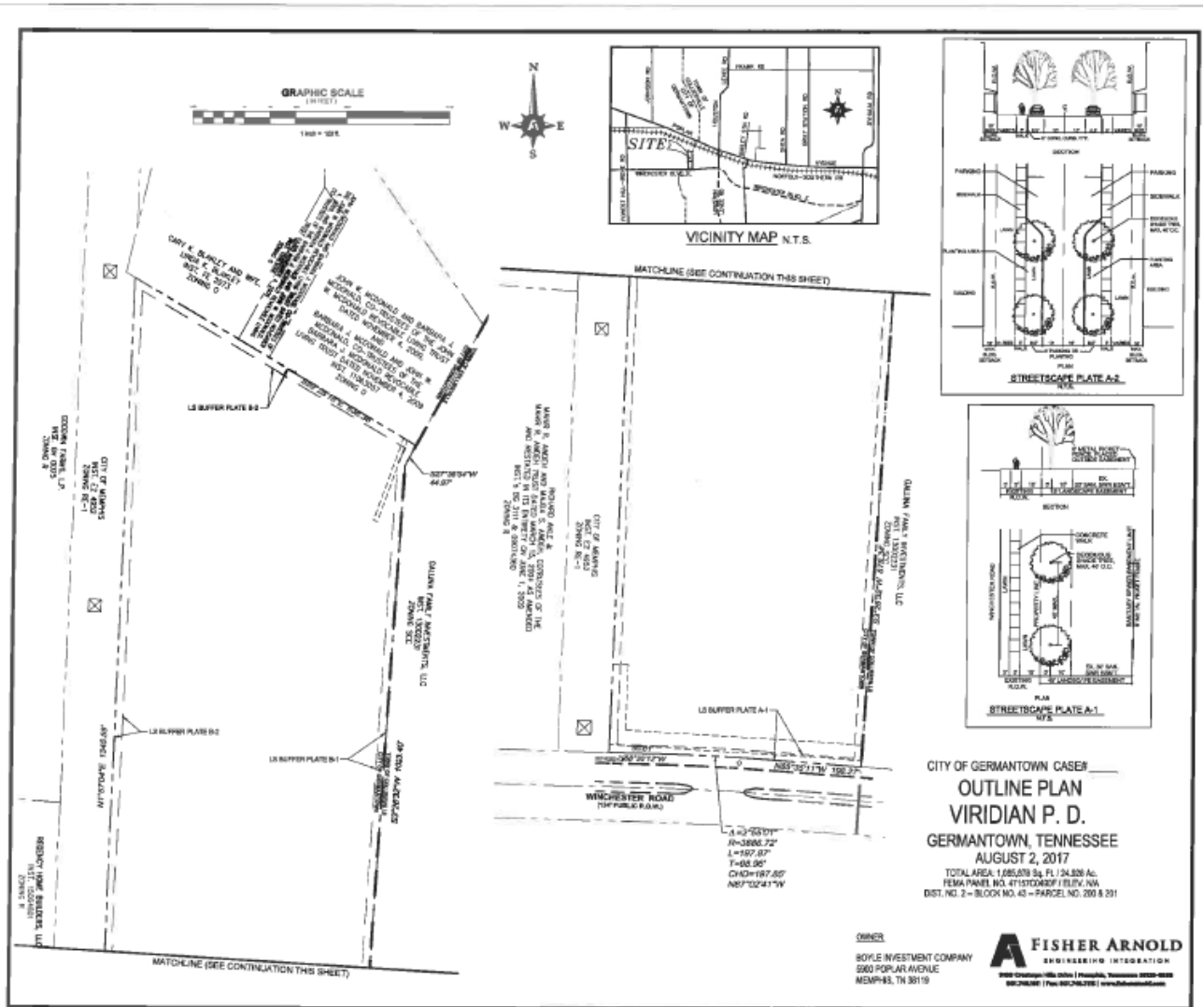
Land Use Plan diagram

LEGEND

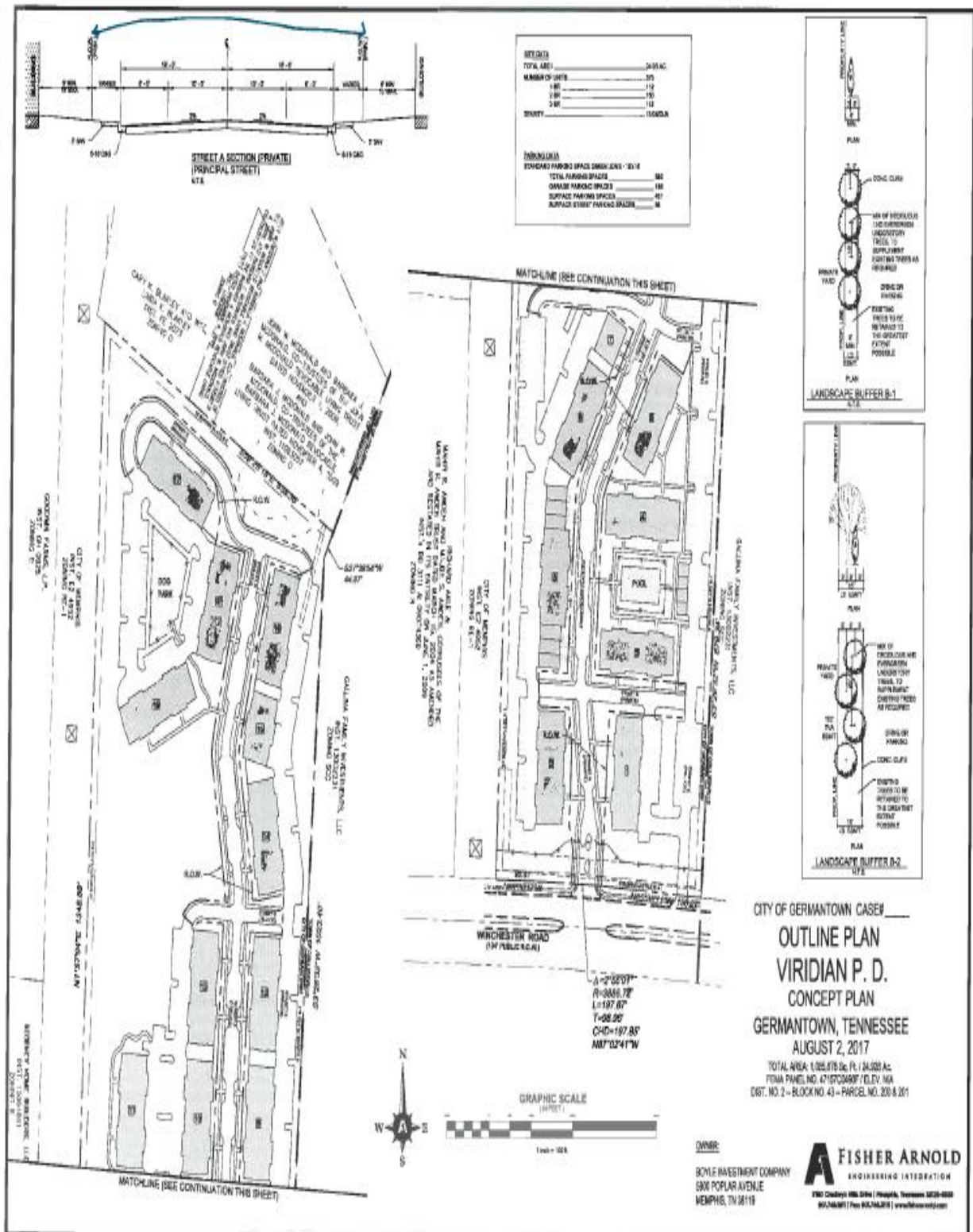
- Office/Medical Office
- Retail or Office/Medical Office
- Retail, Office/Medical Office or Multi-Family
- Single Family Detached, Single Family Attached, Multi-Family, Office/Medical Office
- Single Family Attached, Multi-Family or Office/Medical Office
- Single Family Attached, Single Family Detached or Multi-Family
- Hotel Zone

- LEGEND**
- Office/Medical Office
 - Retail or Office/Medical Office
 - Retail, Office/Medical Office or Multi-Family
 - Single Family Attached, Office/Medical Office
 - Single Family Attached, Multi-Family or Office/Medical Office

PROPOSED OUTLINE PLAN



PROPOSED CONCEPT PLAN



Viridian PD
GENERAL STATEMENT

The proposed Viridian PD consists of two property tax parcels totaling approximately 25 acres. Both parcels are currently zoned T-4 (General Urban Zone) in the Germantown Smart Code. The two parcels also reside within the Forest Hill Heights Small Area Plan.

The property is bounded by MLGW property used for high voltage transmission lines to the west, single family residential to the north which is zoned Office (with restricted access to Poplar Ave. due to Norfolk Southern RR ROW), a jurisdictional boundary with the Town of Collierville to the east, and Winchester Blvd. to the south. Due to the west, north and east boundaries being inaccessible to connecting development, the sole access point for the property is to the south via Winchester Boulevard.

Recognizing the properties uncommon constraints we are pleased to submit an Outline Plan application for consideration.

Although a flexible range of entitlements are available through the Germantown Smart Code, which allow the property to be developed using a multitude of various uses, the primary focus of the Viridian PD is the development of a residential multifamily rental community at a projected density of 15 units per acre. Residential multifamily use is the highest and best use for the property due to the overabundant supply of nonresidential development in the area as well as the amount of commercially zoned land in superior locations available for future development. Solely developing residential in the Viridian PD will help the area avoid the continuation of strip development that has so long plagued major arterials within our community, and facility densification at critical node points where commercial activity is more appropriate.

Due to the site constraints referenced above, the main feature of the site design is a central spine road working north from Winchester Blvd. up into the property. The two lane street with parallel on-street parking is lined with street trees and formally addressed by residential buildings while maintaining periodic shifts in alignment to provide proper deflection and terminated vistas. This is the key trait of the land diagram and so long as final plans incorporate this design intent, amendments to the Outline Plan should not be required. Furthermore, frequent breaks along the main spine road providing access to rear parking lots, create a form representative of an urban block system.

Treatment of the public frontage along Winchester Blvd. shall be handled to blend in with adjacent new development on the north side of Winchester Blvd. such as the Vinings at Germantown and Goodwin Farms as well as buffer development from hostile Winchester Blvd. with open space as depicted in the Forest Hill Heights Small Area Plan for the majority of the south side of Winchester Boulevard. Residential buildings within the development may range in height up to four stories as it is critical to mix building heights within the development to avoid repetitive building types. The development will boast traditional architecture with pitched roofs using architectural asphalt shingles. The buildings will be built using wood frame construction and clad with either brick, stone or cementitious fiber board. The units shall be comprised primarily of stacked flats and townhomes. One and Two car garages internal to the buildings shall occupy the rear first floor building area in a majority of the building structures.

Of the anticipated 375 multifamily rental apartment units, approximately 262 (70%) of the units will contain two or less bedrooms, while approximately 113 (30%) of the units will contain more than two bedrooms.

Common Open Space will be owned and maintained by the property owner of the development as a subdivision plat combining the two current property tax parcels into one property tax parcel will be

recorded with final plan approval. The development will not include a separate property tax parcel(s) for Common Open Space.

Lastly, per section 23-567 (b), we believe the establishment of the proposed outline plan will not result in;

- Creating inadequate or unsafe access to the planned development.
- Traffic volumes exceeding the anticipated capacity of the major street network in the area.
- Place an undue burden on publically provided facilities which serve or are proposed to serve the planned development.
- Creating a development that is incompatible with the purposes set forth in the division
- A detrimental impact on the surrounding area.

We appreciate your support with this request. Please contact me if you have any questions.

DRAFT

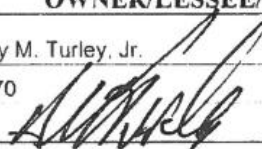

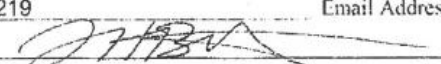


CITY OF GERMANTOWN TENNESSEE

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	
(Check <input checked="" type="checkbox"/> all that apply): <input type="checkbox"/> Sketch Plan: <input type="checkbox"/> Preliminary Site Plan: <input type="checkbox"/> Final Site Plan <input type="checkbox"/> Minor Subdivision: <input type="checkbox"/> Preliminary Plat: <input type="checkbox"/> Final Plat <input type="checkbox"/> Grading/Tree Removal: <input type="checkbox"/> WTF (Wireless Transmission Facility) <input type="checkbox"/> Rezoning From: _____ To: _____ <input checked="" type="checkbox"/> Other: <u>PUD Outline Plan (Master Plan)</u>	
IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) <input checked="" type="radio"/> YES <input type="radio"/> NO (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)	
PLANNED USE DEVELOPMENT'S (PUD) ONLY: <input checked="" type="checkbox"/> PUD Outline Plan (Master Plan): <input type="checkbox"/> PUD Amendment to Outline Plan: <input type="checkbox"/> PUD Preliminary Plan (individual phases): <input type="checkbox"/> Final Plan (individual phases): Phase: <u>1</u> of <u>1</u> Date of PUD Outline Plan (Master Plan) Approval: _____ Other: _____	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
Project Name: <u>Viridian P.D.</u> Address/Location: <u>North side of Winchester Blvd, immediately abutting City of Germantown/Town of Collierville limits</u> Project Description: <u>A Planned Development/Outline Plan to establish the guiding principals for future development</u> No. of Acres: <u>24.928 Ac</u> Parcel Identification Number(s): <u>G0243 00200 & G0243 00201</u>	
PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.	
OWNER/LESSEE/DEVELOPER INFORMATION	
Owner Name (Print): <u>Henry M. Turley, Jr.</u> Address: <u>65 Union Avenue, Suite 1200 - Memphis, TN 38013</u> Phone No.: <u>(901) 527-2770</u> Email Address: <u>hturley@henryturley.com</u> Signature of Owner #1: 	
Owner #2 Name (Print): <u>John B. Goodwin, Jr.</u> Address: <u>9695 Poplar Avenue - Memphis, TN 38139</u> Phone No.: <u>(901) 496-5778</u> Email Address: <u>johnbgoodwin@comcast.com</u> Signature of Owner #2: 	
Developer Name (Print): <u>Boyle Investment Company (Les Binkley)</u> Address: <u>5900 Poplar Avenue - Memphis, TN 38119</u> Phone No.: <u>(901) 766-4219</u> Email Address: <u>lhb@boyle.com</u> Signature of Developer: 	
PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY	

AGENT/REPRESENTATIVE INFORMATION	
Name: <u>Michael Rogers</u>	Title: <u>Principal</u>
Company Name: <u>Fisher Arnold</u>	Address: <u>9180 Crestwyn Hills Drive - Memphis, TN 38125</u>
Phone No.: <u>(901) 748-1811</u>	Email Address: <u>mrogers@fisherarnold.com</u>
Who will represent this proposal at the Planning Commission meeting? <u>Michael Rogers and/or Les Binkley</u>	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>Fisher Arnold</u>	Address: <u>9180 Crestwyn Hills Drive - Memphis, TN 38125</u>
Phone No. <u>(901) 748-1811</u>	Email Address: <u>mrogers@fisherarnold.com</u>
Surveyor Name: <u>Fisher Arnold</u>	Address: <u>9180 Crestwyn Hills Drive - Memphis, TN 38125</u>
Phone No.: <u>(901) 748-1811</u>	Email Address: <u>mrogers@fisherarnold.com</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: Boyle Investment Company
Address: 5900 Poplar Avenue - Memphis, TN 38119

Owner: Stephen G. Beem, Henry M. Turley Jr., James Massey, Ralph Michael Robison & Beverly Marrero
Address: _____

Lessee: _____
Address: _____

Developer: Same as Applicant
Address: _____

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

Name	Business or Home Address
<u>Paul Boyle</u>	<u>5900 Poplar Avenue - Memphis, TN 38119</u>
<u>Henry Morgan, Jr.</u>	<u>5900 Poplar Avenue - Memphis, TN 38119</u>
<u>Bayard Morgan</u>	<u>5900 Poplar Avenue - Memphis, TN 38119</u>
_____	_____

DISCLOSURE OF OWNERSHIP INTERESTS

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Applicant: Boyle Investment Company
 Address: 5900 Poplar Avenue - Memphis, TN 38119

Owner: Stephen G. Beem, Henry M. Turley Jr., James Massey, Ralph Michael Robison & Beverly Marrero
 Address: _____

Lessee: _____
 Address: _____

Developer: Same as Applicant
 Address: _____

Persons or Entities Owning 10% or More of the Ownership Interests of the ~~Applicant~~ ^{Owner #1}:

Name	Business <u>or</u> Home Address
<u>Stephen G. Beem</u>	<u>Law Office of Stephen Beem - P.O. Box 4014 - Park City, UT 84060</u>
<u>Henry M. Turley, Jr.</u>	<u>65 Union Avenue, Suite 1200 - Memphis, TN 38103</u>
<u>James Massey</u>	<u>2108 Southwind Circle - Birmingham, AL 35244</u>
<u>Ralph Michael Robison</u>	<u>3181 Poplar Avenue, Suite 305 - Memphis, TN 38111</u>
<u>Beverly Marrero</u>	<u>243 Hawthorne Street - Memphis, TN 38112</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: Boyle Investment Company
 Address: 5900 Poplar Avenue - Memphis, TN 38119

Owner: Goodwin Farms LP
 Address: 9695 Poplar Avenue - Germantown, TN 38139

Lessee: _____
 Address: _____

Developer: Same as Applicant
 Address: _____

Persons or Entities Owning 10% or More of the Ownership Interests of the ~~Applicant:~~ ^{Owner #2}

Name	Business <u>or</u> Home Address
<u>John B. Goodwin</u>	<u>9565 Poplar Avenue - Germantown, TN 38139</u>
<u>Mary Ann Goodwin</u>	<u>9565 Poplar Avenue - Germantown, TN 38139</u>
_____	_____
_____	_____

Chairman Harless asked if there was any old business to come before the Commission. There was none.

Chairman Harless asked if there was any new business to come before the Commission. There was none.

Chairman Harless asked if there were any liaison reports. There were none.

ADJOURNMENT: The meeting adjourned at 7:30 p.m.

DRAFT