

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, September 4, 2018**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of City Hall on September 4, 2018. Regular meetings of the Planning Commission are broadcast and recorded electronically. Minutes reflect a summary of the proceedings and actions taken.

Chairman Harless welcomed everyone and called the meeting to order at 6:20 p.m.

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

Commissioners Present: Alderman Forrest Owens, Rick Bennett, Keith Saunders, Mike Harless, Sherrie Hicks, and Dike Bacon

Commissioners Absent: David Clark, George Hernandez, and Mayor Mike Palazzolo

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

1. Chairman Harless stated for those people who just arrived, tonight's agenda is on the front table. There are changes on the agenda tonight; item 4.c. Wireless Transmission Facility at Forgery Park has been withdrawn by the applicant.

2. Approval of Minutes for August 7, 2018:

Chairman Harless stated that the next order of business is the approval of the minutes for the August 7, 2018, meeting. If there are no additions, corrections or deletions to the minutes of August 7, 2018, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bacon moved to approve the Planning Commission minutes of August 7, 2018, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

3.a. TraVure Planned Development, Phase 4 (Mixed Use Retail/Office Buildings), Request Revised Preliminary and Final Plan Approval

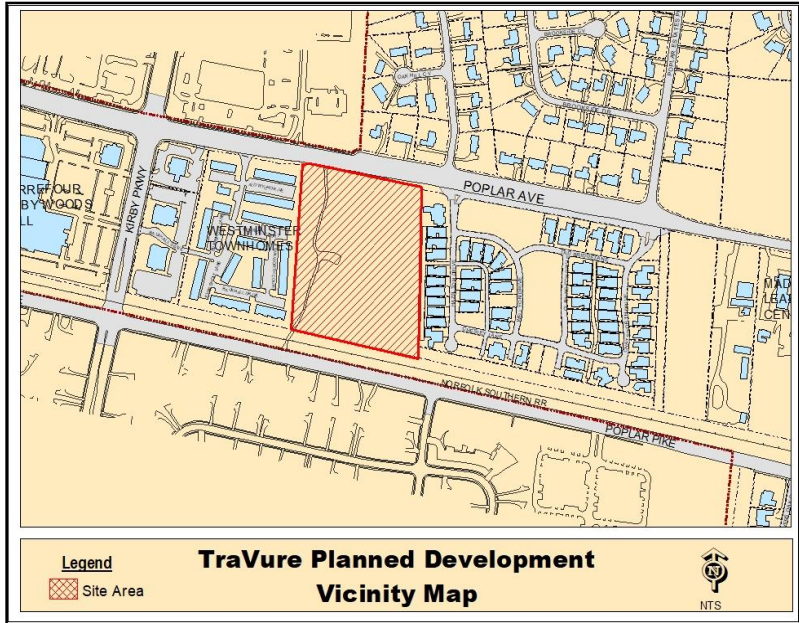
Mr. Ross made a presentation of the application to the Planning Commission.

INTRODUCTION:

Development Case Number:	15-524
Case Name:	TraVure Planned Development, Phase 4
Location:	Southwest corner of Poplar Ave. & TraVure Drive East
Owner/Developer Name:	Gill Poplar Phase 4, GP

Representative:	Michael Rogers, w/Fisher Arnold – Agent
Zoning District:	“T-5” Urban Center
Area:	2.046 acres
Request:	Revised Preliminary and Final Plan Approval

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



ECD CERTIFICATION: The Director of the Department of Economic and Community Development certifies this application as meeting the terms of the Zoning Ordinance upon which relief is sought.

SMART CODE REVIEW COMMITTEE: (MIKE HARLESS, CHAIRMAN)

The SCRC met on August 22, 2018, and recommended that the application be considered by the Planning Commission, subject to the subcommittee discussion, staff comments in the staff report, and the plans and documents filed with the application. Letters of recommendation from the DRC and ECD representatives will be provided at the September 4, 2018 meeting.

REVISIONS: The application has addressed the Planning Commission Subcommittee’s comments as follows:

- The design of the covered parking has been modified to have more substantial columns and designed to be a more integrated part of the building, resulting in the loss of one standard parking space.
- The landscaping on the front of the building was modified from crepe myrtles to Bloodgood Japanese maples.
- There are two remaining warrants that are part of this application.

BACKGROUND: The property was rezoned from the “OG-1” Old Germantown District to the T-5 district as part of the Western Gateway Small Area Plan rezoning in October 2014. The T-5 district requires a minimum 20-foot tall building and allows five-story buildings (six stories with a warrant).

The Travure outline plan was approved by the Planning Commission on July 7, 2015, and by the Board of Mayor and Aldermen on July 27, 2015. The Phase 4 preliminary plan was discussed by the Smart Code Review Committee on July 22, 2015. The plan was withdrawn from the PC agenda at its meeting on August 18, 2015. The Phase 4 preliminary plan was discussed again by the Smart Code Review Committee on October 21, 2015. The Planning Commission, at its meeting on November 3, 2015, voted to take it under advisement until the December PC meeting. On December 8, 2015, the PC granted approval of an amended outline plan as well as gave preliminary and final approval for Phases 1-3 and preliminary plan approval for Phase 4. On November 1, 2016, the Planning Commission approved an amended preliminary plan and gave final plan approval for Phase 4.

DISCUSSION: The currently approved amended preliminary site plan and final plan for this phase of development proposed a 47,396 square foot, three-story office/retail building with the associated garage (underground) and surface parking. The proposed revised preliminary and final site plan is for approval of a 34,592 square foot, two-story retail/office building with surface parking. The specifics of the site plan are below:

DEVELOPMENT SUMMARY:

TOTAL SITE AREA	2.046 ac.
Gross Floor Area	34,592
Building Height	2 Stories
Parking Spaces Provided:	104
Surface Parking	100
Handicap spaces	4
Min. Required (O = 2 spaces per 1,000 sq. ft.) (R = 3 spaces per 1,000 sq. ft.)	89
Max. Permitted (5 spaces per 1,000 sq. ft.)	172
With Sharing Factor	73 required
Greenspace Provided	9,235 sq. ft.

The applicant has provided a detail description of all revisions made to the previously approved site plan (see page 15-19 of this report).

WARRANTS:

Per Section 23-745, any requested deviation from the Smart Code District’s regulations must be granted by approval of a warrant.

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 warrant from the standard development regulations is requested for this project (See **Warrant Application with applicant's justification for each request on pages 27-29 of this report.**):

WARRANT 1: Sec. 23-792(b) (2) – T5: The vehicular entrance of a parking lot or garage on a lot frontage shall be no wider than 30 feet. **Sec. 23-793(a) (3):** Driveway widths: Vehicular entrances to parking lots, garages, and parking structures shall be no wider than 24 feet at the frontage. The western driveway entrance into the site is approximately 52 feet wide.

WARRANT 2: Sec. 23-2 – Three of the proposed parking spaces are non-conforming spaces. In lieu of a variance, approval of a warrant is required for the non-conforming parking spaces. Please see the applicant's justification included as part of the attached Warrant Application.

DESIGN REVIEW CHECKLIST:

1. *Site Layout:* Essentially the site layout has not drastically changed, except to reflect for more surface parking spaces due to the elimination of the proposed underground garage on the site. The retail/office building is situated on parcel 1 of the Planned Development, in the northwest quadrant of the property. The building's long axis will parallel Travure Drive. The revised building façade on the north will include an elevated patio on the Poplar Avenue frontage of the site.
2. *Building Elevations:* See the attached plans. The building will be two- story and the exterior has been revised to reflect a combination of cast stone blocks, ground face block unit and brick, with extruded aluminum canopies and EIFS cornices. Plans indicate an overall increase in ground floor transparency 2% (from 63% to 65%). The principal frontage of the sidewalk-level story (east elevation) will be 77% glass, which exceeds the ordinance requirement of 60%.
3. *Street Improvements and Curb Cuts:* The building will use Travure Drive as well as a driveway access along the west side of the building to connect to Poplar Ave. There are no changes to these two connections proposed by the revised plan.
4. *Parking Lots:* A total of 104 surface parking spaces are provided, three of which are non-conforming spaces. A total of four handicapped spaces are provided on the plans, two standard spaces, and two van accessible spaces. Approval of a warrant is required for the non-conforming parking spaces.
5. *Exterior Lighting:* Detail provided on plans. Photometric plan information is unclear. The plan should reflect foot-candles at the western property line as 0. And the Average lighting levels measured at the building frontage not exceeding 2.0 foot-candles.
6. *Garbage Collection Area:* A trash dumpster is to be located on the west side of the site. However, it has been relocated further north and closer to the driveway entrance on Poplar Avenue. The enclosure is 7.6 feet tall and constructed of ground face CMU with a painted tube steel gate frame with composite deck gate planks. A detail is shown on page 19 of the plan set.
7. *Vents:* Not noted on the plan. Should be shown on the construction plan and should be painted to match the building so that they blend in with the architectural structure. A note to this effect should be placed on the site plan.
8. *Gas, Electric, and Water:* Utility meters appear to be all located on the western façade of the building facing the parking lot. These items will need to be painted to match the building so that they blend in with the architectural structure. A note to this effect should be placed on the site plan.

9. Mechanical Units: RTU appear to be hidden by parapet walls so they are screened from public view. A note to this effect should be placed on the site plan.
10. *Emergency Generators*: None is shown on the plan.
11. *Landscaping*: A landscape plan has been provided.
12. *Mailboxes*: Not shown. Applicant should verify that mail delivery is inside of the building.
13. *Signs*: Signs will require separate application and approval.

STAFF COMMENTS:

A. PRIOR TO FINAL PLAN APPROVAL (None)

B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Add the site data table to sheet 1 of the final plan.
2. Parking cover location on the western side of the proposed building must be approved by the City Fire Marshall.
3. Sec. 23-792(c) (4): Pedestrian circulation shall be provided for within parking areas. This information should be reflected on the site plan.
4. Since dumpster enclosure currently borders residential, there should be a note in the C&R (?) that solid waste (trash, recycling, etc.) collection should not occur between the hours of 10:00 pm and 7:00 am.
5. WIV and PIV currently show as wall mounted with parking spaces in front of them. FDC and WIV to be relocated to prevent being obstructed by parked vehicles.
6. Fire hydrant must be located within 100' of the FDC.

C. GENERAL REQUIREMENTS: (To be placed on all final site plans, PD plans, or subdivision plats)

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

7. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

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

TAC COMMENTS:

The Technical Advisory Committee (T.A.C.) met on August 9th and made the following comments:

Planning:

1. Based on staff's review of the current site plan additional warrants may be necessary for this project.
2. Site Layout
 - a) The PC's 2016 approval of the site plan included the following requirement that should be shown on current plan: Place the following note on the preliminary and final plan and the recorded plat: A cross access easement point shall be provided along the western property line of this project; the location to be mutually agreed upon between both the property owner(s) for this site and the property owner(s) of the property to the west.
 - b) Revised the site plan to label the building setback from Poplar Avenue.
 - c) Sec. 23-778(b) (1): T5: 70 percent minimum. In the absence of a building along the remainder of the frontage line, a streetscreen shall be built on the same plane with the façade. The proposed building with patio is approximately 42%, excluding the driveway entrance and half of the TraVure Drive. A warrant is required.
 - d) Either remove or relocated parking cover located on the western side of the proposed building to allow unobstructed fire access (aerial) via the drive aisle in this area.
 - e) Sec. 23-792(b) (2): T5: The vehicular entrance of a parking lot or garage on a lot frontage shall be no wider than 30 feet. Sec. 23-793(a) (3): Driveway widths: Vehicular entrances to parking lots, garages, and parking structures shall be no wider than 24 feet at the frontage. The western driveway entrance into the site is approximately 52 feet wide. A warrant is required.
 - f) Sec. 23-792(b) (3): Parking lots shall be masked from the frontage by a liner building or streetscreen (section [23-794\(b\)](#)) as specified in [section 23-778\(a\) \(5\)](#). A warrant is required.
 - g) Sec. 23-792(c) (5): T5: Uncovered (surface) parking is prohibited within the minimum building setbacks. Parking is shown in the building setback along TraVure Drive. A warrant is required.

- h) Sec. 23-792(c) (1): Surface parking shall be organized into small groups or courts of no more than 25 spaces. Courts shall be divided by parking islands. A warrant has been requested to waive this requirement.
- i) Sec. 23-2: Three of the proposed parking spaces are non-conforming space. In lieu of a variance, approval of a warrant is required for the non-conforming parking spaces.
- j) Sec. 23-792(c) (2): Parking islands shall be large enough for trees, low shrubs and ground cover. Parking islands shall be a minimum of 180 square feet in area. The plan shows two parking islands. They should be increased in size to meet this requirement or a warrant is required.
- k) Sec. 23-792(c) (4): Pedestrian circulation shall be provided for within parking areas. This information should be reflected on the site plan.
- l) Sec. 23-792(d): A bike rack is shown on the plan. Provide information on the number of bike racks to be provided in this phase in the site data table.
- m) Revise sheet 16 to make information legible.
- n) Foot-candles at the western property line should be 0. Revise accordingly.
- o) Sec. 23-796(b) (4): Average lighting levels measured at the building frontage shall not exceed 2.0 foot-candles. Information unclear on sheet 16. Clarify.

3. Building Design Standards

- a) Sec. 23-787(b) (2): Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the PC. A note that states all mechanical (RTU) shall be concealed from public view should be placed on all sheets of the elevation drawings.
- b) Sec. 23-787(c) (2): Maximum entrance setback: Primary pedestrian entrances on the principal frontage shall be recessed a maximum of seven feet from the exterior façade, and shall remain unlocked during normal business hours. Provide this information on sheet 18 of the building elevation drawings.
- c) Sec. 23-787(c) (3): Canopies and awnings: They shall project a minimum of four feet from the façade, with a maximum projection over a sidewalk to within two feet of a public street curb. The awning or canopy shall have a minimum clearance height of eight feet above the sidewalk. Provide these measurements on the elevation drawings.
- d) Sec. 23-787(e) (2): Entry façade window trim shall not be flush with the exterior wall and shall have a minimum relief of 0.25 inch from the exterior wall. Provide this information on sheet 18 of the building elevation drawings.
- e) Revise the north and west elevations to show the stairs leading to the elevated patio fronting Poplar Avenue.

Engineering:

- 1. Move the fire dept connection, PIV, and hydrant to the west side of the drive from the building.
- 2. Check for conflict between the proposed water line location and proposed underground detention area.
- 3. On all plan sheets that show Poplar Avenue, show the revised approved Poplar striping plan.

Public Works:

1. Water:

- GPW recommends additional valves to better provide future water maintenance to serve the two retail offices
- Please provide a digital water meter and vault similar to the previous phases of the TraVure project
- Please ensure there is no conflict between the proposed water main and storm sewer pipe

- Please provide horizontal and vertical spacing meeting City of Germantown Standards for construction
- Please ensure that the water main is not adversely impacted by a dump truck and/or waste excretions from dumpsters due to main location proximity to dumpsters

2. **Traffic:**

- The angled parking dumpster spaces seem to conflict with the perpendicular spaces utilized by future customers
- Please adjust if needed

Economic Development: No Comment.

Neighborhood Services: The location of the dumpster enclosure (great that they are allowing enough room for two) is very close to the apartments. Therefore there should be restrictions on the collection times - not earlier than 7:00 am and not later than 7:00 pm.

Fire Services:

- WIV and PIV currently show as wall mounted with parking spaces in front of them. FDC and WIV to be relocated to prevent being obstructed by parked vehicles.
- Fire hydrant must be located within 100' of the FDC.
- Must provide 1 fire department aerial access roadway that runs parallel to one side of the building in accordance with IFC (2012) Section D105.3
- Provide a plan sheet with an auto-turn program verifying that aerial apparatus can maneuver through FD access routes.

Fire Department General Requirements

ACCESS:

"Chapter 33, Section 3310, Access for Fire Fighting

- *3310.1 Required Access: Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available."*
- *NOTE: An approved driving surface shall consist of an all-weather surface with a minimum of a single layer of asphalt.*
- Fire apparatus access roads shall have a minimum pavement width of 26 feet exclusive of curb and gutter. (24 feet unobstructed) (Germantown City Ordinance, GCO), (IFC D103.1)
- Fire Department access roads shall have a minimum vertical clearance of 13 feet 6 inches. (IFC 503.2.1)
- The access roadway shall be within 50 feet of the normal point of entry to the structure for the fire department. (GCO)
- The fire department access roadway shall be extended to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building (IFC 503.1.1)
- The grade of the fire department access road shall be no greater than 10%. (IFC D103.2)
- Buildings or facilities exceeding three stories or 30 feet in height shall have at least two means of fire apparatus access for each structure. (IFC D104.1)
- Buildings or portions of buildings exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial fire apparatus. (IFC D105.1)

- Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet exclusive of shoulders. (IFC D103.1)
- Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. (IFC D105.1)
- Turns in fire lanes shall be constructed to provide sufficient width to accommodate the largest piece of fire apparatus available to be operated on the fire lane, but in no case shall the radius to the outside curb line be less than 50 ft. (NFPA 1141)
- Multi-family residential developments having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. (IFC D106.1)
- Dead-end fire apparatus access roads in excess of 150 feet shall be provided with a turnaround cul-de-sac of 96' diameter cul-de-sac. (IFC D103.4)
- Buildings exceeding 62,000 square feet or the sum of buildings within a development shall have two separate and approved fire apparatus access roads. (*Exception: buildings or the sum of square footage within a development will be permitted not to exceed 124,000 square feet if protected throughout with an automatic sprinkler system designed to NFPA 13 standards*) (IFC D104.2)
- Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. (IFC D104.3)
- Security gates across fire department access roadways, when open, shall provide an unobstructed width of 24 feet. (*See the City's Private Street Policy for additional requirements on gate features*) (IFC D103.5)
- Fire lane signs shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide. (IFC D103.6.1)

PREMISES IDENTIFICATION:

- New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- Numbers shall be a minimum of 4 inches high with a minimum stroke width of .5 inches and contrast with the background.
- This standard shall also apply to suite numbers.
- In a multi-tenant building address numbers and/or suite numbers shall be posted on all doors allowing access to the suite.

UTILITIES/WATER:

- Fire hydrants shall be located within 3 feet of roadway access with the 4-inch outlet facing the roadway access
- Fire hydrants shall be installed so that there is a minimum of 18 inches between the center of the 4-inch steamer cap and the surrounding finish grade, for a radius of at least 5 feet.
- Fire hydrants along street or fire access routes or at intersections shall be visible for a minimum of 100 feet in all directions.
- Fire hydrants shall be free from obstructions on all sides by a minimum clearance of not less than 3 feet. i.e. landscape, light poles, signs, fences
- Fire hydrants shall be installed, for commercial buildings not greater than 300 feet apart. In residential communities, excluding multifamily occupancies, fire hydrants shall be installed not greater than 500 feet apart.
- Fire hydrants shall be placed at a minimum of 40 feet from any structure.

- Fire hydrants installed within the City of Germantown shall be silver in color.
- Plans submitted must identify that the underground main installed meets the requirements of NFPA 24.
- The underground main must have a hydraulic test performed and recorded at 200 psi for 2 hours.
- Dead end mains are not permitted unless approved by the fire code official.
- Piping shall not be installed under buildings unless approved by the fire code official.
- Required fire flows shall be calculated with 20 psi residual pressure for a minimum flow of 2 hours.

FDC:

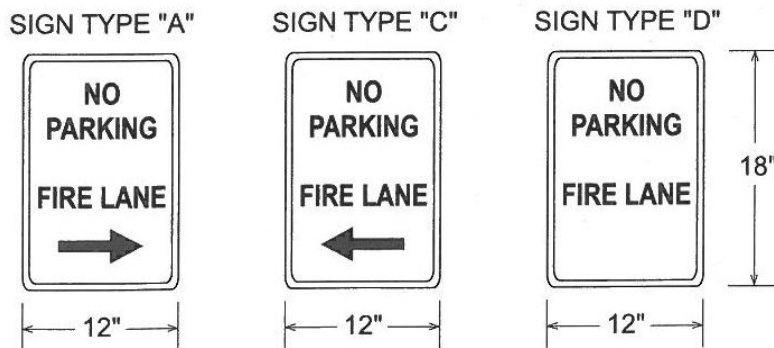
- The fire department connections (FDC) shall consist of two 2 1/2 inch connections using NH internal threaded swivel fittings with 2.5-7.5 NH standard thread.
- The fire department connections (FDC) shall consist of two 2 1/2 inch connections using NH internal threaded swivel fittings with 2.5-7.5 NH standard thread. There shall be a 2 1/2 inch fire department connection for each 250 gpm required for the fire pump. Where more than (2) connections are required to meet the demand of the fire pump, a 5" Storz connection may be used.
- The fire department connection should be located not less than 18 in. (457 mm) and not more than 4 ft (1.2 m) above the **finished** grade.
- The FDC shall be located a minimum of 40 feet from the structure and within 100 feet of a fire hydrant.
- The FDC shall be located on the address side of the structure.
- The fire department connection shall be painted red with white address numbers. (not required if the FDC is mounted on the structure)
- For hydraulically calculated systems, the fire department connection shall not be less than the size of the system riser.

PIV:

- The post indicator valve (PIV) shall be set so that the top of the post will be 36 in. (0.9 m) above the final grade.
- The PIV shall be located a minimum of 40 feet from the structure.
- The PIV shall be located on the address side of the building.
- The PIV shall be red with white address numbers (not required if the PIV is mounted on the structure)

FIRE LANE SIGNS:

- Where required by the fire code official NO PARKING FIRE LANE signs shall be installed.
- Signs shall have a minimum dimension of 12 inches wide by 18 inches high.
- Signs shall have red letters on a white reflective background.
- Reference the City of Germantown sign ordinance for height requirements



APPENDIX

NFPA 1141:

5.4 Parking Lots.

5.4.1* The minimum lengths of parking lot stalls shall be measured end to end as shown in Figure 5.4.1, and the minimum stall length and aisle widths shall be as shown in Table 5.4.1.

Table 5.4.1 Minimum Parking Lot Stall Dimensions and Minimum Aisle Lengths

Parking Angle	Minimum Stall Length		Minimum Aisle Width		Minimum Aisle Width	
	ft	m	ft	m	One Way Traffic Flow	Two way Traffic Flow
45 degrees	27.5	8.4	16	4.9	24	7.3
60 degrees	23.7	7.2	16	4.9	24	7.3
75 degrees	20.9	6.4	23	7.0	24	7.3
90 degrees	18.5	5.6	26	7.9	26	7.9

5.4.2 Parking lot aisles adjacent to any building shall provide a travel lane with a minimum 24 ft (7.3 m) clear width.

5.4.3 The minimum turning radius for parking lot aisles necessary for fire department apparatus access shall be determined by the fire department having responsibility.

Board Discussion

Chairman Harless asked Ms. Rush to show in the record that Alderman Forrest Owens has joined the meeting at 6:35 p.m.

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

Chairman Harless invited the applicant to discuss the project.

Brown Gill with Gill Properties 8130 Macon Station, Suite 114 Memphis, TN 38018 made a presentation and showed a video of the new plan. The currently approved amended preliminary site plan and final plan for this phase of development proposed a 47,396 square foot, three-story office/retail building with the associated garage (underground) and surface parking. The proposed revised preliminary and final site plan is for approval of a 34,592 square foot, two-story retail/office building with surface parking. Given the economy, and cost of labor and materials, the originally proposed project is not feasible. One will not be able to see either of the gas meters or electric meter from Poplar Avenue. Also, to clarify Warrant 1: Per the SmartCode, the vehicular entrance of a parking lot or garage on a lot frontage shall be no wider than 30 feet. Driveway widths: Vehicular entrances to parking lots, garages, and parking structures shall be no wider than 24 feet at the frontage. Per the proposed plans, the western driveway entrance into the site is approximately 52 feet wide. To clarify Warrant 2: Three of the proposed parking spaces are non-conforming spaces, as they are smaller in size, designed for compact cars. In lieu of a variance, approval of a warrant is required for the non-conforming parking spaces.

Chairman Harless asked how much space is there between the meters and sidewalk. Can some landscaping be added in front of the gas and electric meters?

Bill Thoda (project architect) at Thoda and Associates 5159 Wheelis Drive, Suite 100 Memphis, TN 38117 answered there is approximating six feet clearance on the surface/service wall from the meter and the edge of the curb. He doesn't believe landscaping can be put there. The gas meter sticks out 18 inches to 2 feet. There is a landscaping screen along the property line, to screen the dumpsters.

Mr. Bacon asked on the west side of the building, it appears to be a store front facade; how are those shown to the public?

Mr. Gill answered no not at all. Those would be the back of retailers and there will be a door going into the east main glass entrance building. The parking in the back of the building is for employees. They will walk into that glass entrance and go up the elevator or use the stairs to go up. At night, the building is locked between 6:00 or 7:00 p.m. for MAA, with card access only. So at night, one can't walk through the building.

Mr. Bennett asked are there 107 parking spaces in the garage? People like to park as close to the restaurant as they can, not in a garage. When you look for good examples of Smart Growth, don't look at regular retail in Memphis, go somewhere that has successful Smart Growth and look how they do it, in Charlotte for example. Where they have a backside of a building, it doesn't look like a backside. They have one entrance for the project where supplies come in, and the utilities are on the inside. There is a hallway that goes to the back of store. It can be done if you look at it. There are ways to make the backside not look like it's the backside of the building. That's where I have trouble with the covered parking and the meters shown on the backside, which will still be in public view. That's where people are going to park, especially after hours. From an economic stand point, I understand the reasoning, reducing the building height from three stories to two stories. However, in terms of the intent of Smart Growth, I don't like the fact it's moved from 3 to 2 stories. Again, for Smart Growth, we want density and for it to look like a new urban type of environment.

Alderman Owens emphasized Mr. Bennett's comments regarding the backside of the building being designed appropriately, so that it doesn't look like a backside. We have an example of such a building on Poplar Ave. in Saddle Creek South, where Jos A Banks is, that looks horrible, with the backside facing Poplar Ave. We don't want this again.

Mr. Gill answered there 144 parking spaces total. I agree with you on Smart Growth, and we wanted more density, and a 3 story building. We spent a lot of money designing a 3 story to a 2 story building trying to bring the density up. However, given today's economic situation, with materials and labor, the original 3-story building is not an option.

Chairman Harless asked if there were any questions of the Commissioners.

Mr. Bacon asked if you parked in the garage, you would go around the north side of the office building, because the south side is the driveway entrance to the garage and the dumpsters are there. Is there a sidewalk back there?

Mr. Gill answered the dumpsters are closed all the time. I have staff there during business hours and 24-7 security, so those dumpster doors stay closed all the time. Yes; there is a sidewalk in the backside. With Germantown Smart Growth, we have sidewalks everywhere. You can walk behind the dumpster.

Chairman Harless asked if anyone in the audience would like to speak in favor of this project. There were none.

Chairman Harless asked if anyone in the audience would like to speak against this project. There were none.

STAFF RECOMMENDATION:

Approval of a Revised Preliminary and Final Plan for TraVure Planned Development, Phase 4, subject to the comments and conditions listed above and the plans and documents submitted with the application.

SMART CODE REVIEW COMMITTEE: (MIKE HARLESS, CHAIRMAN):

The SCRC met on August 22, 2018, and recommended that the application be considered by the Planning Commission, subject to the subcommittee discussion, staff comments in the staff report, and the plans and

documents filed with the application. Letters of recommendation from the DRC and ECD representatives will be provided for September 4, 2018 meeting.

MAIN MOTION: Mr. Bacon moved to approve the revised Preliminary and Final Site Plan for TraVure Planned Development, Phase 4, subject to the Commission's discussion, staff comments and conditions in the staff report and the plans and documents filed with the application, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

Chairman Harless stated we do have letters from the Design Review Commission and the Economic Development Commission and both of them are supporting this project.

Mr. Bacon voted yes; I do think it's unfortunate that the density of building went from 3 stories to 2 stories. I'm a little bit concerned with the west side of the building, looking like a backside in public view, and parking access to the restaurant. However, they are providing the required number of parking spaces and the shared usage of the garage; you will be able to find you way on the north side.

Mr. Bennett voted no; I have supported the other three phases of this project. I mentioned earlier that more needs to be done so that this phase is in line with Smart Growth. I can't support this.

Ms. Hicks voted no; this is the last phase of this project. I wish I had been around for the other phases to see the whole concept. Knowing we are holding Smart Growth to a higher standard, I would expect this to be a building we couldn't put anywhere in the City, that would only fit here, as Mr. Bennett said because of the uniqueness, and I don't see the uniqueness.

Mr. Saunders voted yes; I do see the uniqueness in this project, because Smart Growth is more of an urban concept than it is a suburban concept. When you get to an urban concept, parking is always a premium and it's very hard to have parking directly in front of office, retail, or restaurant. That's why they have parking garages, and they are a distance to walk. I think as this project and Smart Growth goes along, people will understand how it works. I do believe the west side is a service entrance. I think the design has taken that into consideration and the meters will not be offensive if put in appropriate places.

Alderman Owens voted yes; based on the site, I think the developer has done as well as to be expected. It does have some challenges with the rear facing building. I also agree that the neighboring Fogelman property to west area will block a lot of the western façade, and the concern over a "backside of a building" will be screened by that property. I appreciated the video you showed us. I look forward to some great retail choices.

Chairman Harless voted yes; you have a spilt group up here, and I hope you will take that to heart because we all want what's best for Germantown. If this is another cookie cutter building, it will not be acceptable. This is the Western Gateway to Germantown. It is one of our first smart growth facilities, it has to be perfect. I will ask you to take another strong look at what you have, and see what else you can do to make it that much better.

WARRANT #1:

PROPOSED MOTION 1: Mr. Bacon moved to approve a warrant from **Sec. 23-792(b)(2)** – T5: and **23-793(a)(3)**: to allow the vehicular driveway entrances to parking lots, garages, and parking structures to be wider than 30 feet at the frontage, as required by the Fire Marshall, seconded by Mr. Bennett.

Chairman Harless asked for a roll call.

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

Mr. Bacon voted yes; I think in this condition with the right-in, right-out driveway that the width warrant request is required.

Mr. Bennett voted yes; for the same reasons.

Ms. Hicks voted yes; for the reasons previously stated.

Alderman Owens voted yes; also for the reasons previously stated.

Mr. Saunders voted yes; for the prior reasons stated by other commissioners.

Chairman Harless vote yes; but I do request that staff review and amend this ordinance, so it is uniform with the requirements of the fire code. The first warrant is approved.

WARRANT #2:

PROPOSED MOTION 2: Mr. Bacon moved to approve a warrant from **Sec. 23-2** to allow 3 parking spaces to be smaller than 180 square feet as required by the zoning ordinance, seconded by Mr. Saunders.
Chairman Harless asked for a roll call.

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

Mr. Bacon voted yes; primarily on the basis that the applicant is providing more parking, which will be needed, and the spaces will be designated be compact car parking.

Mr. Bennett voted yes; for the reasons Mr. Bacon stated. I think a compact car parking space actually encourages us to use compact cars.

Ms. Hicks voted yes; I agree it's just good planning and creative.

Mr. Saunders voted yes; if it's well-designated, I think it will encourage the use of it.

Alderman Owens voted yes.

Chairman Harless voted yes; for the reasons stated. The second warrant is approved.

Chairman Harless said congratulations and the motion passes.

ENDORSEMENT LETTER FROM DESIGN REVIEW COMMISSION



CITY OF
GERMANTOWN
TENNESSEE

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

November 3, 2017

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

RE: Case # 15-524
TraVure Planned Development, Phase 4
Request Preliminary and Final Site Plan Approval

The TraVure Design Team made a complete project presentation to the Planning Commission Subcommittee on August 22, 2018. The discussion of the multiple warrants and design changes from the original plan was very well discussed. After the presentation and explanations, the DRC Smart Growth Subcommittee is recommending approval of the Preliminary and Final Site Plan.

The landscape plan was briefly discussed and a few minor plant changes will be made in the patio area. (Crepe Myrtles to Japanese Maples). Screening the utilities was still undetermined, but will be addressed in the final plan. A canopy on the west side of the building was proposed as a covered parking structure. More drawings and discussion are needed before this feature is finalized.

With these conditions being met, it is at this time that the DRC Smart Growth Subcommittee can recommend approval of this application.

Design Review Commission Smart Growth Subcommittee

Paul Bruns

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

ENDORSEMENT LETTER FROM ECONOMIC DEVELOPMENT COMMISSION

City of Germantown Mail - Fwd: Planning Commission Meeting August 22, 2018



Pounder, Sheila <spounder@germantown-tn.gov>

Fwd: Planning Commission Meeting August 22, 2018

1 message

Cameron Ross <cross@germantown-tn.gov>
To: spounder@germantown-tn.gov

Tue, Sep 4, 2018 at 10:46 AM

FYI. I will print.

Cameron Ross, AICP LEED AP

Director

Department of Economic and Community Development Services

City of Germantown | 1920 S. Germantown Rd. | Germantown, TN 38138

P: [901.757.7273](tel:901.757.7273) | C: 901.208.6207 | F: [901.751.7526](tel:901.751.7526) | cross@germantown-tn.gov

City of Germantown - Excellence. Every day.

Sent from a mobile device.

Begin forwarded message:

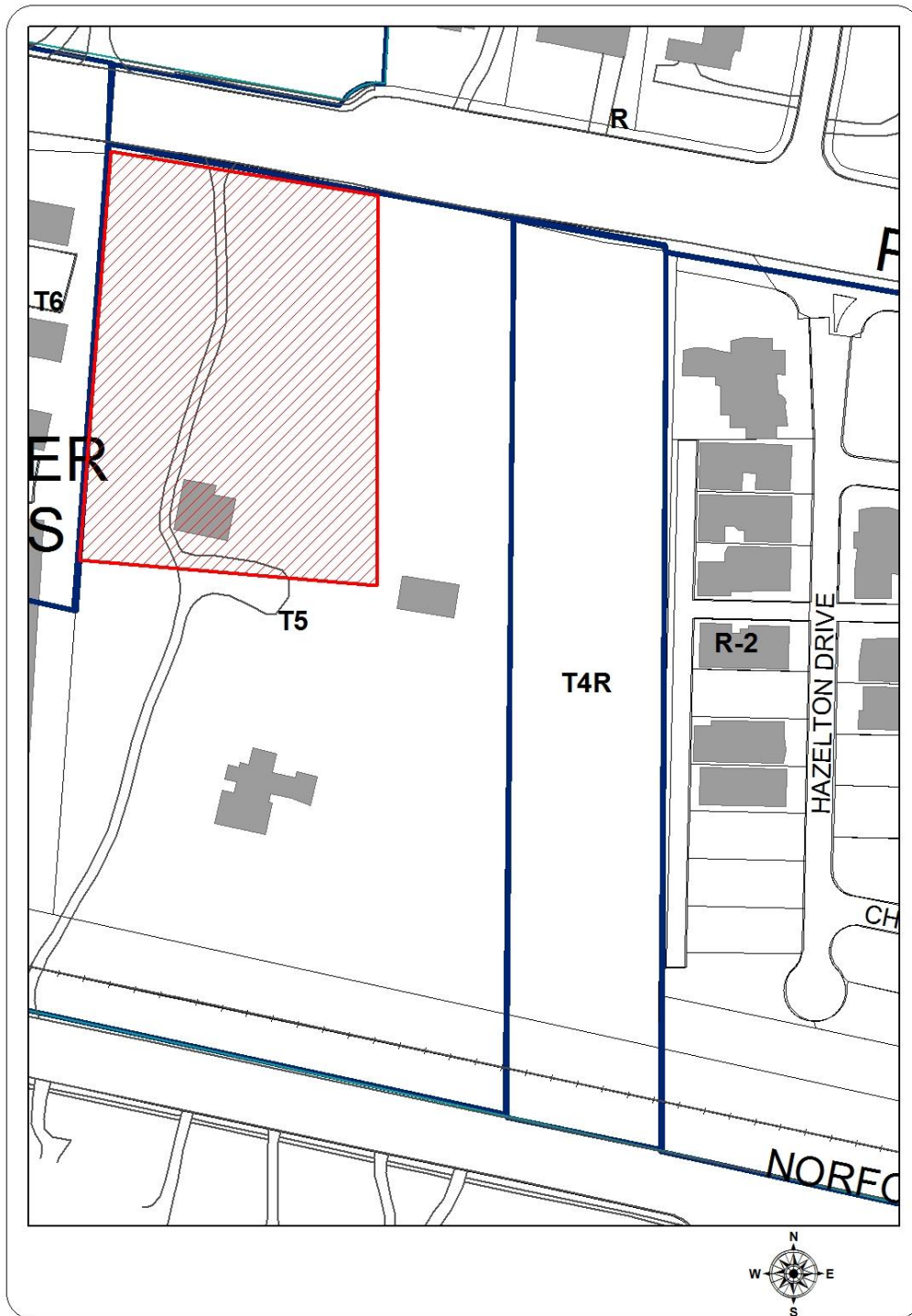
From: "Jerry Klein" <jerry@kossmankleinco.com>
Date: August 30, 2018 at 4:16:21 PM CDT
To: "Ross, Cameron" <cross@germantown-tn.gov>
Subject: **Planning Commission Meeting August 22, 2018**

Cameron:

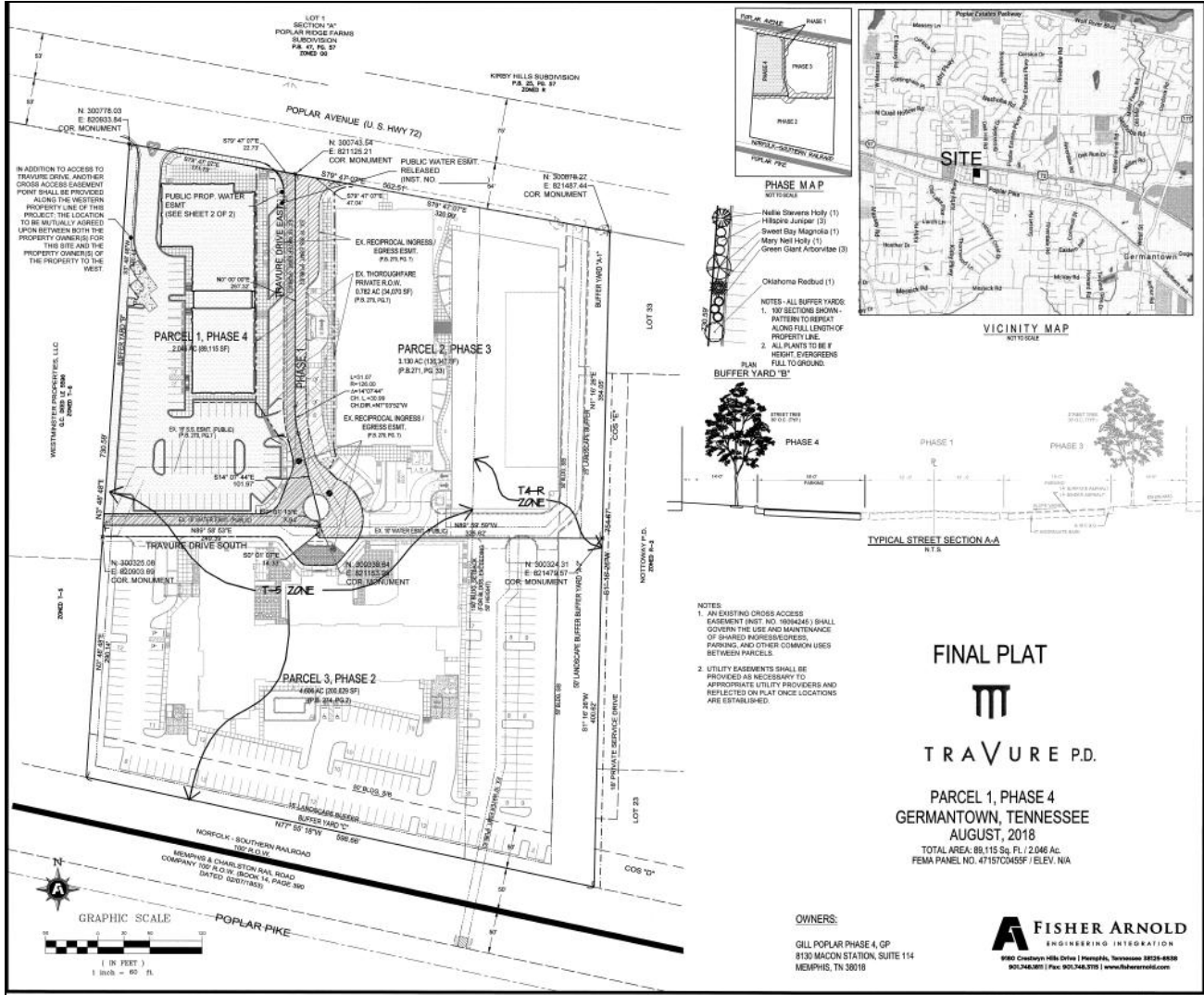
With reference to the Smart Growth item reference the Traveure Project discussed at the August 22, 2018 Planning Commission, the EDC has several comments:

1. The conflict between 24' and 30' needs to be corrected.
2. Make sure the entrance or the exit (whichever you call it) is the same dimension in it's entirety.
3. Whichever way they go, be sure and get input from the fire department.

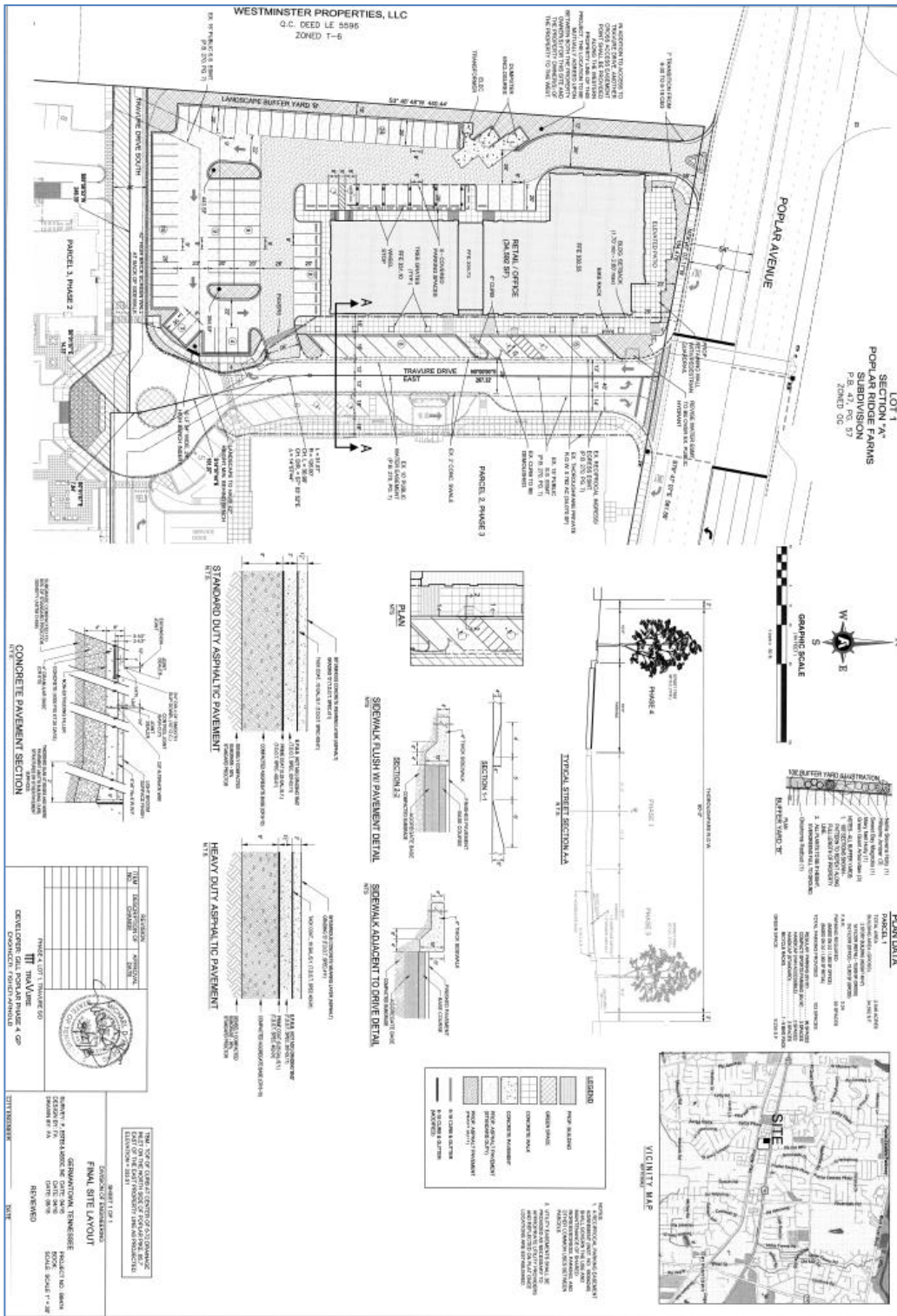
Other than the above comments, this item is fine with the Economic Development Commission.



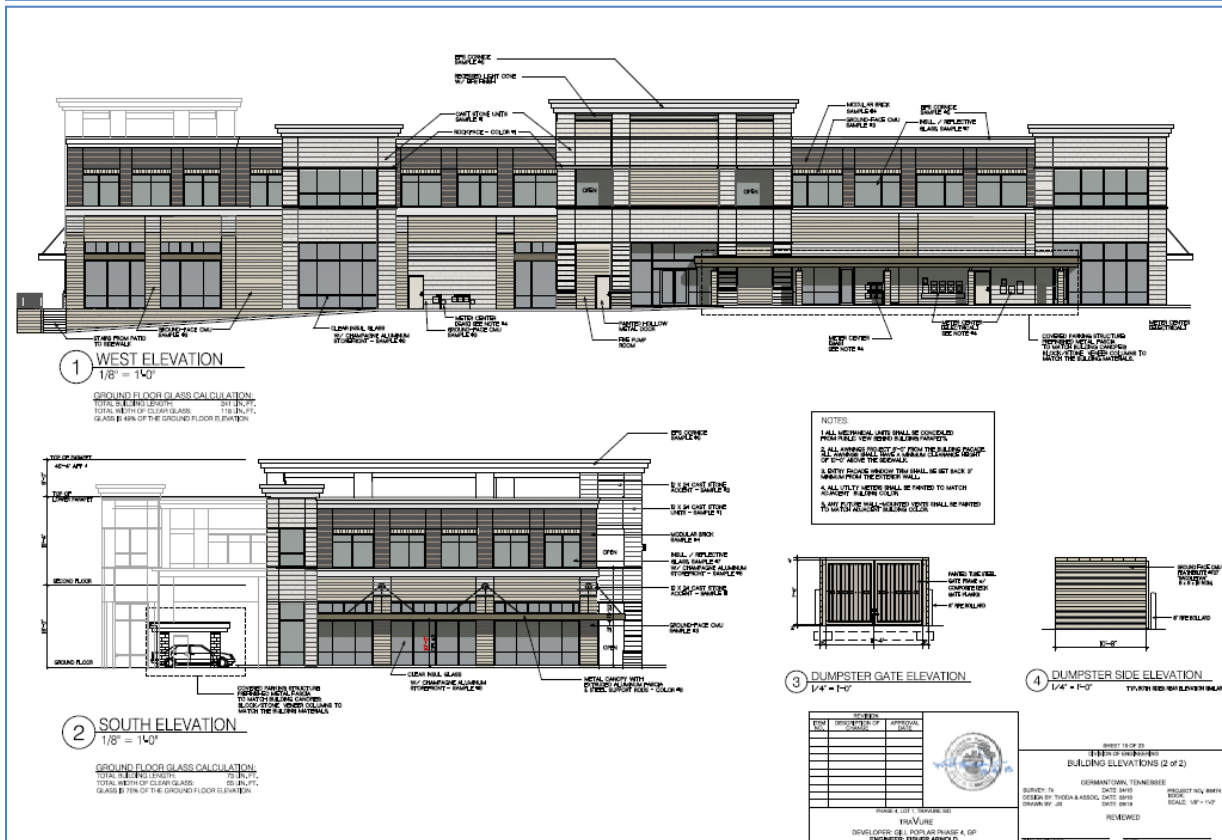
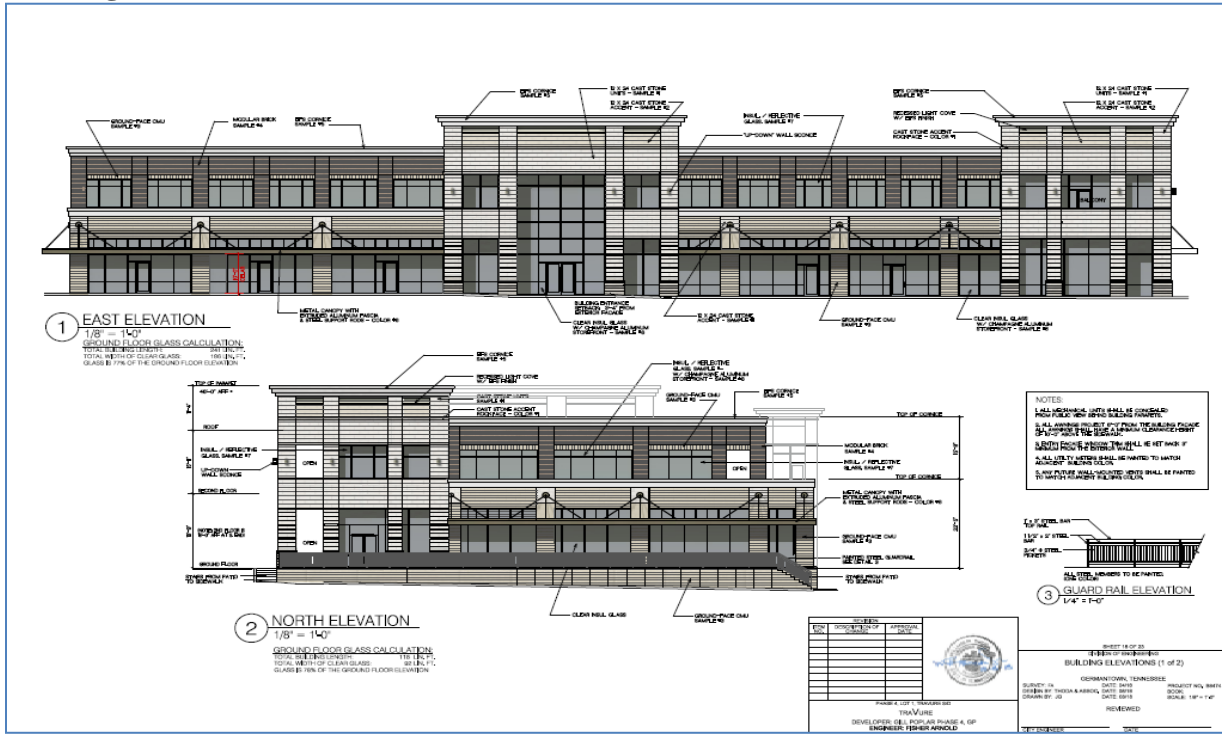
PROPOSED REVISED FINAL PLAN
 (Addresses comments from the Smart Code Review Committee)
 Enlarged Copies are included in PC Package



Previously Proposed Revised Site Plan (As reviewed at Smart Code Review Committee)



Building Elevations



Building Renderings



NORTH ELEVATION



NORTHEAST VIEW (NIGHT)



SOUTHWEST VIEW - WITH PARKING CANOPY



EAST ELEVATION



EAST ELEVATION

DATE	DESCRIPTION	BY	APPROVED

PREPARED BY: TRAVELER
 TRAVELER ENGINEERS & ARCHITECTS
 1000 WEST 10TH AVENUE, SUITE 200
 DENVER, COLORADO 80202
 PHONE: (303) 733-7700
 WWW.TRAVELERENGINEERS.COM

COUNTY OF COLORADO
 COMMUNITY DEVELOPMENT DEPARTMENT
 COMMUNITY DEVELOPMENT MANAGER
 DANIELA GARCIA
 COMMUNITY DEVELOPMENT MANAGER
 DANIELA GARCIA
 COMMUNITY DEVELOPMENT MANAGER
 DANIELA GARCIA



FISHER ARNOLD
ENGINEERING INTEGRATION

August 27, 2018

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

**RE: TRAVURE Planned Development, Phase 4
Final Site Plan Application
Planning Commission Submittal**

Dear Shelia:

We are pleased to re-submit the Final Site Plan application for Phase 4, TraVure P.D. The associated construction plans have been updated to address some of the comments we received from staff's TAC comments and from the Smart Code sub-committee comments/discussion during last Wednesday night's sub-committee meeting. Specifically, the drawings reflect the following changes from what was submitted to sub-committee:

- 1) The parking canopy in the rear has been re-designed with materials and colors matching the building material. It has also been designed to provide the necessary clearance between the canopy and the main building to avoid the requirement for fire sprinkler treatment.
- 2) The parking canopy re-design has resulted in the reduction of one, standard parking space.
- 3) The crape myrtles proposed in the Poplar frontage patio has been replaced with Bloodgood Japanese Maples.

As you are aware, this site layout also requires our need to request two (2) warrants, although one of those two warrants involve a code requirement that conflicts with safety issues. Section 23-792(B)(2) states that a vehicular entrance of a parking lot or garage on a lot Frontage shall be no wider than thirty-feet (30') and Section 23-793(a)(3) states that "the vehicular entrance of parking lots, garages, and parking structures shall be no wider than twenty-four feet (24') at the Frontage." If the intent is the exact width at the frontage line (in this case the property line is the Poplar Avenue ROW line), then the width of the drive where it flares out for right-in/right-out is slightly greater than forty-two feet (42'). Again, this width is due to the flaring out to get adequate turn radiuses on a right-in/right-out drive. If the intent is the actual width of the drive itself, we

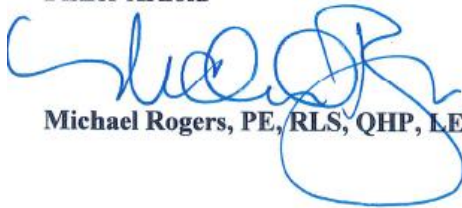
Ms. Shelia Pounder
August 27, 2018
Page 2

are proposing a twenty-six foot (26') wide drive. In either case, it is greater than the twenty-four-foot (24') width. To meet the fire departments code to provide adequate fire access, we have to have the drive twenty-six feet (26') wide. Section 23-2 states that a warrant is necessitated by any deviations to City ordinance that would require a variance if not in a Smart Code zoning district. We are proposing three (3) compact/sports car sized parking spaces that are not in compliance with Germantown's standard parking space size. We are requesting a warrant to allow these three spaces.

In association with this Planning Commission submittal, please find attached this original letter plus five (5) copies, six (6) copies of the Planning Commission Application, the Planning Commission Checklist and the Smart Code Warrant Application, and two (2) full-sized and four (4) half-sized copies of the following drawings: Cover Sheet, Final Plat (1 – 2 of 2), City of Germantown Standard Notes, Site Construction Notes, Existing Conditions, Final Site Layout, Grading & Drainage Plan, Erosion Control Plans (1 – 2 of 2), Sanitary Sewer Plan, Water Plan, Circulation Plan, Site Construction Details (1 – 2 of 2), Landscape Plan, Landscape Details, Site Lighting Photometric Plan, Site Lighting Cutsheets, Architectural Elevations (1 – 2 of 2), 1st Floor Plan, 2nd Floor Plan, Building Section and Architectural Rendering.

We look forward to presenting this revised plan before the Planning Commission on September 4, 2018. If you have any questions or need additional information prior to the sub-committee meeting, please let us know.

Sincerely,
Fisher Arnold



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

Attachments

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



FISHER ARNOLD
ENGINEERING INTEGRATION

August 8, 2018

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

**RE: TRAVURE Planned Development, Phase 4
Final Site Plan Application**

Dear Shelia:

As you are aware, the Final Site Plan for Phase 4 of TraVure Planned Development was approved by the Planning Commission on October 19, 2016. The developer has not been able to proceed with the development as previously proposed and approved, with three stories and a basement level garage. We are now submitting this application for a revised site plan with a slightly scaled back building. The proposed building is still mixed use with office above retail.

Following is a summary of the revisions proposed with this new submittal:

Architectural/Building Revisions

- Building has been reduced from three stories to two; top parapet height has been lowered from 57'-6" to 46'-0".
- Basement parking garage has been eliminated.
- Gross Building Area has been reduced, from 47,268 Gross SF (not including parking) to 34,592 Gross SF.
The original retail/office area breakdown was 17,565 GSF for retail and 29,703 GSF for office.
The new retail/office area breakdown is 18,171 GSF for retail and 15,003 GSF for office.
- Center breezeway on ground floor is now enclosed, to create a two-story atrium with full glass on the East Elevation.

Ms. Shelia Pounder
August 8, 2018
Page 2

- Original building materials: Precast Concrete, Cast stone blocks and brick, with aluminum composite (ACM) canopies and ACM cornices at the tower elements.
- Revised building materials: Cast Stone blocks, Ground face block units and Brick, with extruded aluminum canopies and EIFS cornices.
- Notes: The Cast Stone block in both cases is the same color and texture that was used on the Phase Three Office Building. The brick color is the same for the original 2016 design and the 2018 redesign (Acme Brick Koko Brown). The EIFS in the redesign will be the same EIFS that was used on the 2nd & 3rd floors of the original design. The glass and storefront aluminum framing have not changed from the original design.
- The open Cornices on the corner "Tower" element and main building entry are now solid, with a recessed light cove in place of the opening.
- The ACM canopies at the corner tower element and main building entry have been eliminated. The tower and building entry elements have been pulled away from the building to create an enclosed walkway in these areas.
- A small Balcony has been added to the second-floor tower, facing east.
- The South Roof Terrace has been eliminated. The North Roof Terrace has been reduced in size, from 988 sf to 624 sf, and is partially enclosed.
- The south stairwell is now connected to the second-floor lease space - it was originally freestanding on the top floor.
- The amount of glass on the ground floor has changed for all elevations:
East (main) Elevation glass increased from 74% to 77%.
North Elevation glass (facing Poplar) increased from 74% to 78%.
West elevation glass decreased from 53% to 49%.
South Elevation glass increased from 50% to 57%.
Note: This results in a net increase of ground floor glass, from 63% to 65%.
- A covered canopy for eight parking spaces has been added to the west side of the building, where the ramp to the Parking Garage had been located in the original design.

Site Layout Revisions

- The elimination of the basement garage has resulted in the elimination of the access ramp which has allowed for additional parking spaces facing the rear side of the building

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Page 3

- Total number of surface parking spaces has increased from 79 to 101, with three non-conforming spaces to raise the total to 104; note: the original parking count was 119 which included basement parking garage spaces. Current parking requirements are 59 spaces for retail (3 per 1000) and 30 spaces for office (2 per 1000) = 89 total spaces, not including sharing factor.
- Dumpster replaced with twin dumpster and relocated to north end of west facing parking spaces for a more practical placement in relation to majority of the building; also aligned such that they will have to be accessed by dumpster trucks driving out along the west drive behind the building
- Parking islands eliminated along west parking row to accommodate more parking, as parking is at premium with elimination of parking garage
- Eliminated middle section of parking island in middle parking field on south side of building to accommodate greater depth to achieve more parking spaces
- Added one parking space to southernmost, southern facing parking row
- Added three compact car spaces in southeast corner of site
- Reduced drive aisle around southern parking field to a 22' one-way drive lane to facilitate creation of more parking
- Reduced greenspace from 12,457 square feet to 9,235 square feet

Landscape Revisions

- Relocated street trees to prevent interference with drainage structures – replaced 3 Sweet Bay Magnolia and 1 Willow Oak with 4 'Miami' Crape Myrtle in elevated plaza area (larger scale and evergreen character of sweet bays would not be appropriate in plaza); added shrubs in their place (4 Green Luster Holly and 2 Conversation Piece Azalea); added 2 Burford Holly to revised retaining wall at northeast corner of property
- Eliminated plantings from the central planting island east of the building and added one Bald Cypress in tree grate in proximity (removed 11 Dwarf Burford Holly, 1 Sweet Bay Magnolia, 151 SF seasonal color, Creeping Lily Turf)
- Adjusted the 3 Crape Myrtle in planting island southeast of the building to accommodate street light
- Adjusted plantings at the east end of the parking area to accommodate smaller planting islands: replaced one Green Vase Zelkova with two Sweet Bay Magnolia, having evergreen character to assist in screening and adding 12 Dwarf Burford Holly and 3 Green Luster Holly

Ms. Shelia Pounder
August 8, 2018
Page 4

- Removed shrubs (21 Green Luster Holly) for planning area between parking bays, where island was eliminated
- Relocated Savannah Holly from previous trash enclosure to new trash enclosure location, added 5 more Savannah Hollies to total used for enclosure, removed 5 Green Luster Holly from north side of former parking area in new trash enclosure location
- Removed plantings from eliminated planting areas, southwest of the north building, and along the former parking garage access wall (1 Bald Cypress, 1 Red Sunset Maple, 16 Savannah Holly, 5 Emily Bruner Holly, 15 Green Luster Holly, and 11 Dwarf Burford Holly)
- Removed 854 Creeping Lily Turf from eliminated and/or reduced planting areas and added 20 Variegated Lily Turf in adjusted planting areas

Site Lighting Revisions

- Where canopies were removed along store front, recessed down lights were replaced with column mounted down lights
- Light pole locations in the south parking lot were revised to avoid conflict with landscape items in the islands
- Two light poles were added along Travure Drive, one at the entrance to the south parking lot and a second further south to fill in for the light pole removed from the southeast parking island
- A light pole was added along the southwest parking lot curb line to fill in for the light pole moved from the southwest parking island.

The site layout revisions result in our need to request one (1) warrant. Section 23-792, sub-section D.1 requires "surface parking to be organized into small groups or courts of no more than 25 spaces," with the courts to be divided by parking islands. With the elimination of the basement parking garage, the market demand for retail leasing necessitated maximizing the parking spaces we could achieve. Even with the proposed 104 surface spaces, we are still below market driven standards for the amount of parking needed for the amount of retail space we are developing.

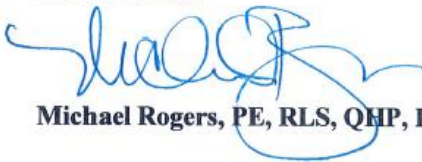
In association with this application, please find this original and twelve (12) copies of this letter, thirteen (13) copies of the Planning Commission application form, the Planning Commission checklist and the Smart Code

Ms. Shelia Pounder
August 8, 2018
Page 5

Warrant Application, along with three (3) full-sized and ten (10) half-sized sets of the complete set of Final Site Plan drawings. Additionally, please find notification addresses with vicinity map and mailing labels, a copy of the property deed, two checks made payable to the City of Germantown, one in the amount of \$1,170.00 for the Site Plan application fee and one in the amount of \$150.00 for the Warrant request, and a CD with electronic copies of the submitted material. The architect will be submitting separately material samples.

We look forward to presenting this revised plan before the Smart Growth sub-committee on August 22, 2018 in hopes of proceeding to the Planning Commission on September 4, 2018. If you have any questions or need additional information prior to the sub-committee meeting, please let us know.

Sincerely,
Fisher Arnold



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

Attachments

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



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	
(Check <input checked="" type="checkbox"/> all that apply):	
<input type="checkbox"/> Sketch Plan;	<input type="checkbox"/> Preliminary Site Plan; <input checked="" type="checkbox"/> Final Site Plan
<input type="checkbox"/> 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: Modifications to a previously approved Final Site Plan	

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>TraVure P.D., Phase 4</u>	
Address/Location: <u>South side of Poplar Avenue, at southwest corner of TraVure Drive and Poplar Ave.</u>	
Project Description: <u>Development of a mixed-use retail and office site</u>	
No. of Acres: <u>2.046</u> Parcel Identification Number(s): <u>G0219 00216</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>Gill Poplar Phase 4, GP</u> Address: <u>8130 Macon Station, Suite 114 - Memphis, TN 38018</u>	
Phone No.: <u>(901) 758-1100</u> Email Address: <u>ray@gillprop.com</u>	
Signature of Owner <u>[Signature]</u>	
Lessee Name (Print): _____ Address: _____	
Phone No.: _____ Email Address: _____	
Signature of Lessee _____	
Developer Name (Print): <u>Gill Poplar Phase 4, GP</u> Address: <u>8130 Macon Station, Suite 114 - Memphis, TN 38018</u>	
Phone No.: <u>(901) 758-1100</u> Email Address: <u>ray@gillprop.com</u>	
Signature of Developer <u>[Signature]</u>	
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 Dr. - 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:

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

Applicant: Gill Poplar Phase 4, GP

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

Name	Business or Home Address
<u>RAY GILL</u>	<u>8130 MACON STATION SP114</u>
<u>_____</u>	<u>Memphis, TN 38018</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>

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

Owner and Lessee: [Signature]

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

Name	Business or Home Address
<u>RAY GILL</u>	<u>8130 MACON STATION</u>
<u>_____</u>	<u>SP114, Memphis, TN</u>
<u>_____</u>	<u>38018</u>
<u>_____</u>	<u>_____</u>



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: _____

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

PROJECT INFORMATION	
Project Name: <u>TraVure P.D., Phase 4</u>	
Address: <u>Southwest corner of Poplar Avenue & TraVure Drive East</u>	
Project Description: <u>Mixed-use retail & office</u>	
No. of Acres: <u>2.046</u> Parcel Identification Number(s): <u>G0219 00310</u> Zoning District <u>T-5</u>	
APPLICANT/PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION	
Applicant Name & Title (Print): <u>Ray Gill</u>	Address: <u>8130 Macon Station, Suite 114</u> <u>Memphis, TN 38018</u>
Phone No.: <u>(901) 758-1100</u>	Email Address: <u>ray@gillprop.com</u>
Signature of Applicant:	
Owner Name & Title (Print): <u>Ray Gill</u>	Address: <u>8130 Macon Station, Suite 114</u> <u>Memphis, TN 38018</u>
Phone No.: <u>(901) 758-1100</u>	Email Address: <u>ray@gillprop.com</u>
Signature of Property Owner:	
Lessee Name & Title (Print): <u>N/A</u>	Address: _____
Phone No.: _____	Email Address: _____
Signature of Lessee: _____	
Developer Name & Title (Print): <u>Ray Gill</u>	Address: <u>8130 Macon Station, Suite 114</u> <u>Memphis, TN 38018</u>
Phone No.: <u>(901) 758-1100</u>	Email Address: <u>ray@gillprop.com</u>
Signature of Developer:	
APPLICANT INFORMATION	
Name & Title: <u>Ray Gill</u>	Company Name: <u>Gill Poplar Phase 4, GP</u>
Address: <u>8130 Macon Station, Suite 114</u> <u>Memphis, TN 38018</u>	Phone No.: <u>(901) 758-1100</u>
Fax No.: _____	Email Address: <u>ray@gillprop.com</u>
Who will represent this proposal at the Planning Commission meeting? <u>Michael Rogers (Fisher Arnold)</u>	

WARRANT REQUEST(S)
<p><u>WARRANT #1</u></p> <p>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.</p> <p>Section of Smart Code from which the deviation is sought: <u>22-792(B)(2) and 23-793(A)(3)</u></p> <hr/> <hr/> <p>Justification of Intent (provide additional information as necessary to make the case): <u>Due to the fire marshal's requirement to provide a minimum fire access lane of 26' around the building, the drive in to the parking lot from the frontage must be at least 26', which is greater than the 24' maximum width allowed by Smart Code.</u></p> <hr/> <hr/> <hr/> <hr/>

WARRANT REQUEST
<p><u>WARRANT #2</u></p> <p>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.</p> <p>Section of Smart Code from which the deviation is sought: <u>Section 23-2</u></p> <hr/> <hr/> <p>Justification of Intent (provide additional information as necessary to make the case): <u>Due to the necessity of creating as many surface parking spaces as possible, we are proposing to add three (3) parking spaces which do not conform to standard city ordinance sizes. These three (3) spaces are not necessary to meet Code requirements for minimum number but are important for retail uses. A high percentage of cars would be able to utilize these reduced sized spaces.</u></p> <hr/> <hr/> <hr/> <hr/>

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.

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
	A completed application for a warrant and required fees		
	A site plan illustrating the Warrant request		
	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		

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: 8/8/18

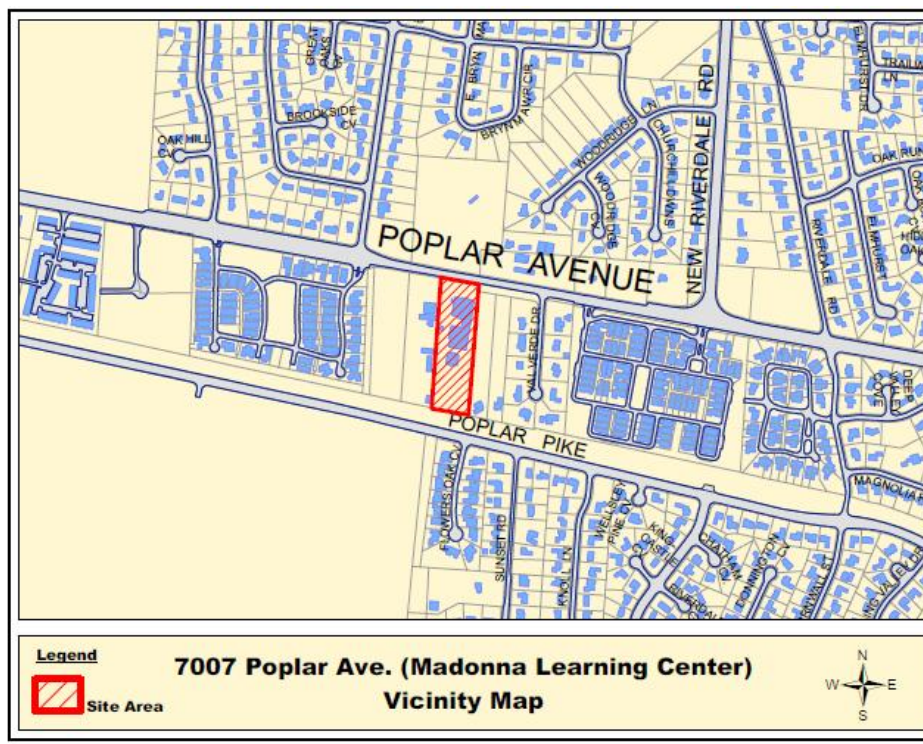
****NO EMAIL APPLICATIONS WILL BE ACCEPTED.****

4.b.7007 Poplar Ave. (Madonna Learning Center) – New Wireless Transmission Facility (WTF)

Ms. Goralewski made a presentation of the application to the Planning Commission.

INTRODUCTION:

Case Number:	15-512
Case Name:	CMCS Cell Tower Facility at Madonna Learning Center
Location:	7007 Poplar Ave.
Property Owner:	Madonna Learning Center – Jo Gilbert, Director
Developer:	Tower Venture (T-Mobile)
Applicant:	Prime Development Group - Michael Fahy, Agent
Zoning District:	“R” Low-Density Residential District
Area:	4.61 acres
Description of Request:	Approval of a New Wireless Transmission Facility (140 ft. Cell Tower)



ECD CERTIFICATION: The Director of the Department of Economic and Community Development certifies this application as meeting the terms of the Zoning Ordinance upon which relief is sought.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (DIKE BACON, CHAIRMAN): The subcommittee met on August 22, 2018, and recommended that this item be considered at the regular Planning Commission meeting on September 4, 2018.

BACKGROUND: The Board of Zoning Appeals (BZA) approved a use on appeal to enable the expansion of the Madonna Learning Center on November 12, 2013. The Planning Commission approved the preliminary and final site plan for the expansion on February 4, 2014, and the Design Review Commission (DRC) approved building elevations, landscape plans and lighting on February 25, 2014. On March 24 and August 25, 2015, the DRC approved wall signs for the school. (The existing ground-mounted sign was approved with a setback variance by the DRC on July 23, 1996.) On March 8, 2016, the BZA granted a variance to allow an accessory structure (storage building) to encroach into the side yard setback. On August 22, 2017, the DRC approved 6' high gates located behind the front yard setback.

On behalf of Tower Ventures (for T-Mobile as a tenant), Prime Development Group is requesting preliminary and final site plan approval for a new Wireless Transmission Facility (WTF) located at Madonna Learning Center. Per Section 23-86(c) (2), wireless transmission facilities are allowed within residential districts, with the approval of a use on appeal approved by the Board of Zoning Appeals. On August 14, 2018, the BZA granted a use on appeal to allow a cell tower at Madonna Learning Center. (The specific preliminary and final site plan was not part of that approval, which shall be reviewed by the Planning Commission.)

DISCUSSION: Per the applicant, T-Mobile Wireless is seeking to re-locate their existing cell site from the neighboring property (on a single carrier tower within an MLGW transmission tower) in order to improve coverage and capacity issues. The plan proposes a 140' tall monopine cell tower to be placed in the side yard, approximately 15' from the west side property line, approximately 75' west of the existing school building and 150' from the curb of Poplar Ave. A 21 ft. by 80 ft. equipment compound around the tower, enclosed by a 6' wood fence, would be 10' from the west side property line. The neighbor to the west is Millstone Nursery and the neighbor to the east is a single-family house. There are no adjoining neighbors to the immediate north or south.

Per Sec. 23-86(c)(1), if the Planning Commission approves the site plan, the Design Review Commission (DRC) shall review and approve a landscaping and fencing plan as well as the appearance of the tower, and the Board of Mayor and Aldermen shall approve a development contract for the construction of the tower and the associated equipment compound. Should any variances on the site plan be required, the applicant shall return to the Board of Zoning Appeals to request approval of those, prior to proceeding to the DRC.

Section 23-86(h) describes the specific requirements for a wireless transmission facility within a residential district: 1) the parcel must have a minimum of 200 feet of public street frontage; 2) the tower must be setback from property lines a minimum distance of the tower's height plus 10 feet; 3) all associated buildings and structures must meet the minimum setback distances of the zoning district; 4) the maximum tower height is 140 feet; 5) a minimum buffer strip of 50 feet is required on the outer perimeter of property; 6) the applicant's engineer must provide documentation that the WTF meets or exceeds the ANSI standards for radio frequency emissions. The proposed cell tower complies with the above criteria, except for # 2 and #5. In regards to requirement #2, the proposed cell tower appears to be setback 20' from the side property line. Per Sec. 23-86(h) (1), the tower may be setback less from an adjoining property line if "such distance is demonstrated unnecessary by the applicant's engineer and still meets the national standards." The applicant has provided a letter of technical justification that national standards will be met (see p. 16 of this staff report). An exception to requirement #5 may be considered by the Design Review Commission.

STAFF COMMENTS:

The Technical Advisory Committee (TAC) met on August 15, 2018 to review the plans and provided the following comments:

A. GENERAL COMMENTS

Planning:

1. Should the Planning Commission approve the preliminary and final site plan as shown for the new WTF, the following exception will be needed from the DRC:
 - a. Sec. 23-86(i) (1): Buffer/Landscaping Provisions: A minimum 50-foot buffer strip shall be required on the outer perimeter of the property, abutting property currently zoned for residential.
2. If the preliminary and final site plan for the wireless transmission facility is approved by the Planning Commission, the proposed cell tower shall proceed to the following Boards and Commissions for approval, in this order: Design Review Commission for landscaping, fencing and other appearance items and to the Board of Mayor and Aldermen for a development contract. Following securing final approvals from the City of Germantown, the applicant shall apply for a building permit through Shelby County Code Enforcement.

Information Technology:

1. New towers move goals of the Germantown Forward 2030 plan ahead.
2. It helps public safety in the nearby schools and residential areas. Greater than 2/3 of all our 911 calls are now from cell phones.
3. Improving cell coverage is a high priority for the Mayor. If you would like I can ask him to comment to the group.

B. PRIOR TO CONSTRUCTION PLAN APPROVAL (to be addressed in the construction plan drawings)

Public Works:

1. Please ensure that the contractor performing the proposed installation to the existing structure is careful not to damage/destroy any public infrastructure (roadways, curb and gutter, fencing, grass, utilities, etc.) in utilizing the heavy equipment to install
 - a. If any public infrastructure is damaged/destroyed in the installation process, the contractor is responsible for repairing/replacing the infrastructure in kind

Fire:

1. On-site generator fuel storage must comply with applicable IFC requirements.
2. All standard Fire Dept. comments shall apply.

Engineering:

1. All standard Engineering Division comments shall apply.

Police:

No comments.

C. GENERAL REQUIREMENTS (To be placed on all final site plans, PD plans, or subdivision plats)

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

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

Board Discussion

Mr. Bennett recused himself from this item.

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

Chairman Harless asked how tall is the fence around the tower compound?

Ms. Goralewski answered the fence would be six feet tall.

Chairman Harless invited the applicant to discuss the project.

Michael Fahy, President Prime Development Group, 7500 Capital Drive, Suite 200, stated we are here representing tonight Tower Ventures/Tower Newco. The property is owned by Madonna Learning Center Day School and will continue to be owned by them. My client is building the tower, thus they will be the developer. The Madonna Learning Center Day School building committee requested that we put brick columns at each one of the corners and also two more brick columns along the side of the fence facing their parking lot.

Chairman Harless asked, does the tower “pancake on itself” if it collapses.

Mr. Fahy answered the tower is designed structurally so that at a specific point in the middle, in the event it is hit or a 200-mile wind comes, the tower will break on itself, so their building will not be hit. We are sitting on a highpoint in Germantown, and at a location that is probably on our busiest road in town.

Chairman Harless asked if Madonna Learning Center Day School is totally in support of this project? Has TVA blessed it or expressed any concerns, because they don’t want a 40 foot tower falling on their transmission lines? The standard says this will pancake on its own.

Mr. Fahy stated TVA does not have any authority on this particular applicant. On the neighboring property, the TVA has a cell tower within one of those TVA erector sets, and its working. They have a good relationship with that design. A few years ago, there was a tornado that went through Alabama, and the only things standing were cell towers.

Mr. Saunders asked is the design going to be like you showed here, with an evergreen tree at the top and is any of the cabling go through the center of it? What color is the base of it?

Mr. Fahy answered, yes the tower will have evergreen tree on the top, and the cabling is internal. The base is brown.

Alderman Owens asked is this the first application since the ordinance has been revised to allow for greater height and to reduce the fall zone.

Ms. Pounder answered this is actually the second application. The first request chose not to move forward.

STAFF RECOMMENDATION: Approval of a new wireless transmission facility (140 ft. cell tower), subject to the comments and conditions listed above and the plans and documents submitted with the application.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (DIKE BACON, CHAIRMAN): The subcommittee met on August 22, 2018, and consider that this item be heard at the regular Planning Commission meeting on September 4, 2018.

PROPOSED MOTION: Mr. Bacon moved to approve a new wireless transmission facility (140 ft. cell tower) at Madonna Learning Center (7007 Poplar Ave.), subject to the Commission’s discussion, staff comments and conditions in the staff report and the plans and documents filed with the application, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

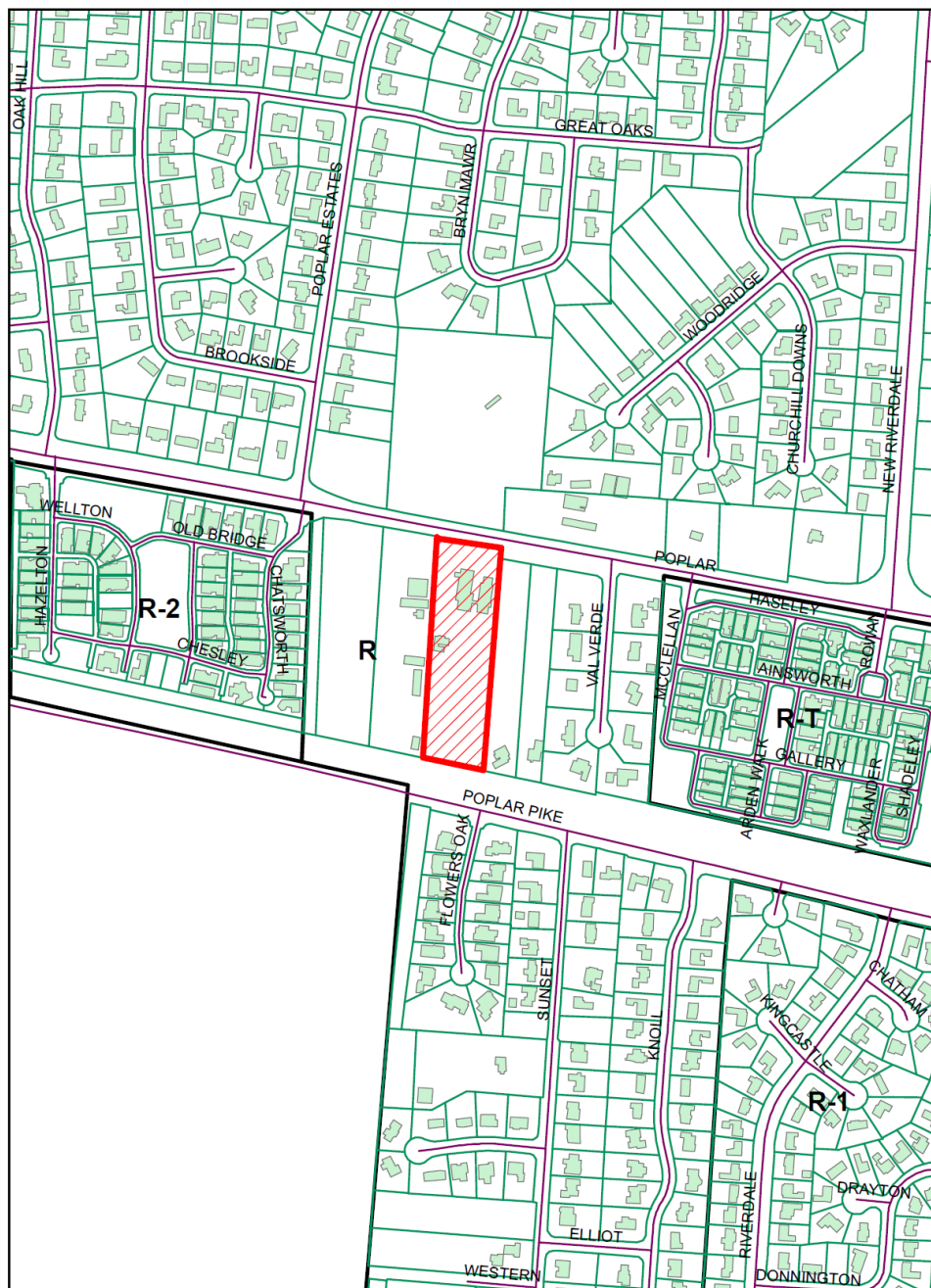
Mr. Bacon voted yes; I appreciate Alderman Owens bringing up the ordinance amendment, so we have covered that path to allow the taller towers to be built. I think this is the best place to put it, to be able to get better cell coverage. This will benefit Madonna Learning Center Day School.

Ms. Hicks voted yes; I like how you will have multiple carrier tenants on the cell tower, and the brick columns you are adding.

Mr. Saunders voted yes; it is for the community benefit.

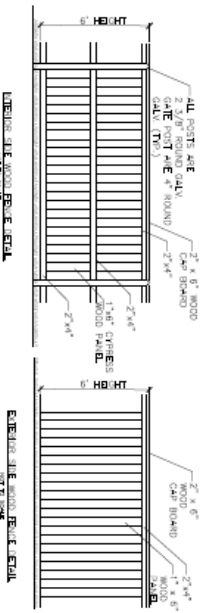
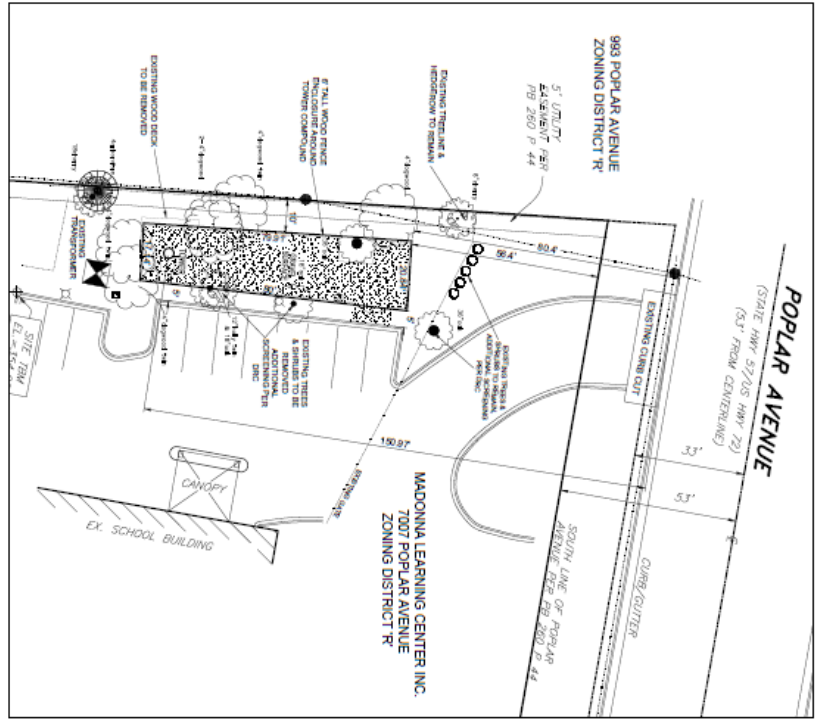
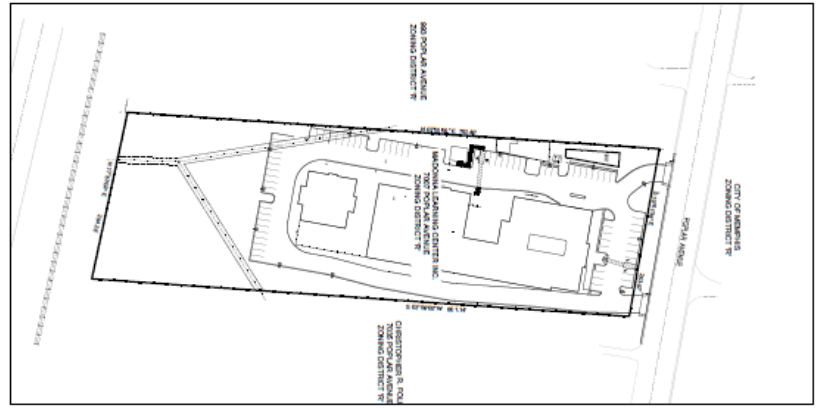
Chairman Harless voted yes; stated he would like add that he appreciates that the cell tower ordinance was modified to add more allowable tower height. The lack of decent cell phone coverage is a safety issue in our city; we have to have more coverage, as there are too many dead spots right now.

Chairman Harless said congratulations and the motion passes.

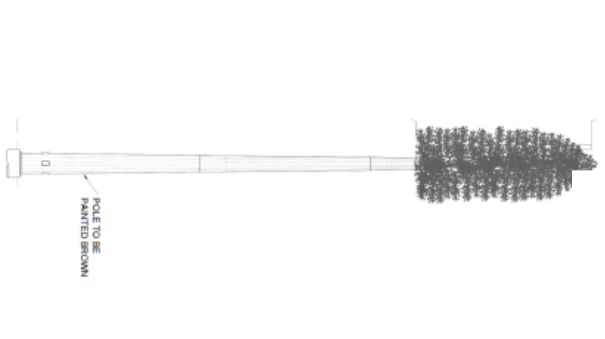


ZONING MAP

SITE PLAN
 (See agenda packet for full-sized plans)

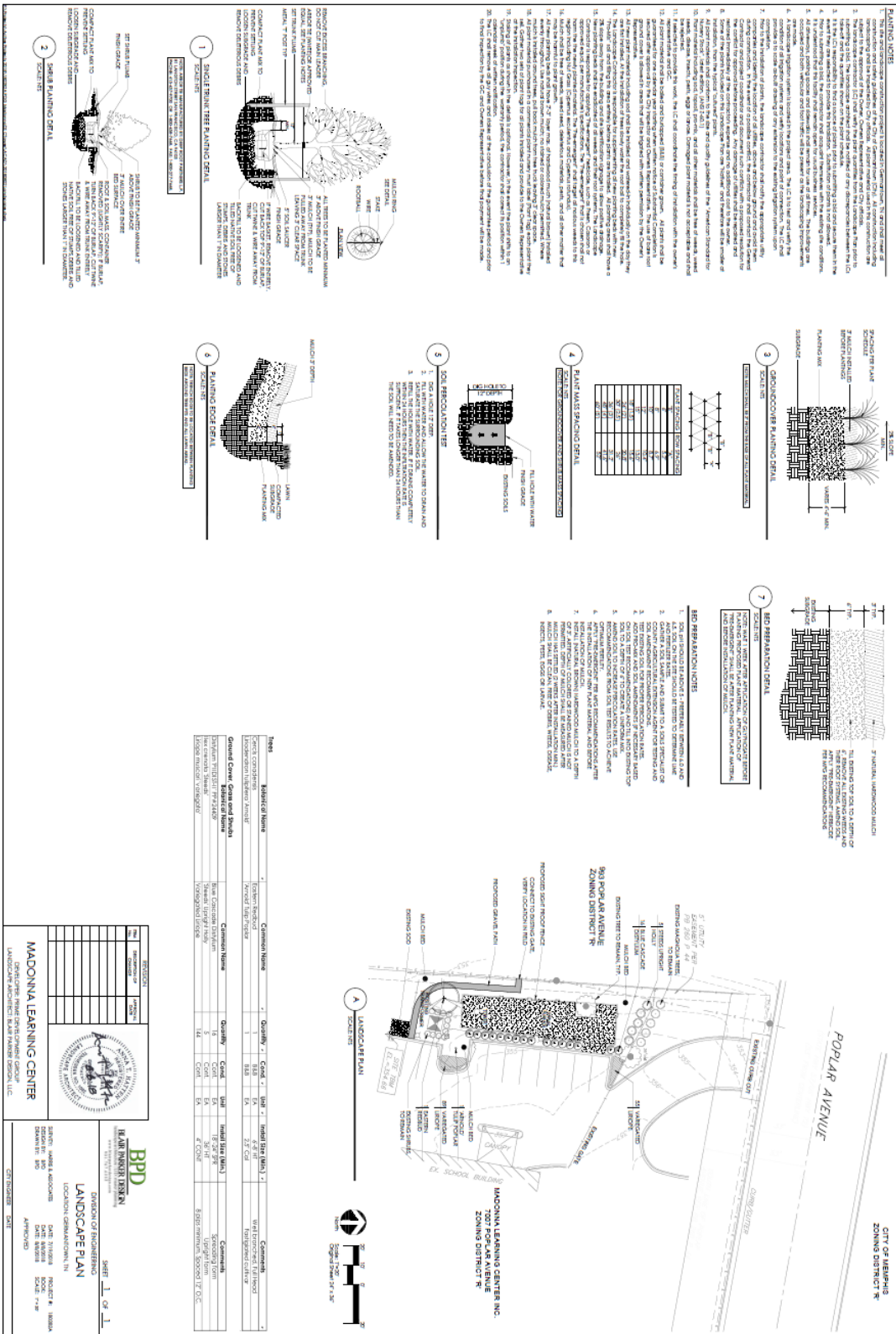


- PROJECT NOTES**
1. ALL EXISTING CURB CUTS TO REMAIN - NO CHANGES.
 2. ALL EXISTING DRIVES TO REMAIN - NO CHANGES.
 3. ALL EXISTING PARKING AREAS TO REMAIN - NO CHANGES.
 4. ALL EXISTING PARKING LIGHTS TO REMAIN - NO CHANGES.



Use on Appeal Site Plan		Madonna Learning Center, Inc.	
7007 Poplar Avenue		Gerrardtown, TENNESSEE	
ZONING DISTRICT	4.73 4.73	PARCEL ID	027900113
OWNER	Madonna Learning Center, Inc.	FILED BY	STAFF
DEVELOPER	Madonna Learning Center, Inc.	FILED DATE	02/20/2018
DATE	02/20/2018	FILED AT	CLERK OF COURT
DATE	02/20/2018	FILED BY	STAFF
DATE	02/20/2018	FILED AT	CLERK OF COURT
DATE	02/20/2018	FILED BY	STAFF
DATE	02/20/2018	FILED AT	CLERK OF COURT

LANDSCAPE PLAN



GENERAL NOTES	QUALITY CONTROL		CONFORMANCE		REVISIONS	
	NO.	DESCRIPTION	DATE	BY	DATE	BY
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MEMPHIS SPECIFICATIONS AND THE INTERNATIONAL HARBOR BUILDING CODE.						
2. ALL MATERIALS SHALL BE APPROVED BY THE CITY ENGINEER AND THE STATE ENGINEER.						
3. ALL WORK SHALL BE COMPLETED BY THE DATE SPECIFIED IN THE CONTRACT.						
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.						
5. ALL UTILITIES SHALL BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.						
6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.						
7. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEMPHIS ZONING DISTRICT R.						
8. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEMPHIS PLANNING AND ZONING DEPARTMENT.						
9. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEMPHIS DEPARTMENT OF PUBLIC WORKS.						
10. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MEMPHIS DEPARTMENT OF ENVIRONMENTAL AFFAIRS.						

9696

MADONNA LEARNING CENTER

LANDSCAPE PLAN

CLIENT: MADONNA LEARNING CENTER INC.

LOCATION: 9696 POPULAR AVENUE, MEMPHIS, TN 38117

DATE: 09/04/18

SHEET 1 OF 1

DESIGNER: BPP DESIGN GROUP, LLC

APPROVED:

BPP DESIGN GROUP, LLC

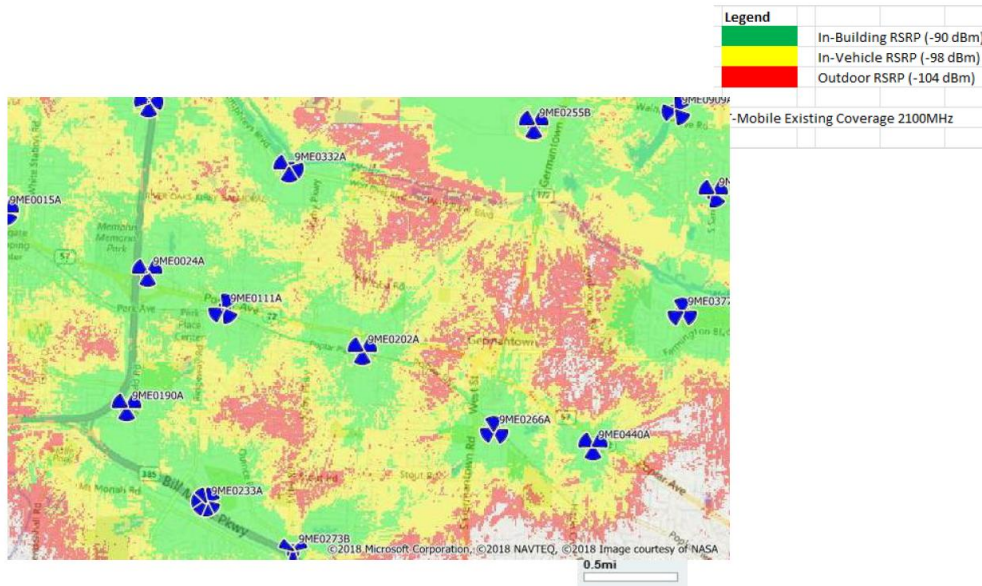
SCALE: AS SHOWN

PHOTO-RENDERING OF PROPOSED TOWER



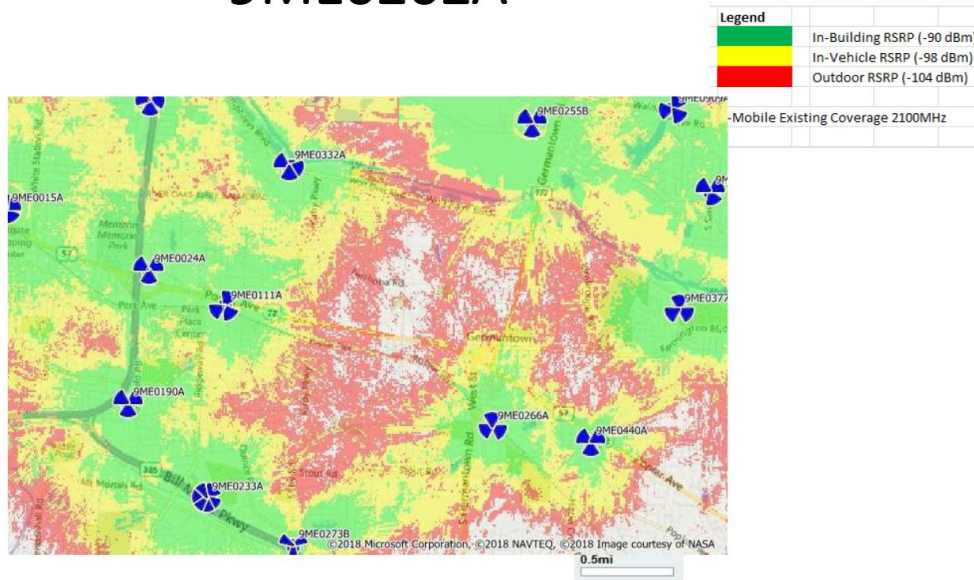
HEAT MAPS

T-Mobile Existing Coverage



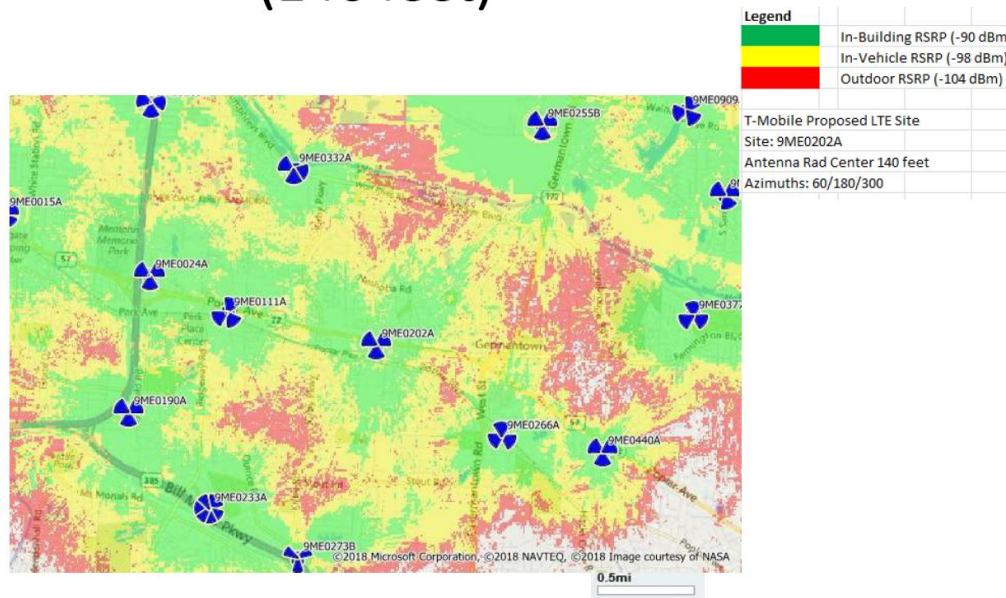
This slide indicates the predicted coverage of T-Mobile existing network.

I-Mobile Existing Coverage without 9ME0202A



This slide indicates the predicted coverage of T-Mobile existing network without 9ME0220A.

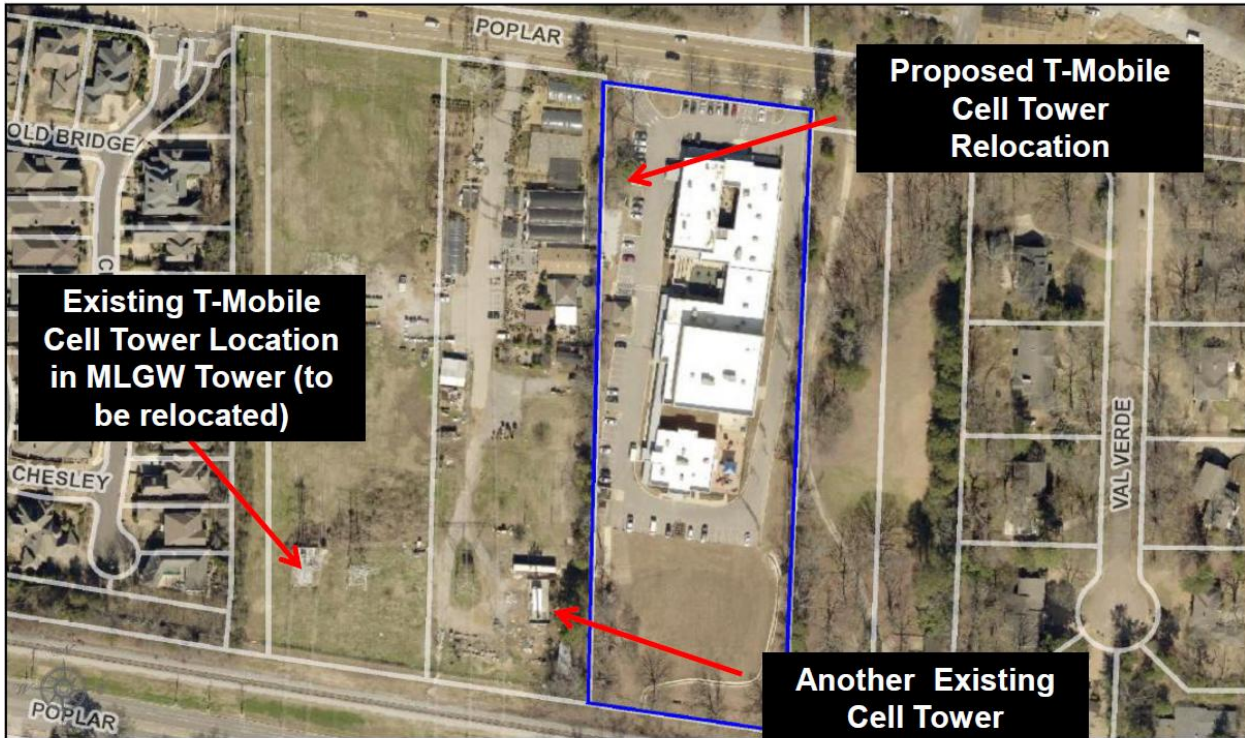
T-Mobile Proposed Coverage with 9ME0202A (140 feet)



This slide indicates the predicted coverage of T-Mobile existing network and the proposed CAPACITY SITE with 140 feet height

AERIAL PHOTO

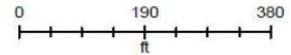
Madonna Learning Center



**TOM LEATHERWOOD, REGISTER OF DEEDS
SHELBY COUNTY, TENNESSEE**

DISCLAIMER: PROPERTY TAX MAPS AND PARCEL BOUNDARIES DO NOT REFLECT ACCURATE SURVEY INFORMATION OR EXACT LEGAL OWNERSHIP BOUNDARIES, AND ARE ONLY PROVIDED FOR GENERAL INFORMATION PURPOSES. THEREFORE, THEY SHOULD NOT BE RELIED UPON AS A REPRESENTATION OF ANY PROPERTY FOR ANY PURPOSE.

MAP DATE: August 14, 2018



LANDSCAPE JUSTIFICATION LETTER



5159 Wheelis Drive, Suite 107
Memphis, Tennessee 38117

Sarah Goralewski, Senior Planner
City of Germantown
1920 S. Germantown Road
Germantown, TN 38138

August 8, 2018

**RE: MADONNA LEARNING CENTER
WIRELESS TRANSMISSION FACILITY**

Dear Ms. Goralewski,

On behalf of Prime Development Group, we submit the following justifications for requested exceptions to the Wireless Transmission Facilities Buffer/Landscape Provisions (Section 23-86) of the Germantown Zoning Ordinance.

During construction of the facility four trees over 10" DBH will be removed from the project area. The trees are being removed based on the recommendation of Wesley Hopper, Urban Forestry, Certified Arborist #so1454. Based on his professional opinion the trees are not in good health and/or are dying; and should be removed before construction. Significant trees that appear healthy, specifically the two 36" oak trees on site, will be retained.

Because of the small project area and its proximity to an existing electric line along the western property line and existing underground utilities, installing the amount of replacement trees needed would be difficult for the owner. We believe that the removal of these trees, although associated with this construction, meet the conditions of tree removal unrelated to development. Therefore no tree mitigation is proposed. The trees are not in good health and the removal of these trees will allow the installation of a healthier landscape in their place. Refer to the landscape plan from proposed trees and shrubs.

Per the ordinance a 50-foot buffer area is required along the outer perimeter of the property. The intent of the buffer is to create privacy for nearby residential uses. Currently the closest existing residential uses are over 400-feet away from the project area. The Madonna Learning Center buffers the project area to the east and the Millstone Nursery and existing utility easement buffer the project area to the west. A sight proof fence is being installed around the base of the wireless transmission facility. These are significant features that provide adequate buffering of the project area.

It is our belief that the proposed alternatives meet the intent of the ordinance to minimize the effects on adjacent residential areas.

Sincerely,

A handwritten signature in black ink that reads 'Anna Hatten'.

Anna Hatten, PLA #1092

ARBORIST'S REPORT

Anna Hatten

From: urbn4estry@aol.com
Sent: Monday, August 06, 2018 1:11 PM
To: Blair Parker
Cc: Anna Hatten - BPD
Subject: Re: Madonna Day School - Germantown

Anna, after our meeting at the Madonna Day School. It is my professional decision to eliminate the existing trees for the proposed cell phone tower. Replace the removed trees per Germantown City ordinance. If you have any further questions, please contact me.

Wes Hopper
901-212-8822

Sent from my iPhone

On Jul 30, 2018, at 5:25 PM, Blair Parker <blairp@blairparkerdesign.com> wrote:

That is great. Please suggest a day and time. One of us will meet you there.

blair parker, pla

blair parker design

office 901.767.6555 | mobile 901.463.0840

www.blairparkerdesign.com

From: urbn4estry@aol.com [<mailto:urbn4estry@aol.com>]
Sent: Monday, July 30, 2018 5:29 PM
To: Blair Parker
Cc: Anna Hatten - BPD
Subject: Re: Madonna Day School - Germantown

Yes I am interested. I can meet the latter part of this week.

Sent from my iPhone

On Jul 30, 2018, at 4:02 PM, Blair Parker <blairp@blairparkerdesign.com> wrote:

Wes, would you have time to visit a site with us and look at 8 to 10 trees, to give us your opinion about these trees?

This is for Madonna Day School, in Germantown, just east of Kirby Parkway on Poplar Ave.

Please let me know your thoughts, whether or not you are interested and if so, how quickly you can get out there. Thanks!

blair parker, pla

blair parker design

5159 wheelis drive | suite 107

memphis, tennessee 38117

Office 901.767.6555 | Mobile 901.463.0840



Prime Development Group, Inc.
7520 Capital Drive, Ste. 200
Germantown Tn 38138

(901) 753-6840 📞
(901) 482-0375 📞
mfahy@pdg-m.com 📧

July 9, 2018

Mr. Cameron Ross
Economic and Community Development Director
City Of Germantown
1920 South Germantown Road
Germantown TN 38138

RE: CMCS Tower Facility – Madonna Learning Center
7007 Poplar Avenue

Dear Mr. Ross:

On behalf of the Madonna Learning Center, we are pleased to present this Use of Appeal application to allow the placement of a telecommunications tower on a property within the “R” residential zoning district. TMobile Wireless requires a new cell site in order to help improve coverage and capacity issues due to increased wireless demand and congestion. There are no suitable tower structures in the area upon which to co-locate as they are single-user structures.

The proposed CMCS Mono-Pine CMCS facility will be on hundred forty-foot (140') tower, with the equipment enclosed within a six-foot (6') sight-proof fence. The facility will be unmanned with limited routine maintenance visits by technicians. It will be constructed in compliance with all federal, state and local building codes and standards. The site will be in conformance with Enhanced 911, to improve the reliability of E911 service to the citizens of Germantown.

This proposal is consistent with the purpose of the Ordinance and Board review in the following ways:

1. **View Protection:** Due to the location of the existing transmission tower on the adjoining property, the existing treeline/hedgerow and the MonoPine Stealth Tower design, the proposed facility will not create materially adverse visual impacts to surrounding property or the public right-of-way.

2. **Land Use Compatibility:** Due to the existing transmission tower, the commercial use of the adjoining property and the MonoPine Tower design will not cause an any increase in traffic, with no adverse effect due to lighting, noise, dust or odor. The proposed facility will not interfere with the use and enjoyment of surrounding lands and will fit the character of the land use and development at the proposed location.
3. **Design Harmony:** Due to the MonoPine design, existing tree line, commercial use of the adjoining property, and the existing transmission towers, the proposed design, no increase in traffic, lighting, noise, dust or odor, the proposed facility will not disturb the harmony of the natural settings and surrounding developments.
4. **Technical Justification:** Enclosed Coverage Maps illustrate the technical necessity for this proposed facility location and design as necessary to improve service coverage.

With ever increasing demand for both voice and data wireless coverage in Germantown for citizens and emergency services in this area, as well as future collocation for future carriers, the proposed MonoPine CMCS Tower will improve public safety and improve coverage for the community.

Regards,



Michael J. Fahy
President



Project Number: U0142-670-181

July 30, 2018

Cameron Ross
Economic and Community Development Director
1920 S. Germantown Road
Germantown, TN 38138

REFERENCE: **Madonna School TV18-01024W-05R0: 7007 Poplar Avenue, Germantown, TN 38138
Fall Zone Letter for 140'-0" Concealment Pole**

Dear Cameron,

It is our understanding that a 140 ft concealment monopine has been proposed for this site.

The above-mentioned pole will be designed in accordance with the International Building Code, 2012 Edition and the National Standard for Towers (Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, TIA-EIA-222-G). Additionally, all steel members and connections will be designed to meet the requirements of the AISC Steel Construction Manual.

The pole will be designed for the following criteria:

1. Wind speed (V): 115 mph (3-second gust) per the ASCE 7-10
2. Ice: 1" radial ice (nominal) with concurrent 30 mph wind (3-second gust)
3. Basic wind speed of 60 mph (3-second gust) for the service condition (deflection limitations only)
4. Structure Class II, Exposure C, Topographic Category 1 with a crest height of 0 ft.

It has been requested that the proposed monopine be designed for a 70ft fall zone. This requirement will be satisfied by ensuring that in the unlikely event of failure, the point of maximum stress will occur at the fall zone location, which is defined as 70ft from the top of structure. The structure above the fall zone will be designed such that the highest stress within the fall zone will be less than or equal to 100% of capacity. Expected stress ratios of all other structural elements below this point will be at least 20% less than the highest stress ratio that occurs at the fall zone location.

Please note that "fall zone" is a term not defined in the standards listed above. Our approach to the fall zone design is described in the preceding paragraph and is our best attempt to meet what we believe to be the intent of the fall zone request. Current code does not address failure mechanics. It is difficult to impossible to predict the behavior of a failing structure. Physics of a fall during a wind event, including possible bouncing or rolling, may place all or part of the ruptured pole section outside of the intended fall zone. Nonstructural components attached to the steel structure are outside of our scope. Nonstructural components may break free from the structure and fall outside of the fall zone even at loads below code-specified magnitudes if the components and their attachments are not properly designed and installed.

We hope this meets your needs. If you have any questions or require additional information, please call this office at your convenience.

Very truly yours,
VECTOR STRUCTURAL ENGINEERING, LLC

Roger T. Alworth, P.E.
Principal Engineer

RTA/djf



07/30/2018



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	
(Check <input checked="" type="checkbox"/> all that apply): <input type="checkbox"/> Sketch Plan; <input type="checkbox"/> Preliminary Site Plan; <input checked="" type="checkbox"/> Final Site Plan <input type="checkbox"/> Minor Subdivision; <input type="checkbox"/> Preliminary Plat; <input type="checkbox"/> Final Plat <input type="checkbox"/> Grading/Tree Removal; <input checked="" 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 NO x (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>Madonna Learning Center, Inc., Madonna Wireless Transmission Facility</u> Address/Location: <u>7007 Poplar Avenue, Germantown TN 38138</u> Project Description: <u>140 foot tall, MonoPine Wireless Tower & Facility</u>	
No. of Acres: <u>4.73 Acres</u> Parcel Identification Number(s): <u>G021900113</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>Madonna Learning Center, Inc</u> Address: <u>7007 Poplar Avenue, Germantown TN 38138</u> Phone No.: <u>901-752-5767</u> Email Address: <u>kgilbert@madonna-learning.org</u> Signature of Property Owner: <u></u>	
Lessee Name (Print): <u>Tower Assets Newco IX, LLC</u> Address: <u>495 Tennessee Street, Ste. 152, Memphis TN 38103</u> Phone No.: <u>901-620-6136</u> Email Address: <u>jlindy@towerventures.com</u> Signature of Lessee: <u></u>	
Developer Name (Print): <u>Tower Ventures Newco IX, LLC</u> Address: <u>495 Tennessee Street, Ste 152, Memphis TN 38103</u> Phone No.: <u>901-620-6136</u> Email Address: <u>jlindy@towerventures.com</u> Signature of Developer: <u></u>	

PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY	
Warranty Deed, Instrument No. FV-7709	
AGENT/REPRESENTATIVE INFORMATION	
Name: Michael J Fahy	Title: President
Company Name: Prime Development Group, Inc.	Address: 7520 Capital Drive, Ste. 200, Germantown TN 38138
Phone No.: 901-753-6840	Email Address: mfahy@pdg-m.com
Who will represent this proposal at the Planning Commission meeting? Yes	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: PDG/Ashworth Joint Ventures	Address: 7520 Capital Drive, Ste. 200, Germantown TN 38138
Phone No. 901-753-6840, mfahy@pdg-m.com	Email Address: mfahy@pdg-m.com
Surveyor Name: Harris & Associates	Address: 6074 Apple Tree Drive, Ste. 14, Memphis TN 38125
Phone No.: 901-362-2345	Email Address: jwiseman@harrisassociateslandsurveyors.com


DISCLOSURE OF OWNERSHIP INTERESTS

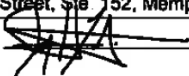
In order to assist staff and appointed and elected officials of the City of Germantown in complying with Ordinances of the City relating to conflicts of interest, the following information is required to be furnished:

- 1. **For-Profit Entities.** If the Applicant (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: Michael J. Fahy, President Prime Dev. Grp
Address: 7500 Capital Drive, Ste. 200, Germantown TN, 38138
Signature of Applicant: 

Property Owner: see section 2
Address: _____
Signature of Property Owner: _____

Lessee: Tower Assets Newco IX, LLC
Address: 495 Tennessee Street, Ste 152, Memphis TN 38103
Signature of Lessee: 

Developer: Tower Assets Newco IX, LLC
Address: 495 Tennessee Street, Ste 152, Memphis TN 38103
Signature of Developer: 

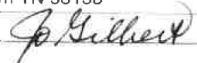
Persons or Entities Owning 10% or More of the Ownership Interests of the Applicant:

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

Planning Commission – Official Application Form
Page 4

2. **Not-for-Profit Entities.** If the Applicant (including all property owners, lessees and developers) submitting the Application ("Applicant") is a not-for-profit entity, the authorized representative of the Applicant must list below the name and business or home address of the President (or equivalent chief executive officer) and the members of its board of directors:

Applicant: Madonna Learning Center, Inc , c/o Jo Gilbert Executive Director
Address: 7007 Poplar Avenue, Germantown TN 38138

Authorized Signature for Applicant: 

President or Equivalent
Chief Executive Officer: _____
Address: _____
Signature: _____

Members of the Board of Directors of the Applicant:

Name	Business <u>or</u> Home Address
<u>see attached list</u>	_____
_____	_____
_____	_____
_____	_____

Note that approval of the application is based upon information provided herein and any change in this information including any change in ownership interests of the subject real property, after filing the application may result in reconsideration of any approval.

The Applicant/Owner/Lessee acknowledges and agrees that if the developer of a project is not the owner of the subject real property, the property owner/lessee and developer shall be required to join in the project development contract with the City and the obligations of the project development contract shall be the joint and several obligations of the developer, property owner, and lessee.

MADONNA BOARD OF DIRECTORS
2018 - 2019
(revised 6-11-18)

Joanna Curtis, CFRE
Sr. Director for University
Development University of Memphis

Barbara Daush - Mike
Barbara H. Daush
Senior Consultant
Carney Sandoe & Associates
(term expires 6/30/17)

John Haase - Kathy
(term expires 6/30/15)

Dr. **Mike Neel - Liz**
President
(term expires 6/30/15)

Mike Glenn - Donna
(term expires 6/30/18)

Elizabeth Williamson - Russell
Board Secretary
(term expires 6/30/15)

Barney Abis - Caren
(term expires 6/30/15)

John Bobango -
Lisa
(term expires 6/30/15)

Past Board Members

Tom Tompkins – Cheryl
Marianne Hartquist
Chris Miller – Gina
John Sampietro - Suzanne

Jimmy Dickey - Pam
The Marston Group, PC c/o Anne
Caraway Certified Public
Accountants and Bus. Advisors The
Marston Group
(term expire 6/30/18)

Andy Gattas
Knowledge
Tree
(term expires 6/30/17)

Brother Chris Englert ,F.S.C
.
Christian
Brothers
(term expires
6/30/2017)

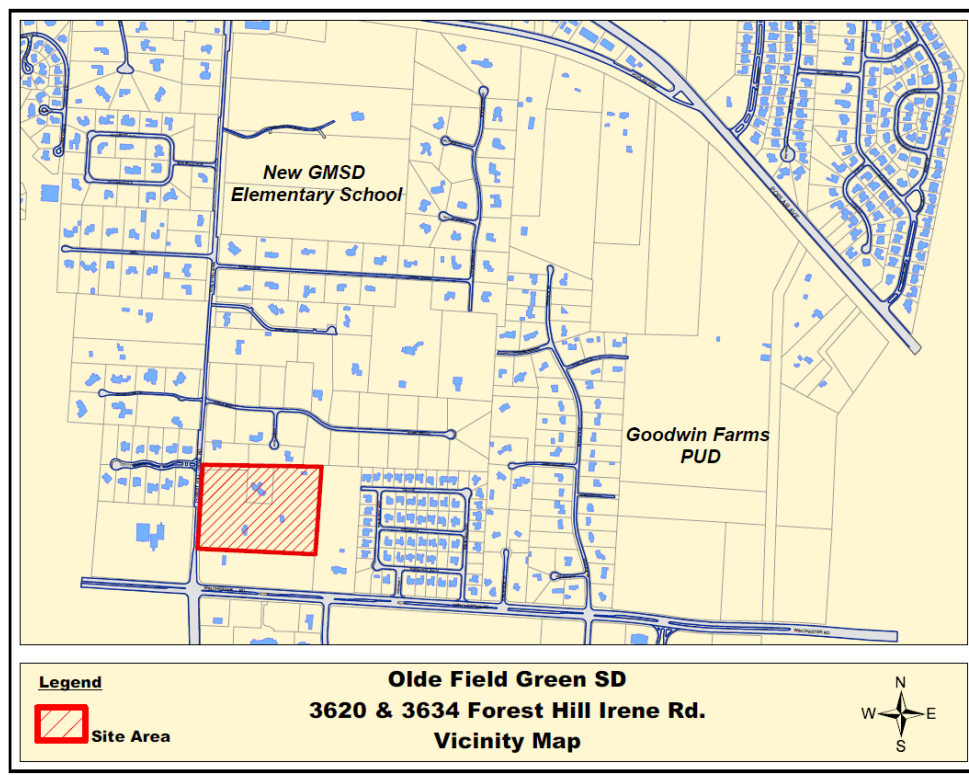
Mike Mattingly - Gretchen
(term expires
6/30/2017)

4.d. Olde Field Green Subdivision (SD) – Preliminary and Final Subdivision Plat

Ms. Goralewski made a presentation of the application to the Planning Commission.

INTRODUCTION:

Case Number:	18-828
Case Name:	Olde Field Green Subdivision (SD)
Location:	3620 & 3634 Forest Hill Irene Rd.
Property Owner:	Cheatham Family Trust & LP – Leigh C. Cromwell & Lauren Culpepper
Developer:	Vince Smith
Applicant:	Integrated Land Solutions, PLLC – Cory Brady, Agent
Zoning District:	“R” Low-Density Residential District
Area:	20.373 acres
Description of Request:	Approval of a Preliminary & Final Subdivision Plat (33 lots and Common Open Space)



ECD CERTIFICATION: The Director of the Department of Economic and Community Development certifies this application as meeting the terms of the Zoning Ordinance upon which relief is sought.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (DIKE BACON, CHAIRMAN): The subcommittee met on August 22, 2018, and recommended that this item be considered at the regular Planning Commission meeting on September 4, 2018, pending the applicant addressing the following comments: 1) a neighborhood meeting shall occur prior to the Planning Commission hearing; 2) revise grading and drainage plan per the specifications of the City Engineer; 3) revise the tree mitigation plan per the Planning Division comments; 4) revise the water plan per the Engineering Division, Public Works Dept. and Fire Dept. comments; 5) revise the memorandum of understanding (MOU) regarding the draining of the lake and maintenance of that area on the adjacent property (after construction as well), to ensure that the MOU has legal standing.

REVISIONS: The application has addressed the Planning Commission Subcommittee’s comments as follows:

- Neighborhood Meeting. On Thursday, August 30, 2018 the project team has scheduled a neighborhood meeting at Harvest Church (across the street from the project site).
- Grading and Drainage Plan. The applicant’s engineer conferred with the City Engineer and revised the grading and drainage plans per his specifications, specifically pertaining to the public drainage easement area on the southwestern portion of the project site (where the lake is to be filled).
- Tree Mitigation Plan. The applicant has revised the tree mitigation plan to show the buildable area of each lot, to reflect what future trees may be removed.
- Water Plan. The applicant has revised the water plan to have a looped water line, as required by the Public Works and Fire Departments.

BACKGROUND: On September 11, 2000, the subject property was annexed into the City of Germantown under the “R” Single-Family Residential zoning, on the third reading of Ordinance 2000-10. The two subject properties have remained individual single-family lots, with residences built in 1928 and 1969. Since 2013, the property has had a greenbelt designation (forest land) for tax assessment purposes, per instrument #13068342.

On May 11, 2018, the City of Germantown Sketch Plan Committee conducted a meeting with the applicant to review the subdivision concept and provided the applicant with comments.

DISCUSSION:

TOTAL SITE AREA	20.373 ac.				
USE: <i>Single-Family Residential</i>					
Number of Lots	Size of Lots	Lot Width (at building setback)	Side Yard Setback	Front Yard Setback	Rear Yard Setback
33	15,000 s.f	100’	10’	40’	25’
<i>Common Open Space (2 areas)</i>	1.42 acres				

The project is being reviewed under Section 17 (Subdivisions) and Section 23: Division 7 (R – Single-Family Residential) of the City of Germantown Municipal Code.

STAFF COMMENTS:

D. GENERAL COMMENTS

1. Parkland Dedication. Per Section 17.60 of the Municipal Code, the parkland dedication fee for this subdivision is estimated to be \$13,058 (or 0.2050587 acres). This fee shall be collected prior to the development contract being considered by the Board of Mayor and Aldermen (BMA).
2. Centralized Mailbox Location. The applicant shall show the centralized mailbox location for the entire development and provide a maintenance plan for the mailboxes. This shall be shown on the DRC plans and considered as part of the final plan approval by DRC. (Per new USPS requirements, all residential developments are now to have centralized mailbox locations, not individual mailboxes for each lot.)
3. Tree Mitigation. For the Design Review application, the applicant shall revise the tree mitigation plan to more clearly show the buildable area of all lots, so that it is understood which trees may be removed with the construction of houses. Additionally, the applicant shall provide the DRC with a narrative which outlines the following: 1) overall tree mitigation proposal and 2) types of trees which may be planted on the individual lots.
4. Memorandum of Understanding (MOU). The Assistant Public Works Director and the City Attorney have reviewed the MOU. The Assistant Public Works Director requested that it be revised to be bound to the property, and not simply the current property owners signing it. He also stated that it should include more language related to the drainage and how that area may be accessed after construction. The City Attorney stated that as drafted the MOU is not legally binding. Prior to submitting construction plans, it is recommended that the MOU be revised per the comments from the Assistant Public Works Director and the City Attorney.
5. Gates. As shown, this development may not be gated, as it does not conform to the City of Germantown private street policy standards.
6. Covenants, Codes and Restrictions (CC&Rs). The CC&Rs shall be revised to not be more permissive than city ordinances. A copy of the revised CC&Rs shall be submitted with construction plan review.
7. Following Planning Commission approval, the applicant shall submit to the Design Review Commission for final plan, landscaping plan (including tree mitigation) and subdivision entrance feature (SEF) approvals. Design Review Commission approval is required, prior to submitting for construction plan review.
8. Following construction plan approval, the development contract shall proceed to the BMA for approval.
9. Prior to the BMA approval of the development contract, Planning Division staff shall acquire approval from the Parks Department Director and the Parks and Recreation Commission regarding sufficient tree mitigation.

E. PRIOR TO CONSTRUCTION PLAN APPROVAL (to be addressed in the construction plan drawings)

The Technical Advisory Committee (TAC) met on July 11, 2018 and requested that the applicant revise the original request to accommodate better drainage solutions and tree mitigation measures. The applicant's team met with City staff to devise more appropriate solutions. The applicant revised the site plan and TAC reviewed the revised plan on August 15, 2018, requesting further revisions and clarifications to potential drainage issues. The applicant has addressed many of those previous comments (as listed in the Planning Commission Subcommittee staff report). Below are the remaining comments which are to be addressed as part of the construction plans (with applicant's comments in *italics*):

Planning:

1. Setbacks from Easements. The final plat shall be revised to show a minimum 5' setback from all easements on individual lots and the buildable area for each lot shall be shown on the final plat.
2. Tree Mitigation. The developer shall revise the tree mitigation plan to more clearly show the buildable area of all lots, so that it is understood which trees may be removed with the construction of houses.
 - a. With each stormwater permit submitted to the City of Germantown Engineering Division, a tree removal and mitigation plan shall be included for each individual lot. If trees cannot be mitigated on that specific home site, the homebuilder shall have to pay an in-lieu fee to the City.
3. Access Easement to Proposed Former Pond Area. Should the pond be filled as proposed, the developer shall work with the property owner to the south so that he secures a public access easement on his property for future drainage and maintenance. This shall be secured and shown on construction plans.

Engineering:

1. Capture the road drainage from the Old Green Cove and add it to the proposed retention pond. Remaining area in southeast area can sheet flow off of property. *(Could not be captured; restricted by downstream outfall in FHIR. Post cfs is less than pre cfs. We are allowing water to flow to where the natural flow is.)*
2. Place proposed yard inlets either behind the rear yard setback or in front of the front yard setbacks so they are not located adjacent to new houses. *(Inlets have been moved.)*
3. Provide all off-site easements and agreement documentation. *(Will be provided before final approval.)*

Public Works:

Utility:

1. Please ensure that utility service lines and meters are not located under driveways for the proposed development *(Please see note #11 on sheet 15 and note #37 on sheet 14.)*
2. Please provide note # 2 on sheet 7 of 28 in the recording of the final plat. *(Changed; refer to note #16 of 3 Final Plat.)*

Water

3. Please consider providing an irrigation line in addition to the domestic service line for the larger parcels that will probably have immense landscaping areas. *(The lots have the same frontage where most landscaping is planted, so irrigation lines would need to be proposed now. Applicant has decided this should be left up to the individual homebuilders.)*

Sewer:

4. Please ensure that the proposed public easement for the proposed sanitary sewer main along the southwest corner of Doctor Skoutakis' property is attained and recorded prior to the recording of the final plat
 - a. A temporary construction easement for the sewer bore pit may also need to be attained from the doctor (property owner to south) for this work as well. *(Noted.)*

Drainage:

5. Please ensure that access to all public easements is provided and maintained within the proposed subdivision. *(Noted.)*

6. Please redesign the drainage that is proposed to outfall at the southeastern property line to be redirected to the retention pond at the front of the proposed subdivision. (*Issue has been worked out per Planning Commission Subcommittee meeting and discussions with City Engineer; pond is restricted by downstream pipe under FHIR.*)
 - a. This may cause the pond to be expanded to the south to accommodate the additional flows

Fire:

1. The water main shall be looped, connecting at two points on Forest Hill Irene Rd.
2. Final plat addresses the requirement for sprinkler protection in accordance with NFPA 13D (2010) for subdivisions with 30 or more houses with only 1 access road.
3. Turnaround for fire apparatus meeting IFC appendix D (2012) is shown on plans.
4. All standard conditions shall apply, as provided to the applicant.

Neighborhood Services:

No comment.

Police:

No comment.

F. GENERAL REQUIREMENTS (To be placed on all final site plans, PD plans, or subdivision plats)

7. 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.
8. 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.
9. The developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received final approval from the Design Review Commission.
 - a. Per Section 17-60 (a), this project is required to pay a parkland dedication fee. The fee amount shall be calculated and collected as part of the development contract.
10. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
11. 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.
12. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.

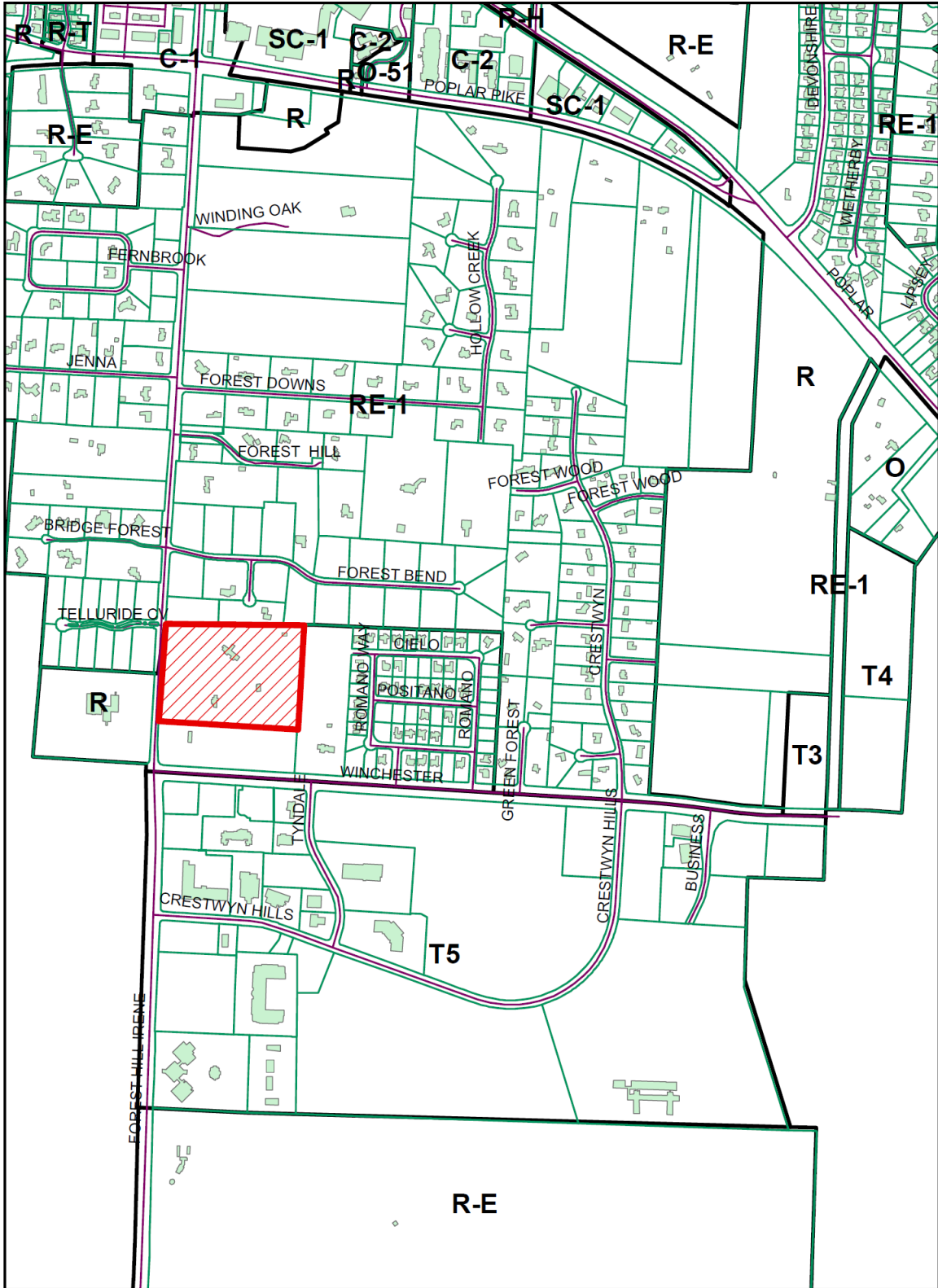
10. No owner, developer, or tenant of property within the subdivision shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use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

STAFF RECOMMENDATION: Approval, subject to the Board’s discussion, staff’s conditions and comments in the staff report, and the documents and plans filed with the application.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (DIKE BACON, CHAIRMAN):

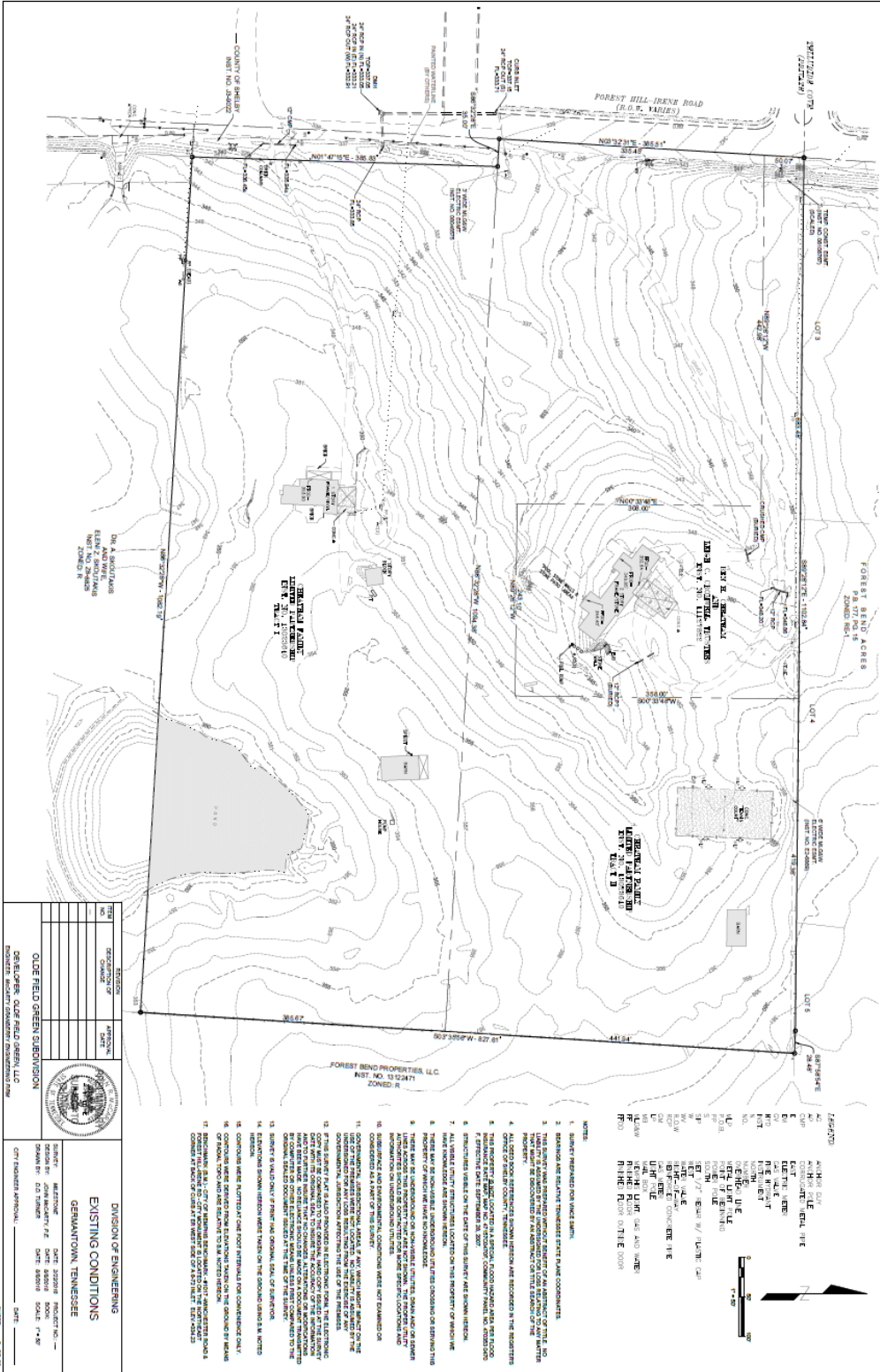
The subcommittee met on August 22, 2018, and recommended that this item be considered at the regular Planning Commission meeting on September 4, 2018, pending the following comments: 1) a neighborhood meeting shall occur prior to the Planning Commission hearing; 2) revise grading and drainage plan per the specifications of the City Engineer; 3) revise the tree mitigation plan; 4) revise the water plan; 5) revise and have notarized the memorandum of understanding (MOU) regarding the draining of the lake and maintenance of that area on the adjacent property. The applicant has addressed the first four items.

PROPOSED MOTION: To approve a preliminary & final Subdivision Plat (33 lots and Common Open Space) for Olde Field Green Subdivision (at 3620 & 3634 Forest Hill Irene Rd.), subject to the Commission’s discussion, staff comments and conditions in the staff report and the plans and documents filed with the application.



ZONING MAP

EXISTING CONDITIONS



NO.	SECTION OF CHART	APPROX. DATE

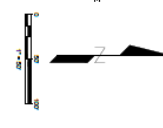


OREGONIAN ENGINEERING
 OREGONIAN ENGINEERING, LLC
 1425 N. GARDEN ST., SUITE 200
 PORTLAND, OREGON 97228-2825
 TEL: 503.281.1234
 FAX: 503.281.1235
 WWW.OREGONIANENGINEERING.COM

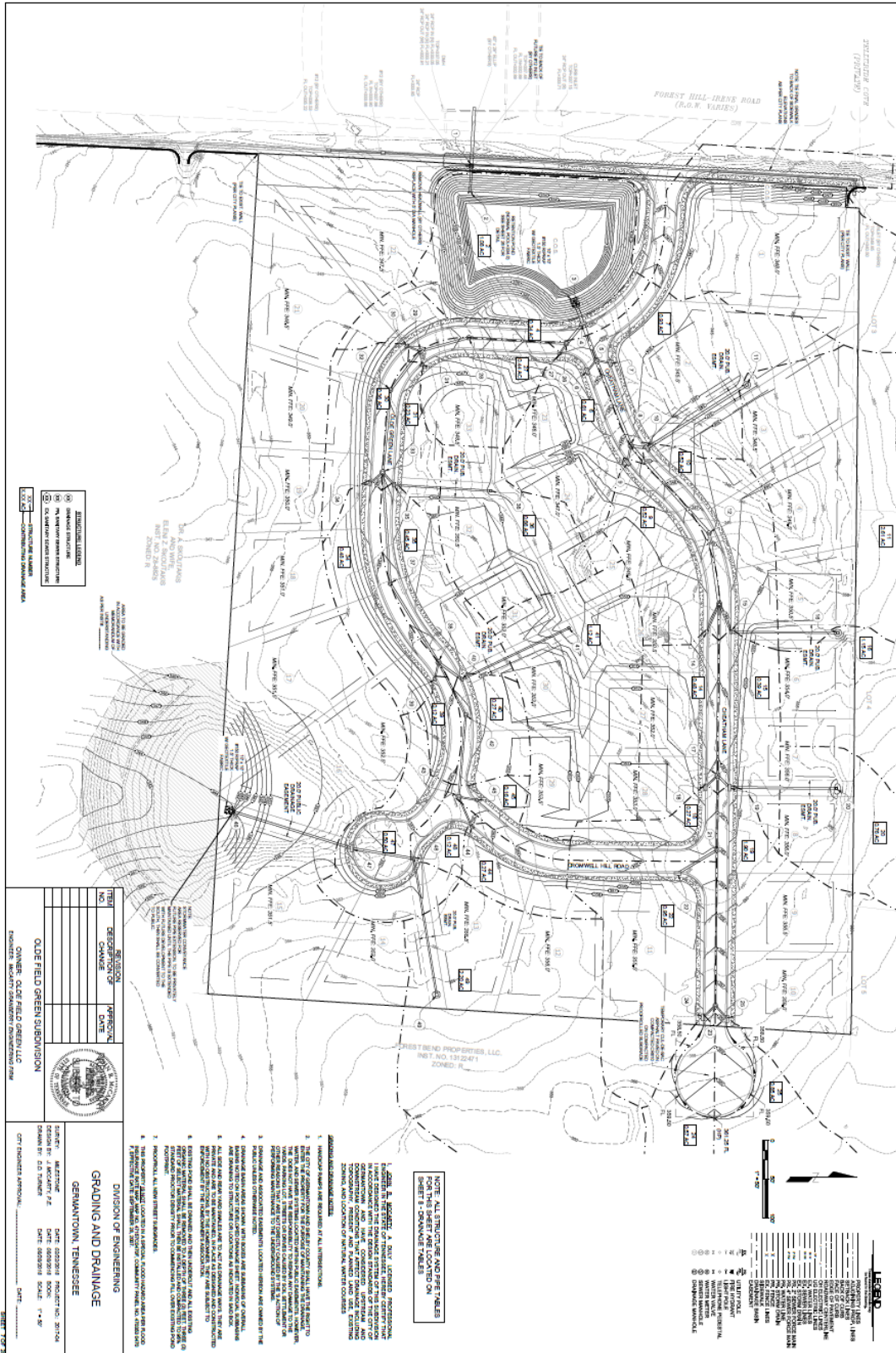
DIVISION OF ENGINEERING
EXISTING CONDITIONS
GERMANTOWN, TENNESSEE

DESIGNED BY: C.E. STUBBS
 CHECKED BY: C.E. STUBBS
 DATE: 08/01/18

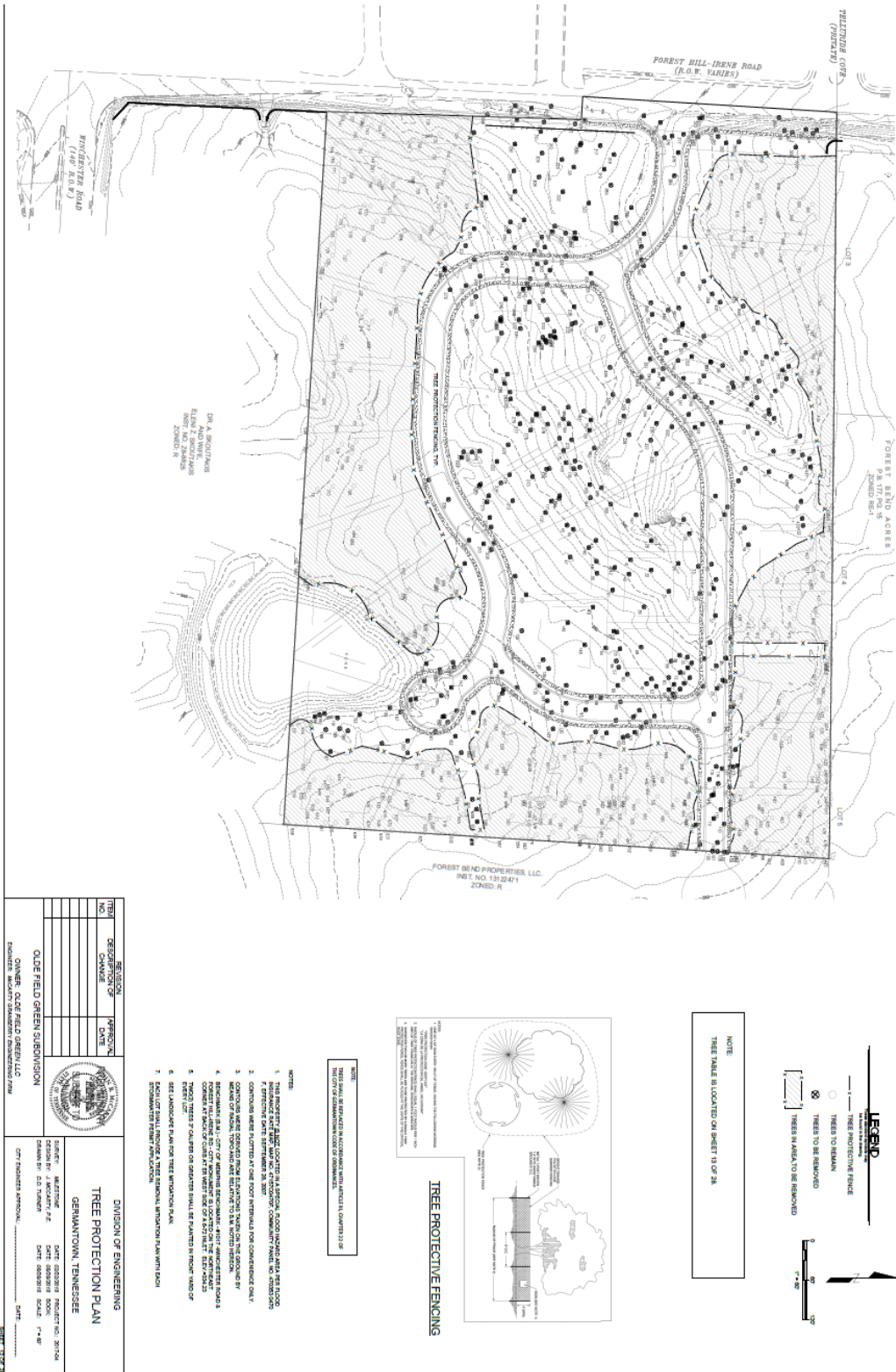
1. SHEET OF PROPOSED PLAN AND SECTION.
2. REVISIONS AND DATE THE REVISIONS FOR THE PLAN AND SECTION.
3. THE SHEET HAS BEEN PREPARED AND CHECKED FOR ACCURACY BY THE ENGINEER AND IS SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
4. ALL DIMENSIONS ARE GIVEN IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
5. THE PROPERTY IS LOCATED IN A SECTION FLOOD HAZARD AREA AND FLOOD PROTECTION SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
6. STRUCTURES SHALL BE CONSTRUCTED ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
7. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
8. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
9. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
10. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
11. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
12. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
13. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
14. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
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17. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
18. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
19. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.
20. THERE SHALL BE NO ENCROACHMENTS ON THE PROPERTY OF WHICH THE PROPERTY OWNER HAS CONTROL AND SHALL BE SUBJECT TO THE JURISDICTION OF THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TENNESSEE.



GRADING & DRAINAGE PLAN



TREE PROTECTION PLAN



NO.	DESCRIPTION OF CHANGE	APPROVAL DATE

OWNER: OLOE FIELD GREEN SUBDIVISION
 PROJECT: RESIDENTIAL DEVELOPMENT PROJECT

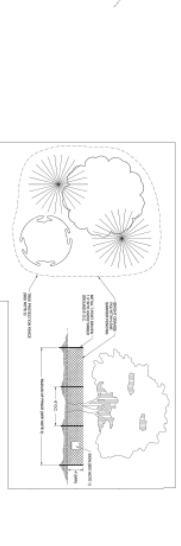
DESIGNED BY: [Signature]	CHECKED BY: [Signature]
DRAWN BY: [Signature]	CHECKED BY: [Signature]

DATE: [Date]

DIVISION OF ENGINEERING
 TREE PROTECTION PLAN
 GERMAN TOWN, TENNESSEE

DATE: [Date]

- NOTES:
1. THIS PROJECT IS LOCATED IN A RESIDENTIAL ZONED AREA AND THE TREE PROTECTION PLAN IS SUBJECT TO THE TREE PROTECTION ACT.
 2. CONTOUR LINES ARE SHOWN AT 2-FOOT INTERVALS FOR CONFORMANCE ONLY.
 3. CONTOUR LINES ARE SHOWN AT 2-FOOT INTERVALS ON THE DRAWING BY THE ENGINEER.
 4. REMOVAL OF TREES SHALL BE LIMITED TO THOSE TREES THAT ARE LOCATED WITHIN THE TREE PROTECTION FENCE AND ARE NOT DESIGNATED AS TREES TO REMAIN.
 5. TREES TO BE REMOVED SHALL BE IDENTIFIED BY THE TREE PROTECTION PLAN AND SHALL BE IDENTIFIED BY THE TREE PROTECTION PLAN.
 6. THE TREE PROTECTION FENCE SHALL BE 2 FEET HIGH AND 4 FEET WIDE.
 7. THE TREE PROTECTION FENCE SHALL BE IDENTIFIED BY THE TREE PROTECTION PLAN.



NOTE
 THE TABLE IS LOCATED ON SHEET 18 OF 28

LEGEND

- TREE PROTECTIVE FENCE
- TREES TO REMAIN
- TREES TO BE REMOVED
- TREES IN AREA TO BE REMOVED

SCALE: 1" = 40'

DATE: [Date]

NEIGHBORHOOD MEETING INVITATION

INTEGRATED LAND SOLUTIONS, pllc
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August 27, 2018

Fellow Property Owners and Neighbors

RE: Invitation to attend a neighborhood meeting
To discuss a proposed residential subdivision
Olde Field Green (Formally known as the Cheatham Property)

Meeting Scheduled: August 30, 2018. 6:30- 7:30 pm

**Meeting Location: Harvest Church of Memphis
3645 Forest Hill Irene Rd
Germantown, TN 38138**

Dear Neighbor or Fellow Property Owner,

Please accept our invitation to attend a neighborhood meeting where we will discuss our application seeking approval of a residential subdivision proposing 33 single family residential lots and 1.3 acres of common open space in accordance with the City of Germantown's (R) Residential zoning district regulations. The proposed residential development is located on the east side of Forest Hill-Irene Road, approximately 375 feet North of Winchester Road. A vicinity map and copy of the proposed plat is enclosed for reference.

If you should have any questions, please contact me (Cory Brady) or attend the neighborhood meeting scheduled **Thursday, August 30, 2018 between the hours of 6:30pm and 7:30pm**. The application will be heard at the September 4th, 2018 City of Germantown Municipal Planning Commission public hearing commencing at 6:00pm. The public hearing is held in the City Hall Council Chambers, 1930 South Germantown Road. Sarah Goralewski, AICP is the City of Germantown's assigned planner.

Respectfully,



Cory Brady, PLA, AICP
Planning Representative

APPLICANT:
Vince Smith
Mallory Green, LLC
901.589.4896
kakivs@gmail.com

PLANNING REPRESENTATIVE:
Cory Brady, PLA, AICP
Integrated Land Solutions, PLLC
901.493.6996
corybrady@gmail.com

MEMORANDUM OF UNDERSTANDING FROM ADJACENT PROPERTY REGARDING FILLING IN THE EXISTING POND

Memorandum of Understanding for Construction Easements

- **Parties:** Vince Smith, or his affiliate (“Developer”), has contracted to purchase certain property described on Exhibit A for development as residential lots (the “Development”). Vasilios Skoutakis and spouse, Eleni Z. Skoutakis (collectively, “Owner”), own the property immediately to the south of the Development, as described on Exhibit B (the “Adjacent Land”).
- **Pond:** A pond currently exists on the Development property and Adjacent Land, straddling the boundary line between those two tracts of land. In connection with the Development, Developer, at his expense, will cause such pond to be filled with engineered fill to the grade of the surrounding land and then seeded and/or sodded with grass (the “Pond Work”).
- **Sewer:** In connection with the Development, the City of Germantown (“City”) will require Developer to construct a sewer line from the Winchester Road right of way north to the Development (the “Sewer”). Such Sewer will be constructed at Developer’s expense along the western boundary of the Adjacent Land, immediately adjacent to Forest Hill Irene Road (the “Sewer Work”). Following the completion of the Sewer Work, that portion of the Adjacent Land that includes the Sewer (the “Proposed ROW”) will be dedicated by Owner to the City as part of the Forest Hill Irene Road right-of-way, for the City to subsequently operate and maintain the Sewer.
- **Construction Easements:** Owner agrees to grant Developer recordable construction easements (the “Construction Easements”) on and over those portions of the Adjacent Land that are reasonably necessary for the Developer to complete the Pond Work and the Sewer Work (the “Easement Area”). The Easement Area shall generally include the pond area, the Proposed ROW, and the surrounding portion of the Adjacent Land that is reasonably necessary to perform the Pond Work and Sewer Work, together with reasonable rights of access across the Adjacent Land to access the Easement Area. Developer will prepare the Construction Easements for the review and approval of Owner. The Construction Easements shall, among other things, require Developer to (i) repair any damage to the Adjacent Land caused by Developer and (ii) indemnify Owner against any damage, cost or liability attributable to Developer’s Pond Work or Sewer Work. Upon completion of the Sewer Work, and as requested by the City, Owner agrees to convey the Proposed ROW to the City.
- **Non-Binding:** This is a non-binding memorandum of understanding. Neither party shall be legally bound unless and until the parties execute and deliver mutually acceptable Construction Easement reflecting the terms and conditions above, together with other terms and conditions that are customary and reasonable for construction easements.

DEVELOPER:

Vince Smith

OWNER:

Vasilios A. Skoutakis 6/4/18
Vasilios Skoutakis

Eleni Z. Skoutakis 6/4/18
Eleni Z. Skoutakis

Exhibit A

Description of the Ben H. Cheatham and Leigh C. Cromwell, Trustees property recorded in Instrument No. 11127822 and part of the Cheatham Family Limited Partnership property recorded in Instrument No. 13023640, Tract I and Tract II, Germantown, Shelby County, Tennessee:

Beginning at a set cotton picker spindle at the intersection of the east right-of-way line of South Forest Hill-Irene Road (R.O.W. Varies) and the north line of the Dr. A. Skoutakis and wife, Eleni Z. Skoutakis recorded in Instrument No. Z8-8825; thence north 01 degrees 47 minutes 15 seconds east with the east right-of-way line of said South Forest Hill-Irene Road, 385.83 feet to a set 1/2" rebar with plastic cap in the south line of the Cheatham Family Limited Partnership property recorded in Instrument No. 13023640, Tract II; thence north 86 degrees 32 minutes 28 seconds west with the south line of said property recorded in Instrument No. 13023640, Tract II, 35.00 feet to a set cotton picker spindle in the centerline of said South Forest Hill-Irene Road; thence north 03 degrees 32 minutes 31 seconds east with the centerline of said South Forest Hill-Irene Road, 385.51 feet to a set cotton picker spindle in the north line of said property recorded in Instrument No. 13023640, Tract II; thence with the north line of said property recorded in Instrument No. 13023640, Tract II and the south line Lot 3, Lot 4 and Lot 6 of the Forest Bend Acres subdivision recorded in Plat Book 177, Page 15 the following calls: south 89 degrees 26 minutes 12 seconds east, 1102.84 feet to a found 1.25" iron pipe; south 87 degrees 58 minutes 54 seconds east, 28.48 feet to a found 1.25" iron pipe in the west line of the Forest Bend Properties, LLC property recorded in Instrument No. 13122471; thence south 03 degrees 35 minutes 56 seconds west with the west line of said property recorded in Instrument No. 13122471, 827.61 feet to found 21" tree fence corner in the north line of said property recorded in Instrument No. Z8-8825; thence north 86 degrees 32 minutes 28 seconds west with the north line of said property recorded in Instrument No. Z8-8825, 1082.19 feet to the point of beginning and containing 20.373 acres of land.

Exhibit B

The following described property situated and being in the County of Shelby, State of Tennessee, to-wit:

The southwest 10.004 acres of west 62.92 acres of 74.92 acres of Maggie O. Reasonover formerly Tate 200 acres of B.A. Burgess' 400 acres in William Brown's 3198 acre Grant No. 20037 in Shelby County, Tennessee, more particularly described as follows:

BEGINNING at a point where the present center line of Forest Hill - Irene Road intersects the center of Winchester Road; thence north 3 degrees 23 minutes west 385.67 feet to a point; thence parallel to the center of Winchester road north 86 degrees 15 minutes east 1130 feet to an iron pin; thence parallel to center of Forest Hill - Irene Road south 3 degrees 23 minutes east 385.67 feet to a point in the center of Winchester Road; thence with the center of said road south 86 degrees 15 minutes west 1130 feet to the beginning, containing 10.004 acres of land.

LESS AND EXCEPT: the following parcel described in and conveyed by Warranty Deed recorded in Book J1, Page 6877, Register's Office of Shelby County, Tennessee, to wit:

BEGINNING at the northeast corner of the Joseph Clarke property; said point being 385.67 feet north of the existing center line of Winchester Road, as measured along the center line of Forest Hill Road; thence east along the north line of said property, 42 feet to a point; thence southerly 316.43 feet to a point; thence easterly 1081 feet to a point on the east line of the aforesaid property; thence southerly along the east line, 70 feet to a point; thence westerly along the Old center line of Winchester Road 1130 feet to the centerline of Forest Hill Road; thence northerly along the center of Forest Hill Road, 385.67 feet to the point of beginning.

This being the same property conveyed to Dr. Vasilios A. Skoutakis and wife, Eleni Z. Skoutakis, by Warranty Deed of record as Instrument No. Z8 8825 in the Register's Office for Shelby County, Tennessee.

INTEGRATED LAND SOLUTIONS, PLLC
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August 7, 2018

Sheila Pounder, CNU-A
Planning Division Manager
City of Germantown
1930 South Germantown Road
Germantown, TN 38138

Re: Planning Commission Application
Olde Field Green Subdivision

Ms. Pounder,

I am pleased to submit to you the enclosed planning commission application seeking approval of the preliminary/final plat and construction drawings for the combined 20.38-acre property formally known as the Cheatham property. The subject property is located approximately 315-feet north of Winchester Road along the east side of Forest Hill Irene Road and is currently composed of two (2) separately deeded parcels, each zoned R-Residential. The property is bound to the north by Forest Bend Acres, and to the east and south by undeveloped tracts.

Olde Field Green, is a standard subdivision composed of 33 single-family residential lots configured in accordance with the bulk regulations prescribed by the City of Germantown's R-Residential zoning district and subdivision regulations. Unique to the proposed subdivision plan is the inclusion of common area at the neighborhood's entrance along Forest Hill Irene Road. Serving dual purpose as the neighborhood's stormwater retention area, the common area is designed to provide an inviting view into the neighborhood beyond the small pond, ornamental fencing, and ornamental landscaping. The common area will be professionally designed in accordance with the City's Design Review Manual guidelines and coordinated with The City of Germantown's Natural Resources Department to assure the sustained value of the amenity.

Secondly, the subject property is heavily wooded with significant secondary volunteer growth. The developer and design team acknowledges the importance of this natural resource and has placed emphasis and value on the quality stands. To facilitate the engineering and improvements necessary to establish the proposed home sites, a fairly significant portion of the internal tree stand will be removed. However, as illustrated on the enclosed plans, large buffers are preserved along the property's perimeter. To mitigate the loss, the developer intends to plant a healthy density of diverse tree species in the common areas

INTEGRATED LAND SOLUTIONS, pllc
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and has made a condition of the final plat that each lot will require two (2) 3-inch caliper trees with the construction of the home. Any deficit of caliper inches required for mitigation at the development level will be provided to the City of Germantown in the form of a payment in lieu for offsite mitigation in accordance with Article III of the City Ordinance and current fee structure. Once individual lots are transferred, the builder or property owner will be responsible for continued tree mitigation in accordance with the City Ordinance.

Olde Field Green Subdivision is served by public streets having a 50-foot right-of-way and standard urban cross section with pedestrian sidewalks along all street frontages. All public utilities are accessible for development as proposed. A Homeowner's Association with architectural controls will be formed to regulate future home construction and own and maintain the common area facilities. No waivers or variances are requested. The subdivision will be constructed in one phase.

The estimated cost of construction to develop the 33 lot subdivision is \$2,450,000.00. The proposed price point for the new homes would range from \$750,000.00 to \$900,000.00, adding approximately \$29,000,000.00 of assessed value to the City of Germantown and resulting in an additional \$158,000.00 of annual property tax revenue to the City of Germantown and \$284,000.00 for Shelby County.

On behalf of my client, I am pleased to submit a development plan that we believe compliments the district and rises to Germantown's elevated standard. If you should have any questions with regards to this application, please do not hesitate to contact me at (901)493-6996 or write to corybrady@gmail.com. We look forward to working with you.

Respectfully,



Cory Brady, PLA, AICP
Integrated Land Solutions, PLLC

Professional Consultants:

(Planning/Landscape Architecture)
Cory Brady, PLA, AICP
Integrated Land Solutions, PLLC
975 Fair Oaks Drive
Collierville, TN 38017
(901)493-6996

(Civil Engineer)
John McCarty, PE
McCarty Granberry Engineering
198 Progress Road
Collierville, TN 38017
(901)634-4807



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	
(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 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>Olde Field Green</u> Address/Location: <u>3620 and 3634 Forest Hill Irene Road.</u> Project Description: <u>Property located on the east side of Forest Hill Irene Road approximately 400' north of Winchester Road. Formally known as the Cheatham Property.</u> No. of Acres: <u>20.373</u> Parcel Identification Number(s): <u>G0243 00564 & G0243 00563</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>Cheatham Family Trust & LP</u> Address: <u>3620 & 3634 Forest Hill Irene Road</u> Phone No.: _____ Email Address: _____ Signature of Property Owner: <u><i>Steph C. Cromwell</i></u> <u><i>Lauren Cuppper</i></u> Lessee Name (Print): _____ Address: _____ Phone No.: _____ Email Address: _____ Signature of Lessee: _____	
Developer Name (Print): <u>Olde Field Green, LLC</u> Address: <u>355 Tara Lane, Memphis, TN 38111</u> Phone No.: <u>901.489.5896</u> Email Address: <u>kakivs@gmail.com</u> Signature of Developer: <u><i>[Signature]</i></u>	

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

AGENT/REPRESENTATIVE INFORMATION

Name: Cory Brady, PLA, AICP Title: Principal
Company Name: Integrated Land Solutions, PLLC Address: 975 Fair Oaks Drive, Collierville, TN 38017
Phone No.: 901.493.6996 Email Address: corybrady@gmail.com
Who will represent this proposal at the Planning Commission meeting? Cory Brady (Representative) & Vince Smith (Developer)

ENGINEER/SURVEYOR INFORMATION

Engineer Name: McCarty Granberry Engineering, Inc. Address: 198 Progress Road, Collierville, TN 38017
Phone No. 901.221.0075 Email Address: jmccarty@mccartygranberry.com
Surveyor Name: Milestone Land Surveying, Inc Address: 2880 Cobb Road, Lakeland, TN 38002
Phone No.: 901.867.8671 Email Address: milestonels@bellsouth.net

DISCLOSURE OF OWNERSHIP INTERESTS

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

- 1. **For-Profit Entities.** If the Applicant (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: _____
Address: _____
Signature of Applicant: _____

Property Owner: Lauren Culpepper
Address: _____
Signature of Property Owner: Lauren Culpepper Authenticated 05/01/2018 5/1/2018 1:37:36 PM CDT Leigh C. Cromwell
Leigh C. Cromwell
6/27/18

Lessee: _____
Address: _____
Signature of Lessee: _____

Developer: Olde Field Green LLC
Address: 355 TARA LN Memphis, TN 38111
Signature of Developer: [Signature]

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

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

Chairman Harless stated we had a discussion in the Executive Session that the memorandum of understanding regarding filling in of the lake that spans the subject property and the neighboring property, that document is not legally binding. Am I correct that is not a legal document?

Ms. Goralewski answered I am going to defer to the City Attorney, Mr. Mac McCarroll.

Mr. McCarroll stated, yes that is correct, it is not legally binding.

Chairman Harless stated this issue is an issue regarding the lake and the water runoff, and the fact that we have a resident just to the south of the property that would be affected. There is no protection in writing for this neighboring resident. This leads me to table this item on the agenda for 30 days. I'm going to ask the applicant and staff to get together to draft a document that will offer legal protection for everyone.

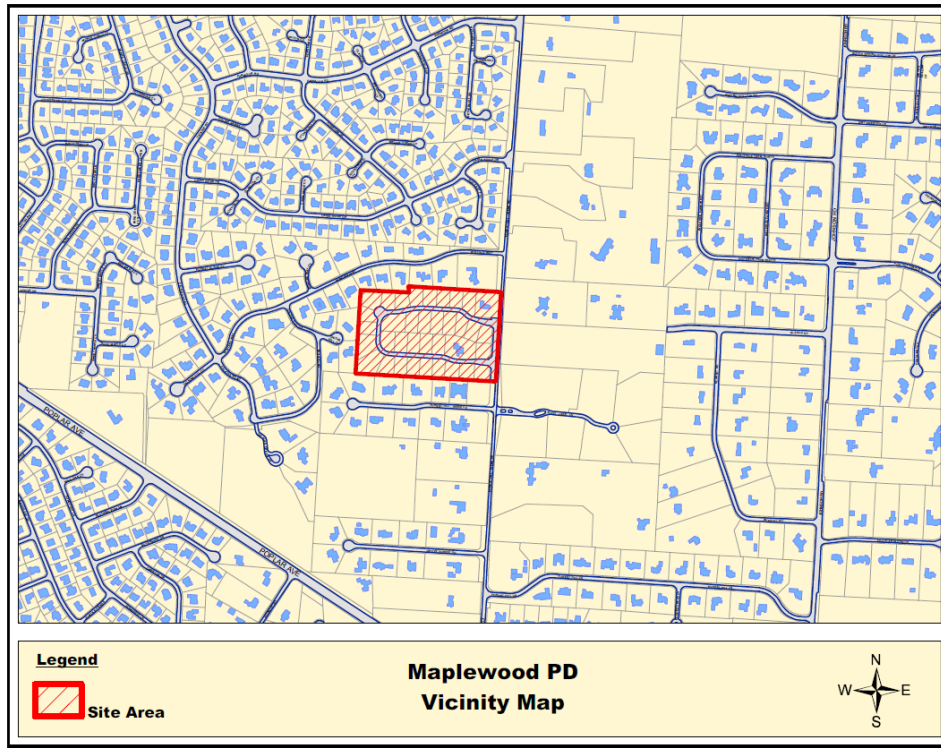
Chairman Harless stated this project is tabled for 30 days.

4.e. Maplewood PD – Approval of Subdivision Gates

Ms. Goralewski made a presentation of the application to the Planning Commission.

INTRODUCTION:

Case Number:	18-829
Case Name:	Maplewood Planned Development (PD)
Location:	Winston Woods Circle North and South at Forest Hill Irene Rd.
Property Owner:	Shaw's Creek Builders, LLC – John Duke
Applicant:	Maplewood Homeowners Association – Brett Schubert, Secretary & Agent
Zoning District:	“R” Low-Density Residential District
Area:	16.987 acres
Description of Request:	Approval for Subdivision Entrance Gates



ECD CERTIFICATION: The Director of the Department of Economic and Community Development certifies this application as meeting the terms of the Zoning Ordinance upon which relief is sought.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (DIKE BACON, CHAIRMAN): The subcommittee met on August 22, 2018, and recommended that this item be considered at the regular Planning Commission meeting on September 4, 2018, pending clarification between the applicant and the City Engineer on sufficient right-of-way measurements for Forest Hill Irene Rd.

REVISIONS: The applicant has revised the site plan layout so that the call box is out of the designated public right-of-way (ROW) on Forest Hill Irene Rd. The City Engineer determined that the designated public ROW of Forest Hill Irene Rd. will remain as is and a portion will not be conveyed to Maplewood PD. Thus, vehicles may be stacking in the designated public ROW while waiting to enter the development, although they may not be stacking in the currently improved portion of Forest Hill Irene Rd. The City Engineer is supportive of this request.

BACKGROUND: On July 2, 2013, the Planning Commission approved a final plan for the 35-lot Maplewood Planned Development (PD) with private streets. The development concept reduced front yard setbacks (to 30 feet) and minimum side yard setbacks of 5 feet on one side and 15 feet on the other side. All driveways are located on the side with a 15 foot setback. The developer provided for the eventual installation of gates at each entrance. However, the plan as presented for approval to the Planning Commission did not include gates and the Planning Commission expressly did not approve gates at the time. With the approval of the PD, the Planning Commission stated, should the developer or Home Owners' Association propose the installation of gates, that request and the plans associated with it would require additional approval from the Planning Commission.

DISCUSSION: The applicant is proposing to install unmanned gates at both entrances to the Maplewood PD.

Below are the minimum standards for gates on private streets, as outlined in the City of Germantown Private Streets Policy (approved by the Planning Commission on July 1, 2008):

(a) Gates

Subdivisions/PUDs with private streets are permitted to be gated, provided the following conditions are met:

- i. Secondary Access. Secondary access must be provided for gated subdivisions/PUDs of more than 30 units, per Sec. 17-56 of the Germantown Subdivision Regulations regarding dead-end streets.
- ii. Emergency Access. All unmanned gates must be equipped with at least two emergency access devices, including, but not limited to, the following: 911 System, Click to Enter, Knox Box, Siren Activation, or any other like device that guarantees emergency access for fire, police, public services, code compliance, sanitation, United States Postal Service and other like personnel. All devices must have a battery backup for the drive mechanism. The homeowners association shall maintain the gates in proper working order and shall hire a qualified company to inspect and test the gates and the emergency access system on an annual basis. The results of this test shall be provided to the Fire Marshal.
- iii. Placement and Turnaround. Call boxes shall be located on the private entrance street(s) a minimum of 60 feet from the edge of pavement of an improved intersecting public street or the future edge of pavement of an unimproved intersecting public street. Turnaround capability, utilizing either hammerheads or a break in the median, shall be placed behind the call box. The hammerhead or break in the median shall provide suitable turnaround capability to the satisfaction of the City Engineer. At a minimum, street width at the location of the call box and gate shall be at least 13.5 feet for proper emergency access. [*NOTE: PER THE FIRE CODE, THE MINIMUM STREET AND GATE WIDTH IS NOW 20'.*] Any such stretches of roadway less than 18 feet in width shall not exceed 15 feet in length.
- iv. Retrofits. The standards for placement and turnaround as set out in Section iii above shall apply to all proposals for gated communities, including those for existing non-gated subdivisions/PUDs with private streets. However, the following factors may be taken into consideration by the Technical Advisory Committee and Planning Commission when considering variances from the placement and turnaround provisions to allow for proper vehicle maneuverability:
 1. The number of units in the development to be gated,
 2. The average daily traffic of the private entrance street,
 3. The width of the private entrance street,
 4. The average daily traffic of the intersecting public street,
 5. The width of the intersecting public street and
 6. Any natural and built obstacles that may limit sight distance.

STAFF COMMENTS:

The Technical Advisory Committee (TAC) met on July 11, 2018 and requested that the applicant revise the original request to comply with the City of Germantown Private Streets Policy. The applicant's engineer met with City staff to devise a more appropriate solution. The applicant revised the site plan and TAC reviewed the revised plan on August 15, 2018, requesting further revisions and clarifications. On August 17, 2018, City staff met with the applicant's engineer again and provided TAC comments. Following the Planning Commission

Subcommittee on August 22, 2018, the applicant's engineer revised the plans and City staff provided the additional comments below:

G. GENERAL COMMENTS

Planning:

4. Per the proposed request, the call box is located 60' from the edge of pavement of an improved intersecting public street, as is required by the City of Germantown Private Streets Policy. However, it is located only 8' from the designated public right-of-way line and vehicles could potentially stack in designated public right-of-way, but likely not in the currently improved portion of Forest Hill Irene Rd.
 - a. Following approval by the Planning Commission and Design Review Commission, the applicant (Maplewood PD HOA) shall enter into a hold harmless agreement with the city to release the city from liability of any incidents that should occur in that portion of designated public right-of-way.
5. Following approval by the Planning Commission, the applicant shall apply to the Design Review Commission for approval of the gates and a revised landscape plan.
6. Following approval by both the Planning Commission and the Design Review Commission, the applicant shall apply to the City of Germantown Neighborhood Services Division for a fence/gate permit.
7. Following all approvals, the final plan for the PD shall be re-recorded to include the gates and any requirements.

Engineering:

2. The City Engineer understands and accepts that vehicle queuing for the gated access will be in the dedicated public right-of-way, but off of Forest Hill Irene Rd.

Public Works:

1. The Public Works Dept. will need to be given means of accessing the private subdivision in order to due future maintenance work on utility mains and read water meters

Fire:

3. Gate opening width cannot reduce the width of the fire department access roadway requirement of 20'. (IFC D103.5)
4. City of Germantown private street development standards require a minimum distance of 60' from gate to roadway.
5. Gate operation must include the following:
 - o Click to Enter system
 - o SOS- Siren Operation System
 - o Knox opening device
 - o Manual operation via Knox padlocks through hinge pins.
6. All standard Fire Dept. comments shall apply.

Police:

1. Vehicle queuing traffic shall be kept off Forest Hill Irene Rd. Four vehicle queuing spaces are preferred, with two being the minimum.

H. PRIOR TO CONSTRUCTION PLAN APPROVAL (to be addressed in the construction plan drawings)

NOT APPLICABLE.

I. GENERAL REQUIREMENTS (To be placed on all final site plans, PD plans, or subdivision plats)

13. A note shall be added to the plat that the City Engineer certifies that the call box for the PD may be only 8' from the designated public right-of-way line.
14. All recorded easements shall be shown on the plans.
15. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
16. 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.
17. 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:

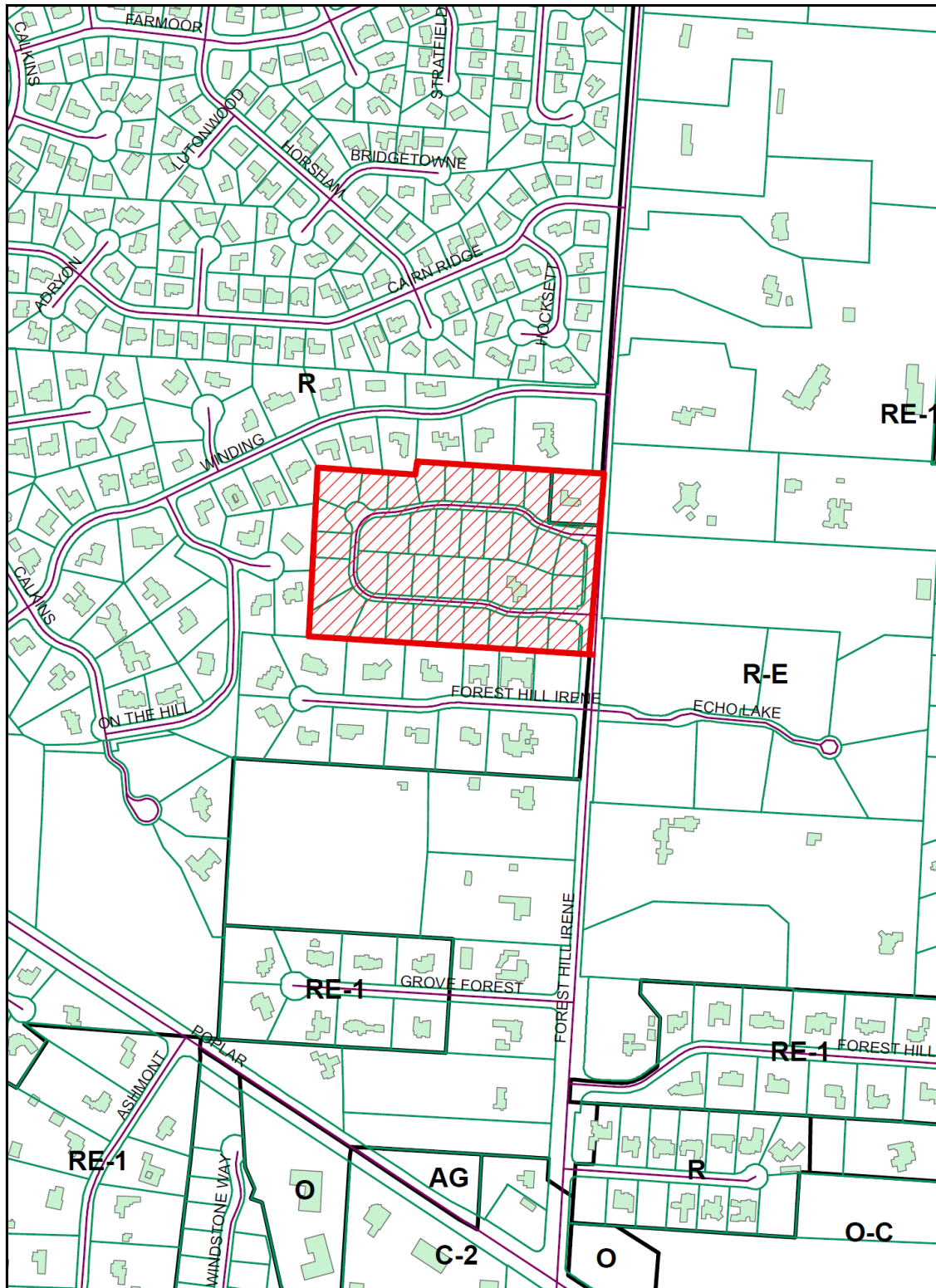
I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.
11. 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.
14. The Developer agrees to comply with the following requirements unless otherwise authorized in writing by the City Engineer:
 - (a) All streets shall be kept clear and free of dirt and debris;
 - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
 - (c) The Developer and Lot Purchasers shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

STAFF RECOMMENDATION: Approval of subdivision entrance gates, subject to the comments and conditions listed above and the plans and documents submitted with the application.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (DIKE BACON, CHAIRMAN):

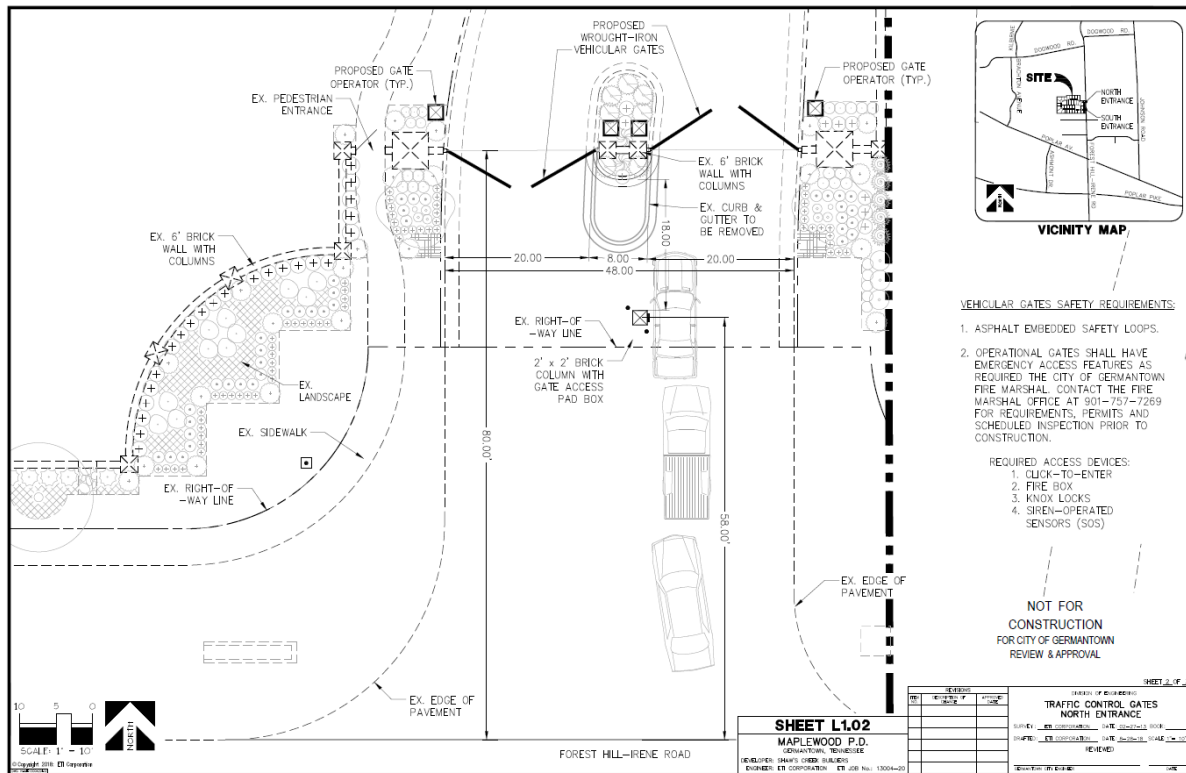
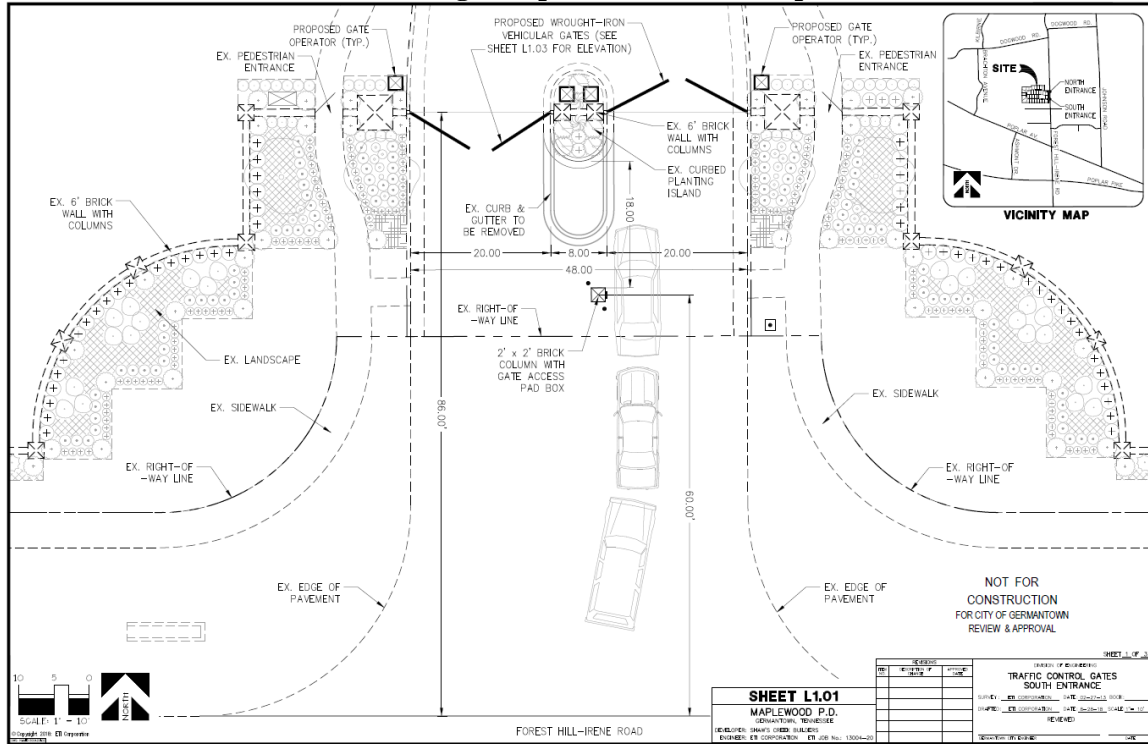
The subcommittee met on August 22, 2018, and recommended that this item be considered at the regular Planning Commission meeting on September 4, 2018, pending clarification between the applicant and the City Engineer on sufficient right-of-way measurements on Forest Hill Irene Rd.

PROPOSED MOTION: To approve subdivision entrance gates at Maplewood PD (Winston Woods Circles North and South), subject to the Commission's discussion, staff comments and conditions in the staff report and the plans and documents filed with the application.



ZONING MAP

SITE PLAN
 (See agenda packet for full-sized plans)



MARTIN, TATE, MORROW & MARSTON, P.C.

ATTORNEYS AND COUNSELORS

INTERNATIONAL PLACE, TOWER II
SUITE 1000
6410 POPLAR AVENUE
MEMPHIS, TENNESSEE 38119-4839

BRETT A. SCHUBERT

BSCHUBERT@MARTINTATE.COM

LICENSED IN TENNESSEE
LICENSED IN MISSISSIPPI

TELEPHONE (901) 522-9000

FAX (901) 527-3746

MIDDLE TENNESSEE /
NASHVILLE OFFICE

P.O. Box 158
200 MAHR AVENUE
LAWRENCEBURG, TN 38464

June 29, 2018

City of Germantown
Economic and Community Development Department
Attn: Sarah L. Goralewski
1920 S. Germantown Road
Germantown, TN 38138

RE: Installation of entrance gates for Maplewood P.D.

Sarah:

In supplement to the application filed with the Design Review Commission and the separate application filed with the Planning Commission, each on June 19, 2018, you have requested that I supplement this cover letter to outline the request and the scope of work.

Not only am I representing the developer of Maplewood, Mr. John Duke, in conjunction with these applications, my wife and I live in Maplewood P.D. (at Lot 2 – 9073 Winston Woods Circle S), and I am the Secretary of the Maplewood P.D. Homeowners Association, Inc. (the “HOA”). Thus, I come before the DRC and the Planning Commission representing Mr. Duke (as the developer), my own personal interest, and the interest of the HOA.

A special meeting of the members of the HOA was held at my office at which time **twenty six (26)** of the lot owners in Maplewood voted to install the gates. At the meeting (through proxy), only **one single** lot owner (a builder who owns three lots) indicated that he did not want gates to be installed or to pay the cost for same through a special assessment. Some homeowners moved into the development anticipating that it would be a gated community; some builders very much wish to market their lot(s) as being part of a future gated community. There is an overwhelming response by the members of the HOA that gates will increase property values and add to the beauty and prestige of another neighborhood in our great City.

As you know, our City has approved the installation of gates at the development directly across the street (Glenn Echo) as well as two other developments with similarly priced homes just south on Forest Hill Irene.

MARTIN, TATE, MORROW & MARSTON, P.C.

June 29, 2018

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Mr. Duke developed the neighborhood with the clear forethought that gates would be installed and that this development would mirror or exceed the prestige of these other three gated developments on Forest Hill Irene. Evident on the landscaping plans, the brick wall that spans and fronts Forest Hill Irene and the brick columns and medians at both entrances to the neighborhood *were already approved* by the City and were clearly installed (at adequate setbacks for gates from Forest Hill Irene) by Mr. Duke in furtherance of his vision to gate this beautiful development. As an additional safety measure, Mr. Duke installed the turn lane/median lane that fronts the entire neighborhood. This development is not densely populated. It generally consists of older "empty nesters" and professionals. I am not aware of one single homeowner that has driving-aged children and more than two (2) cars. There is virtually no traffic. The entrance gates are anticipated to be installed at the center of each of the already installed concrete columns, which are already setback sufficiently for gates. The existing median lane serves as an extra precaution. Because Mr. Duke put so much effort into the installation of the existing brick wall, medians, and columns (with electric installed at the entrance), there are no changes anticipated to the landscaping plans at this time.

Mr. Duke also opted to keep the roads and infrastructure private to further ease of approval of entrance gates. It is my understanding that Mr. Duke was told that gates were "optional" when the development was approved, but that he would simply have to come back before the DRC and Planning Commission for formal approval when the time came to install.

Mr. Duke, myself, and the HOA come before the City at this time because development is moving at a fast pace in Maplewood. Depending upon how many additional slabs are poured in the next couple of months, it is anticipated that Mr. Duke may comply with his obligation to install the final layer of asphalt as early as the late summer/early winter of this year. The community would certainly like to have the electrical code boxes installed at the same time as the road is finished. Installing gates and code boxes thereafter would not only increase the cost to the HOA but would result in a "patchy" and unsightly appearance in the asphalt at both entrances in lieu of the uniform "well-put-together" look that the HOA desires. In essence, the approval sought is the ability to install the gates at such time, and in conjunction with, the installation of the final layer of asphalt by the developer. The short gap period allows the gates to be welded and constructed and the funds to be raised by special assessment from the homeowners.

Thank you so very much for your consideration.

Respectfully,


Brett A. Schubert



**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>Entrance Gate Approval</u>	
IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES <u>NO X</u>	
(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 checked="" type="checkbox"/> Final Plan (individual phases);
Phase: <u>1</u> of <u>1</u> Date of PUD Outline Plan (Master Plan) Approval: _____	
Other: <u>Plat Book 266, Page 42 as amended at Plat Book 271, Page 36</u>	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
Project Name: <u>Maplewood Planned Development</u>	
Address/Location: <u>Forest Hill Irene at Winston Woods Circle South and North</u>	
Project Description: <u>Install Entrance Gates</u>	
No. of Acres: <u>2.35</u> Parcel Identification Number(s): <u>Common Area G0231K G00035</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>Shaw's Creek Builders, LLC</u> Address: <u>985 Reddoch Cove, Memphis, TN 38119</u>	
Phone No.: <u>(901) 870-5076</u> Email Address: <u>jdukehome1@aol.com</u>	
Signature of Property Owner: _____	
Lessee Name (Print): <u>N/A</u> Address: _____	
Phone No.: _____ Email Address: _____	
Signature of Lessee: <u>N/A</u>	
Developer Name (Print): _____ Address: _____	
Phone No.: _____ Email Address: _____	
Signature of Developer: _____	

Planning Commission – Official Application Form
Page 2

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

AGENT/REPRESENTATIVE INFORMATION

Name: Brett Schubert Title: Attorney
Company Name: Martin Tate Address: 6410 Poplar Ave., Suite 1000, Memphis, TN 38119
Phone No.: (901) 619-6601 Email Address: bschubert@martintate.com
Who will represent this proposal at the Planning Commission meeting? Brett Schubert and John Duke

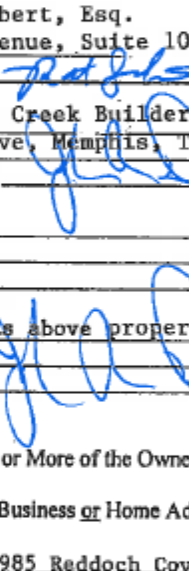
ENGINEER/SURVEYOR INFORMATION

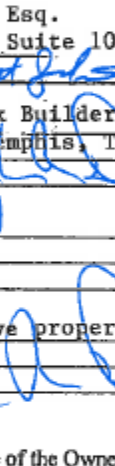
Engineer Name: N/A Address: _____
Phone No. _____ Email Address: _____
Surveyor Name: _____ Address: _____
Phone No.: _____ Email Address: _____

DISCLOSURE OF OWNERSHIP INTERESTS

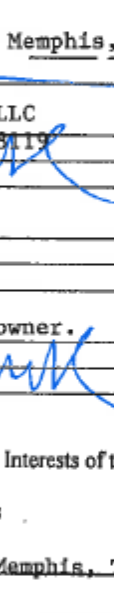
In order to assist staff and appointed and elected officials of the City of Germantown in complying with Ordinances of the City relating to conflicts of interest, the following information is required to be furnished:

- 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: Brett A. Schubert, Esq.
Address: 6410 Poplar Avenue, Suite 1000, Memphis, TN 38119
Signature of Applicant: 

Property Owner: Shaw's Creek Builders, LLC
Address: 985 Reddoch Cove, Memphis, TN 38119
Signature of Property Owner: 

Lessee: N/A
Address: _____
Signature of Lessee: _____

Developer: Same as above property owner.
Address: _____
Signature of Developer: 

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

Name	Business or Home Address
<u>John R. Duke</u>	<u>985 Reddoch Cove, Memphis, TN 38119</u>
<u>Henri Waddel</u>	<u>Same as above</u>
_____	_____
_____	_____

Mr. Ross stated after talking to the applicant and discussing some of the items that were brought up at the executive session of the Planning Commission, they have decided to request this item be table for 30 days. They want to meet with the City Engineer, Staff, and City Attorney to go over options as it relates to the design.

Chairman Harless stated the commission is pleased to see the applicant table this item, and sit down with staff to discuss the right of way issues that's safety driven.

Ms. Hicks asked Mr. Ross to request more drawings of the right-of-ways, of what is presently and what might be?

Mr. Ross answered we will request that some colors be added to the site plans, and highlighted to designate those areas, instead of black and white drawings. Those have been helpful through the right-of-way acquisition process. With the subdivision having two entrances as well, I think it will be helpful.

Mr. Saunders asked could you put the actual measurement of what the road improvements will be, that they are trying to get approved. We have the ordinance and the information that you are supposed to have for safety issues. Unless they can get together and come up with something that has fewer issues, I am not going to put the City in harm's way.

Mr. Bacon asked do we know actually where the edge of the Forest Hill improvements is at the two proposed gate locations? It will be a challenge to approve this as proposed, unless we grant a waiver, which could put the City in some measure of risk possible with a safety issue of having car queuing in dedicated right-of-way, or not having enough room for multiple cars to queue.

Mr. Sunil Malhotra at 9078 Forest Hill Irene Road stated I am the neighbor bordering Maplewood PD, that you took part of my land. My concern with the gates here is safety. The lanes of Forest Hill Irene Rd are so narrow and there is not enough room for cars to stack without hanging out in the road. If the cars are stacking up behind each other, and the gates take time to open, there will be a safety and traffic problem on Forest Hill Irene Rd.

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 8:00 p.m.