

**PLANNING COMMISSION MEETING**  
**MUNICIPAL CENTER COUNCIL CHAMBERS**  
**Tuesday, October 2, 2018**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of City Hall on October 2, 2018. Regular meetings of the Planning Commission are broadcast and recorded electronically. Minutes reflect a summary of the proceedings and actions taken.

1. Chairman Harless welcomed everyone and called the meeting to order at 6:15 p.m.
2. Pam Rush called the roll of the Commission and established a quorum.

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

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

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

---

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. Thornwood Mixed Use PD Phase 5 - Market Row, and item 4.e. Amendments to Chapters 17 (Subdivision) and 22 (Vegetation) of the City's Code of Ordinances have been withdrawn by the applicant.

---

**3. Approval of Minutes for September 4, 2018:**

Chairman Harless stated that the next order of business is the approval of the minutes for the September 4, 2018, meeting. If there are no additions, corrections or deletions to the minutes of September 4, 2018, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bennett moved to approve the Planning Commission minutes of September 4, 2018, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

---

**4. Consent Agenda:** Chairman Harless noted there are some changes on the agenda tonight.

Chairman Harless announced that 2 items have been placed on the Consent Agenda.

At the Executive Session this evening, the following items were placed on the Consent Agenda by the Planning Commission: Item 4.A., Olde Field Green Subdivision, and Item 4.F., Amendments to Chapter 23 (Zoning) Smart Code Sections 23-793(A)(1) and 23-793(A)(3) of the City's Code of Ordinances. As part of the Consent Agenda, these items will *not* be presented, discussed or voted upon individually. If you would like to discuss these items before the Planning Commission this evening, please come forward at this time.

Alderman Owens made a motion for approval of the Consent Agenda, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

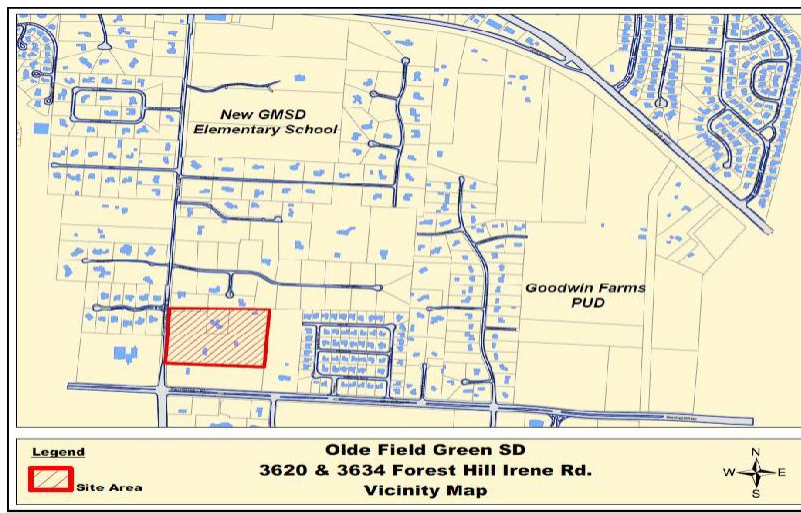
**Roll Call:** Hicks – yes; Saunders – yes; Hernandez – absent; Bacon – absent; Harless – yes; Owens – yes; Clark – absent; Bennett – yes; Palazzolo - absent. **The motion passed.**

**Staff’s Comments/Discussions Regarding the Consent Agenda Items:**

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

**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/Applicant:	Vince Smith
Representative:	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 September 19, 2018, and recommended that this item be considered at the regular Planning Commission meeting on October 2, 2018, pending the applicant revise the specific language in the draft temporary construction easement agreement regarding draining and filling of the lake on the adjacent property.

**REVISIONS:** The applicant revised the draft temporary construction easement agreement to include the language requested by the Planning Commission. The final plat has been revised to show the 5’ setback from all easements and the centralized mailbox location.

**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:**

<b>TOTAL SITE AREA</b>	20.373 ac.				
<b>USE:</b> <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.

The Planning Commission Subcommittee met on August 22, 2018, and requested that the applicant address the following, prior to final consideration: 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. The applicant addressed the first four items.

At the Planning Commission meeting on September 4, 2018, the Commission tabled the request so that a legally-binding easement agreement could be drafted. The applicant revised the document, which was presented at the Planning Commission Subcommittee meeting on September 19, 2018.

**STAFF COMMENTS:**

**A. PRIOR TO FINAL SUBDIVISION PLAT APPROVAL**

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. The location shall be shown on the plat and the design shall be considered as part of the approval by DRC. (Per new USPS requirements, all residential developments are now to have centralized mailbox locations, not individual mailboxes for each lot.)
3. Temporary Construction and Sewer Easement Agreement. The applicant has provided a draft easement agreement, which addresses draining of the lake on the subject property and the property to the south as well as access on the adjacent property during construction. The City Attorney, City Engineer and Assistant Public Works Director have reviewed this agreement and state that it is sufficient and would be legally

binding. Prior to approval of the development contract by the Board of Mayor and Aldermen, the easement agreement shall be executed. A note referencing this easement shall be added to the final plat.

4. Gates. As shown, this development may not be gated, as it does not conform to the City of Germantown private street policy standards. This note shall be added to the plat.
5. Tree Mitigation. For the application submittal to the Design Review Commission, the developer shall revise the tree mitigation plan to more clearly show the lines of 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 pay an in-lieu fee to the City.
6. 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.

A. 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. Temporary Construction and Sewer Easement Agreement. Prior to approval of the development contract by the Board of Mayor and Aldermen, the temporary construction and sewer easement agreement shall be executed. A note referencing this easement shall be added to the final plat.
2. 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.
3. 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.
4. 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.
5. ~~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.~~
6. Following construction plan approval, the development contract shall proceed to the BMA for approval.

**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

1. 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:

1. 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:

1. Please ensure that access to all public easements is provided and maintained within the proposed subdivision. *(Noted.)*
2. 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.)*
3. 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.

**B. 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.
  - 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.
4. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
5. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
6. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

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

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

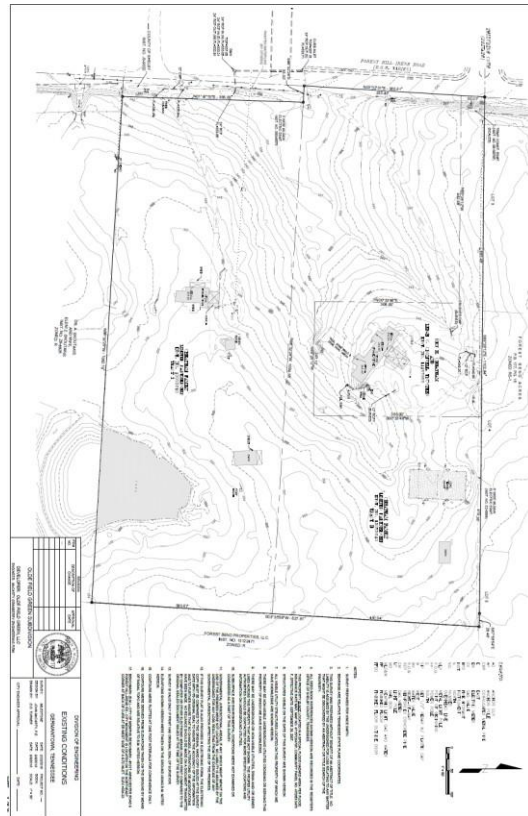
**SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT: (DIKE BACON, CHAIRMAN):**

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.

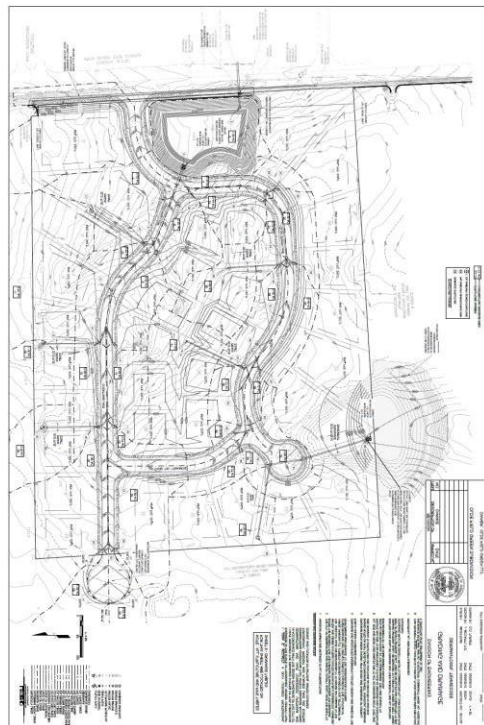
**PROPOSED MOTION:** To approve a preliminary & final Subdivision Plat (33 lots and Common Open Space) for Olde Field Green Subdivision (at 3620 & 3634 Forest Hill Irene Rd.), subject to the Commission’s discussion, staff comments and conditions in the staff report and the plans and documents filed with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



### EXISTING CONDITIONS

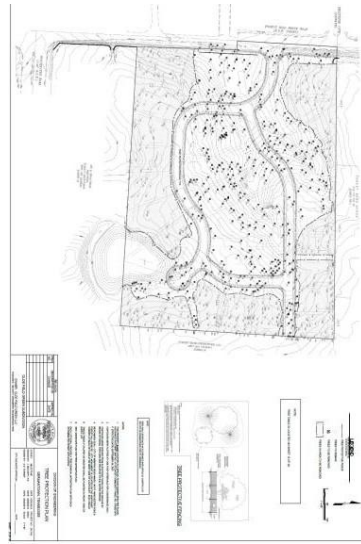


### GRADING & DRAINAGE PLAN





### TREE PROTECTION PLAN



**NEIGHBORHOOD MEETING INVITATION**  
**INTEGRATED LAND SOLUTIONS, pllc**  
planning ▪ design ▪ landscape architecture

---

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  
(see agenda packet for complete revised agreement)**



Prepared By And  
Return To:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TEMPORARY CONSTRUCTION EASEMENT AND  
SEWER EASEMENT AGREEMENT**

This Temporary Construction Easement and Sewer Easement Agreement (the “Agreement”) is made and entered into this the \_\_\_\_ day of \_\_\_\_\_, 2018, by and between \_\_\_\_\_ (“Developer”) and Vasilios Skoutakis and spouse, Eleni Z. Skoutakis (collectively, “Adjacent Property Owner”) [NEED TITLE SEARCH TO CONFIRM OWNERSHIP OF EASEMENT PROPERTY AND NO PRIOR LIEN HOLDERS].

WHEREAS, Adjacent Property Owner is the owner of a certain parcel of real property located in Shelby County, Tennessee and more particularly described on Exhibit A attached hereto as and incorporated herein by reference (the “Adjacent Property”);

WHEREAS, Developer is the owner of a certain parcel of real property that will be developed into residential lots located in Shelby County, Tennessee, which parcel is adjacent to the Adjacent Property and more particularly described on Exhibit B attached hereto and incorporated herein by reference (the “Development Property”);

WHEREAS, Developer has requested, and Adjacent Property Owner has agreed to grant Developer, a temporary construction easement over and across a portion of the Adjacent Property as more particularly described on Exhibit C attached hereto and incorporated herein by reference (the “Temporary Pond Construction Easement Area”), pursuant to which Developer shall have a temporary construction easement over and across the designated portion of the Adjacent Property surrounding a pond straddling the boundary line between the Development Property and the Adjacent Property and having the effect of causing such pond to be filled on both the Development Property and the Adjacent Property with engineered fill to the grade of the surrounding land and the seeded and/or sodded with grass (collectively, the “Pond Work”);

WHEREAS, in connection with the Development Property, the City of Germantown (“City”) will require Developer to construct a sewer line from the Winchester Road right of way north to the Development Property (the “Sewer Line”). Such Sewer Line will be constructed at Developer’s expense along the western boundary of the Adjacent Property, immediately adjacent to Forest Hill Irene Road (the “Sewer Line Work”);

WHEREAS, Developer has requested, and Adjacent Property Owner has agreed to grant Developer, a temporary construction easement over and across a portion of the Adjacent Property as more particularly described on Exhibit D attached hereto and

**TREE MITIGATION MEMO**

**INTEGRATED LAND SOLUTIONS, PLLC**  
planning ▪ design ▪ landscape architecture

---

September 14, 2018

Sarah L. Goralewski, AICP, CNU-A  
Senior Planner  
City of Germantown  
Economic and Community Development Department - Planning Division  
1920 S. Germantown Rd.  
Germantown, TN 38138

Re: Tree Preservation and Mitigation  
Olde Field Green Subdivision

Ms. Goralewski,

On behalf of my client, I am writing to clarify our intent and the techniques incorporated to preserve existing trees and mitigate the removal of trees necessary to facilitate development of the Olde Field Green Subdivision. As a development team, we have shown clear intent to preserve as many trees as possible during the development process and mitigate in accordance with the City of Germantown's adopted ordinances.

Our tree management plan is divided into two phases, construction and post construction. In an effort to preserve as many trees as possible throughout the construction phase, we have purposely engineered the subdivision to preserve dense perimeter stands and concentrate clearing towards the center of the property. This technique accomplishes two community development goals. First, the preservation of perimeter stands will undoubtedly reduce the visual impact during the construction process. Second, the technique will preserve approximately 50% of the existing tree stand during the development process.

Mitigation for caliber inches removed will be provided as outlined by the City's adopted ordinances. No variances, waivers, or other special considerations are requested and detailed mitigation plans will be provided for DRC review and approval. As planned, a healthy density of the required mitigation trees will be provided in the common areas of the subdivision. In the event the common areas cannot reasonably support the quantity of mitigation trees required, a payment will be made to the City of Germantown in-lieu of trees planted or trees will be provided for off-site plantings as prescribed by the ordinance.

## INTEGRATED LAND SOLUTIONS, pllc

---

planning ▪ design ▪ landscape architecture

Once the construction phase is complete, lots will be transferred for individual home construction. In this post construction phase, lots will be individually regulated by the Olde Field Green Architectural Review Committee in accordance with the adopted H.O.A. provisions. Unfortunately, we cannot foresee how many trees will be removed with individual home construction because some may and some may not have pools, accessory structures, private drainage considerations, varying home styles, etc. As such, it is our opinion that stipulating tree protection within the lot's building envelope would be premature and inappropriate. However, to further mitigate the loss of trees, the City's standard provision requiring (2) 2" caliper trees per lot will be increased to require (2) 3" caliper trees per lot as a condition of the plat.

In closing, the Olde Field Green development team has shown a clear intent to exceed the City of Germantown's tree preservation provisions. Of the 828 trees located by survey, 408 (49%) are being preserved with the development of the subdivision. Of the 15,040 caliper inches calculated by survey, 7,258 caliper inches (48%) are planned for retention.

Sincerely,



Cory Brady, PLA, AICP  
Integrated Land Solutions, PLLC

## LETTER OF SUPPORT

City of Germantown Mail - Cheatham Property



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

---

### Cheatham Property

1 message

---

**Cheryl Followell** <cheryl.followell@gmail.com>

Tue, Aug 28, 2018 at 5:16 PM

To: "spounder@germantown-tn.gov" <spounder@germantown-tn.gov>

Cc: Robert Followell <rfollowell@airdusco.com>, Vince Smith <kakivs@gmail.com>

Mrs. Pounder - My husband, Robert Followell, and I along with my sister and brother-in-law, Connie and George Brandenburg, own Forest Bend Properties LLC. Fifty acres of our property (comprised of 2-acre lots) sits immediately to the north of the Cheatham property. Forest Bend Properties also owns 9200 Winchester which lies immediately to the east of the Cheatham tract.

Unfortunately we will be out of town and unable to attend the public meeting next week regarding the development of the Cheatham property. We want to express our support of the plans as Vince Smith has presented them us. We feel this development will offer stable residential housing to abut our property.

Feel free to contact me if we need to discuss further. Cheryl Followell

Cheryl Followell  
9209 Forest Bend Ct  
Germantown TN 38138  
901-378-8031

--

Cheryl Followell  
9200 Forest Bend Court  
Germantown TN 38138  
901.378.8031  
cheryl.followell@gmail.com

INTEGRATED LAND SOLUTIONS, pllc  
planning ▪ design ▪ landscape architecture

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**  
planning ▪ design ▪ landscape architecture

---

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	
<p><b>(Check <input checked="" type="checkbox"/> all that apply):</b></p> <p> <input type="checkbox"/> Sketch Plan;                      <input type="checkbox"/> Preliminary Site Plan;                      <input type="checkbox"/> Final Site Plan  <input type="checkbox"/> Minor Subdivision;                      <input 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: _____                 </p>	
<p>IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) <b>YES</b>    <b>NO</b>                      (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)</p>	
<p><b>PLANNED USE DEVELOPMENT'S (PUD) ONLY:</b></p> <p> <input type="checkbox"/> PUD Outline Plan (Master Plan);                      <input type="checkbox"/> PUD Amendment to Outline Plan;  <input type="checkbox"/> PUD Preliminary Plan (individual phases);                      <input type="checkbox"/> Final Plan (individual phases);                 </p> <p>Phase: _____ of _____    Date of PUD Outline Plan (Master Plan) Approval: _____                      Other: _____</p>	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
<p>Project Name: <u>Olde Field Green</u></p> <p>Address/Location: <u>3620 and 3634 Forest Hill Irene Road.</u></p> <p>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></p> <p>No. of Acres: <u>20.373</u>    Parcel Identification Number(s): <u>G0243 00564 &amp; G0243 00563</u></p> <p><b>PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.</b></p>	
PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION (All applicable parties shown below must sign the application)	
<p>Property Owner Name (Print): <u>Cheatham Family Trust &amp; LP</u>    Address: <u>3620 &amp; 3634 Forest Hill Irene Road</u></p> <p>Phone No.: _____    Email Address: _____</p> <p>Signature of Property Owner: <u><i>Steph C. Cromwell</i></u>    <u><i>Lauren Cuppepp</i></u></p> <p>Lessee Name (Print): _____    Address: _____</p> <p>Phone No.: _____    Email Address: _____</p> <p>Signature of Lessee: _____</p> <p>Developer Name (Print): <u>Olde Field Green, LLC</u>    Address: <u>355 Tara Lane, Memphis, TN 38111</u></p> <p>Phone No.: <u>901.489.5896</u>    Email Address: <u>kakivs@gmail.com</u></p> <p>Signature of Developer: <u><i>[Signature]</i></u></p>	

**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:

- 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 05/01/2018  
5/1/2018 1:37:36 PM CDT

Leigh C. Cromwell  
LLC, Cromwell  
6/27/18

Lessee: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Signature of Lessee: \_\_\_\_\_

Developer: Olde Field Green LLC  
 Address: 355 TANA LN Memphis, TN 38111  
 Signature of Developer: \_\_\_\_\_

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

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

4.F. Amendments to Chapter 23 (Zoning) of the City’s Code of Ordinances – City of Germantown

**INTRODUCTION:**

Case Number:	18-836
Applicant Name:	City of Germantown Planning Commission
Request:	Approval of Amendments to Smart Code Sections 23-793(A)(1) and 23-793(A)(3) of the Zoning Ordinance

**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.

**ZONING AND ANNEXATION SUBCOMMITTEE REPORT: (DAVID CLARK, CHAIRMAN):** The Subcommittee met on September 19, 2018, and recommended that this item be considered at the regular Planning Commission meeting on October 2, 2018.

**BACKGROUND:** An application for a zoning text amendment has been filed at the request of the Planning Commission to clarify the language in the City Code in accordance with Section 23-67(a), which states “the board of mayor and aldermen may amend the regulations, restrictions, boundaries or any provision of this chapter. A member of the board of mayor and aldermen, the planning commission or any other citizen of the city may present a petition to the board of mayor and aldermen requesting an amendment to this chapter”. The applicant seeks approval to revised language to Sections 23-792(b)(1) and 23-793(a)(3) of the City Code to clarify the minimum vehicle entrance from a designated frontage street in the “T5 & T6 ” Zoning District and to clarify the minimum driveway width permit in all Smart Code Zoning Districts.

**DISCUSSION:**

**SEC.23-793. DRIVEWAYS AND CROSS-ACCESS CONNECTIONS**

**A. Driveways**

1. Mid-block Lot Driveways: A mid-block lot without access to a side street or alley is permitted one driveway with a maximum width of 24 feet **30 feet**.
2. Corner Lot Driveways: Corner lots may take access from side street or secondary frontage only. Preference for access shall be given to the minor street as determined by the Administrator. Driveways shall be located as far from the adjacent public street intersection as practical to achieve maximum available corner clearance, with consideration of property limits, adjacent curb cuts, topography, and existing drainage facilities.
3. Driveway Widths: Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet **30 feet** at the Frontage.

**STAFF COMMENTS:**

These changes will align the regulations with Section 23-792(b) (2) as well as the Germantown Fire Department regulations for the Fire Code.

**STAFF RECOMMENDATION:** Approval.

**ZONING AND ANNEXATION SUBCOMMITTEE REPORT: (DAVID CLARK, CHAIRMAN):** The Subcommittee met on September 19, 2018, and recommended that this item be considered at the regular Planning Commission meeting on October 2, 2018.

**PROPOSED MOTION:** To approve amendments to the Germantown SmartCode Sec. 23-793 A (1) and A (3) subject to the Commission’s discussion, staff comments and conditions in the staff report and documents filed with the application.

---

**Public Hearing**

**4. B. Maplewood PD – Approval of Subdivision Gates**

Mr. Ross 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 September 19, 2018, and recommended that this item be considered at the regular Planning Commission meeting on October 2, 2018, pending clarification between the applicant and the City Engineer on sufficient right-of-way measurements for Forest Hill Irene Rd.

**REVISIONS:** At the Planning Commission Subcommittee meeting on September 19, 2018, the applicant’s team presented an alternate solution. Only the south gated entrance would be available to the public, through use of a call box, and a hammerhead turn around would be provided to the northern side of the entrance street. The north gated entrance would be for residents only and would not be equipped with a call box. This would hopefully reduce queuing at the north entrance. These changes eliminate the need for any waivers. The HOA will also modify their by-laws and covenants to ensure that residents make arrangements for larger events (e.g. parties). The ECD Director and City Engineer support this proposal.

**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.

The Planning Commission Subcommittee met on August 22, 2018, and requested that the applicant and the City Engineer clarify sufficient right-of-way measurements for Forest Hill Irene Rd. The applicant 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. would remain as is and a portion

would not be conveyed to Maplewood PD. Thus, vehicles could potentially be stacking in the designated public ROW while waiting to enter the development, although they would not be stacking in the currently improved portion of Forest Hill Irene Rd. The City Engineer was supportive of this request.

At the Planning Commission meeting on September 4, 2018, some of the Commissioners stated they were not comfortable with vehicles stacking in dedicated public right-of-way and the necessity of a hold harmless agreement between the Shaw's Creek HOA and the city. The Commission decided to table this item.

At the Planning Commission Subcommittee meeting on September 19, 2018, the applicant presented an alternate option, aimed to offer more maneuverability at the south entrance and reduce stacking in the public ROW at the north gated entrance, which was supported by the ECD Director and the City Engineer.

### **STAFF COMMENTS:**

#### **C. PRIOR TO FINAL PLAN APPROVAL**

1. Waiver to the City of Germantown Private Streets Policy. With approval of this project, the Planning Commission is granting a waiver to the Private Streets Policy (a) iii – Placement and Turnaround.
2. Per the proposed request, the call box for the south entrance 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.
3. Per the City of Germantown Private Streets Policy, the requirements of the escrow account shall be upheld for the Maplewood PD development. At the time of Final Acceptance for the Maplewood Subdivision Development Agreement the Homeowners Association (HOA) shall provide verification of this escrow account.
4. 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.
5. 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.

#### **D. 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 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:

#### ***Planning:***

1. Following all approvals, the final plan for the PD shall be re-recorded to include the gates and any requirements.

#### ***Engineering:***

1. 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:***

1. Gate opening width cannot reduce the width of the fire department access roadway requirement of 20'. (IFC D103.5)
2. City of Germantown private street development standards require a minimum distance of 60' from gate to roadway.
3. 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.
4. All standard Fire Dept. comments, as provided to the applicant, 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.

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

1. 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.
2. All recorded easements shall be shown on the plans.
3. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plat, construction drawings and "as built" plans shall be submitted on electronic media in DXF format.
4. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
5. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, \_\_\_\_\_, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.
6. No owner, developer, or tenant of property within the 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.
7. The Developer agrees to comply with the following requirements unless otherwise authorized in writing by the City Engineer:



- (a) All streets shall be kept clear and free of dirt and debris;
- (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
- (c) The Developer 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.

**Board Discussion**

Alderman Owens recused himself from this item.

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

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

Chairman Harless invited the applicant to discuss the project.

Brett Schubert at 9073 Winston Woods Circle South, Germantown, TN 38139, with Martin, Tate, Morrow and Marston, P.C. Attorneys and Counselors at International Place Tower II 6410 Poplar Avenue, Suite 1000, Memphis, TN 38119 made a presentation. John Duke is the developer with Shaw's Creek Builder's LLC at 785 Reddoch Cove, Memphis, TN 38119. We have made some modifications on this project since last month. There is a bit of a hill where the church entrance is. Thus, we have the northern entrance near the church as a residence-only entrance with no call box, which should have free flow of traffic without any backup. The southern entrance, which will have a call box, now has a hammerhead turnaround. The call box is 72' from the edge of existing pavement of Forest Hill Irene Rd. Mr. Gwaltney (City Engineer) noted that the call box appears be 20' from the existing right-of-way line for Forest Hill Irene Rd. The road may be improved with the bike lanes and sidewalks, which may be 7 feet each.

Mr. Bennett asked is there some concern about security for the Maplewood development, as to why they are requesting gates?

Mr. Schubert answered that just this week, a trailer and tool truck were broken into. Tools, tool equipment, insulation and AC units were stolen. These things happen at night and may be inside jobs. The rest of the development will take 18 months to complete, during which more items could be stolen while under construction. Germantown is a safe community, but with a new development, you get some trouble for easy opportunity.

Chairman Harless thanked the Developer (John Duke) for his willingness to work with staff.

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.

Dr. Sunil Malhotra at 9078 Forest Hill-Irene Road stated his concern is safety with traffic, and when the new school opens, there will be a lot more traffic in that area. If there's a party at a house, there will not enough space for parking. He has left stuff outside and nothing was stolen, so they don't need gates.

Anis Kapadia at 2615 Forest Hill- Irene Road stated he keeps his stuff unlocked because he doesn't feel there is a threat of being robbed. He has a store in Germantown which has never been broken into, and a store in Collierville that has been broken into twice. When he comes out of his home and makes a left or a right on Forest Hill-Irene Road, it's very scary with the traffic. He is concerned about the safety of our neighborhoods in regards to traffic. There was an accident on this road where they hit a tree, so we have to think about the residents as well. He has no problem with the gates, but there will be a traffic backup that will come due to the gates. The gates

could cause a traffic safety issue on Forest Hill Irene Rd. He thinks a traffic study needs to be done before the gates go up.

James Wilson at 9232 Wheatland Drive stated the property to the north of the subdivision is the Temple Chapel CME church, of which he is a member and trustee of the church. The church feels that by putting gates at the entry of this subdivision, it is defining a health hazardous. There is a hill when you are traveling south on FHI. The church has two driveways, and we have difficulty getting out of our church parking lot because of all the traffic. That traffic has already increased 10 fold due to the new Wolf River Boulevard.

Hattie Sheldon at 2027 Allenby Road stated she is a member of the Temple Chapel CME church, and the reason she is speaking is because of the over cross on Poplar Avenue. There will now be a new school just south of Poplar Ave., and traffic will up and down the road, causing a hazardous situation. We are aging adults in our church community, for whom the gates will pose a safety issue when entering and existing our church.

Mr. Schubert answered; I asked the church if they wanted to see our revised plan. They said they didn't care to see it. Seeing the fact that there is not even a call box at the northern entrance anymore, that there will be a free flow of traffic through that northern entrance, which should be of no concern for these members of this very small church. If the board would like a concession, we can leave the northern gate open during church hours on Sunday morning, to allow for more free flowing traffic. At some point, you can't make everybody happy.

Chairman Harless asked when will the gates be installed? What about vendors coming in to build houses, have you given any thought if you would leave the gates open?

Mr. Ross answered if approved by the Planning Commission this evening, the request for the gates will still have to go to the Design Review Commission for the landscape modifications and gates themselves. They came to us for the installation of the gates and call boxes, prior to the final asphalt for the streets of this development being installed. These are private streets with storm sewer infrastructure within the Maplewood subdivision. The development was approved that way in 2013. The HOA was setup to be able to fund the continued operations and infrastructure, including the streets. The gates will be left open during the day for 18 months, to able to build the last house.

Mr. Schubert answered the gates will be open during the day for 18 months. We don't want to hand out a code to vendors, or every construction worker, and subcontractors, so the hours they will be open is 6:00 a.m. to 7:00 p.m.

Mr. Saunders stated that at the Planning Commission Subcommittee meeting, the Commission discussed with the applicant that anytime the development has a function, the gate would be left open during that time. Sometimes the code may not work, and this could lead to traffic backing up on Forest Hill Irene Rd.

Mr. Schubert stated we will do that with the HOA and put it in our policy with a fine.

John Duke with Shaw's Creek Builder's LLC at 785 Reddoch Cove, Memphis, TN 38119, stated yes we plan on making an amendment to set up in the HOA documents that any time there is a house under construction, the gates will be left open during construction hours. Also, if you have a party of 10 or more, you have to notify the HOA a week in advance and the HOA will make it a bylaw that you have to have the gates open during that party. There is always free access out, but we will have the entry gate open to come to the party.

Mr. Bennett stated most of the homes in Germantown do not have gates. Mr. Duke is an excellent developer/builder; he has built a lot of homes in Germantown that are not behind gates and have sold very well and kept their property values. I don't see the need for gates in the City of Germantown. We want Germantown to be a walk able community, and I think the gates destroy that of the City. I do see some problems with the traffic until Forest Hill-Irene Road gets completely widened.

Mr. Duke stated I lived in Glen Hollow Cove over off Johnson Road for 15 years and I did have my house broken into. The police were there in 2 minutes. I love Germantown, both living and building here. I don't care one way of the other if there are gates at Maplewood. However, all of the residents want the gates, so they should be able to request them.

Ms. Hicks ask if staff could talk about the road improvements on Forest Hill Irene Rd. and how that could help possible traffic issues.

Mr. Gwaltney stated the segment of Forest Hill-Irene Rd. north of Poplar to Wolf River Boulevard is in the City's Long Range Capital Improvement Program for a widening project, not a full blown four lane median divided curb, gutter, and cross section. It's more of a safety improvement project, which includes a turn lane from Forest Hill Lane to Farmoor Road. As far as the scheduling goes, we have proposed the design to be Fiscal Year 2021 and construction in Fiscal Year 2022; however, its funding will be competing against other projects of limited funding.

Mr. Saunders asked if there were any plans developed yet, and if there are any plans for grading the road to improve sight lines at the currently hilly portions? Has a traffic study been done in regards to the increase in traffic that might be applied to the school?

Mr. Gwaltney answered, no plans have been developed yet, and yes, it would involve flattening of the hills to improve sight distance. We don't want to make the road so flat, that it's turned into raceway either. We want to keep the lanes narrow and keep it confined enough to where we can control the speeds. We did a traffic study for the entire southeastern part of the City, in the Forest Hill Heights area. This did not include the school at the beginning, but once it was announced, the traffic study will be revised to include school traffic. The traffic study is will go all the way to Winchester Road now.

**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 September 19, 2018, and recommended that this item be considered at the regular Planning Commission meeting on October 2, 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.

**MAIN MOTION:** Mr. Bennett moved 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, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

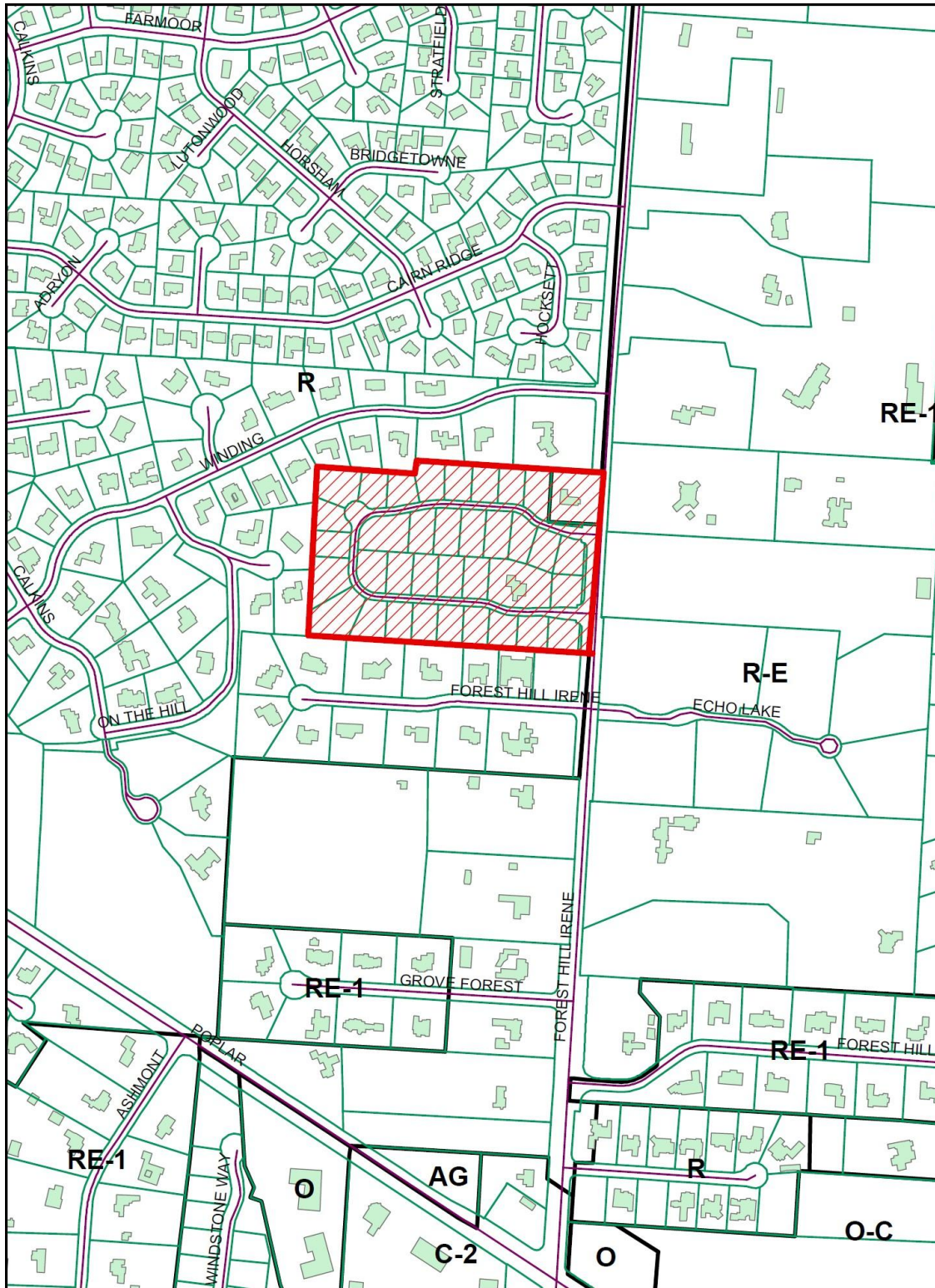
Mr. Saunders voted yes; I feel like the applicant has met the criteria for this gate. I think it is a personal preference for the homeowners as far as the gates are concerned. We have other communities with gates. Unfortunately, we would like to have them open, so there is some communication between all people who live in Germantown, and we would like to see them kept open during the high peak of construction.

Mr. Bennett voted no.

Ms. Hicks voted yes.

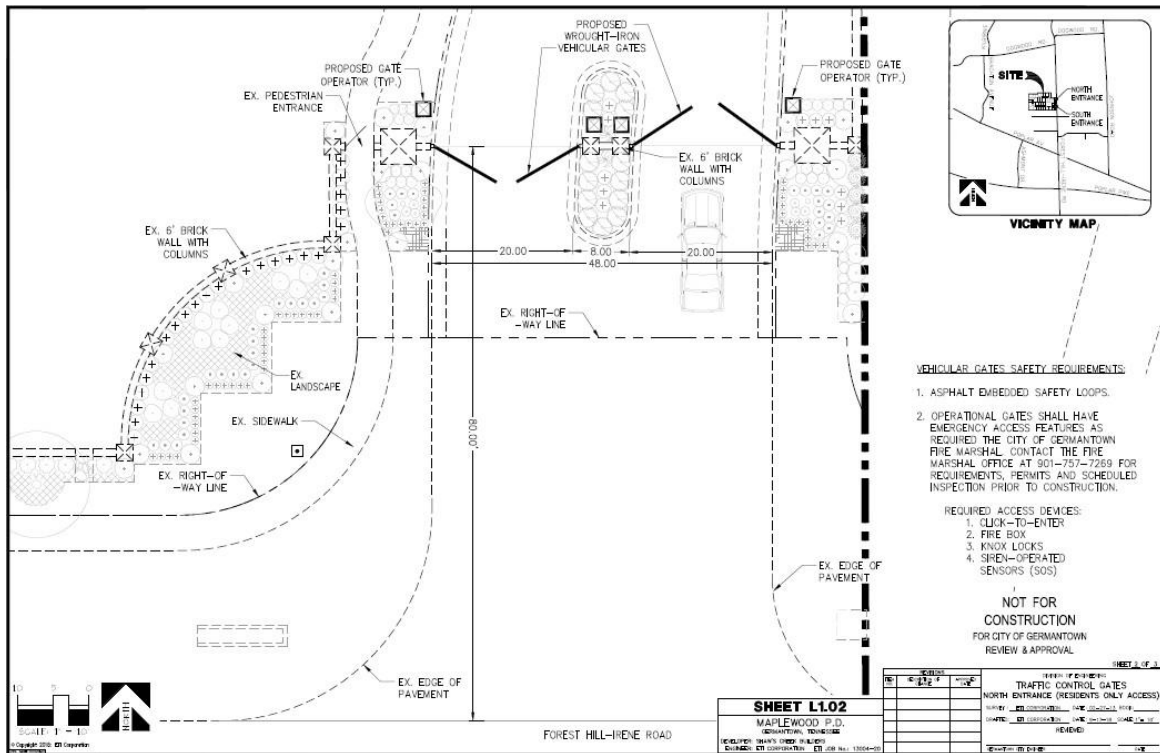
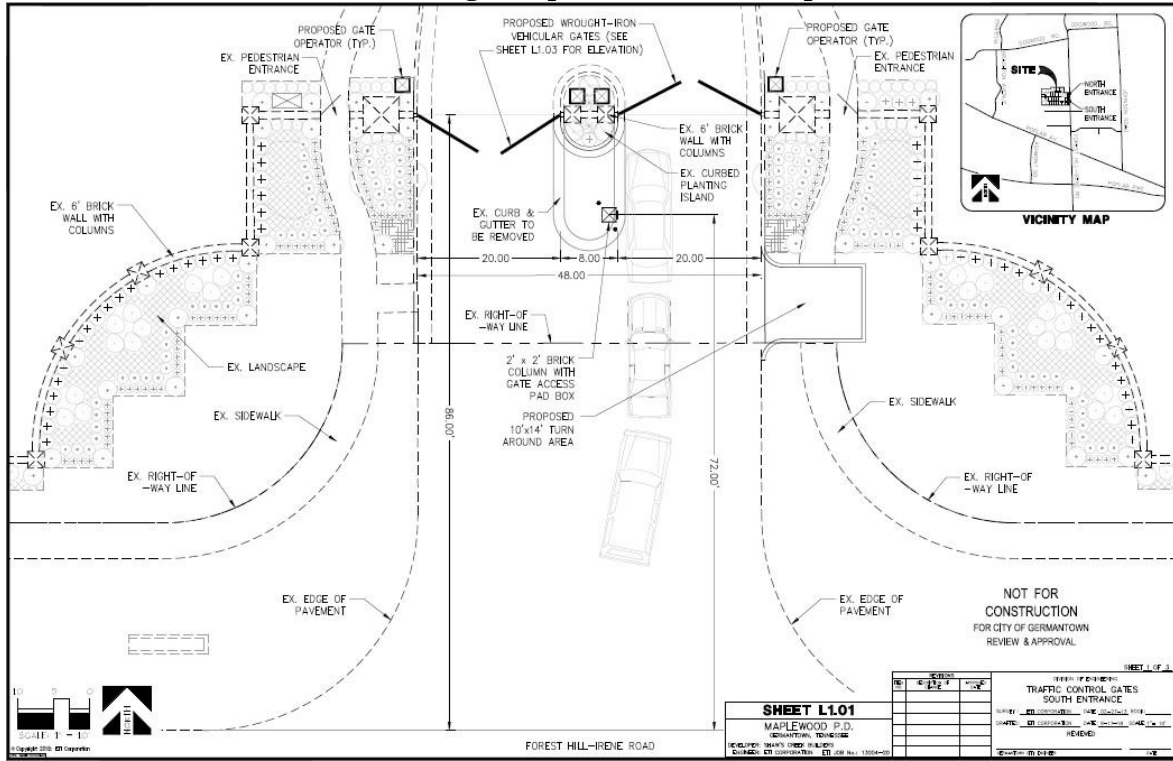
Chairman Harless voted yes; and thanked the developer for making the modifications that he has made, and the willingness to make these modifications. He would also like to thank the citizens for coming out and voicing their concerns about safety.

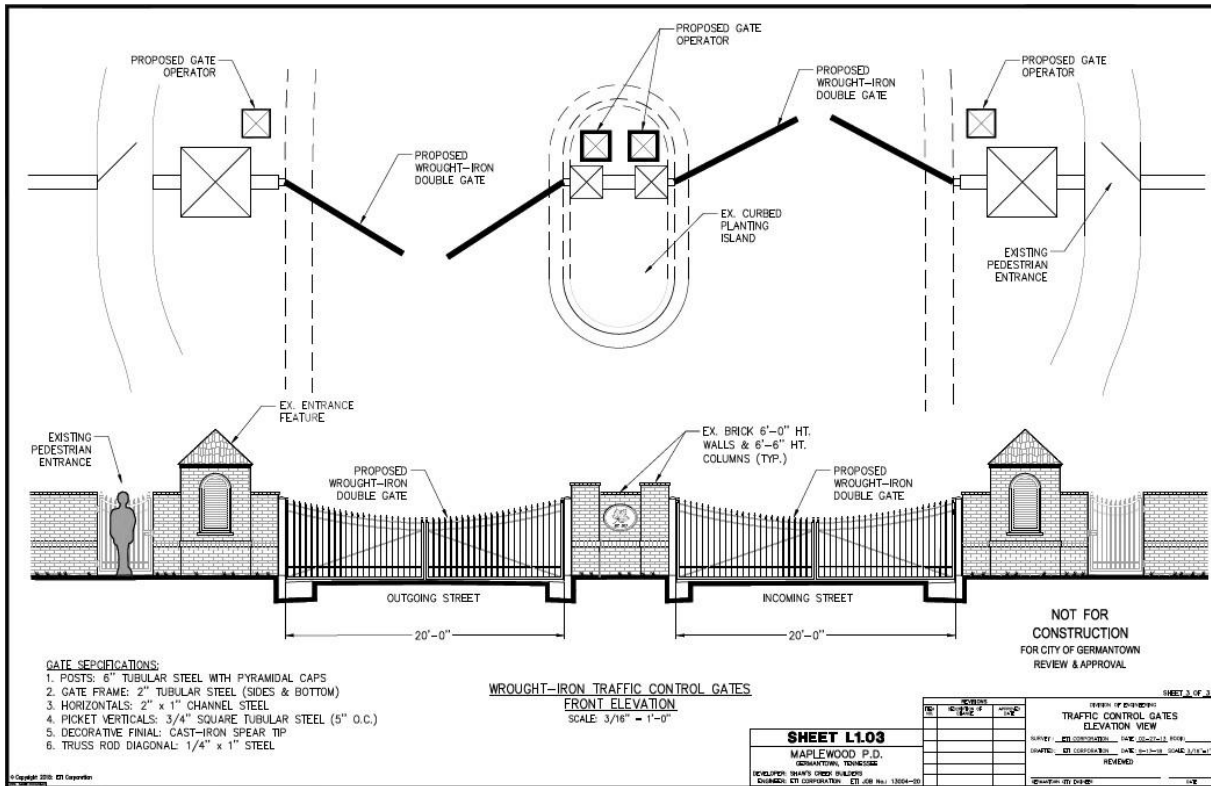
Chairman Harless said congratulations and the motion passes.



# 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

Page 2

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 <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)	
<b>PLANNED USE DEVELOPMENT'S (PUD) ONLY:</b>	
<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>	
<b>PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.</b>	
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:

- 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: [Signature]

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

Lessee: N/A  
 Address: \_\_\_\_\_  
 Signature of Lessee: \_\_\_\_\_

Developer: Same as above property owner.  
 Address: \_\_\_\_\_  
 Signature of Developer: [Signature]

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

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

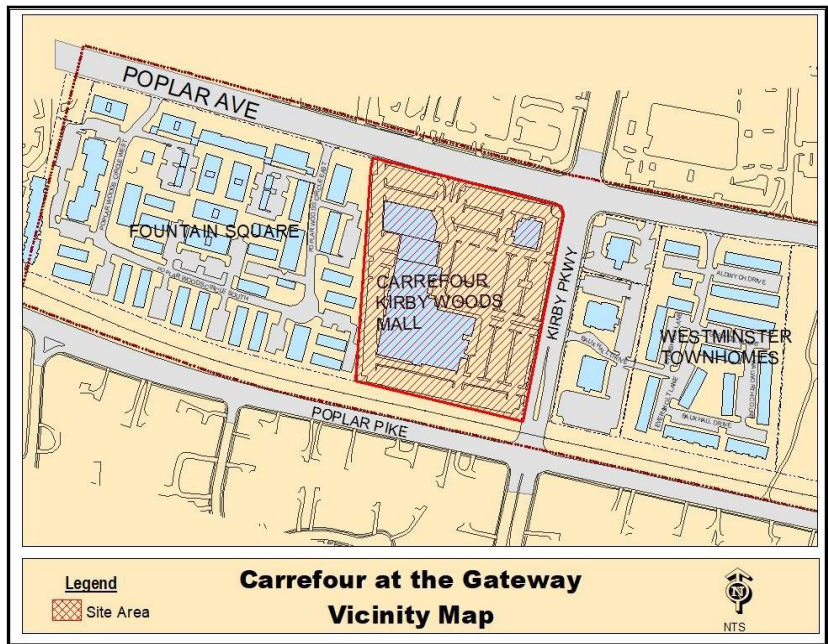
**4.d. Carrefour at the Gateway Planned Development, 6685 Poplar Ave.– Request Outline Plan Approval (Case # 18-834)**

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

**INTRODUCTION:**

Development Case Number:	18-834
Case Name:	Carrefour at the Gateway
Location:	6685 Poplar Ave.
Owner Name:	Sheriff, LLC
Developer/Applicant:	Cannon Austin Cannon, Inc. – Henry Cannon, Agent
Zoning District:	“T5” Urban Center & “T6” Urban Core Zoning District
Area:	8.98 acres
Request:	Outline Plan Approval for Mixed-Use Development

\*Refer to the Disclosure 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 are included in this report.

**BACKGROUND:** The property was rezoned from the “SC-1” Shopping Center and “C-2” Commercial District to the “T5” Urban Center & “T6” Urban Core Districts as part of the Germantown Smart Growth Plan rezoning in November, 2014. This application is being filed as a Planned Development (PD) pursuant to 23-566 *et seq* and 23-741 *et seq.*, the Germantown Smart Code. The applicants seek approval of the Outline plan pursuant to 23-573 and 23-574.

**DISCUSSION:** The T-5 and T-6 Districts allows a mixture of uses including residential, retail, commercial, and office. The T-5 District allows five story buildings (six stories with warrant) outside of the height limitation setback. The T-6 District allows for eight story buildings (10 stories with warrant) outside of the height limitation setback. On Poplar Avenue buildings must be placed a minimum of 10 feet back from the right-of-way and a maximum of 40 feet. Below is the summary table for the proposed development.

**DEVELOPMENT SUMMARY**

<b>TOTAL SITE AREA</b>	8.98 ac.
<b>USES:</b> Allowed in the T-5 & T6 Districts	
Office	434,722 sq. ft
Retail	104,893 sq. ft.
Hotel	240 rooms
<b>PARKING:</b> Total Provided	1,410 spaces
Parking Garage	1,275
Surface Lots	135

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

**Planned Unit Developments must comply with Sec. 23-566 through 23-580 of the Municipal Code. Compliance with the Code is the responsibility of the developer to prove not the staff or the planning commission.**

**Per Section 23-566:** “The city may, upon proper application, approve a planned development for a site of at least one acre to facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments in order to obtain one or more of the following objectives:

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

**The applicant has submitted a general statement of justification for the PUD (please page 10).**

**Per Section 23-567(b)(2):** “The approval of the outline plan for the planned development may provide for such exceptions from the district regulations governing area, bulk, parking and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided that such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a planned development; and further provided that no

modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:

- a. Inadequate or unsafe access to the planned development.
- b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity.
- c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development.
- d. A development which will be incompatible with the purposes of this division.
- e. Detrimental impact on surrounding area including, but not limited to, visual pollution.

In this case, because the planned development is within the T5 & T6 districts, any requested deviation from the regulations must be granted by a warrant. The burden of proof for these variances (warrants) rests with the developer.

The Western Gateway Small Area Plan's Concept Master Plan and Land Use Plan recommend this section of the study area be developed with a mix of uses and density commensurate with the outline plan presented by the property owner and development team.

**WARRANTS: One needed at this time; however, there may be future warrant requests with final plan applications. See page 15 of this staff report.**

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."

**The following warrants from the standard development regulations are requested for this project (See the Warrant Application with applicant's justification for each request on pages 15-17 of this report.):**

**WARRANT 1: Sec. 23-758(A) (1) – T-6:** Civic Space is an outdoor area dedicated for public use, such as a park, a green, a square, a plaza, or a play ground. Civic Space may be approved by Warrant in any Smart Code zoning district. The applicant is providing 15,758 SF (0.36 ac) in the center of the development.

**STAFF COMMENTS:**

**A. PRIOR TO CONSTRUCTION PLAN APPROVAL FOR ANY PHASE**

1. Label the Civic Space areas on the plan to include all of the approximately 49,300 square feet of pocket park sitting areas and gathering spaces reflected in the letter of intent for this development.

2. The Western Gateway Traffic study that was completed in 2017 indicated at full build-out of the entire Western Gateway area, the following public improvements would be required along the transportation network in order to serve the projected traffic at an acceptable level of service: Double lefts at all approaches to the Poplar Ave./Kirby Pkwy intersections and signalized intersections at the existing Carrefour driveway/Kirby Pkwy and the existing western Carrefour driveway/Poplar Ave. intersections.
3. The developer is responsible for dedicating 13.5' of additional right-of-way along this site's Poplar Ave. frontage and 1.5' of additional right-of-way along this site's Kirby Pkwy frontage in order to accommodate the ultimate cross sections of each roadway.
4. Developer is responsible for installing an EB Poplar right-turn only lane onto SB Kirby Pkwy with this development. Developer is responsible for any striping/signage modifications that are necessary as a result of this additional lane.
5. Traffic signals proposed as a part of this project shall be the sole responsibility of the developer to install. The signals shall be mounted on decorative mast arm poles (City of Germantown standard). The developer is responsible for all costs and coordination with Memphis Signal Maintenance associated with testing/acceptance of the signal as well as any required maintenance of the signal during the warranty period. Any off-site easements needed in order to install the signals (poles and/or cabinet) are the developer's responsibility. The City of Memphis and TDOT will be involved in the plans review and approval process of the proposed signal at Carrefour western driveway/Poplar Ave. intersection.
6. The design, location and number of curb cuts along Poplar Ave. (SR 57) shall be approved by **TDOT** through the City Engineer's office.
7. The design, location and number of curb cuts along Kirby Pkwy shall be approved by the City Engineer's office.
8. For each final plan phase a site plan shall be provided which shows all existing off-site driveways in relation to the proposed driveway locations. Specifically, the existing driveways within the project limits on the north side of Poplar and the east side of Kirby Pkwy.
9. The crosswalks at the proposed signalized intersections are to be installed with the development and are to be the Continental Longitudinal variety, similar to the crosswalks recently installed along TDOT's Poplar mill/overlay project in the vicinity of this site.
10. Within the project limits there are existing concrete pole mounted cobra head street lights along the west side of Kirby Pkwy and existing steel pole mounted cobra head lighting along the south side of Poplar Ave. (SR 57). We assume these will be removed with the project. Developer will be responsible for replacing adequate street lighting with the project. A proposed street lighting plan for each phase's final plan will be required for review.
11. Sight distance evaluation at each driveway is required. Signal cabinets can become obstructions if not properly planned on the front end. Preliminary signalized intersection layouts should be provided.
12. Show all existing and proposed easements on outline plan. Add 5' utility easements along all property lines, including the proposed outparcel.
13. Denote existing and proposed stormwater structures and pipes for the proposed development.



14. Please ensure that the stormwater for the proposed development can be accommodated by the pipe that discharges towards the existing Fountain Square Development. This pipe has been the source of maintenance issues over the years and needs to be looked at for better maintenance or improvement.
15. Recommend other alternatives for underground storage (detention) or providing some low impact development elements that incorporate both water quantity and quality into the drainage design.
16. The rate of discharge after development cannot exceed the peak rate of discharge from the undeveloped site unless the downstream system can handle the increase or downstream conditions can be improved to convey the increased flows.
17. Funding for the Western Gateway Sewer Capital Improvement Project has been approved for FY19, but the construction contract that will allow the sewer to be constructed will require an additional approval from the Board of Mayor and Aldermen. The City of Memphis has stated that additional sanitary sewer flows greater than those currently directly received at the existing main from the development will not be allowed.
  - a. With this in mind, the applicant should consider an alternative plan for sanitary sewer collection in case the construction of this project is delayed for any reason.
    - i. Some other alternative examples: sanitary sewer holding tank, onsite treatment system, etc.
  - b. Approval of a final plan will be contingent upon the applicant providing documentation that the sanitary sewer collection for the site can be accommodated.
18. Proposed water main is required to be looped providing a connection to the water main along Poplar Avenue.
19. Please check the location of the existing water mains along Kirby Rd and Poplar Avenue.
20. Please denote existing and proposed stormwater structures and pipes for the proposed development.
21. Hydrant placement will be affected by automatic sprinkler system apparatus, e.g. post indicator valves, fire department connections, and fire pumps.
22. Location of fire hydrants will dictate roadway width.
23. The north drive of the development should be 26 feet in width.
24. The Fire Department access sheets as part of final plans for each phase should be updated to include all possible routes.
25. All standard Fire Code comments shall apply, as supplied to the applicant.

**B. PRIOR TO FINAL PLAN APPROVAL**

1. No final plan shall be approved by the BMA until sewer facility is available for this site.

**C. GENERAL COMMENTS**

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

3. If approved, all materials shall be specified on the construction plans for the proposed project. The applicant must receive Final Construction Plan approval from the Department of Community Development before the Memphis/Shelby County Office of Construction Code Enforcement may issue a building permit for the project.
4. 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.

5. No owner, developer, or tenant of property within the development shall commit an act, or allow a condition to exist on property within the subdivision, which act or condition endangers life or health, violates the laws of decency, or obstructs or interferes with the reasonable and comfortable use of other property in the vicinity.
6. The Developer agrees to comply with the following requirements, unless otherwise authorized in writing by the City Engineer:
  - (a) All streets shall be kept clear and free of dirt and debris;
  - (b) All construction activity shall begin no earlier than 7:00 a.m. and end no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and
  - (c) The Developer shall provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

**TAC COMMENTS:**

The Technical Advisory Committee (T.A.C.) met on September 19, 2018 and made the following comments:

**Planning:**

1. No final plan shall be approved by the BMA until sewer facility is available for this site.
2. Revised the concept/site plan to add the following information as required on the PC checklist: Area of site in acres; Zoning of site and adjacent properties; Extend of landscaping and planting proposed on site (especially along the Poplar & Kirby Parkway street frontages); label location of loading areas.
3. Additional concept/site plan revisions needed:
  - a. Show number of parking spaces required in development summary table.
  - b. Revise note #3 to reflect the code required parking space size (Section 23-2. requires all parking spaces to be 120 square feet in size).
  - c. Revised note #5 and 6 to add “subject to the City of Germantown approval.
  - d. Revised plan to show the front setback for all buildings along the Poplar & Kirby Parkway street frontages.
  - e. Label the development signs located in the medians at the project street entrances as “existing signs to remain”.
  - f. Area of the roundabout at the Poplar Avenue entrance should be labeled as “public art”.
  - g. Add the dimensions at the street frontage for all entrances into the development
  - h. Label the Civic Space area on the plan, including the approximately 49,300 square feet of pocket sitting areas and gathering spaces reflected in the letter of intent for this development.
  - i. Use a lightly dashed line to show the different zonings on this site.
  - j. Will the 8 foot wide utility easement located along the western property line in the same location as the 15 foot wide landscape easement be relocated or abandoned on this site? Clarify what is happening in this area.
  - k. Label the remaining commercial property as outparcel on both the concept/site and phasing plans.

1. The concept/site plan should reflect a 5 foot utility easement around the boundary of the site.
- m. Add the property dimensions to the concept/site plan.
4. Revise the Tree Plan to clarify information in the table concerning what trees are being retained and what is being removed and add the number of trees to be mitigated as required on the PC checklist (if 39 is to be removed what is the DBH of those to be removed, which is what must be mitigated for this site), This number may be adjusted doing final plan review of each phase.
5. Correct the Building Summary table on Sheet 6 to show building “E” not “F”.
6. Add note to Sheet 7 to reflect that bicycle parking is required to be provided as 1 per 20 parking spaces provided for the development.
7. See attached outline plan with staff mark-up for additional comments.

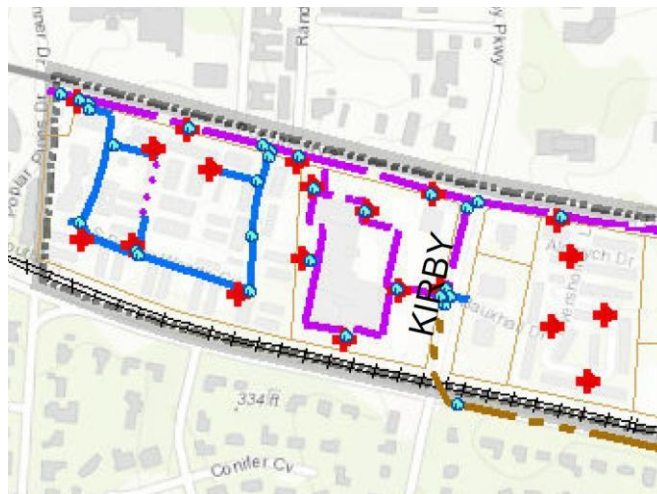
**Engineering:**

1. The Western Gateway Traffic study that was completed in 2017 indicated at full build-out of the entire Western Gateway area, the following public improvements would be required along the transportation network in order to serve the projected traffic at an acceptable level of service: Double lefts at all approaches to the Poplar Ave. (SR 57)/Kirby Pkwy intersections and signalized intersections at the existing Carrefour driveway/Kirby Pkwy and the existing western Carrefour driveway/Poplar Ave. (SR 57) intersections.
2. The developer is responsible for dedicating 13.5’ of additional right-of-way along this site’s Poplar Ave. (SR 57) frontage and 1.5’ of additional right-of-way along this site’s Kirby Pkwy frontage in order to accommodate the ultimate cross sections of each roadway.
3. Developer is responsible for installing an EB Poplar right-turn only lane onto SB Kirby Pkwy with this development. Developer is responsible for any striping/signage modifications that are necessary as a result of this additional lane.
4. Traffic signal/s proposed as a part of this project shall be the sole responsibility of the developer to install. The signals shall be mounted on decorative mast arm poles (City of Germantown standard). The developer is responsible for all costs and coordination with Memphis Signal Maintenance associated with testing/acceptance of the signal as well as any required maintenance of the signal during the warranty period. Any off-site easements needed in order to install the signals (poles and/or cabinet) are the developer’s responsibility. The City of Memphis and TDOT will be involved in the plans review and approval process of the proposed signal at Carrefour western driveway/Poplar Ave. (SR 57) intersection.
5. The design, location and number of curb cuts along Poplar Ave. (SR 57) shall be approved by the **TDOT** through the City Engineer’s office.
6. The design, location and number of curb cuts along Kirby Pkwy shall be approved by the City Engineer’s office.
7. A site plan shall be provided which shows all existing off-site driveways in relation to the proposed driveway locations. Specifically, the existing driveways within the project limits on the north side of Poplar and the east side of Kirby Pkwy.
8. The crosswalks at the proposed signalized intersections are to be installed with the development and are to be the Continental Longitudinal variety, similar to the crosswalks recently installed along TDOT’s Poplar mill/overlay project in the vicinity of this site.
9. Within the project limits there are existing concrete pole mounted cobra head street lights along the west side of Kirby Pkwy and existing steel pole mounted cobra head lighting along the south side of Poplar Ave. (SR 57). We assume these will be removed with the project. Developer will be responsible for replacing adequate street lighting with the project. Provide a proposed street lighting plan for review.
10. Sight distance evaluation at each driveway is required. Bldgs are very close to proposed driveway locations, especially along Kirby Pkwy. If any type of ground mounted signage and/or landscaping at the drive locations is anticipated, those locations should be thought about now, not later. Similarly, signal cabinets can become obstructions if not properly planned on the front end. Preliminary signalized intersection layouts should be provided.
11. Show all existing and proposed easements on outline plan. The public sanitary sewer on the south end is good. Add a 10' public water easement across the south end that shows a tie into the Kirby Parkway water main and stubs to Fountain Square property. Add 5' utility easements along all property lines.
12. Denote existing and proposed stormwater structures and pipes for the proposed development.

13. Please ensure that the stormwater for the proposed development can be accommodated by the 12” pipe that discharges towards the existing Fountain Square Development. The small pipe has been the source of maintenance issues over the years and needs to be improved.
14. Recommend other alternatives for underground storage (detention) or providing some low impact development elements that incorporate both water quantity and quality into the drainage design.
15. The rate of discharge after development cannot exceed the peak rate of discharge from the undeveloped site unless the downstream system can handle the increase or downstream conditions can be improved to convey the increased flows.

**Public Services:**

1. Please denote existing and proposed sewer mains for the proposed development.
2. Funding for the Western Gateway Sewer Capital Improvement Project has been approved for FY19, but the construction contract that will allow the sewer to be constructed will require an additional approval from the Board of Mayor and Aldermen. The City of Memphis has stated that additional sanitary sewer flows greater than those currently directly received at the existing main from the development will not be allowed.
  - a. With this in mind, the applicant should consider an alternative plan for sanitary sewer collection in case the construction of this project is not approved by the Board of Mayor and Aldermen.
    1. Some other alternative examples: sanitary sewer holding tank, onsite treatment system, etc.
    2. Approval of a final plan will be contingent upon the applicant providing documentation that the sanitary sewer collection for the site can be accommodated given the aforementioned constraints.
3. The proposed sanitary sewer main along the railroad will need to be in a 20ft minimum public easement for future connection to the Fountain Square development.
4. Please denote existing and proposed water mains for the proposed development.
5. Please loop the proposed water main providing a connection to the water main along Poplar Avenue.
6. Please provide a stub out for the water main along the railroad to the Fountain Square Development for future connection and provide a public easement for this water main.
7. Please check the location of the existing water mains along Kirby Rd and Poplar Avenue.
  - a. Both locations shown on the proposed drawings seem to be in the wrong location (see attached map).



8. Please denote existing and proposed stormwater structures and pipes for the proposed development.
9. Please ensure that the stormwater for the proposed development can be accommodated by the 12” pipe that discharges towards the existing Fountain Square Development.
  3. This small pipe has been the source of maintenance issues over the years and needs to be improved.
10. Please consider other alternatives for underground storage (detention) or providing some low impact development elements that incorporate both water quantity and quality into the drainage design.

**City Fire Marshal:**

1. The water main, on the west drive of the development, needs to “tie-into” the water main on Poplar Avenue.
2. Hydrant placement will be affected by automatic sprinkler system apparatus, e.g. post indicator valves, fire department connections, and fire pumps.
3. Location of fire hydrants will dictate roadway width.
4. The north drive of the development should be 26 feet in width.
5. The fire department access sheet should be updated to include all possible routes.
6. All standard Fire Code comments shall apply, as supplied to the applicant.

**Police:** No comments submitted.

**Parks:** No comments submitted.

**Economic Development:** No comments submitted.

**Neighborhood Services:**

The proposed dumpster locations are not identified for buildings A1-A5 (one of the two A4’s should be labeled A5).

**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.

**Board Discussion**

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

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

Chairman Harless invited the applicant to discuss the project.

Nelson Cannon, Vice President of Cannon Austin Cannon at 6685 Poplar Avenue, Suite 200, made a presentation of the history of the Carrefour Mall. Henry Cannon bought this property 30 years ago, and updated it from an indoor to an outdoor style mall. They have had some major events such as Miss Kirby Beauty Contest, Aerosmith, and Memphis Symphony, and a lot of community activity inside the building and around the property. Due to changes in the market, the sizes of the tenant spaces are not working anymore. City of Germantown and the landowners in this area of the city pulled together, and hired the Lawrence Group and prepared a study of the area, namely the Western Gateway Small Area Plan. We went through the effort of trying to figure out how we could feel good about this plan the Lawrence Group had prepared. I think it took us a good two or three years just to come up with what we felt was a comfortable situation, and we worked with the staff on the concept. The plan incorporates everything we will be seeing in the next 20 to 30 years in this area of the city. Nelson Cannon has been working with Pam Beasley (Parks Director) on setting up the bike trails. We have a video to show tonight of our outline plan. We are mixing uses of office, retail, and hotel, all in one, and we will keep an activity center in the middle of it. Another key component is connectivity. Carrefour at the Gateway is unique and is a first for the City and the citizens of Germantown in many ways. This is the first large mixed use infill redevelopment. This site is the first to develop under the T6 zoning. Under the T6 zoning; up to 10 stories is allowed by warrant and 8 stories by right. With the T5 and T6 zoning the following general uses are allowed: residential, office, hotel, retail, and civic. Carrefour has proposed approximately 100,000 square feet of retail, 30,000 is restaurant, 430,000 square feet of class A office and two 120-room boutique hotels one being minimal service and one a full-service concept. The development is for the people of Germantown, and it will only be successful if we listen to what they say, and try to accommodate and work with an open dialogue back and forth.


Nelson Cannon played the fly-through video of the proposed concept.

James Collins at Kimley Horn 6750 Poplar Avenue, Suite 600, Memphis, TN 38138 showed a slide presentation Carrefour redevelopment traffic comparison. (See slideshow below)



**MEMORANDUM**

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

From: James F. Collins, P.E. 

Date: August 31, 2018

Subject: Carrefour Redevelopment  
Traffic Comparison

The owners of the property on the southwest corner of Poplar Avenue and Kirby Parkway, currently known as Carrefour, desire to redevelop this property in accordance with the Germantown Smart Growth Ordinance and the Germantown Western Gateway Study. This memorandum provides a summary of the Western Gateway Traffic Study and the traffic impacts of the proposed development.

**Western Gateway Traffic Study**

Subsequent to the development of the Western Gateway Plan, a traffic study was conducted to determine the traffic impacts and required improvements to support the redevelopment proposed in the Western Gateway area. This study assumed the Carrefour property would be developed as follows:

**Table 1: Western Gateway Land Use Assumptions**

Proposed Land Use	Density
Multifamily Residential	315 Dwelling Units
Retail/ Restaurants	175,000 Square Feet
Office	140,000 Square Feet
Hotel	150 Rooms

The Western Gateway Traffic Study concluded that based on redevelopment of all of the properties contained in this study area, the intersection of Poplar Avenue and Kirby Parkway would need to be widened to provide double left turns in all directions. To accommodate this improvement, the property on the southwest corner of the intersection would need to dedicate 13.5 feet of right-of-way along a portion of the frontage on Poplar Avenue and 1.5 feet of right-of-way along a portion of the frontage on Kirby Parkway.

The Institute of Transportation Engineers *Trip Generation Manual* was used to determine the number of trips that would be generated by this property if it were redeveloped based on these land uses and densities. Two trip generation values were calculated. The first was the number of trips each land use would generate independently. The second was the number of new trips that would be added to the adjacent public streets if the combination of land uses proposed were developed on the property. The combined land uses will result in some trips that are internally captured within the property, such as

someone leaving the office space to go to one of the restaurants on the property for lunch. Those numbers of trips generated by land use type are shown in Table 2.

**Table 2: Western Gateway Traffic Study Trip Generation**

	Residential (DU)	Retail/ Restaurant (SF)	Office (SF)	Hotel (Rooms)	Total Vehicles per Day
<b>Carrefour Western Gateway Land Use</b>	315	175,000	140,000	150	
Trips Generated per day	1,714	11,510	1,364	1,254	15,842
Net Trips per day after Internal Capture and Pass-by	968	7,772	862	968	10,570

**Proposed Redevelopment**

The Carrefour property redevelopment land uses will be driven by the market demand, but should be of the type allowed in the Smart Growth area as defined by the Western Gateway Plan and the Smart Growth Ordinance. The property owner has prepared a plan to develop the property as follows:

- Northwest quadrant will remain as it is currently developed with the same uses.
- Northeast quadrant (currently vacant) will be developed with ground floor office, retail, and restaurants and seven additional floors of office wrapped around a parking garage.
- Southeast quadrant will be developed with ground floor retail with four floors of hotel above it.
- South and southwest quadrant will be developed with ground floor retail, office, and restaurant with four additional floors of office and a parking garage and a six floor hotel in an adjacent building.

The total development will consist of 240 hotel rooms, 443,000 square feet of office, and 100,000 square feet of retail and restaurant uses. The total number of trips generated by the proposed development are shown in Table 3.

**Table 3: Proposed Development Trip Generation**

	Residential (DU)	Retail/ Restaurant (SF)	Office (SF)	Hotel (Rooms)	Total Vehicles per day
<b>Proposed Redevelopment</b>	None	75,000 Retail/ 25,000 Restaurant	443,000	240	
Trips Generated per day		7,002	4,518	2,008	13,528
Net Trips per day after Internal Capture and Pass-by		5,592	4,292	1,730	11,614

As can be seen by comparing Table 2 with Table 3, the Total Trips generated by the proposed development is projected to be 2,300 trips per day less than projected by the Western Gateway assumed land use. However, the Total Net New Trips on the area roadways (after internal capture and pass-by) is projected to be approximately 1,000 trips per day more than projected by the Western Gateway Study. This 1,000 additional trips is approximately 10% more than projected by the Western Gateway Study, which is insignificant. The reason that the Total Trips generated by the proposed development is less than projected by the Western Gateway Study, but the Total Net Trips is greater is because of the mixture of uses proposed for the development. If a different mixture of uses, such as including multifamily residential, were proposed, then the proposed development would be expected to generate less Net Trips than projected by the Western Gateway Study.

**Conclusions**

The proposed development is projected to include a different mixture of uses than assumed for the Western Gateway Traffic Study. The primary difference is that the proposed development will contain no multifamily residential uses, less retail uses and more office. Not having any multifamily residential will result in more additional trips being added to the adjacent roadway network. However, the increase in Total Net Trips is projected to be approximately 10% higher than projected by the Western Gateway Traffic Study, which is insignificant. Therefore, the existing roadways with the improvements identified in the Western Gateway Traffic Study are expected to be able to accommodate this proposed redevelopment.

Mr. Cannon stated the neighborhood meeting on September 17 was just the beginning of interaction with the community. We have since been in contact with several of the surrounding neighborhood associations as well as individual residential and commercial property owners, either with meetings or phone calls. Some of these have written letters of support that you will find in the submittal. Following approval of the outline, we will continue to work with the community to address the primary concerns. The development is for the people of Germantown, it will only be successful if we listen to what they say. Thank you for allowing us to come before the Commission tonight, so we can produce a district that Germantown can be proud of. As a city, if you're not growing, you're dying.

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

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



Mr. Saunders asked in regards to the traffic study, the original one was done by request of the City, for the Western Gateway Small Area Plan as part of Smart Growth. Does this project work within that traffic study? The phases 2 and 3 require demolition of the existing structure. How many parking spaces do you have now?

Mr. Collins answered yes, this project works within the parameters of the traffic study completed for the Western Gateway Small Area Plan.

Mr. Cannon answered yes, but we would have to remove a tenant. We will be making an open parking lot before phase 3 is built. We have 600 parking spaces now, and will have 1400 parking spaces as part of the project.

Mr. Bennett asked how many parking spaces are in the garage on phase one. Do you feel more comfortable with the traffic flow into and out of your property, is it tight?

Mr. Collins answered there will be over 600 parking spaces. There will be 700 in phase two, and 140 surface parking spaces. We have right-in and right-out now, and feel comfortable with that.

Alderman Owens asked is the traffic signal on Kirby Road in phase one.

Mr. Collins answered there are two traffic signals that would go in and they will be determined on phase one. The one on Kirby Road will probably be on phase one, and the one on Poplar Avenue would occur on a later phase.

Chairman Harless asked what about the widening on Poplar Avenue on the south side. Mr. Cannon why do you want to make this change? How many meetings have you had with the residents, how many attended, and what's the result? I applaud you for having at least three meetings with the residents, and I encourage you to keep that up.

Mr. Collins answered as far as the phase one development; they are going ahead dedicating the right-of-way to provide for that widening in the future that would be done.

Mr. Cannon answered the shopping center has looked the same way for a long time. The Container Store looked at our site for a long time, and found out our ceiling heights were too low. It's the layout of the spaces because it was an enclosed mall. A lot of the spaces are 120 feet deep, and unless you're a big/large or midsize box store, you can't really use that space as well. We met with Poplar Estates neighborhood twice, and had very good positive results. We have met with Green Trees in Memphis and Kirby Woods last week. English Meadows was met with last month. There were 16 people at the meeting and we addressed any concerns people had.

Mr. Bennett asked have you met with Fountain Square yet.

Mr. Cannon answered we have set up a meeting with Fountain Square on October 16. I have talked to Kerry Satterfield through Faith Management; and she wants the development more open, so people can walk back and forth.

Chairman Harless stated I understand you had some positive feedback from some of the landowners in the area.

Mr. Cannon answered, yes, sir we have. We had a good talk with Robert Fogelman, Ray Gill, and the Bank of Bartlett.

Chairman Harless asked what would the impact to the project property taxes be? Will they require infrastructure improvements in this area, other than the widening of Poplar Avenue, and the red lights that being handled by the developer? What is the estimated cost of the sewer upgrade?

Mr. Ross answered the idea behind the Western Gateway Small Area Plan was to better utilize the existing conditions left at the site. This area, prior to the Smart Code application, was zoned for commercial, shopping

center, and office use. At the TraVure project site, the underlying zoning for T4R and T5 applicant was the secondary Old Germantown zoning District. But with TraVure, using the T5 zoning, and the creation of new class A office space. Existing near that, you have the residential in the Westminster apartments, the Bank of Bartlett on the corner, and medical office condos. Part of the analysis with the Western Gateway Plan included a review of the property tax generation as it related to moving forward with the existing conditions. Under that scenario, the City is expected to receive \$300,000 in property tax revenue for old property taxes in this area. When you look at option B, which redevelops these areas using the development standards of SmartCode, you moved up to three times that amount, which is just shy of a million dollars property tax revenue. If we went all in with the full redevelopment of the 60 acres in the Western Gateway Small Area Plan, the City can expect to receive more than 2 million dollars property tax revenue generation.

Mr. Ross answered there is a project that has been designed that's within the Capital Improvement Plan for construction for sewer upgrades to this area. The sewer upgrade project would allow for the commercial projects, both existing and redevelopment of commercial projects, to have their own line and not be part of the existing residential line. It would take the pressure off of the existing residential sewer infrastructure. In fiscal year 2018-2019, we have budgeted 2 million dollars to come out the Capital Improvement Plan (CIP) for that sewer upgrade project.

Chairman Harless asked if anyone in the audience would like to speak in favor of this project.

Chairman Harless asked if anyone in the audience would like to speak against this project.

Elaine Burnett at 1957 Kirby Parkway stated I think the project looks lovely, but I can't believe someone would put a traffic light between Poplar Pike and Poplar Avenue on Kirby Rd. On this block, between 7:30 and 9:30 a.m., if you want to go to Kroger, you might sit through 3 lights. If you go between 2:30 and 5:30p.m. in the afternoon, when the school buses run, you might sit through 3 or 4 lights to get anywhere. If you put a light at that entrance to Carrefour, it will block traffic way beyond the light at Kirby Rd. and Poplar Pike. Kirby Rd., between Poplar Ave. and Poplar Pike, is not long enough for 3 traffic lights on it. The project is fine.

Justin Terry at 1706 Ridge Oak Place noted I am also concerned about the traffic. The 2 lights that are there now at Kirby Rd. and Poplar Avenue, as well as Kirby Rd. and Poplar Pike, even though they are turning green at the same time, it still jams up traffic. I work downtown and have lived here for six years. In that time, I have seen at least two to three traffic lights go in at International Place and TraVure, which has caused traffic to back up even more. You should reconsider adding anymore stop lights on Kirby Rd.

Ms. Hicks stated I appreciate the presentation by the applicant. I had questions before that and I appreciated seeing your vision and the height of the buildings. I have high expectations. This project should be something very special and unique, that you don't see elsewhere. I want to see more green space, I guess we can count the turf roof and ice skating. I would be supportive of that.

Mr. Bennett stated I am excited about the project. But I am concerned about the traffic, and I know you are as well. The project will not succeed if people can't get in and out.

Alderman Owens stated I do share the concerns about the traffic signal on Kirby Rd. I do want to meet with Mr. Collins between now and the Board of Mayor and Aldermen meeting about the trigger points for that to be allowed and to be warranted. To me, this is just an outline plan. By your concept and what you have presented tonight, I think it does meet the vision of Western Gateway Small Area Plan and could be something very special.

Mr. Saunders stated I appreciate how the City has gone forward by looking at the property that is in our gateway as commercial now, on how we can improve that, and to update this area from the 70's and 80's, to a more current style. I do put trust in the engineers when it comes to traffic studies, and I understand there are always concerns.

**STAFF RECOMMENDATION:** Approval of the Outline Plan for Carrefour at the Gateway Planned Development, subject to staff comments and conditions listed above and the documents submitted with the Outline Plan.

**SMART CODE REVIEW COMMITTEE ACTION:** (MIKE HARLESS, CHAIRMAN) The Smart Code The SCRC met on September 19, 2018, and recommended that the application be considered by the Planning Commission at the October 2, 2018, 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 are included in this report.

**PROPOSED MOTION:** To approve the outline plan for Carrefour at the Gateway Planned Development, located at 6685 Poplar Avenue (southwest corner of Poplar Avenue & Kirby Parkway), subject to the Commission's discussion, staff comments and conditions as contained in the staff report, and documents and plans submit with the application.

**MAIN MOTION:** Mr. Bennett moved to approve the outline plan for Carrefour at the Gateway Planned Development, located at 6685 Poplar Avenue (southwest corner of Poplar Avenue & Kirby Parkway), subject to the Commission's discussion, staff comments and conditions as contained in the staff report, and documents and plans submit with the application, seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

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

Chairman Harless voted yes; I think this is good project for the City. It's based on our 2030 Forward Plan, and it continues to support the need to keep our taxes low, and keep our City safe.

Chairman Harless said congratulations and the motion passes.

**WARRANT #1:**

**PROPOSED MOTION 1:** To approve a warrant from **Sec. 23-758(A) (1) – T-6:** Civic Space is an outdoor area dedicated for public use, such as a park, a green, a square, a plaza, or a play ground. Civic Space may be approved by Warrant in any Smart Code zoning district. The applicant is providing 15,758 SF (0.36 ac) in the center of the development.

**MAIN MOTION:** Mr. Bennett moved to approve a warrant from **Sec. 23-758(A) (1) – T-6:** Civic Space is an outdoor area dedicated for public use, such as a park, a green, a square, a plaza, or a play ground. Civic Space may be approved by Warrant in any Smart Code zoning district. The applicant is providing 15,758 SF (0.36 ac) in the center of the development. Subject to the Commission's discussion, staff comments and conditions as contained in the staff report, and documents and plans submit with the application, seconded by Alderman Owens.

Chairman Harless asked for a roll call.

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

Alderman Owens voted yes; I often thought this type of warrant shouldn't be a warrant. What the developer doing is providing open spaces and that's what we want to see in our larger developments. So, I think it is a perfect design.

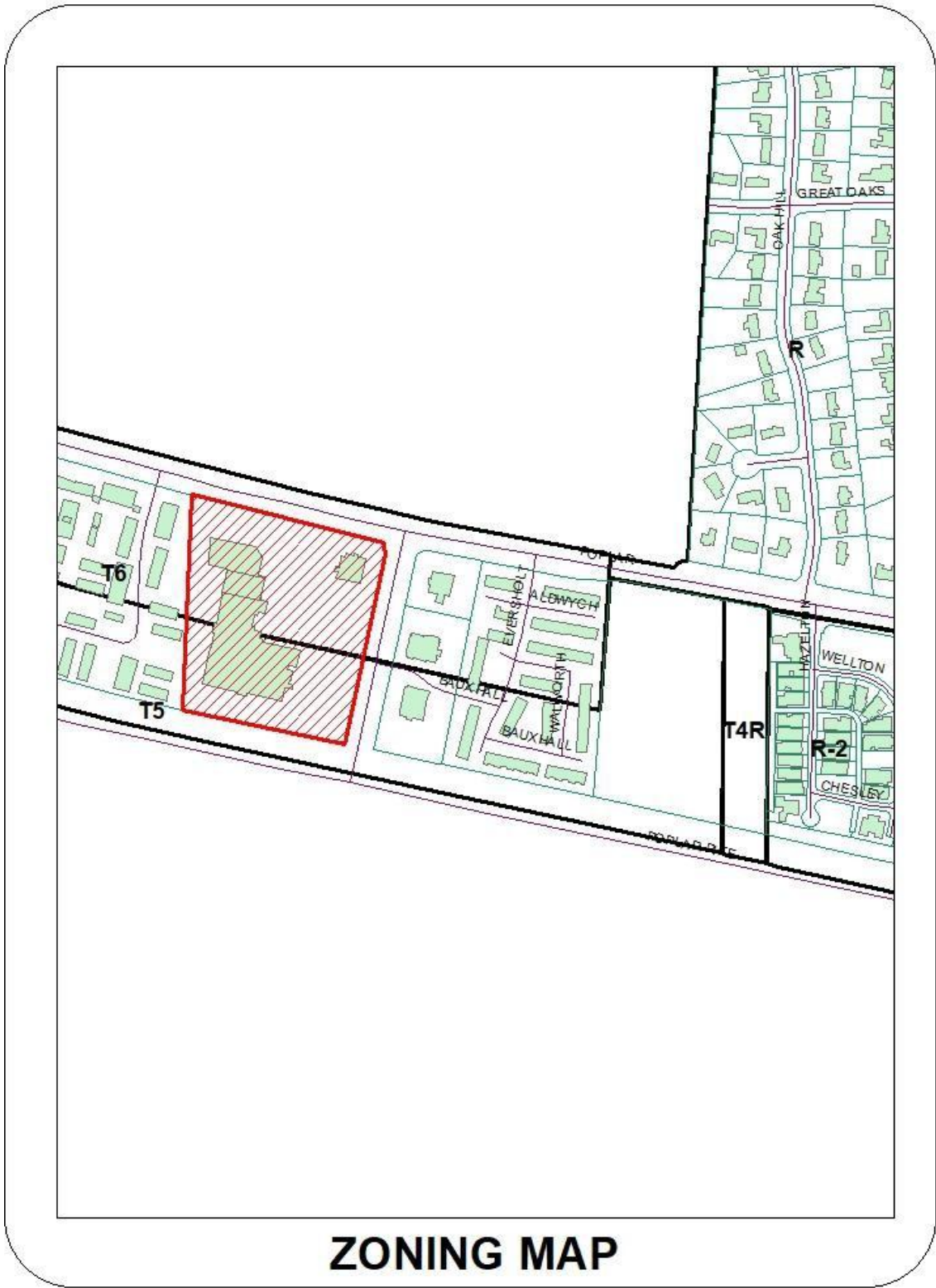
Planning Commission Minutes

October 2, 2018

Page 52

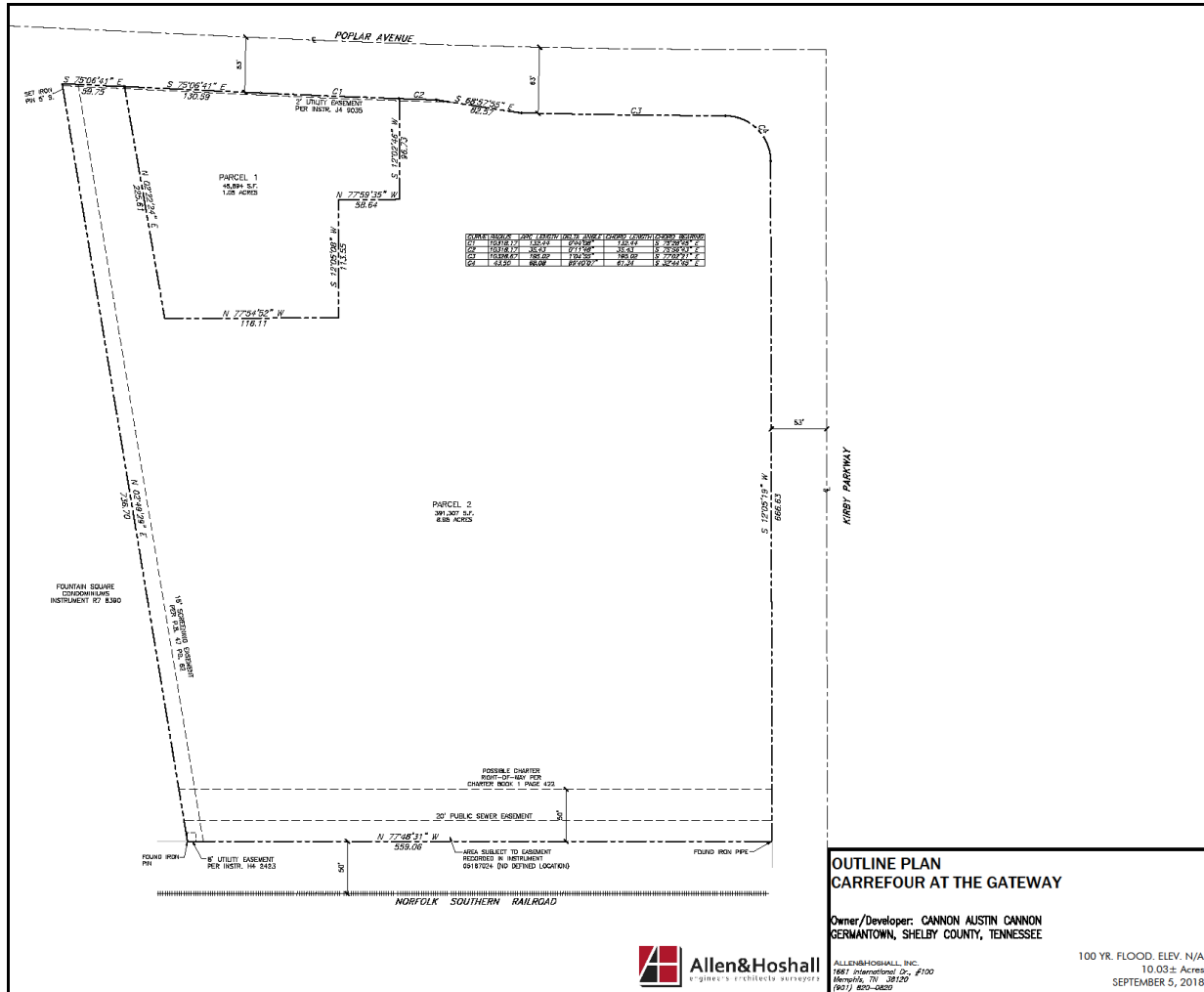
Mr. Saunders voted yes; in reference to what Alderman Owens, said I think in our Executive session we mention to staff that we would like to see that modify and change the ordinance so that this is not a warrant. Looking forward to hearing from staff on that.

Chairman Harless voted yes; and the warrant is approved.

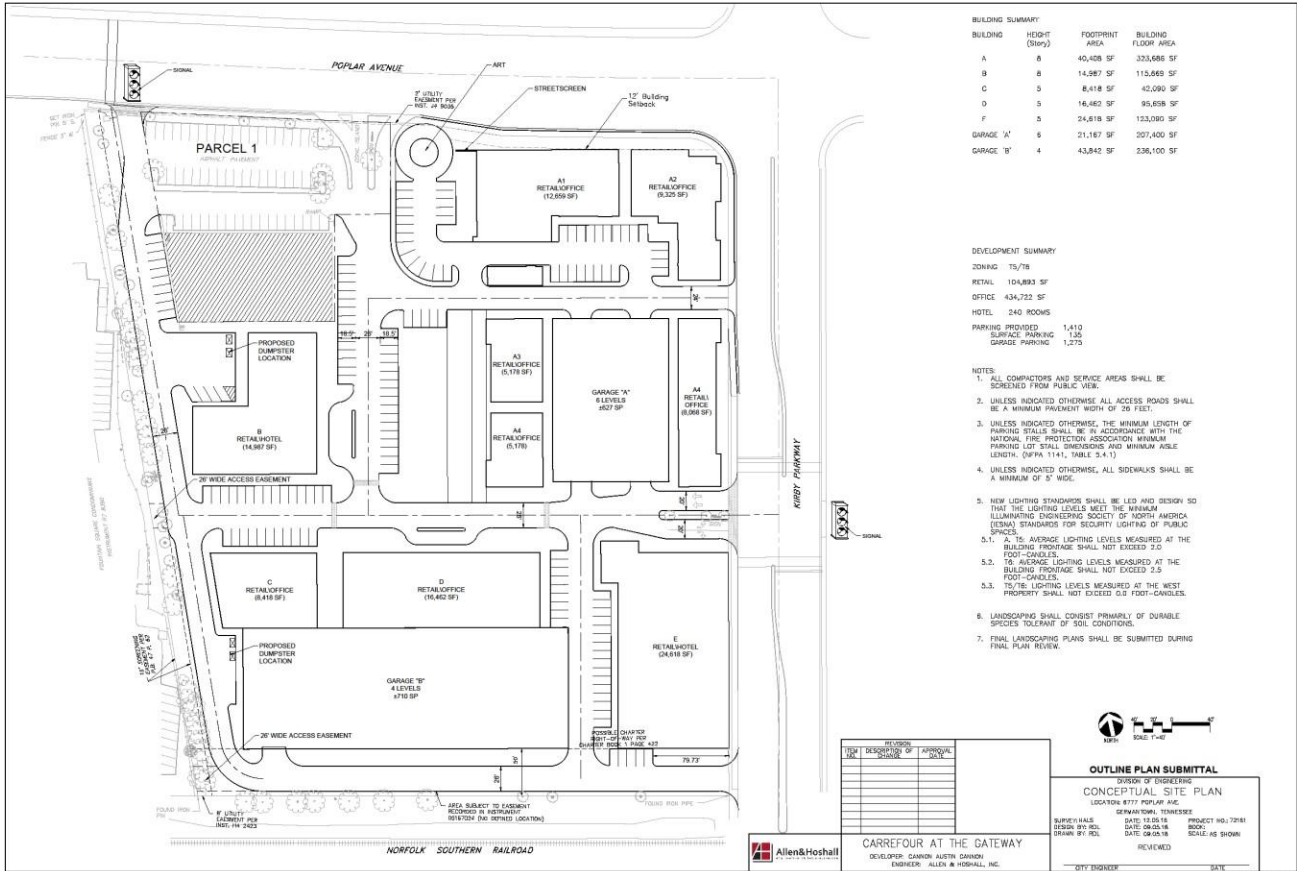


**ZONING MAP**

## PROPOSED OUTLINE PLAN (ENLARGED COPIES ARE INCLUDED IN PCsc WEB PACKAGE)



## CONCEPTUAL SITE PLAN (ENLARGED COPIES ARE INCLUDED IN PCsc WEB PACKAGE)



**OUTLINE PLAN SUBMITTAL**  
 DIVISION OF DEVELOPMENT  
 CONCEPTUAL SITE PLAN  
 LOCATION: 8777 POPLAR AVE.  
 GERMANTOWN, TENNESSEE  
 PROJECT NO: 70781  
 DATE: 08-05-18  
 SCALE: AS SHOWN  
 REVIEWED: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**CARREFOUR AT THE GATEWAY**  
 DEVELOPER: CANNON AUSTIN CANNON  
 ENGINEER: ALLEN & HOSHAL, INC.

Allen & Hoshall



## LETTER OF INTENT

### **Carrefour at The Gateway**

The proposed Carrefour at The Gateway will create a walkable community for the City of Germantown. The development is designed to create an environment that will attract the residents of Germantown who want to enjoy upscale street level retail shops, entertainment and restaurants. The proposed development is also planned to accommodate business and family travelers and be the site of premier Class A office buildings.

### **Zoning and Infrastructure**

The proposed site is identified as T5/ T6 Urban Center districts on the Germantown Regulating Plan. Smart Code describes the character for a T5/T6 districts as “higher density mixed-use building types that accommodate retail, offices, rowhouses, and apartments”; although city moratorium 18R03 currently restricts the use of any multifamily units. As such, the following components are planned for the project:

- 100,000 SF of retail, including a 25 – 30,000 SF if restaurants
- 430,000 SF of office
- Two 120-room hotels
- 1,410 parking spaces, comprised of both surface and structured parking

### **Frontages**

Retail storefronts will be incorporated along proposed Project frontages as well as at the first floor of planned buildings.





### **Carrefour at The Gateway**

The proposed Carrefour at The Gateway will transform the existing ten (10) acre two story 133,00 sf center into a walkable community for residents and visitors of Germantown. The project is estimated to contain:

- 100,000 sf retail, including approximately 25-30,000 sf of restaurants
- 430,000 sf office
- Two 120-room hotels
- 1,410 parking spaces, comprised of both surface and structured parking

The design of the project is conforming to the Germantown Smart growth code. In addition to the components above there will be an active civic space in the center of the project of approximately 15,700 sf. Landscape requirements identified in the code will be met through the implementation of landscape islands and planting screens. Large sidewalks and patios throughout the development will establish a pedestrian friendly site that will have connection to adjacent developments.

In addition to the physical amenities identified above, Carrefour at The Gateway will provide an increase in tax revenue and jobs for the community.



# CITY OF GERMANTOWN TENNESSEE

DATE RECEIVED: 9/7/2018  
 RECEIVED BY: Goralski

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 type="checkbox"/> Preliminary Plat; <input type="checkbox"/> Final Plat
<input type="checkbox"/> Grading/Tree Removal;	<input type="checkbox"/> WTF (Wireless Transmission Facility)
<input type="checkbox"/> Rezoning From: _____ To: _____	
<input checked="" type="checkbox"/> Other: <u>Outline Plan Submission</u>	
*****	
IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) <u>YES</u> NO	
(Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)	
PLANNED USE DEVELOPMENT'S (PUD) ONLY:	
<input checked="" type="checkbox"/> PUD Outline Plan (Master Plan);	<input type="checkbox"/> PUD Amendment to Outline Plan;
<input type="checkbox"/> PUD Preliminary Plan (individual phases);	<input type="checkbox"/> Final Plan (individual phases);
Phase: _____ of _____    Date of PUD Outline Plan (Master Plan) Approval: _____	
Other: _____	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
Project Name: <u>Carrefour at the Gateway</u>	
Address/Location: <u>6685 Poplar Ave, Germantown TN 38138</u>	
Project Description: <u>Mix-use development that includes 100,000 sf of retail, 430,000 sf of office, 240 hotel rooms and 1,410 parking spaces.</u>	
No. of Acres: <u>8.98 AC</u> Parcel Identification Number(s): <u>G021900212</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 & Title (Print): <u>Sheriff, LLC</u> Address: <u>6685 Poplar Ave, Germantown TN 38138</u>	
Phone No.: <u>901-759-0448</u> Email Address: <u>henry@cannonaustincannon.com</u>	
Signature of Property Owner: <u>[Signature]</u> <u>Henry Cannon, President</u> <u>CHIEF MANAGER</u>	
Lessee Name & Title (Print): _____    Address: _____	
Phone No.: _____    Email Address: _____	
Signature of Lessee: _____	
Developer Name & Title (Print): <u>Cannon Austin Cannon</u> Address: <u>6685 Poplar Ave, Germantown TN 38138</u>	
Phone No.: <u>901-759-0448</u> Email Address: <u>henry@cannonaustincannon.com</u>	
Signature of Developer: <u>[Signature]</u> <u>Henry Cannon, President</u>	
PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY	

APPLICANT INFORMATION	
Name: <u>Henry Cannon</u>	Title: <u>President</u>
Company Name: <u>Cannon Austin Cannon</u>	Address: <u>6685 Poplar Ave, Germantown TN 38138</u>
Phone No.: <u>901-759-0448</u>	Email Address: <u>henry@cannonaustincannon.com</u>
Who will represent this proposal at the Planning Commission meeting (name & title)?	
<u>Henry Cannon, President Nelson Cannon, Vice President</u>	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>Allen&amp;Hoshall</u>	Address: <u>1661 International Drive, Suite 100, Memphis TN 38120</u>
Phone No. <u>901-820-0820</u>	Email Address: <u>rochran@allenhoshall.com</u>
Surveyor Name: <u>Harris and Associates Land Surveyors</u>	Address: <u>6074 Apple Tree Drive Suite 14, Memphis TN 38115</u>
Phone No.: <u>901-362-2345</u>	Email Address: <u>jwiseman@harrisassociateslandsurveyors.com</u>

**DISCLOSURE OF OWNERSHIP INTERESTS**

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

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

*CANNON AUSTIN CANNON INC.*  
 Applicant Name & Title: Henry Cannon, DMS.  
 Address: 9260 Rocky Cannon Road, Memphis TN 38018 6685 Poplar Ave, Germantown, TN 38138  
 Signature of Applicant: [Signature] Henry Cannon, President

Property Owner Name & Title: Sheriff, LLC  
 Address: 6685 Poplar Ave, Germantown TN 38138  
 Signature of Property Owner: [Signature] Henry Cannon, President *CHIEF MANAGER*

Lessee Name & Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Signature of Lessee: \_\_\_\_\_

Developer Name & Title: Cannon Austin Cannon  
 Address: 6685 Poplar Ave, Germantown TN 38138  
 Signature of Developer: [Signature] Henry Cannon, President

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

Name	Business or Home Address
<u>Howlitzer Partners</u>	<u>6685 Poplar Ave, Germantown TN 38138</u>
<u>BWLS Cannon LP</u>	<u>6685 Poplar Ave, Germantown TN 38138</u>
<u>Henry N. Cannon Trust II</u>	<u>6685 Poplar Ave, Germantown TN 38138</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: 9/7/2018  
 RECEIVED BY: [Signature]

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

PROJECT INFORMATION	
Project Name:	<u>Carrefour at the Gateway</u>
Address:	<u>6685 Poplar Ave, Germantown TN 38138</u>
Project Description:	<u>Mix-use development that includes 100,000 sf of retail, 430,000 sf of office, 240 hotel rooms and 1,410 parking spaces.</u>
No. of Acres:	<u>8.98 Ac</u>
Parcel Identification Number(s):	<u>G021900212</u>
Zoning District:	<u>T5/T6</u>
APPLICANT/PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION	
Applicant Name & Title (Print):	<u>Cannon Austin Cannon</u>
Address:	<u>6685 Poplar Ave, Germantown TN 38138</u>
Phone No.:	<u>901-759-0448</u>
Email Address:	<u>henry@cannaonaustincannon.com</u>
Signature of Applicant:	<u>[Signature]</u> Henry Cannon, President
Owner Name & Title (Print):	<u>Sheffiff, LCC</u>
Address:	<u>6685 Poplar Ave, Germantown TN 38138</u>
Phone No.:	<u>901-759-0448</u>
Email Address:	<u>henry@cannaonaustincannon.com</u>
Signature of Property Owner:	<u>[Signature]</u> Henry Cannon, President <u>CHIEF MANAGER</u>
Lessee Name & Title (Print):	_____
Address:	_____
Phone No.:	_____
Email Address:	_____
Signature of Lessee:	_____
Developer Name & Title (Print):	<u>CANNON AUSTIN CANNON</u>
Address:	<u>6685 POPLAR AVE. GERMANTOWN, TN</u>
Phone No.:	<u>901-759-0448</u>
Email Address:	<u>henry@cannaonaustincannon.com</u>
Signature of Developer:	<u>[Signature]</u> Henry Cannon, President
APPLICANT INFORMATION	
Name & Title:	<u>Henry Cannon, President</u>
Company Name:	<u>Cannon Austin Cannon</u>
Address:	<u>6685 Poplar Ave, Germantown TN 38138</u>
Phone No.:	<u>901-759-0448</u>
Fax No.:	_____
Email Address:	<u>henry@cannaonaustincannon.com</u>
Who will represent this proposal at the Planning Commission meeting?	<u>Henry Cannon, President /</u> <u>Nelson Cannon Vice President</u>



**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:
X	A pre-development meeting with staff is required		
X	A completed application for a warrant and required fees		
X	A site plan illustrating the Warrant request		
X	Documentation of authorization to represent the property owner, if applicant is not the owner		
X	CD of the application and all supporting documents, in .jpg and PDF format.		
X	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:  Henry Cannon, President Date: 09/07/2018

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



# CITY OF GERMANTOWN TENNESSEE

1930 south Germa1town R: >acl • Germa,town. Tennessee 38138-2815  
Phone (901) 757-7200 Fax (901) 757-7292 www.gffma1town-tn.gov

October 1, 2018

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

RE: Case # 18-834  
Carrefour at the Gateway PD  
Approval of an Outline Plan (Mixed Use Development)

The Cannon Austin Cannon Design Team presented the Outline Plan to the Planning Commission Subcommittee on September 19, 2018 including the discussion of (1) warrant and the staff comments.

The overall design approach was favorable in using the conceptual office and hotel building massing to hide and screen the parking structures from Poplar & Kirby. The conceptual images were also well received showing the building massing along Poplar with a one-story pedestrian scale containing ground floor retail as the office building rises beyond this offset. The project team is also proposing a linear public civic space extending from Poplar into the center of the development. The project's three phases were also presented where Phase A would begin in the existing surface parking areas while the existing businesses remain intact.

Once the presentations and discussions concluded, the DRC Smart Growth Subcommittee recommended Approval of the Outline Plan including the Warrant of an outdoor Civic Space dedicated for public use.

The applicant will comply with the comments set forth in the agenda documents and revise the submitted plans to address prior to final Outline Plan Approval.

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 Member

Christopher Schmidt

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





Ross, Cameron &lt;cross@germantown-tn.gov&gt;

---

**[No Subject]**

1 message

---

**JAMES ADAMS** <jboadams@comcast.net>

Tue, Oct 2, 2018 at 4:22 PM

Reply-To: JAMES ADAMS &lt;jboadams@comcast.net&gt;

To: cross@germantown-tn.gov, bo adams &lt;jboadams@comcast.net&gt;

it was my recent honor to serve as EDC representative to GPC meeting. it was also my pleasure to witness our government process in action and see our concerned citizenry performing their civic duty. the Carrefour design team presented their up - to -date plan, answering prior concerns and current committee questions. while no one got exactly what they wanted, the plan was acceptable to all. said plan was consistent with Germantown 2030, smart growth, and western gateway visions. the current moratorium on apartment development was also honored.

sincerely,

dr james ( bo) adams



**Germantown Area  
Chamber of Commerce**  
C O M M U N I T Y . P A R T N E R S H I P . G R O W T H .

---

2195 Germantown Road South, Suite 100, Germantown, Tennessee 38138 | 901-755-1200 | [www.germantownchamber.com](http://www.germantownchamber.com)

Bob Hamilton  
*Chairman*

Janie Day  
*President/CEO*

September 20<sup>th</sup>, 2019

To Whom it May Concern

The Germantown Area Chamber of Commerce and the Board of Directors fully endorse the proposed Carrefour at The Gateway project. The project will create an environment that will attract residents of Germantown and others who want to enjoy upscale retail shops, entertainment and restaurants. The proposed site will have Class A office buildings and two 120-room hotels.

Civic space is planned to be part of the development as well as sitting areas and gathering spaces. Sidewalks will be sized to accommodate pedestrian traffic and will connect to the adjacent developments.

Respectfully,

*1/f/tt Day*

**Janie**  
President/CEO  
Germantown Area Chamber of Commerce  
2195 Germantown Rd S  
Germantown, TN 38138

# Bank of Bartlett

6281 Stage Road/ Memphis TN 38134/ (901) 382 6600

September 24, 2018

Mr. Cameron Ross  
City of Germantown  
Director of ECD  
1920 S Germantown Road  
Germantown, TN 38138

RE: LETTER OF SUPPORT FOR CARREFOUR AT THE GATEWAY PROJECT

Dear Mr. Ross :

Please accept this letter as unconditional and full support of the Carrefour at the Gateway project as proposed.

Bank of Bartlett has been invested in the western Gateway to Germantown location serving its customers there since 1988. As such, we are not newcomers to this area.

The stakeholders have been engaged in and have borne material expenses in aiding the development of the 2020 Plan as well as the 2030 Plan. The Plans are substantially based on the Smart Growth concept that concentrates mixed uses into livable (and walkable), and workable spaces that reduce the average traffic challenges..... while vastly increasing the tax base by adding needed amenities and services to our upscale community.

These stakeholders have worked with the City of Germantown as a team to help build a better and stronger Germantown. Carrefour at the Gate Is a result of that teamwork fits within the envisioned plans.

This proposed project has measureable metrics of projected success that are extremely positive for Germantown citizens and the business community, Please convey this letter to the appropriate parties engaged in the consideration of this project for approval.

Sincerely,

**:-&.ff**

**vrd**  
Chairman/CEO

cc: Henry Cannon  
henry@cannonaustincannon.com



Convenient Locations Serving the Greater Memphis Area





**KEMMONS  
WILSON**  
COMPANIES

9/20/18

Mike Harless  
Chairman  
Germantown Planning Commission  
City of Germantown  
1920 South Germantown Road  
Germantown, TN 38138

I want to express my support for redevelopment and infill projects such as Carrefour at The Gat away. Redevelopment efforts are much more challenging than green-field developments and, as such, success necessitates a great team of individuals with the same goal and vision of making a place a vibrant site where people can come together in community. When working on the Crosstown Concourse project, components like location, proper mix of uses (retail-office-residential-hotel), collaboration and community were key elements that had to be present for our success; for the Carrefour at The Gateway project to see success, it is clear that those same elements need to be present factors in the redevelopment. My belief is that those components are needed for any project to be successful but especially for infill developments. Multi/Mix-use redevelopments are of paramount importance to the communities surrounding them because, unlike green-field projects, you are creating around existing conditions together with existing tenants.

Please consider the time and effort a development team places into a project of Carrefour's magnitude and support it as the proposed project *moves* forward.

Thank you for all your work.

Best Regards, .....

Mclean Wilson  
Principal  
Kemmons Wilson Companies

Chairman Mike Harless  
Germantown Planning Commission  
City of Germantown  
1920 S. Germantown Rd.  
Germantown, TN 38138

Chairman Harless:

I am writing this letter to express my support of the proposed Carrefour at The Gateway project at the corner of Poplar and Kirby. As a citizen who used to live in this area but now resides in the South Main area of downtown Memphis, I can testify to the desperate need for a quality mixed-use site in Germantown. We raised 5 children out east but once they were out of the house we were looking for a vibrant "live-work-play" lifestyle. And we aren't the only ones. People of all ages desire a development where you are within a short walk or bike ride to the wealth of amenities unique to the area that include shopping, dining, a cup of coffee with friends, trails on the Wolf River, the opera and so many other social experiences that create community. This is an intentional, well-developed plan that I wish had been available a couple of years ago.

Thank you for your consideration, for your work and for your time.

**fa)er**  
( rtJ[(--rW

Patti Fox /

435 S. Front St.

Memphis, TN 38103

September 17th, 2018

Chairman **Mike** Harless  
Germantown Planning Commission  
City of Germantown  
1920 S Germantown Rd  
Germantown, TN 38138

Re: Letter of Support for *Carrefour at The Gateway*

Chairman Harless,

My wife and I wanted to write you and the commissioners to express our support for the infill redevelopment of Carrefour at Kirby Woods. The unique area that Carrefour is in is different than many areas of Germantown due to several key factors : it is a peninsula of Germantown with Memphis on either side, it has NO single family homes abutting the property (in fact I think the closest single family home in Germantown is well over 1,000 ft **away**), it has three major roads and a railroad track along it's property lines, the large Forum office complex caddy corner, a Memphis Kroger parking lot, the site appears to have two main bus stops on it's property and the main north south bike lane to Shelby Farms park... this IS Germantown's best shot at a perfectly placed mixed use project. I hear people complaining about height and density but look around at the surroundings. This is not a undeveloped piece of property... it has been a successful Shopping Center for a long time and now it struggles. Are we as citizens of Germantown going to complain and throw stones on social media as a large tax paying commercial property asks us for help? It has helped us for years..decades. I read one of the letters Mr. Cannon had sent to the Alderman regarding all the different activities the owners have hosted (to my knowledge free of charge) for the community and the tenants of the center...can we rally behind a great project and put our swords away? We need a place to have community events in (preferably not in an asphalt parking lot) and the green area they planned to use as a great place to do that...

Andrew  
2018/09/17  
2549 SNOA CT, Germantown, TN

Mike Harless, Chairman  
Germantown Planning Commission  
City of Germantown  
1920 S Germantown Rd  
Germantown, TN 38138

Chairman Harless,

I am writing this letter to you to express my total support for the redevelopment infill project located at Poplar and Kirby in the Carrefour Shopping Center. As a local small business owner in the existing center, I look forward to the increase in sales with the proposed redevelopment. I believe the City of Germantown would appreciate the increase in sales tax dollars generated by a busy mixed-use project. This site is an infill project and should be looked upon more favorably than an undeveloped piece of ground.

Thank you,



Kelcie Hamm  
Owner of Wild Beet  
6641 Poplar Avenue  
Germantown, TN 38138

September 17th, 2018

Chairman Mike Harless  
Germantown Planning Commission  
City of Germantown  
1920 S Germantown Rd  
Germantown, TN 38138

Letter of Support for *Carrefour at The Gateway*

Chairman Harless,

My wife and I wanted to write you and the commissioners to express our support for the redevelopment of Carrefour at Kirby Woods. This site is positioned of some of Memphis's best class A office as well as surrounding hospitals and private schools. It has been a shopping center since I can remember and the past couple years has seemed to struggle for whatever reason. I would care to guess the rise of amazon and e-commerce has not helped. We have seen the plans and believe that a pure mixed use development has finally come to Germantown. I think this is what was originally envisioned in so many people's minds (not stand alone apartment complexes). This project does not seem to have Germantown single family homes around it and quite the contrary it is across the street from the large Memphis Forum and Atrium office complexes. Why should Memphis benefit from large class A office buildings abutting Germantown single family homes? After talking to the developers (who are a local Germantown company) we understand that they have been working for several years on different plans and this is a plan that accomplishes all the things that the citizens of this city have expected out of mixed use (we think that the right size residential component could work as well). We know that this is just an outline plan and a first step but believe that they will produce something we can all be proud of in Germantown.

Thank you for your time and work as commissioners of this city,

A stylized signature consisting of the lowercase letters 'f' and 'J' followed by a plus sign and a dash, all in a bold, black, sans-serif font.

Jon and All Destefanis  
2505 BirnamWood  
Germantown , TN 381.38



DATE \@ "dddd, MMMM d, y" Thursday, September 13, 2018

The Planning Commission of Germantown  
City of Germantown  
1920 South Germantown Road  
Germantown, TN 38138

RE: Carrefour at The Gateway

Chairman Harless:

As citizens that live very close to the proposed project and a small business owner in the current Carrefour, we wanted to express our support for the proposed infill redevelopment. We look forward to new activity and customers that it will bring.

A handwritten signature in black ink, appearing to read "Keith and Meg Warner", written in a cursive style.

Keith and Meg Warner  
Warner Gunsmithing  
6655 Poplar Avenue Suite 101  
Germantown, TN 38138

WILL & JENNIFER COCHRAN  
8533 WASHINGTON WAY  
GERMANTOWN, TENNESSEE 38139

Chairman Mike Harless  
Planning Commission  
1920 South Gennantown Rd  
Germantown, TN 38138

**Re: Letter of Support for Carrefour at The Gateway**

Chairman Harless,

We are writing to show our support for the redevelopment of Carrefour at Kirby Woods at Poplar and Kirby Parkway. We have been residents of Germantown since 2008. From 2008 to 2018, we lived at 1539 Brookside Drive located in the Poplar Estates neighborhood very close to Carrefour, before moving to our current address. Having lived very close to Carrefour and still frequenting that area, we are excited about the possibility of new development in this prime location. Likewise, having lived in Poplar Estates, we do not see any downside to the proposal.

We personally know the developers of this project and are confident that it will be a first class development, whether it involves hotels, restaurants, retail shops, residential, or all of the above. This area above all others in Germantown needs this development, as it is the main western gateway to the city. We need an entry piece that we can be proud of and we are confident that these developers can make that happen.

Thank you for your consideration.

*;J/jJJ-*

Will & Jennifer Cochran  
8533 Washington Way  
Gennantown, TN 38139  
901-338-5718

September 24, 2018

Chairman Mike Harless  
Germantown Planning Commission  
City of Germantown  
1920 S Germantown Road  
Germantown , TN 38138

RE: Letter of Support for Carrefour at The Gateway

Dear Chairman Harless,

We wanted to convey our support for the redevelopment project Carrefour at The Gateway. We reside right over the railroad tracks in Memphis in the Kirby Woods Neighborhood and frequently visit the Carrefour center for shopping and eating with our family & friends.

We have seen the plans, video, and attended the neighborhood meeting as well as personally met with the developers, Cannon, Austin & Cannon. We believe this proposed outline plan to be a benefit to our neighborhood with the upscale restaurants, boutique style hotels and active night life that will benefit the Germantown & Memphis Community.

Sincerely,

*Lisa & Will Abbay*

Lisa & Will Abbay  
6473 Heather Drive  
Memphis, TN 38119

September 21st, 2018

Chairman Mike Harless  
Germantown Planning Commission  
City of Germantown  
1920 S Germantown Rd.  
Germantown, TN 38138

Letter of Support for Carrefour at The Gateway

Chairman Harless,

My wife and I wanted to communicate our total support for the redevelopment of Carrefour at Kirby Woods to Carrefour at The Gateway. This site is well positioned in some of the best office, private schools and hospitals of the mid-south. We have seen the plans and talked to members of the development team and agree with their proposed plan. We believe this is what was originally envisioned in so many people's minds when the small area plans were adopted. This project does not seem to have Germantown single family homes around it but we think it will serve many of those same homes needs in office space, restaurant dining as well as out of town family lodging. I know my family and friends will enjoy being able to meet them at the hotel and walk across the green area for dinner while listening to live music or watching a movie.

Best Regards,

---

fchn Brown  
2236 Kimbrough Woods Place  
Germantown. TN 38139

**Letter**

James Wetter <jimmywetter@gmail.com>

Mon 9/17/2018, 10:38 PM

To: nelsoncannon@hotmail.com <nelsoncannon@hotmail.com >

**Mike** Harless

Planning Commission

1920 S Germantown Rd

Germantown Tn 38138

Dear Chairman Harless,

I would like to voice my support for the approval of the Carrefour Gateway project. As you are aware the redevelopment of this property as proposed will create a greater revenue stream from this property than it currently does. In addition the newer upscale development would enhance the Western entrance to Germantown.

As a resident I would appreciate your consideration of this project and approval.

Thank you for the work you do for our city.

Jimmy Wetter

2867 Keasler Circle West

Germantown Tn 38139

Sent from my iPhone

Blake and Ashley Pera  
9425 Gro11e11iew Cove  
Germantown. TN 38139

901.260.1156 O  
901.299.0256 C  
901.753.1138 H

blake.pera@comcast.net

Via: E-mail

September 24, 2018

Mr. Cameron Ross  
City of Gennantown  
1930 South Germantown Road  
Germantown, TN 38138  
cross@gennantown-tn.gov

**RE: Carrefour Redevelopment**

Dear Cameron:

I have been monitoring the objections of the vocal minority of some Gennantown residents and several elected officials who seem to be opposed to any progress in our city. Frankly, this 'head in the sand' attitude scares me to death as I know that the city relies on single family too much for tax revenue. I would like you to know that there are an equal number of residents in support of smart development in Germantown.

Knowing that the city likely never hears from enough residents supporting progress, I felt obligated to write this letter to you showing my family's approval of Cannon, Austin, & Cannon's plans for redeveloping Carrefour.

Carrefour has been a popular destination of mine for years. My family even had a furniture store there in the late 1990s. As the primary entrance to Germantown, the Carrefour site can be the city's signature development. The plan submitted recently by the owner is exciting and maximizes the site's full potential.

The site is primed for redevelopment, and should have minimal impact on any Germantown residential area. Surrounding Germantown uses are office and retail, so the proposed development is in keeping with the immediate area.

A vertically integrated, mixed-use development is the perfect plan, and will be the highest and best use for this site. The phasing proposed by the developer will also help the site be successful and relevant by being able to adjust to market fluctuations.

The existing building is functionally obsolete, which will be more problematic for Germantown's tax base if the site is not redeveloped. By being landlocked and almost built-out, Germantown needs new dense, mixed-used developments to remain the best municipality in Shelby County. This city needs new vertical commercial development to support our strong schools; the city and schools will suffer if we continue to rely on an aging residential tax base.

Again, please consider us in support of this fine development. My contact information can be found above if you have any questions.

Sincerely,



Chairman Mike Harless  
Germantown Planning Commission  
City of Germantown  
1920 S Germantown Rd  
Germantown , TN 38138

Dear Commissioner Harless,

I am writing this letter to you to show my support for the proposed mixed-use development known as Carrefour at the Gateway. The site *is* situated at a prominent location in an already "bulft out• area that needs this visionary redevelopment such as the city has adopted In its 2020 and 2030 planning commitments .

As a longtime resident of Germantown, I believe development like this is needed in the city. Germantown needs to be forward thinking and strive to be the 'business' capital of our county. Mixed use development such as this will spur other growth and position Germantown **as a** 'forward thinking', **growing** community .

This development will enhance the use and livability of our city, provide a keystone to the redevelopment of the area, as well as, be an economic support for our city services

I ask you and the Commission to approve the application for this development.

Lon Alperin  
1801Bryn Mawr Circle  
Germantown, TN38138

Chairman Mike Harless

Germantown Planning Commission

City of Germantown

1920 S Germantown Rd

Germantown, TN 38138

Dear Commissioners,

I am writing this letter to you to show my support for the proposed mixed use development known as Carrefour at the Gateway. The site is situated at a prominent location in an already "built out" area that needs this visionary redevelopment such as the city has adopted in its 2020 and 2030 planning commitments.

This development will enhance the use and livability of our city, provide a keystone to the redevelopment of the area as well as the economic support for our city services.

Matt Boering  
Thanks!  



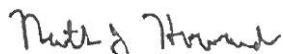

September 20, 2018

Chairman Iv. like Harless  
Germantown Planning Commission  
City of Germantown  
1920 South Germantown Road  
Germantown, TN 38138

Chairman Harless and members of the planning commission,

I want to show my support for the Carrefour at the Gateway project. I have seen the proposed plan and believe the development team has done a good job of implementing what I believe the City of Germantown is looking for in a mixed use infill redevelopment. This site is not surrounded by Germantown single family homes much to the contrary it sits between a 9 story Memphis office building, a large railroad right-of-way, a dated condo complex that I believe has seen a rise in activity due to the prospect of being bought and developed like the proposed Carrefour and a Memphis Kroger-McDonald's. This seems like a great opportunity for Germantown to gain valuable tax income for new expenses. Many citizens are looking to be a part of a vibrant "live, work, play" atmosphere where you don't have to get in your car to enjoy activities. I fully support the vision and look forward to seeing what materializes at Poplar and Kirby.

Thank you for reading this and your many hours on the board-



Nathan Howard  
2214 Kimbrough Woods Pl  
Germantown, TN 38139

**Brant Horne**  
2224 Kimbrough Woods Pl.  
Germantown, TN 38139  
90)-484-8567  
[brantley.home@gmail.com](mailto:brantley.home@gmail.com)

September 21, 2018

Chairman Mike Harless  
Planning Commission of Germantown  
1920 South Germantown Road  
Gennantown, TN 38138

Dear Chairman Harless,

The purpose of this letter is to express my support for a mixed use development in Carrefour at Kirby Woods.

From what I have seen, the outline plan is well designed and would help to invigorate this area of Gennantown. The plan appears to have all the commercial elements but residential that successful mixed use developments in other cities have.

I think that the proposed outline would be good for Germantown in many ways. Please accept this letter as my support for the redevelopment at Carrefour at Kirby Woods.

Sincerely,

Brant Horne

---

September 21, 2018

Chairman Mike Harless  
Planning Commission of Germantown  
1920 South Germantown Road  
Germantown, TN 38138

Chairman Harless,

I have reviewed the notice for the development project at Carrefour. I am in support of this proposed plan. Carrefour has been in need of a face lift for a long time. I am hoping we can move forward with another great development plan for the great city of Germantown!

Best,

A handwritten signature in black ink, appearing to read "Drew Cowan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Drew Cowan  
8281 Bryn Manor Ln.  
Germantown, Tn 38139

HUGH L KEENAN, CPA  
CERTIFIED PUBLIC ACCOUNTANT

HUGH L KEENAN, CPA  
2508 HORSHAM DR  
GERMANTOWN TN 38139

901-624-4032

F.ax: 901-624-4931

e-mail: hkeenanjr@att.net

Chairman Mike Harless  
Germantown Planning Commission  
City of Germantown  
1920 S Germantown Rd.  
Germantown, TN 38138

Dear Commissioners,

I am writing this letter to you to show my support for the proposed mixed use development known as Carrefour at the Gateway. The site is situated at a prominent location in an already "built out" area that needs this visionary redevelopment such as the city has adopted in its 2020 and 2030 planning commitments.

This development will enhance the use and livability of our city, provide a keystone to the redevelopment of the area as well as the economic support for our city services.

Very truly yours



Hugh L Keenan

September,11 2018

Chairman Mike Harless  
Planning Commission  
City of Germantown  
1920 South Germantown Road  
Germantown, TN 38138

John and Lindsay Barton  
6365 Candlewood Cove  
Memphis , TN 38119

Chairman Harless,

My wife and I wanted to write the commission to express our support for the redevelopment of Carrefour at Kirby Woods. Upon viewing the notification letter on line, my wife and I reached out to Cannon, Austin and Cannon specifically Nelson Cannon and expressed our concern for the developments impact on our area. He was more than willing to meet us that day and explain the process that they have been thru the past 5 or more years. He shared in depth the different plans that they had vetted thru professionals over those years. We totally support the current plan even though we feel that adding residential would help "share" the site better. We are in Memphis (Kirby Woods neighborhood) and even though we aren't in Gennantown we do live closer than many Germantown residents. This shopping center is very important to our neighborhood and we support it as much as we can thru shopping and eating.

Please accept this letter as our and many of our neighbors support for this mixed use development,

A handwritten signature in black ink, appearing to be 'JB' with a long horizontal stroke extending to the right.

John Barton

Mike Harless, Chairman

Germantown Planning Commission

City of Germantown

1920 S Germantown Rd

Germantown, TN 38138

Chairman Harless-

As a member of the Kirby Woods neighborhood, I am writing this letter to express my support for the Carrefour redevelopment project. Although I'm a Memphis resident, our neighborhood is closer to this area than most Germantown citizens. We respect the time and effort the developers have put into this infill site over the past years, and look forward to seeing this project revitalize the area for our community. I appreciate your consideration.

Respectfully,

  
Patrick

6756 Pidgeon Hall

Memphis, TN 38119



Mr. Mike Harless, Chairman  
Germantown Planning Commission  
City of Germantown  
1920 S Germantown Rd  
Germantown, TN 38138

Dear Chairman Harless:

As a member of the Kirby Woods Neighborhood Association, I would like to express my support of the Carrefour redevelopment project that is being proposed by Cannon, Austin & Cannon. In addition to being a nearby resident, I am an employee of a public company that has recently invested in this area. I appreciate local firms like Cannon, Austin and Cannon and their commitment to continuing to redevelop, rejuvenate and grow the Mid-South Area. I look forward to seeing their proposal move ahead. Thank you for your consideration.

Respectfully,



Joshua O. Starrett  
2247 Wickerwood Cove  
Memphis, TN 38119

## Nelson Cannon

---

**From:** Henry Cannon  
**Sent:** Tuesday, September 18, 2018 4:43 PM  
**To:** Nelson Cannon  
**Subject:** Fwd: Proposed Development

Get [Outlook for iOS](#)

**From:** CHARLENE THOMPSON <t hompson27043@bellsouth.net >  
**Sent:** Tuesday, September 18, 2018 4:40:20 PM  
**To:** Henry Cannon  
**Subject:** Proposed Development

To: Germantown Planning Commission

Dear Commissioners,

I am writing this letter to show my support for the proposed mix use development for the Carrefour at the Gateway.

I support the proposal for hotel and office space.

Billy & Charlene Thompson  
6961 Bent Creek Dr  
Germantown, Tn 38138

0 Virus-free. [www.avq.com](http://www.avq.com)



# GILL

---

## PROPERTIES

September, 27, 2018

Nelson Cannon  
Henry Cannon  
Cannon, Austin, & Cannon  
6685 Poplar Avenue  
Germantown, TN

RE: Support of Carrefour at the Gateway

We are in support of the Cannon, Austin, & Cannon development, Carrefour at the Gateway. As the second project proposed as part of the Western Gateway, it meets the ambitious plan originally proposed in the Western Gateway Plan by the Lawrence Group in 2013. The City of Germantown is in a unprecedented time for growth and the Germantown leadership should seize this opportunity to get professionally planned, well designed, dense, mixed-use development.

This plan should also include multifamily as a use. The short sightedness of the current Germantown leadership to put a blanket moratorium on multifamily is detrimental to the entire community and the future growth of Germantown for all current and future citizens. This is a perfect site for retail, office, multifamily, and hospitality. All of those uses should be permitted. The proposed modern architecture is also a design step forward that should be supported.

We support the collaborative nature of the owners of the Western Gateway. Each owner depends on the others to follow the original vision of the Western Gateway Plan. The proposed plan by Austin, Cannon, & Austin fits the original, ambitious, dense mixed-use plan perfectly. Please have the vision and leadership to support such a great development.

Brown Gill  
Gill Properties, Inc.

FOGELMAN INVESTMENT COMPANY

744 SOUTH WHITE STATION ROAD  
MEMPHIS, TENNESSEE 38117 U.S.A.  
901-761-0900, FAX 901-761-1272  
FIC@FogelmanInvestments.com

September 26, 2018

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

***SENT VIA E-MAIL***

Re: Carrefour at the Gateway

Dear Cameron:

I met recently with Henry and Nelson Cannon to review plans for their proposed Carrefour at the Gateway project. I am aware that this project will be presented as an Outline Plan to the Gennantown Planning Commission on October 2, 2018. I am writing this letter in support of the Cannon's proposed plan.

When the various stakeholders joined together initially in 2012, the plan was to create a sense of place for the +/- fifty acres that comprise the Western Gateway. We all worked together to create a concept plan especially fitting for this unique peninsula on the westernmost edge of Germantown. The Carrefour at the Gateway outline plan has been guided by the agreed upon strictures of the greater Western Gateway plan. It is a dynamic, mixed-use plan, and it is a plan that will increase the property tax base for the City of Germantown. As such, I think it will prove to be a great asset to the overall area as it is developed in the future.

Yours very truly,



Robert F. Fogelman II  
President

cc: Mr. Henry Cannon

**LURIE**  
**& ASSOCIATES, LLC**  
COMMERCIAL REAL ESTATE

September 17, 2018

Germantown Planning Commission  
Attention: Mike Harless, Chairman  
City of Germantown  
1920 S. Germantown Road  
Germantown, TN 38138

RE: Proposed Redevelopment of Carrefour

Dear Commissioners:

I am a neighbor of the Carrefour Shopping Center and am writing this letter to you to show my support for the proposed mixed use development known as Carrefour at the Gateway. The site is situated at a prominent location in an already "built out" area that needs this visionary redevelopment such as the city has adopted in its 2020 and 2030 planning commitments.

This development will enhance the use and livability of our city, provide a keystone to the redevelopment of the area as well as the economic support for the city services.

Best regards,



Leonard Lurie  
[llurie@luriellc.com](mailto:llurie@luriellc.com)

ll:sf

Copy to: [henry@cannon.austincannon.com](mailto:henry@cannon.austincannon.com)



Ross, Cameron <cross@germantown-tn.gov>

---

## Letter of support for Carrefour at The Gateway

1 message

---

**jeff.bishop@foreveryoungnw.com** <jeff.bishop@foreveryoungnw.com>

Thu, Sep 20, 2018 at 10:44 AM

To: cross@germantown-tn.gov

Cc: sgoralewski@germantown-tn.gov

Planning Commission:

I wanted to send my support for the redevelopment at Poplar and Kirby at the Carrefour. I look forward to the rejuvenation of this area and I am excited to see this proposed project become a reality. As an existing tenant for several years in the center, the development team has always communicated and been open with us on the progress and we look forward to an increase in our business with the revitalization of this area. Thanks so much for your attention to this matter.

Jeffrey M. Bishop

Forever Young Health and Wellness, LLC

[6655 Poplar Ave Suite 204](#)

[Germantown, TN 38138](#)

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

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

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

**ADJOURNMENT:** The meeting adjourned at 7:40 p.m.