

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

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of City Hall on December 4, 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 5:57 p.m.
2. Pam Rush called the roll of the Commission and established a quorum.

**Commissioners Present:** David Clark, Dike Bacon, Rick Bennett, Keith Saunders, Mike Harless, George Hernandez, Alderman Forrest Owens, and Sherrie Hicks

**Commissioners Absent:** Mayor Mike Palazzolo

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

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Chairman Harless stated for those people who just arrived, tonight's agenda is on the front table.

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**3. Approval of Minutes for November 6, 2018:**

Chairman Harless stated that the next order of business is the approval of the minutes for the November 6, 2018, meeting. If there are no additions, corrections or deletions to the minutes of November 6, 2018, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Saunders moved to approve the Planning Commission minutes of November 6, 2018, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

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

**4. Approval of Minutes for October 2, 2018:**

Chairman Harless stated that the next order of business is a modification to the minutes for the October 2, 2018, meeting. If there are no other additions, corrections or deletions to the minutes of October 2, 2018 meeting of the Planning Commission, he would entertain a motion for approval.

Chairman Harless noted the change is under General Comments on page 41. Item C.1., which states "*If approved, the outline plan for Viridian Planned Development and the revocation instrument for Gardena Court Planned Unit Development should be presented to the Board of Mayor and Alderman concurrently, so that the Outline Plan and the revocation instrument may also be recorded with the Shelby County Register concurrently*" has been removed from the minutes.

Mr. Saunders moved to approve the Planning Commission minutes of October 2, 2018, seconded by Mr. Bacon.

Chairman Harless asked for a roll call.

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

5. **Consent Agenda** (formerly noted as Public Hearings): Chairman Harless noted there are some changes on the agenda tonight.

Chairman Harless announced that this item was 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 5.A., Case Number 18-833, Thornwood Mixed Use PD, Phase 5 – Market Row, Request Revised Site Plan Approval for a Patio Addition. As part of the Consent Agenda, this item will *not* be presented, discussed or voted upon individually. If you would like to discuss this item before the Planning Commission this evening, please come forward at this time.

Mr. Bacon made a motion for approval of the Consent Agenda, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

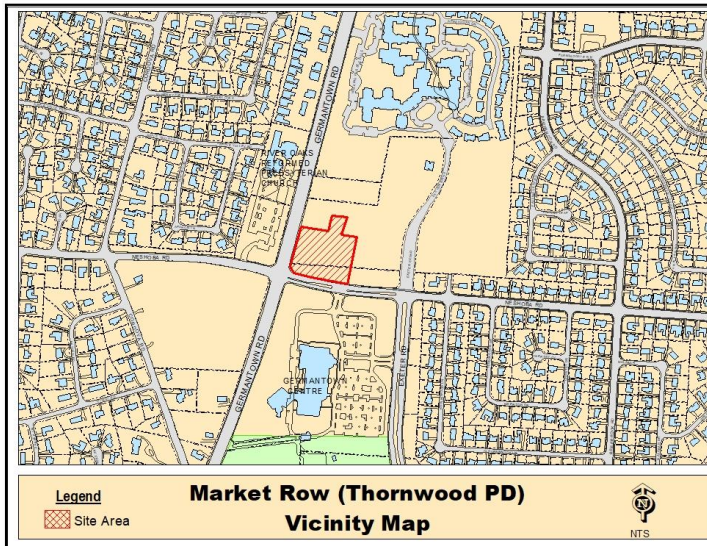
**Roll Call:** Hicks – yes; Saunders – yes; Hernandez – yes; Bacon – yes; Harless – yes; Owens – yes; Clark – yes; Bennett – yes; Palazzolo - absent. **The motion passed.**

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

**INTRODUCTION:**

Development Case Number:	18-833
Case Name:	Thornwood Mixed Use PD, Phase 5 – Market Row
Location:	1730 S. Germantown Rd.
Owner/Applicant Name:	Thornwood Mixed Use Partners, LLC – Spence Ray, Representative
Tenant Name:	Moondance Restaurant – Stewart T. Peters
Zoning District:	T5” Urban Center Zoning District“
Area:	0.1 acres
Request:	Approval of a Revised Site Plan for a Patio Addition

\*Refer to the Disclosure Form attached for more information



**REVISION:** *The applicant has submitted revised plans and drawings to address the landscaping concern expressed by the DRC representative at the November 20<sup>th</sup> SCRC meeting pertaining to the addition of Dwarf English Boxwood in the landscaped areas around the patio. The drawing shows planting added to the eastern side of the patio but not the southern side. However, the planting should also be added to the southern side of the patio and it is recommended that this change is made to the plans prior to construction plan approval. The application is now ready to move forward for consideration by the Planning Commission.*

**BACKGROUND:** The property was rezoned from the “R” Single Family Residential District to the T4 and T5 districts as part of the Germantown Smart Growth Plan in 2007. The Thornwood Outline Plan was approved by the Planning Commission on April 1, 2014, and by the Board of Mayor and Aldermen on May 12, 2014. The Planning Commission approved the Phase 5 preliminary and final site plan, on December 17, 2014.

This application is being filed pursuant to 23-742(d) *et seq.*, of the Germantown Smart Code. The applicant seeks approval of a revised site plan pursuant to 23-573 and 23-574.

**DISCUSSION:** Phase 5 consists of 32,182 square feet of retail space, 6,15q6 square feet of office space, 25 apartment units. The applicant requests approval to construct a 513 square foot patio addition to the tenant space located at the intersection of Neshoba Road and Owens Manor Avenue. The new space will be the location of the new Moon Dance Restaurant. This patio addition will require the applicant to make some additional minor modifications to the site, and to the existing curb and landscaping along Owens Manor Avenue. (For specific details, see proposed plan set included in Planning Commission Subcommittee agenda packet.)

**PHASE 5: MOONDANCE PATIO ADDITION SUMMARY**

TOTAL SITE AREA	2.4 ac.
Affected Area	0.01 ac.
BUILDING SQUARE FOOTAGE	71,777 sq. ft.
Affected Area (Patio only)	513 sq. ft.
Patio Seating	35
	(Based on revised plan)

**STAFF COMMENTS:**

**A. PRIOR TO CONSTRUCTION PLAN APPROVAL**

1. The revised drawing show the Dwarf English Boxwood plants only added to the eastern side of the landscaped areas around the patio. This plant should also be placed along the southern side of the patio. Show on landscape plan with construction plan set.

**B. GENERAL REQUIREMENTS:**

1. The developer shall amend the existing Project Development Contract (1201) with the City of Germantown for this project to include the changes to the revised final plan after it has received Final approval from the Planning Commission.
2. 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.
3. The Final Plan for Phase 5 of this development must be revised to reflect this patio addition prior to its recording with the Shelby County Register’s Office.

4. 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 Economic and 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<sup>th</sup> and requested that the applicant revise the submitted plans to provided information on proposed landscaping, lighting, and drainage. The applicant revised the site plan and TAC reviewed the revised plan on November 14, 2018, and indicated that most items have been addressed as recommended. Comments unaddressed from the previous September TAC meeting and new comments from the November meeting can be complied with prior to construction plan approval. New TAC comments or responses to applicant's currently revised plans and drawing are shown below in **BOLD italics**:

**Planning:**

1. If approved by the Planning Commission, the revision shall be forwarded to the Board of Mayor and Aldermen for final approval.
2. Provide a color rendering of the new patio addition along with material and paint samples for the Smart Code Review Committee review. (**Received - included in re-submission packet.**)
3. Provide cut sheets of the table and chairs to be used on the patio. (**Information to be submitted prior to subcommittee meeting on 11/20/18.**)
4. Label the color of the proposed steel post and trim of the metal panels to be located along the open sidewalk area north of the patio. (**Information to be submitted prior to subcommittee meeting on 11/20/18.**)
5. Add dimensions for the patio to the site plan and sheet A1.4, including the overall height of the trellis roof from the surrounding grade. (**Done - shown on revised plans**)
6. Add the adjacent street names to all drawings to assist in locating the area within the Thornwood Development. (**Information still need on all civil drawings; specifically – Sheets C0.1, C01.01, C02.01**)
7. The site plan shows landscaping along the south side of the patio but does not designate the boundary of this area along the sidewall. Revise plan to clearly show this information. (**Still missing on sheets A1.1, C1.01, C2.01**)
8. Provide a detailed landscape plan for the area planned around the patio. (**More detail information still needed; see comments from Economic Development Department**)

**Engineering:**

Provide information (draw stormwater arrows) to show the drainage from the patio to the sidewalks to the curb and across the street. Additional drainage inlets may be needed. (**Done - shown on revised plans**)

**Public Works:**

1. Please have a Licensed Professional Engineer stamp and sign the drawings, especially the grading and drainage plan sheet. (**Done - shown on revised plans**)
2. Please provide more information for how the drainage from the patio will be collected and conveyed into the storm sewer system. (**Done - shown on revised plans**)
  - a. The addition of inlets and piping may be necessary for positive drainage conveyance to occur.
3. Please consider an alternate material for the floor of the patio that will allow for positive drainage to occur. (**Done - shown on revised plans**)

**City Fire Marshal:**

Where buildings are protected by automatic sprinklers, the outdoor storage, display, and handling of combustible material under eaves, canopies, or other projections or overhangs are prohibited except where automatic sprinklers are installed under such eaves, canopies, or other projections or overhangs.

**Additional comments as of 11-14-18:**

**1004.5 Outdoor areas.** *Yards, patios, courts and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by this chapter. The occupant load of such outdoor areas shall be assigned by the building official in accordance with the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.*

**1010.1.5 Floor Elevation.** *There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal.*

**1010.1.6 Landings at doors.** *Landings shall have a width not less than the width of the stairway, the door, or gate whichever is greater. Landings shall have a length measured in the direction of travel of not less than 44 inches.*

**Police:** No comments submitted.

**Parks:** No comments submitted.

**Economic Development:**

*Proposed evergreen shrubs should be specified (genus/species, size, quantity, etc.) Landscape bed/sidewalk delineation is missing on sheets A1.1, C1.01, C2.01.*

**Neighborhood Services:** No comments submitted.

**STAFF RECOMMENDATION:** Approval of a revised Preliminary and Final Plan for Thornwood Mixed Use Planned Development, Phase 5 – Market Row, to allow a patio addition for Moondance Restaurant, subject to the comments and conditions listed above and the plans and documents submitted with the application.

**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 November 20, 2018, and recommended that the application is placed on the December Planning Commission agenda for action, 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 on pages 6 and 7 of this staff report.

**PROPOSED MOTION:** To approve the revised Preliminary and Final Site Plan for Thornwood Mixed Use Planned Development, Phase 5 – Market Row, to allow a patio addition for Moondance Restaurant, subject to the Commission’s discussion, staff comments and conditions in the staff report, and the plans and documents filed with the application.

**APPROVED ON THE CONSENT AGENDA**



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

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## Moondance Patio - EDC Statement

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Levy Commercial <SLevy@levycommercial.com>

Fri, Nov 30, 2018 at 12:21 PM

To: Sheila Pounder <spounder@germantown-tn.gov>

Cc: Marie Lisco <mlisco@germantown-tn.gov>, Jerry Klein <jerry@kossmankleinco.com>

Sheila/

The Germantown EDC has no problem with the enlargement of the Moondance patio as discussed at the last Planning Commission Smart Code sub-committee meeting.

Thank you.

Signed/

Jerry Klein, Chairman

Steven Levy, Vice-Chairman



# CITY OF GERMANTOWN

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## TENNESSEE

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

November 30, 2017

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

RE: Case # 18-833  
Thornwood Mixed Use, Phase 5 – Market Row  
Approval of a Revised Site Plan for a Patio Addition

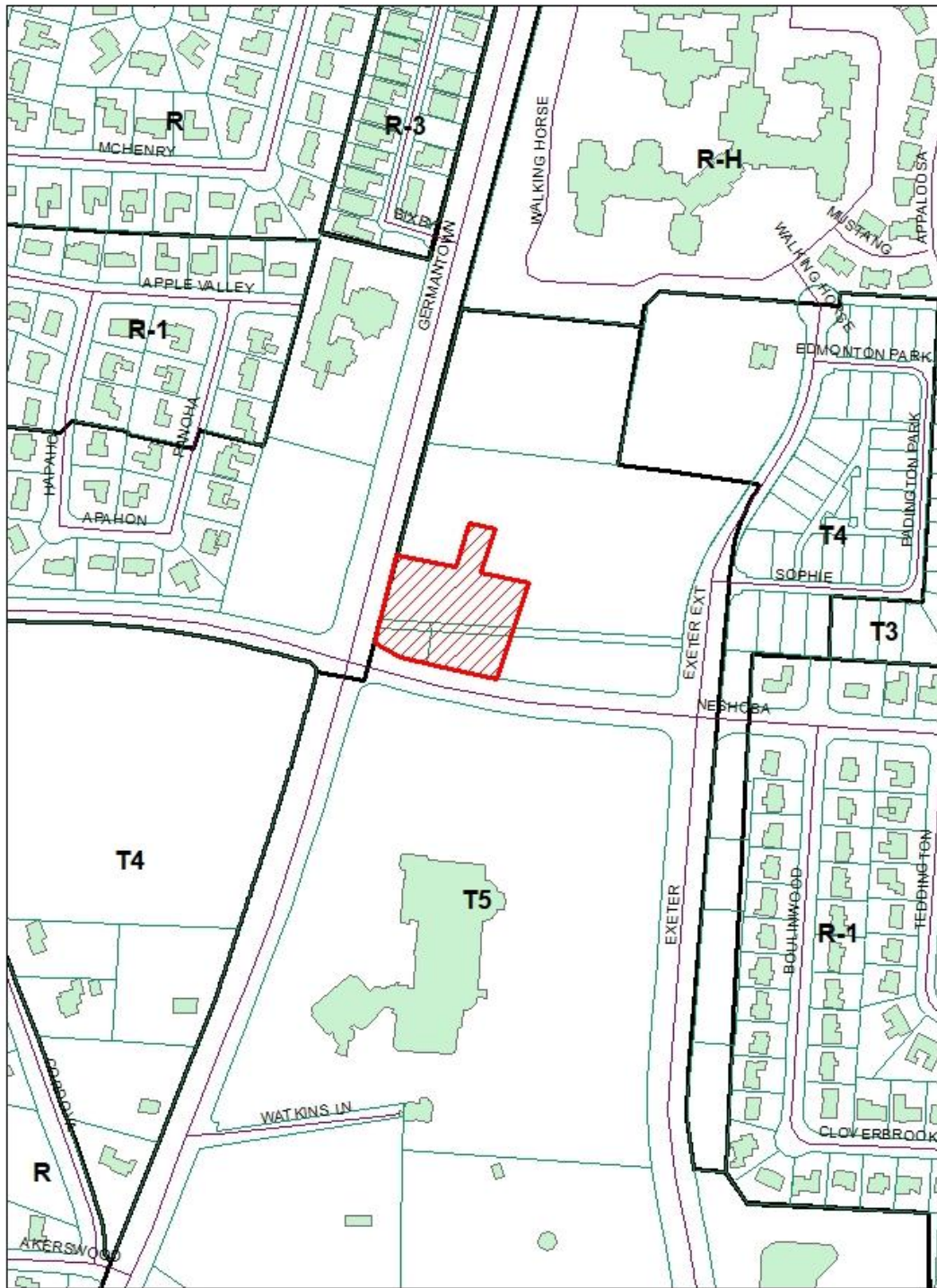
The DRC Smart Growth Subcommittee is recommending approval of the revised site plan.

After the presentation, the design team accepted the changes in plant material (vinca minor to dwarf boxwoods) on the outside of the proposed brick wall. They meet all the other conditions requested by staff and the commissioners.

Design Review Commission Smart Growth Subcommittee

Paul Bruns

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



**ZONING MAP**



# RECORDED OUTLINE PLAN



**NOTES**

1. FLOODWAY OR FLOODPLAIN  
THIS PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE AS DESIGNATED ON FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 47000-0000. DUTCHMAN CREEK - FEBRUARY 6, 2013. NEAREST FLOOD ELEV. 206.00

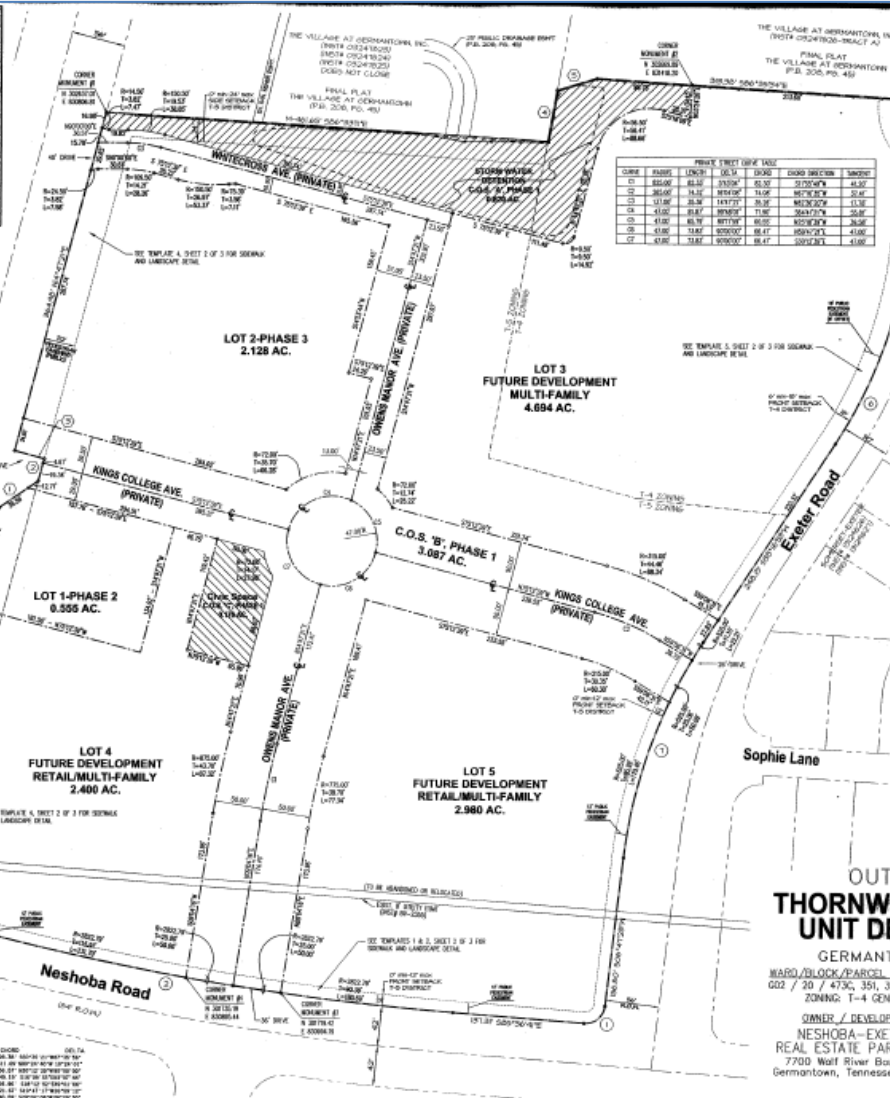
2. BENCHMARK  
BENCHMARK IS ON THE TOP OF CURB AT THE E.P. ON THE NORTH SIDE OF NESHOBA ROAD AT THE NORTHEAST CORNER OF NESHOBA ROAD AND GERMANTOWN ROAD.

ELEVATION 300.00  
CITY OF GERMANTOWN DATA (MAY 08)

PLAT BOOK 3-265  
PAGE 1-B

DATE: 7/23/2015

SCALE: AS SHOWN



THE VILLAGE AT GERMANTOWN INC.  
PINK PLAT  
THE VILLAGE AT GERMANTOWN  
P.L. 2005, P.D. 431

Edmonton Park Lane

SCALE: 1"=60'



**SITE DATA:**

SITE AREA: 16.84

PARKING SPACES: 400 (TYP.)

DRIVE ANGLES: 25' MAX (TYP.)

## OUTLINE PLAN THORNWOOD PLANNED UNIT DEVELOPMENT

GERMANTOWN, TENNESSEE

WARD/BLOCK/PARCEL NUMBERS	No. of LOTS	ACREAGE
002 / 20 / 4730, 351, 353, 48	5	16.84

ZONING: T-4 GENERAL URBAN, T-5 URBAN CENTER

OWNER / DEVELOPER:  
NESHOBA-EXETER  
REAL ESTATE PARTNERS  
7700 Wolf River Boulevard  
Germantown, Tennessee 38138

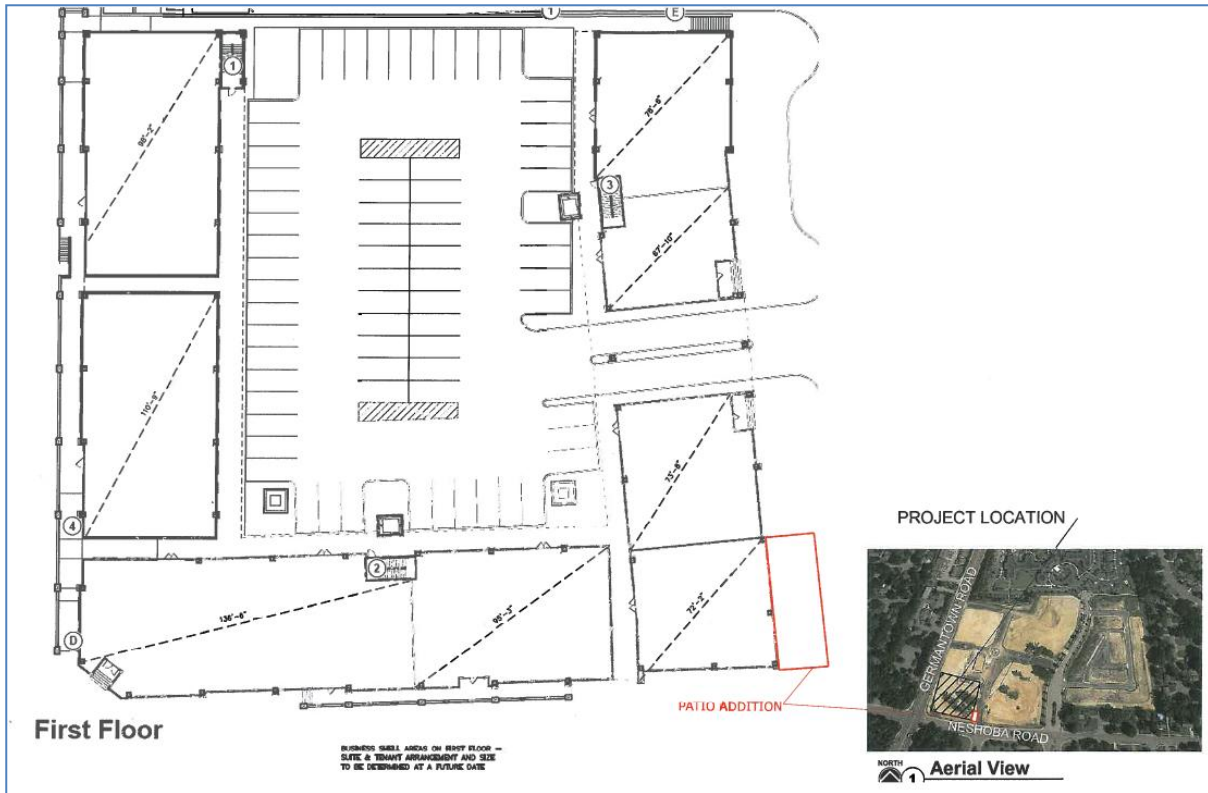
PREPARED BY:  
**The Reeves Firm**  
Planning  
Engineering  
Landscape Architecture  
Land Surveying

8800 Poplar Avenue, Suite 100  
Memphis, TN 38125  
Ph. 901.962.2200 Fax: 901.962.2947

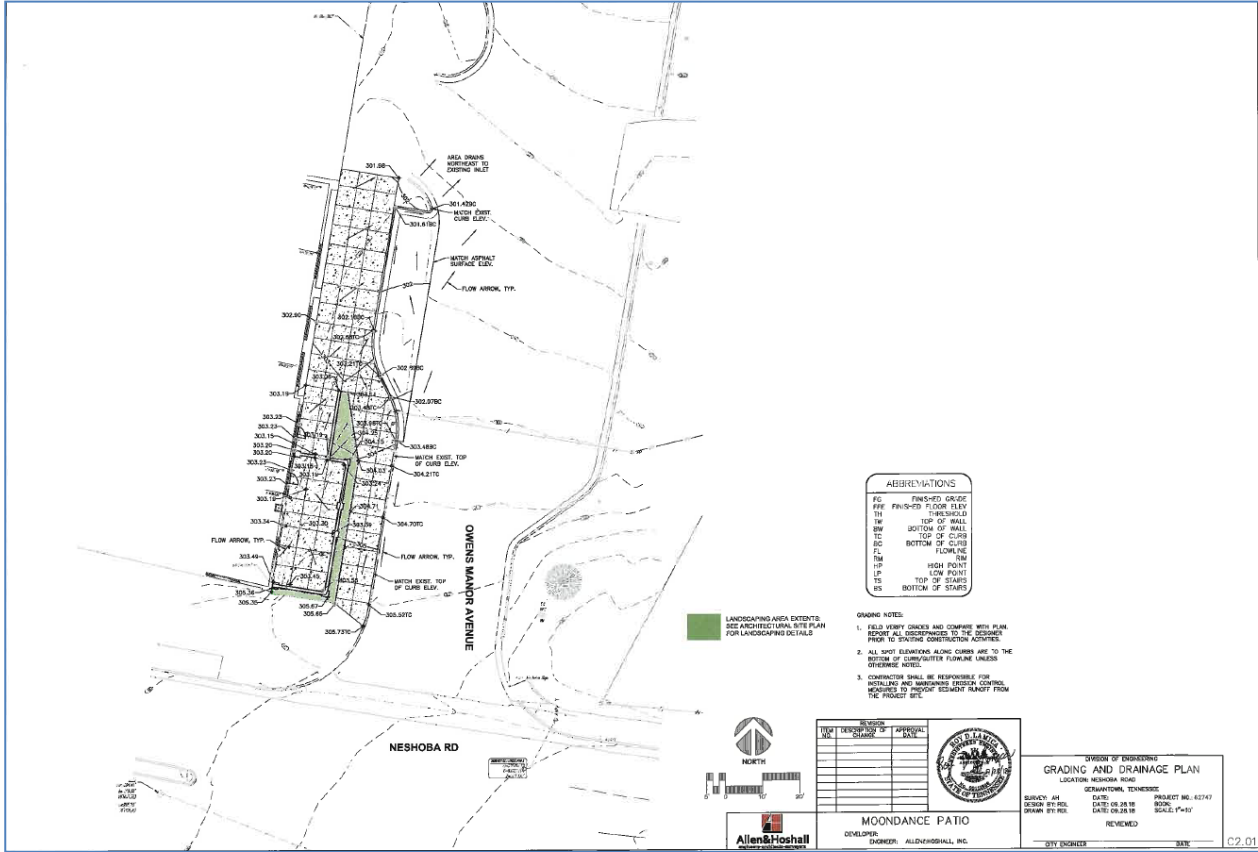
### PHASE 5 LOCATION MAP



### PATIO LOCATION MAP



**SITE PLAN REVISION  
(ENLARGED COPIES ARE INCLUDED IN PC WEB PACKAGE)**



**PATIO ELEVATIONS**





**Allen&Hoshall** P  
L  
L  
C

1661 International Drive, Suite 100  
Memphis, Tennessee 38120  
Office 901.820.0820  
Fax 901.683.1001  
[www.allenhoshall.com](http://www.allenhoshall.com)

Sheila Pounder  
Planning Division Manager  
1930 South Germantown Rd  
Germantown, TN 38138

Sheila,

This project is an exterior addition to Moondance Restaurant, a tenant infill space in the new Thornwood Development Phase 5. The patio shall be 513 square feet (.01 acres). The patio is designed to accommodate 15 patrons with outdoor tables and chairs. The patio addition is not enclosed and is open to the elements, with a gate for emergency egress. The walls are of brick construction to a maximum of 4'-6" and a minimum of 3'-0" from patio finished floor with steel columns wrapped in stained yellow pine. The roof structure consists of stained yellow pine. Minor changes to existing curb and other site and landscaping modifications are indicated in the Civil Drawing sheets of the drawing set.



**CITY OF  
GERMANTOWN  
TENNESSEE**

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

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

**PLANNING COMMISSION  
OFFICIAL APPLICATION FORM**

TYPE OF APPLICATION	
(Check <input checked="" type="checkbox"/> all that apply):	
<input type="checkbox"/> Sketch Plan;	<input type="checkbox"/> Preliminary Site Plan; <input type="checkbox"/> Final Site Plan
<input type="checkbox"/> Minor Subdivision;	<input 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"/> Accessory Structure	_____
<input checked="" type="checkbox"/> Other:	<u>REVISED FINAL PLAN</u>
IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES NO (Please note - If yes, then follow Smart Code Application Instructions to complete this form for submittal)	
PLANNED USE DEVELOPMENT'S (PUD) ONLY:	
<input type="checkbox"/> PUD Outline Plan (Master Plan);	<input type="checkbox"/> PUD Amendment to Outline Plan;
<input checked="" type="checkbox"/> PUD Preliminary Plan (individual phases);	<input type="checkbox"/> Final Plan (individual phases);
Phase: <u>5</u> of _____ Date of PUD Outline Plan (Master Plan) Approval: _____ Other: _____	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
Project Name: <u>MON DANCE RESTAURANT PATIO ADDITION</u>	
Address/Location: <u>1730 SOUTH GERMANTOWN RD</u>	
Project Description: <u>PATIO ADDITION TO RESTAURANT TENANT SPACE IN THORNWOOD DEVELOPMENT</u>	
No. of Acres: <u>.01</u> Parcel Identification Number(s): <u>60220 00522</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>THORNWOOD MIXED USE LLC</u> Address: <u>460 KIMBEROUGH RD, STE 103</u>	
Phone No.: <u>901.754.7774</u>	Email Address: <u>SRAY@MCNEILLCRE.COM</u>
Signature of Property Owner: <u>M SK</u>	
Lessee Name & Title (Print): <u>MONDANCE THORNWOOD LLC</u> Address: <u>149 MONROE AVE 38103</u>	
Phone No.: <u>901.355.1454</u>	Email Address: <u>STEP3010@HOTMAIL.COM</u>
Signature of Lessee: <u>S Thom-Pet</u>	
Developer Name & Title (Print): <u>THORNWOOD MIXED USE LLC</u> Address: <u>460 KIMBEROUGH RD, STE 103</u>	
Phone No.: <u>901.754.7774</u>	Email Address: <u>SRAY@MCNEILLCRE.COM</u>
Signature of Developer: <u>M SK</u>	
PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY	

APPLICANT INFORMATION	
Name: <u>M. SPENCE RAY</u>	Title: <u>MANAGING MEMBER</u>
Company Name: <u>THORNWOOD MIXED USE LLC</u>	Address: <u>1468 KIMBROUGH RD, STE 103</u>
Phone No.: <u>901-754-7774</u>	Email Address: <u>SPRAY@MCNEILL CRE.COM</u>
Who will represent this proposal at the Planning Commission meeting (name & title)? <u>MIKE YOUNG</u>	
ENGINEER/SURVEYOR INFORMATION	
Engineer Name: <u>ROY LARNICA</u>	Address: <u>1661 INTERNATIONAL DR.</u>
Phone No. <u>901-820-0820</u>	Email Address: <u>RLARNICA@ALLENHOSKILL.COM</u>
Surveyor Name: <u>JAY CAUGHMAN</u>	Address: <u>1661 INTERNATIONAL DR.</u>
Phone No.: <u>901-820-0820</u>	Email Address: <u>JCAUGHMAN@ALLENHOSKILL.COM</u>

**DISCLOSURE OF OWNERSHIP INTERESTS**

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

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

Applicant Name & Title: THORNWOOD MIXED USE LLC - M. SPENCE RAY - MANAGING MEMBER  
Address: 1468 KIMBROUGH RD, STE 103 GERMANTOWN, TN 38138  
Signature of Applicant: M. SR

Property Owner Name & Title: THORNWOOD MIXED USE LLC - M. SPENCE RAY - MANAGING MEMBER  
Address: 1468 KIMBROUGH RD, STE 103 GERMANTOWN, TN 38138  
Signature of Property Owner: M. SR

Lessee Name & Title: MONROE - THORNWOOD LLC - STEWART T PETERS - PRESIDENT  
Address: 149 MONROE AVE MEMPHIS, TN 38103  
Signature of Lessee: S. Peters

Developer Name & Title: THORNWOOD MIXED USE LLC - M. SPENCE RAY - MANAGING MEMBER  
Address: 1468 KIMBROUGH RD, STE 103 GERMANTOWN, TN 38138  
Signature of Developer: M. SR

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

Name	Business or Home Address
Thornwood Mixed Use Investors LLC	1468 Kimbrough Rd, Ste 103 Germantown, TN 38138
LLCMTN Holdings LLC	2285 S Germantown Rd Germantown, TN 38138

There was no old or new business to come before the Commission.

Chairman Harless thanked Rick Bennett for his service to the commission and all that he has done. "You have been an outstanding member. We wish you well"!

There were no liaison reports.

Chairman Harless stated I would like to wish everybody a Merry Christmas.

**ADJOURNMENT:** The meeting adjourned at 6:06 p.m.