



**REPORT TO CITY PLAN COMMISSION**

**Plan Commission Date:** August 25, 2014

**Common Council Date:** September 3, 2014

**Item:** Planned Development Amendment to PD #1-12

**Case Manager:** Jeff Towne

**GENERAL INFORMATION**

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**Owner/Applicant:** Autozone, Inc. - owner; Scott Maier, Kimley-Horn- applicant

**Address/Parcel #:** 3200 East Calumet Street/31-4-6157-00

**Petitioner's Request:** The property was not included in the overall PD for the adjacent property.

**BACKGROUND**

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This property was zoned PD/C-O Planned Development Commercial Office in 2005 as Rezoning #49-05. The use of the property at that time was the conversion of a single-family residence into a commercial office building for an insurance office.

The property was rezoned to PD/C-2 Planned Development General Commercial in 2012. The Plan Commission approved the request on July 23, 2012 and a Public Hearing for the rezoning was held at the August 1, 2012 Common Council meeting. An Implementation Plan Document (IPD) and Development Plan was not recorded at that time with the understanding that the IPD would be brought back to Plan Commission and for Common Council approval in the future prior to development occurring on the site.

**STAFF ANALYSIS**

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The current base zoning of C-2 General Commercial District was approved as being compatible with the surrounding uses. The new development proposed for this site is retail, similar in scale to the properties immediately to the east. The IPD is essentially the same as the one recorded for the properties directly to the east. This Amendment and the submittal of the IPD and Development Plan formalizes this zoning designation and completes the process.

**Surrounding zoning and land uses:**

- North: R-2 Two-family Residential District
- South: PD/C-2 Planned Development General Commercial District
- East: PD/C-2 Planned Development General Commercial District
- West: R-1B Single-family Residential District

**2010-2030 Comprehensive Plan:** The Comprehensive Plan identifies this lot for future commercial land uses. The zoning of PD/C-2 is consistent with this concept and the Planned Development Amendment will not change the base zoning.

**Planned Development Amendment to PD #1-12**  
**August 25, 2014**  
**Page 2**

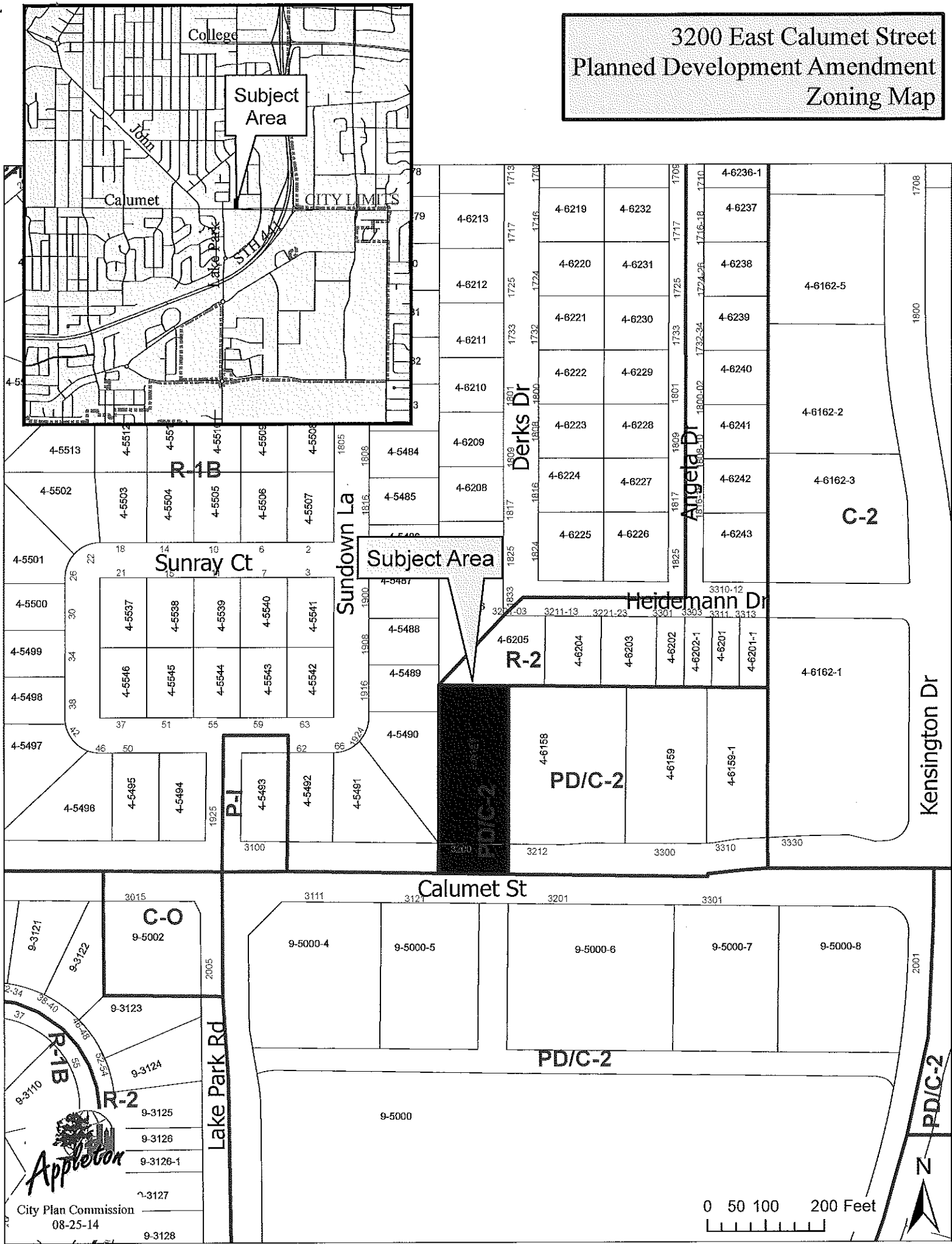
**Technical Review Group Report (TRG):** This item was discussed at the June 28, 2012 Technical Review Group Report meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

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Staff recommends, based upon the standards for changes in a PD as required by Section 23-151(p)(1) of the Zoning Ordinance, that Planned Development Amendment to PD #1-12 for the property generally located at 3200 East Calumet Street, including to the centerline of adjacent street right-of-way(s) and as shown on the attached maps, **BE APPROVED**.

# 3200 East Calumet Street Planned Development Amendment Zoning Map



**Subject Area**

**Calumet St**



# IMPLEMENTATION PLAN DOCUMENT FOR PLANNED DEVELOPMENT

## PLANNED DEVELOPMENT DESIGNATION

This Planned Development Designation, to be known as AutoZone Inc is approved this      th day of     , 2014 by the Common Council of the City of Appleton, Wisconsin, a Wisconsin Municipal Corporation, (hereinafter referred to as the "City") for certain real property located in Appleton and described in attached Exhibit "A" (hereinafter referred to as the "Property"). This Implementation Plan Document for Planned Development (PD) #      is made and entered into by and between AutoZone Inc. (hereinafter referred to as the "Owner/Developer") and the City.

WHEREAS, Sec. 23-151(m)(2)g(1), Appleton Municipal Code requires the recordation of a Implementation Plan Document for Planned Developments undertaken in the City; and

Record and return copy to:  
City of Appleton  
Community Development Department  
100 N. Appleton Street  
Appleton, WI 54911

WHEREAS, the actual Implementation Plan Document contemplated under the aforementioned Ordinance is too voluminous and cumbersome for easy recordation by the Outagamie County Register of Deeds; and

WHEREAS, the parties hereto wish to notify all interested parties of the existence of said Implementation Plan Document;

NOW, THEREFORE, in consideration of the foregoing recitals, the Owner/Developer and the City hereby notify all interested parties as follows:

1. **Existence of Implementation Plan Document for PD #     .** The parties hereto have entered into mutually agreeable Development and Implementation Plans for the Property. This designation establishes the general uses which shall be permitted on the property, a general development plan, a specific implementation plan and a statement of development guidelines and conditions that must be complied with by the Owner/Developer and all subsequent property owners or agents of the property owners. This designation also specifies improvements that must be made and conditions that must be fulfilled in conjunction with this designation by the Owner/Developer.
2. **Location of Implementation Plan Document.** The Implementation Plan Document for PD #      approved by Appleton Common Council action on                     , 2014 and executed by the parties on the date of filing with the Register of Deeds' office is on file with the Appleton Community Development Department, 100 North Appleton Street, Appleton, WI, and is subject to review and reproduction by all interested parties upon request.
3. **Subsequent Purchasers.** A Planned Development (PD) is a zoning overlay district under the

City of Appleton Zoning Ordinance. The Implementation Plan Document exists for Planned Developments (PDs) under this zoning category and are covenants that run with the land. Accordingly, all future purchasers of property zoned PO should become familiarized with the individual requirements attached to that specific property.

4. **Amendments to the Recorded Development Plans and Implementation Plan Document.** Pursuant to Sec. 23-151 of the Appleton Municipal Code, major changes in a PO require approval by the City Council and subsequent recording of the amendment. The Community Development Director may approve Minor Amendments.
5. **Development Guidelines and Conditions.** The Development Guidelines and Conditions include, but are not limited to, the following:

A. **LANDUSES**

1. **Permitted Uses (C-2 Zoning)**

- Drive Thru facilities (for bank, dry cleaning, or similar type business)
- Automotive parts Retail Store
- Greenhouse or nursery
- Multi-tenant building
- Offices
- Personal services
- Printing (Kinkos/Fed X style; not a printing press operation)
- Professional services (Doctor, lawyer, dentist, chiropractor, etc.)
- Restaurants without alcohol (with the exception of food establishments that exhaust heavy food cooking odors)

The following are examples of the types that would be permitted:

- Coffee (like Starbucks, Caribou, etc. with drive thru);
- Automotive parts retails (AutoZone, Napa, Advanced Auto)
- Bakery (like Atlanta Bread or Big Apple etc. / Not like Krispy Kream);
- Ice Cream (like Goldstone, Baskin Robins, etc.);
- Sub Shop (like Subway, Jimmy Johns, etc.)
- Noodle Type (like Noodles & Company, etc.)
- Pizza Pick Up (like Papa Murphy's/ Not like Pizza Hut)
- Retail Businesses
- Veterinarian Clinic

The following uses would not be permitted:

- Adult oriented establishments
- Amusement Arcades
- Automobile, RV, truck, cycle, boat sales and display lot (new and used)
- Bar or Tavern
- Body Repair and or paint shop
- Bus Terminal
- Car Wash
- Commercial entertainment
- Electronic tower

Farmers market  
Flea markets  
Freight distribution and or moving centers  
Helicopter landing pads  
Hotel or motel  
Indoor kennels  
Landscape Business  
Manufacturing, custom  
Manufacturing, light  
Microbreweries  
Mobile home sales lot  
Outdoor commercial entertainment  
Parking Garage  
Personal storage  
Produce stand  
Research laboratories or testing facilities  
Restaurants with alcohol  
Shopping Centers  
Temporary structures  
Towers or antennas for wireless telecommunications services  
Towing Business  
Wholesale facilities

2. **Accessory Uses:** List desired accessory uses in Section 23-43 of Zoning Code.

**B. DEVELOPMENT STANDARDS**

1. **Principal Building Height** shall not exceed 35 feet.

2. **Principal Building Setbacks** shall be as follows:

- a. Front yard - 10 feet Minimum
- b. Rear yard - 20 feet Minimum
- c. Side yards - 0 feet Minimum or 10 feet minimum if abutting a residentially zoned district

3. **Accessory Building Setbacks** shall be as follows:

- a. Front yard- 10 feet Minimum
- b. Rear yard - 20 feet Minimum
- c. Side yards - 0 feet Minimum

4. **Off-Street Parking Setbacks** shall be as follows:

- a. Front yard- 10 feet Minimum
- b. Rear yard - 20 feet Minimum
- c. Side yards - 0 feet Minimum

**5. Off-street parking spaces.**

Parking spaces shall be analyzed at each site plan review application. The Planned Development shall provide for ample parking for all existing and proposed uses.

Minimum Off-Street Parking Spaces

Identify the calculations for minimum off-street parking: 4/1000 square feet of building area

As a result, the minimum required amount of parking stalls for the development based on the above calculations for Exhibit "A" is 28 off-street parking stalls.

**6. Design Standards**

The exterior of all buildings shall be compatible and consistent with the materials and colors within the development. Samples of building materials and colors are required to be submitted to the Community Development Department as part of the Site Plan Review and approval process. Any future buildings, building additions or building alterations shall be compatible with this theme, as shown in Exhibit "B" and the building materials listed below.

- Roofing type and color: Flat roof/rubberized.
- Type and color of soffit and fascia: Aluminum/earth tone to match building.
- Type and color of window trim: (Black, Bronze or Aluminum Finish)
- Type and color of exterior doors: Glass (Clear-1" tempered) Security doors: hollow metal
- Exterior wall (north, south, east west elevations) type and color: Split face block and brick of earth tone colors. Building will be block and brick on all four sides. Rear of building will be block with brick accent strip.

**7. Designated Open Space Areas**

Open Space Areas, The open space areas as shown conceptually in (Exhibit "A" which demonstrates greater than 25% open space shall remain open and free from all improvements except for landscaping, utility work, signage, stormwater detention, and access or other elements as shown on the plan.

**8. Signs and Lighting**

- a. All signs shall comply with Chapter 23 of the Appleton Municipal Code as now in effect or hereafter amended unless specifically identified in this document.
- b. All exterior lighting fixtures, either mounted on the building or freestanding, shall be installed in accordance with Chapter 23 of the Appleton Municipal Code as now in effect or hereafter amended unless specifically identified in this document. In addition, all exterior lighting fixtures, either mounted on the building or freestanding, shall be with full cut-off design and directed downward and away from adjoining property, with luminaries shielded to prevent no dispersion or glare to shine above a 90 degree horizontal plane from the base of the light fixture.

(YES, our Standard for wall lighting) Light poles point down and can shut off back to prevent light spillage at property line. ALL Exterior lighting is LED.

**9. Minor Site Plan Review and Site Plan Review** is required for construction projects within an

underlying C-2 General Commercial District pursuant to Section 23-570.

10. **Construction Schedule** (indicate the date for beginning and complete of the development, if the developed in stages indicate dates for beginning and completion of each stage).

Fall 2014 start / Spring 2015 finish

**C. REQUIRED IMPROVEMENTS**

**1. Access**

- a. **Streets.** The primary access to the property and to all building sites is provided by access easements to the adjacent property to the east, which is built which is existing. The adjacent property has direct access to Calumet.
- b. **Sidewalks.** Sidewalks are required on East Calumet Street and are existing.
- c. **Bike Paths** are not required within this development.

**2. Water Systems**

Water supply for the development shall be provided by Appleton Water Utility. Adequate fire flows shall be provided as required by the Appleton Fire Department.

**3. Sewer Systems**

Sewer service for the development shall be provided by the City of Appleton.

**4. Fire Protection**

The subject property is located within the Appleton Fire Department's service area. All development on the property shall meet all fire protection requirements of the Department.

**5. Utilities and Easements**

All new utility lines shall be installed in full accordance with the standards of each utility provider and the Appleton Municipal Code- Subdivision Standards. Easements for all utilities shall be shown on the final plat or easement documents approved by the City and recorded in the Outagamie County Register of Deeds' office. Private easements will be provided for any private utilities that cross the adjacent parcel.

**6. Landscaping**

Landscaping improvements shall be required as part of any site plan. Landscaping shall conform with the requirements of the City's Landscape Standards, including but not limited to, plantings around the parking/driveway areas, the dumpster enclosures, and the base of the ground signs. A detailed Landscape Plan shall be submitted to the Community Development Department as part of the Site Plan Review and approval process. Revegetation of all



disturbed areas shall be required in accordance with City Grading and Excavation requirements. All landscaping shall be maintained and kept viable.

All landscaping shall be installed in accordance with the Landscape Plan attached as Exhibit "C" (landscape shall be similar to the attached exhibit and consistent with the surrounding commercial neighborhood).

#### D. IMPLEMENTATION

1. **Platting Requirements** – Land development or land combination or division activity must satisfy the minimum requirements of the City of Appleton Subdivision Ordinance.
2. **Density of Development**  
Densities of development indicated in Exhibit "A" represent the maximum permitted densities and levels of use. Each development phase must meet all applicable standards and requirements as contained in the Appleton Municipal Code unless such standards and requirements are specifically waived or modified by the terms of this designation.
3. **Ordinance Exceptions:** Identify those aspects of the PD that vary from the zoning ordinance requirements applicable to the base zoning district and from other applicable regulations of the City. If a discrepancy occurs between the zoning code and this Implementation Plan, the approved plan shall control as generally depicted on Exhibits "A-C"

#### E. GENERAL PROVISIONS

1. **Enforcement**  
The provisions of the AutoZone Planned Development designation and the development plan relating to the use of the land shall be effective and in force unless so amended as required by the Appleton Municipal Code Section 23-151.
2. **Breach of Provisions of PO Designation**  
If at any time any provision or requirements stated in the AutoZone Planned Development designation have been breached by the Owner/Developer, the City may withhold approval of any or all platting or the issuance of any or all grading or building permits or occupancy permits applied for on the property, until such breach has been remedied.
3. **Binding Effect**  
This AutoZone Planned Development designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the Appleton Municipal Code Section 23-151. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained

herein.

**4. Entire Designation**

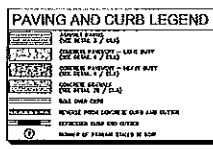
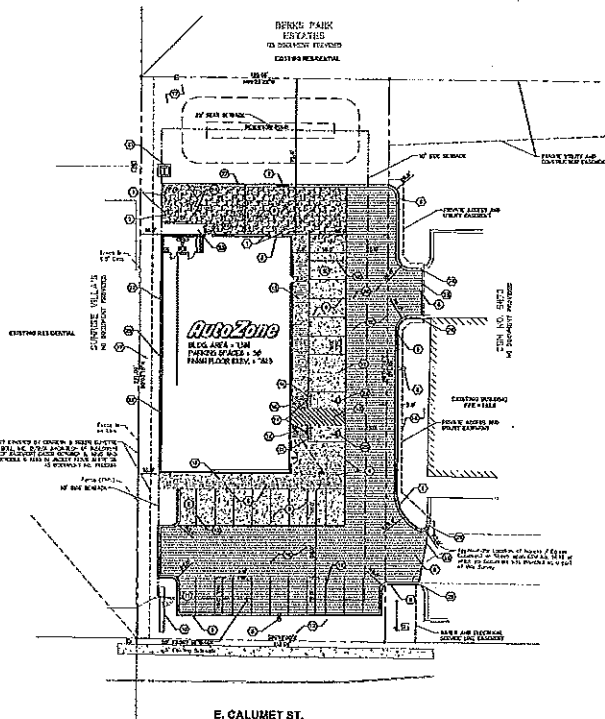
This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to AutoZone Planned Development #\_\_\_\_, except as modified by subsequent action of the Appleton Common Council in accordance with procedures set forth in the Appleton Municipal Code Section 23-151 to amend planned developments, and except that nothing contained herein shall be construed as waiving any requirements of the Appleton Municipal Code or other regulations otherwise applicable to the development of the Property.

**5. Period of Validity**

The Implementation Plan and Development Plan (Exhibits(s) "A thru C") as approved by the Common Council shall remain valid of a period of one (1) year during which time a building permit must be applied for and received. If the applicant does not apply for and receive a building permit within one (1) year from the date of Common Council approval of PD overlay district PD#\_\_\_\_, Development Plan and Implementation Plan Document (IPD), the Development Plan and Implementation Plan Document (IPD) will constitute abandonment of the PD overlay district and related approvals, and any assumed development rights over that allowed through the underlying zoning district and shall be subject to the regulations in §23-151(l), Proof of validity and expiration of plans, of this chapter.

**6. Recording of Development Plan and Implementation Plan Document (IPD)**

This designation must be signed by both the City and the Owner/Developer and must be recorded by the AutoZone in the Outagamie County Register of Deeds' Office and a recorded copy of the Development Plan and Implementation Plan Document (IPD) shall be provided to the Community Development Department. This constitutes approval of the Development Plan and Implementation Plan Document (IPD), conditions applied, modifications and any density premiums, which may be granted, and exceptions, if any, to the plan shown in the application ordered by the Common Council.



**DATA SUMMARY**

DATE	07-18-2014
PROJECT NO.	14-000000
PROJECT NAME	AutoZone
CLIENT	AutoZone, Inc.
DESIGNED BY	[Name]
DRAWN BY	[Name]
CHECKED BY	[Name]
DATE OF PRELIMINARY DESIGN	
DATE OF FINAL DESIGN	
DATE OF THIS PLAN	

**PARKING SUMMARY**

TOTAL PARKING SPACES	100
RESERVED SPACES	10
STANDARD SPACES	90
BIKE SPACES	0
TOTAL SPACES	100

- KEYNOTES**
- SEE SHEET 10 - SEE SHEET 11 / 12
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- GENERAL NOTES**
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**AutoZone STORE DEVELOPMENT**

AutoZone, Inc.  
123 South Front Street, 3rd Floor  
Memphis, Tennessee 38103  
TEL: (901) 555-8714 FAX: (901) 955-8224

Site No. 6540  
Callumet Avenue  
Appleton, WI 54915

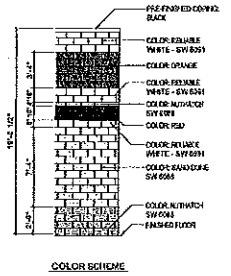
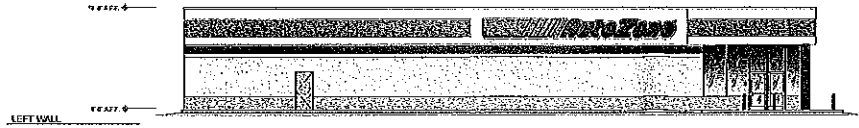
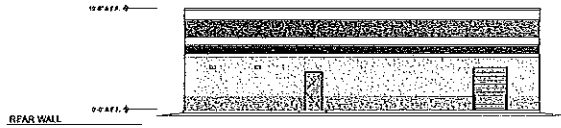
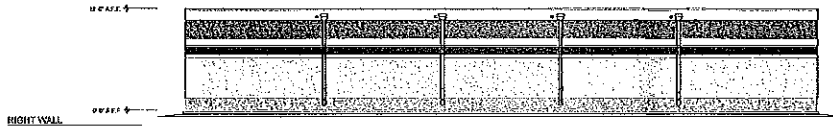
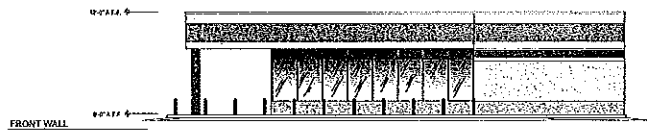
**SITE PLAN**

Prepared For: AutoZone, Inc.  
Date: 07-18-2014  
Scale: Prototype Size

**Kimley-Horn**

DATE: 07-18-2014  
PROTOTYPE SIZE

**C1.0**



COLOR SCHEME

EXHIBIT B

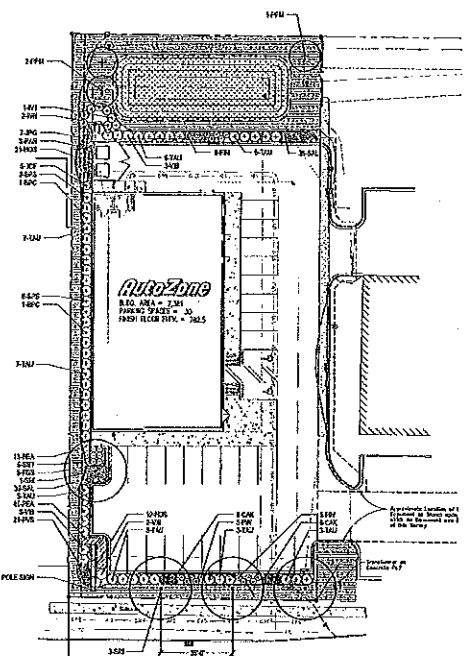
REVISED		REVISIONS	
1	3		
2	4		

ATTOTONE, INC.  
 123 South Front Street  
 Memphis, TN 38103  
 901-955-5714  
 For Bidding & Comments Information Contact:  
 F. W. Dodge - Plan Room Tel. 615-884-1017

Avondale Store No. G240  
 APPLETON, WI  
 BUILDING ELEVATIONS

Architect: ALBERTSON  
 123 South Front Street  
 Memphis, Tennessee 38103  
 901-955-5714  
 For Bidding & Comments Information Contact:  
 F. W. Dodge - Plan Room Tel. 615-884-1017  
 www.fwdodge.com

09-24-13  
 702-LEFT  
 CE1



Landscape Plan

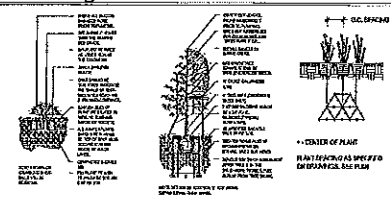
Plant List

Qty	Sym	Botanical Name	Common Name	Size / Spacing
<b>CANOPY TREES</b>				
4	SIB	<i>Syringa reticulata 'Empress of Russia'</i>	JAPANESE HONEYSUCKLE	2.0' Cal.
<b>DECIDUOUS SHRUBS</b>				
8	SBF	<i>Spirea japonica</i>	NORTHERN SPIREA	25
8	VIT	<i>Vitis rotundifolia 'Cynthiana'</i>	AMERICAN VITIS	25
<b>EVERGREEN TREES</b>				
20	JCP	<i>Juniperus chinensis 'Tidwell'</i>	JUNIPER CHINESE JUNIPER	4'
2	PIH	<i>Pinus palustris 'Montgomery'</i>	BLUE CALIFORNIA SPRUCE	6'
<b>EVERGREEN SHRUBS</b>				
2	BPC	<i>Bux sempervirens 'Dorset Green'</i>	MALE PRUNING HOLLY	25
8	DMF	<i>Daphne genkwa 'Blue Pines'</i>	MALE PRUNING HOLLY	25
18	PIH	<i>Pinus strobus 'Parrot'</i>	MALE PRUNING HOLLY	25
1	NOJ	<i>Nerium oleander 'White Dandy'</i>	WINTERBERRY 'WINDY DANDY'	25
2	PIH	<i>Pinus strobus 'Parrot'</i>	WINTERBERRY 'WINDY DANDY'	25
40	TAU	<i>Taxus canadensis</i>	WINTERBERRY 'WINDY DANDY'	25
<b>PERENNIALS &amp; GRASSES</b>				
12	CAK	<i>Carex pensylvanica 'Vase Form'</i>	FEATHER REED GRASS	1 Cal. / 1' Sp.
33	FECS	<i>Festuca ovina 'Wavestack'</i>	HOSSA	25
3	PNJ	<i>Phlox paniculata 'Whisper'</i>	NORTHERN BUTTERFLY	1 Cal. / 1' Sp.
18	PECA	<i>Phlox paniculata 'Garden of Eatin'</i>	RUSSIAN BUCKLE	1 Cal. / 1' Sp.
21	PCS	<i>Phlox paniculata 'Majesty'</i>	SHIRAZI BUCKLE	1 Cal. / 1' Sp.
18	GAL	<i>Gala rosea 'Majesty'</i>	SHIRAZI BUCKLE	1 Cal. / 1' Sp.
<b>STORMWATER SEED MIX (2,648 S.F.)</b>				
COVERED BY NEW STORMWATER SEED MIX APPLIED AT 30 LBS/1000 S.F.				

Landscape Notes

1. See drawing for the plan for final Development approval and approval of the Planning & Zoning Commission.
2. All survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.
3. All survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.
4. Trees to be planted shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.
5. Clear 48" dia. hole for planting and grade by 48" dia. concrete curb to 1/2" dia. hole below 48" dia. hole in 12" dia. hole for planting.
6. Soil shall be amended with 25% topsoil, 25% humus and 50% peat moss for all trees, shrubs and perennials.
7. For each tree to be planted, 1/2" dia. iron rebar shall be placed in hole and 1/2" dia. iron pipe shall be placed in hole.
8. The plan for this project shall be used for a period of one year. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.
9. The plan for this project shall be used for a period of one year. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.
10. The plan for this project shall be used for a period of one year. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.
11. The plan for this project shall be used for a period of one year. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.
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14. The plan for this project shall be used for a period of one year. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.
15. The plan for this project shall be used for a period of one year. The location of all survey points shall be marked with 1/2" dia. iron rebar and 1/2" dia. iron pipe.

Planting Details



**AutoZone, Inc.**  
 123 S. FRONT STREET, 3rd FLOOR  
 MEMPHIS, TENNESSEE 38103

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**AutoZone STORE DEVELOPMENT**  
 123 S. FRONT STREET  
 Memphis, TN

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SCALE: 1/4" = 1'-0"  
**REVISIONS**  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_  
 5. \_\_\_\_\_  
 6. \_\_\_\_\_  
 7. \_\_\_\_\_  
 8. \_\_\_\_\_  
 9. \_\_\_\_\_  
 10. \_\_\_\_\_

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**ARCHITECT: JWC**  
**DRAWN: JWC**  
**CHECKED BY: JWC**  
 DATE: 10/1/00  
 PROJECT NO.: 00-0000

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**L1.0**