

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, February 5, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on February 5, 2013. Chairman Klevan welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Chairman Klevan then called the meeting to order at 6:00 p.m. asking the secretary for the roll.

Ms. Rush called the roll of the Board to establish a quorum:

Commissioners Present: Hale Barclay, Alderman Forrest Owens, Dike Bacon, George Hernandez, Mike Harless, David Klevan, and Steve Wilensky.

Commissioners Absent: Susan Burrow

Staff Present: Andy Pouncey, David Harris, Wade Morgan and Pam Rush.

A quorum for tonight's Planning Commission meeting was established.

1. Approval of Minutes for January 8, 2013

Chairman Klevan stated for those people who just arrived, tonight's agenda is on the front table. The first order of business is the approval of the minutes for January 8, 2013. If there were no additions, corrections or deletions to the minutes of the January 8, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Wilensky moved to approve the Planning Commission minutes of January 8, 2013, as submitted, seconded by Alderman Owens.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – absent; Hernandez - yes; Wilensky – yes; Bacon – abstain; Harless –yes; Owens - yes; Klevan – yes. **The motion was passed**

2. Baptist Memorial Health Care, 7892 Wolf River Blvd – Request Rezoning from “SC-1” Shopping Center Zoning Districts to “C-2” General Commercial Zoning District

BACKGROUND: The property consists of a portion of the site of the former Wal-Mart store.

DISCUSSION: Baptist Memorial Health Care Corporation (BMHC) requests the rezoning of 1.419 acres in order to provide a single, consistent zoning district for the property, which they own in this subdivision. BMHC plans to construct a rehabilitation hospital on some portion of the subdivision, and a consistent zoning district on all their property will avoid possible issues with permitted uses and building requirements. In addition, the current SC-1 district boundary does not follow lot lines, which is not a desirable situation.

STAFF COMMENTS:

1. The Germantown Code (Sec. 23-66) permits changes in Zoning Districts, “[w]henver the public necessity, convenience, general welfare or good zoning practice justify such action.” The basis for a zoning change could include that there was a mistake in the original zoning; or, that there has been a change in the neighborhood. Should a mistake in the original zoning not be the case,

Tennessee courts have established the following criteria to help determine what is considered to be a change in the neighborhood:

- a. Changes in population, both of the area proposed to be rezoned and in the surrounding areas;
 - b. Changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity;
 - c. The need for rezoning based upon changes in whatever is classified as the “neighborhood” (which may not necessarily be limited to what one would think of as a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property; and,
 - d. The effect of the requested change in zoning on adjoining or nearby property.
2. Conceptual site plans for the potential buildings are attached.
 3. The table on the following page compares the uses permitted within the existing SC-1 and proposed C-2 district; Uses common to both districts are highlighted in yellow and uses unique to each district are highlighted in red. The differences in permitted uses could lead to difficulties for future developments.
 4. If approved, the applicant shall proceed to the Board of Mayor and Aldermen (BMA) for three readings on the rezoning.

ZONING AND ANNEXATION SUBCOMMITTEE REPORT (SUSAN BURROW, CHAIRMAN):

The subcommittee withheld a recommendation on this request.

PROPOSED MOTION: To recommend approval of the rezoning from “SC-1” Shopping Center Zoning District to the “C-2” General Commercial Zoning District of 1.49 acres on the east side of Germantown Road, north of Wolf River Blvd.

Sec. 23-402. - Use regulations. Within the districts designated as **C-2 general commercial districts**, the following activities are permitted:

(1) Generally recognized retail trade establishments, which supply convenience goods, shoppers' goods and general merchandise;

(2) Personal services such as, but not limited to, tailor shops, beauty parlors, barbershops, photographic studios, laundries, childcare facilities and hospitals;

(3) Repair services such as, but not limited to, radio and television repair, appliance repair and shoe repair;

(4) Finance, insurance and real estate services such as, but not limited to, banks, insurance offices, savings and loan associations and security brokers;

(5) Cultural activities such as, but not limited to, museums, libraries and art galleries;

(6) Educational services such as, but not limited to, nursery, primary and secondary schools, professional schools, and vocational or trade schools;

(7) Public uses such as, but not limited to, governmental offices, public facilities, post offices and schools;

(8) Professional services such as, but not limited to, architectural, legal and engineering services;

(9) Restaurants which provide for the consumption of food on premises; (restaurants whose primary function is to provide consumption within the building and/or takeout services; no drive-in restaurants will be allowed);

(10) General offices;

(11) Wireless transmission facilities;

(12) Assisted-care living facilities; and

(13) Accessory buildings and uses customarily incidental to such uses including, but not limited to, satellite dish receiving antenna.

(14) Sexually oriented business.

(15) Hotels.

Sec. 23-432. - Use regulations. A building or premises may be used only for the following purposes in the **SC-1 district**:

(1) Community assembly facilities such as, but not limited to, places of worship, community centers and enclosed theaters;

(2) Recreational facilities such as, but not limited to, parks, playgrounds and amusement places;

(3) Medical services such as, but not limited to, advertising firms, rental and leasing services and mailing services;

(4) Professional services such as, but not limited to, architectural, legal and engineering services;

(5) Business services such as, but not limited to, advertising firms, rental and leasing services and mailing services;

(6) Finance, insurance and real estate services such as, but not limited to, banks, insurance offices, savings and loan

associations, and security brokers;

(7) Educational services such as, but not limited to, nursery, primary and secondary schools, professional schools, and vocational or trade schools;

(8) Generally recognized retail trade establishments, which supply convenience goods, shoppers' goods and general merchandise, excluding automobile sales agencies and lumber sales;

(9) Personal services such as, but not limited to, tailor shops, beauty parlors and barber shops, photographic studios, laundries and child care facilities;

(10) Public uses such as, but not limited to, governmental offices, public facilities, post offices and schools;

(11) Public utilities such as, but not limited to, water, gas and electric lines and stations;

(12) Restaurants which provide for the consumption of food on the premises (restaurants whose primary function is to provide consumption within the building and/or take out service); no drive-in restaurants will be allowed;

(13) Cultural activities such as, but not limited to, museums, libraries and art galleries;

SC-1 DISTRICT, CONTINUED

(14) General offices;

(15) Wireless transmission facilities;

(16) Assisted-care living facilities; and

(17) Accessory buildings and uses customarily incidental to such uses including, but not limited to, satellite dish receiving antenna.

(18) Sexually oriented business excluding "Adult hotel".

Mike Davis, Project Manager, 5880 Ridge Bend Road, Memphis, TN 38120 stated this is a cleanup process to make sure the rezoning is changed from SC-1 to C-2. It will put the land that Baptist currently owns into the C-2 zoning district, which is the only district in Germantown that allows for Hospital uses.

Mr. Wilensky moved to recommend approval of the rezoning from “SC-1” Shopping Center Zoning District to the “C-2” General Commercial Zoning District of 1.49 acres on the east side of Germantown Road, north of Wolf River Blvd., subject to staff comments, seconded by Mr. Barclay.

Chairman Klevan asked for a roll call.

Mr. Bacon voted yes; because the rezoning of this property is consistent with the balance of the property.

Mr. Barclay voted yes; for the rezoning for the balance of the property.

Mr. Harless voted yes; I support this motion as a cleanup for this property so it can be fully utilized.

Mr. Hernandez voted yes; the zoning is consistent with the surrounding area.

Alderman Owens voted yes.

Mr. Wilensky voted yes; for the reasons already cited; because it just makes sense.

Chairman Klevan voted yes; continuity of the site with the larger area makes sense.

Roll Call: Barclay – yes; Burrow – absent; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**

3. Methodist Hospital Germantown, 7711 Poplar Ave., - Request Preliminary and Final Site Plan Approval for an Addition to the Emergency Department

BACKGROUND: On August 7, 2007, the Planning Commission granted Preliminary and Final Site Plan approval for the construction of a 220,000 square foot Women’s Pavilion Building; a 219,550 square foot, 637-space parking garage; and the renovation of 100,000 square feet of existing hospital space. On August 28, 2007, the Design Review Commission granted Preliminary and Final Plan approval and on September 10, 2007, the Board of Mayor and Aldermen approved Project Development Contract no. 1160 for the project.

DISCUSSION: Methodist Hospital proposes the construction of a 5,200 sq. ft., one-story addition to the hospital’s emergency department. The addition will replace an existing, 1,085 sq. ft. entrance area located on the east side of the site between the main hospital building and medical office building B, as shown on Attachment 1. No parking spaces or drives will be removed, and the addition does not add to the parking requirement of the hospital. The emergency department expansion is within the area allowed for construction that was established by covenants with the Dogwood Homeowners’ and Leeward Cove Homeowner’s Associations in July 2007.

STAFF RECOMMENDATION: Approval, subject to the following comment:

A. GENERAL COMMENT

1. The increase in floor area will cause a slight increase in the traffic volumes entering and leaving the subject property, but not to an extent that will have an adverse affect on the public roadways in the vicinity of this property.

ATTACHMENT 1 - GENERAL LOCATION



ATTACHMENT 2 - LOCATION OF ADDITION



David Rosenbaum, Vice President of Methodist Lebonheur Healthcare, lives at 8939 Armadale Drive, Germantown, TN 38139 and stated this project is to help us continue to provide the very best healthcare we can for the Germantown community. We have focused on patient family centered care and they recognize our emergency department as it exist today really does not have the facilities for us to be able to provide quality family center care that we want to provide. Therefore, it is an opportunity for us to improve the quality healthcare in the community and surrounding areas.

Alderman Owens asked where the storm drain would be located?

Mr. Rosenbaum noted the storm drain is to the south of where the project goes. It runs under the hospital on the south corner.

Mr. Hernandez asked if the MRI is still there?

Mr. Rosenbaum stated there was a temporary MRI in that located many years ago. However, the MRI has not been there for 8 or 9 years.

Mr. Wilensky asked out of the 5,200 square feet how much is going to be dedicated for the waiting and reception area?

Mr. Rosenbaum stated approximately half of the waiting area.

Mr. Harless moved to approve the preliminary and final site plan for the Methodist Hospital Emergency Dept. at 7711 Poplar Ave., subject to staff comments, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – absent; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**

4. Chick-Fil-a, 1230 S. Germantown Rd., Request Preliminary and Final Site Plan Approval for a Restaurant with Drive-through Facilities

BACKGROUND: The Board of Mayor and Aldermen approved Project Development Contract No. 981 for Chick-Fil-A on July 10, 1995. At its meeting on July 11, 2006, the PC approved an enlarged parking area along the eastern side of the property, along with other minor revisions to the building and drives.

DISCUSSION: Chick-fil-a proposes to demolish the existing building and construct a 4,791 sq. ft., 156-seat restaurant on a larger parcel. The existing building is oriented north south, and the new building will be oriented east west, and will have a longer double drive-through lane. The entry to the private drive to Germantown Road will not be changed.

	EXISTING SITE	PROPOSED SITE
TOTAL SITE AREA	1.132 ac.	1.74 ac.
BUILDING SIZE	3,684 sq. ft.	4,791 sq. ft.
NUMBER OF SEATS	96	156
NUMBER OF PARKING SPACES	62	84

STAFF RECOMMENDATION: Approval, subject to the following comments:

A. GENERAL COMMENT

1. The increase in size and number of seats will cause a slight increase in the traffic volumes entering and leaving the subject property, but not to an extent that will have an adverse affect on the public roadways in the vicinity of this property.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT (MIKE HARLESS, CHAIRMAN): The subcommittee withheld a recommendation on this request.

Mr. Harless asked how soon would Chick-fil-a really like to start the construction?

Todd Rogers, Civil Engineer, Greyden Engineering, 555 Sun Valley Drive, Suite J-1, Roswell, GA 30076 stated Mr. Morgan did a great job summarizing the project. We really just want to upgrade this site and get a better stacking arrangement to help fix the traffic. I just talked to Chick-fil-a and they are closing on the additional property within the next 2 weeks. The plat has gone through the City and has been signed by Baptist. I was told they wanted to start construction as soon as the City gave approved the permits. He would like to have all permits by June 1 for our down time of 12 weeks then we have to go forward to the DRC and the BMA.

Mr. Harless moved to approve the preliminary and final site plan for the re-construction of the Chick-fil-a restaurant at 1230 S. Germantown Road, subject to the preceding comment, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

Roll Call: Barclay – yes; Burrow – absent; Hernandez - yes; Wilensky – yes; Bacon – yes; Harless – yes; Owens - yes; Klevan – yes. **The motion was passed**

5. **Consent Agenda** There was none.
6. Chairman Klevan asked if there was any old business to come before the Commission. **There was none.**
7. Chairman Klevan asked if there was any new business to come before the Commission. **There was none.**
8. Chairman Klevan asked if there were any liaison reports.

Mr. Harless noted he attended the IBD meeting last week and we cleared up some language. We are looking at some PILOT projects with issues that need to be clean up in the next coming weeks.

9. **ADJOURNMENT:** The meeting adjourned at 6:30 p.m.