

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, April 2, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on April 2, 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, Steve Wilensky and Susan Burrow.

Commissioners Absent: None

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

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

1. Approval of Minutes for March 5, 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 March 5, 2013. If there were no additions, corrections or deletions to the minutes of the March 5, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Burrow moved to approve the Planning Commission minutes of March 5, 2013, as submitted, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

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

2. Campbell Clinic, 1400 S. Germantown Rd.: Request the Rezoning of 15 acres from the "O" Office district to the "O-51" Office Zoning District

BACKGROUND: The Planning Commission approved the Final Site Plan for the Campbell Clinic development on September 2, 1992. The Design Review Commission approved the Final Plan for the project on September 23, 1993. The BMA approved Development Contract No. 948 for the Campbell Clinic on September 8, 1992. The Planning Commission approved the request for Preliminary and Final Site Plan approval of the Campbell Ambulatory Surgery Center (ASC) Addition on September 7, 2004. The Design Review Commission granted preliminary and final plan approval for the addition on September 28, 2004 and the Board of Mayor and Aldermen approved Project Development Contract No. 1111 for the Campbell ASC Addition on October 25, 2004.

DISCUSSION: See the attached letter from the Reaves Firm explaining the zoning change and the attached letter from Kimley-Horn and Associates on trip generation.

The O and O-51 districts are very similar in permitted uses; both are intended for professional offices, doctors' and dentists' offices, real estate offices and banks. The O district allows

charitable institutions, museums, art galleries, and assisted care living facilities, while the O-51 district does not allow those uses. The principle difference between the districts is in the height of buildings: the O-51 district permits buildings up to three floors and 51 feet in height, while the O district has a 35 foot height limit. The O-51 district also requires greater building setbacks when the height exceeds 35 feet.

REVISIONS TO THE APPLICATION: The Reaves Firm has prepared a subdivision plat that will combine the existing 3 lots into a single parcel, and has prepared a concept plan (attached) with new construction that complies with the O-51 district's building height and parking requirements.

STAFF COMMENTS:

1. The concept plan envisions a 17,000 sq. ft. addition to the existing surgery center, a new 119,589 sq. ft.; three-story medical building that will connect the existing surgery center and Campbell Clinic building, and a parking garage on the Wolf River Blvd. frontage. The proposed parking meets the current requirements for a surgery center and medical offices.
2. The property is adjacent to the UT Medical Building, which is currently zoned O-51.
3. The City of Germantown has contracted with Kimley-Horn and Associates to prepare a traffic model of the Wolf River Blvd. area, generally from Kimbrough Road to Riverdale Road, to assess future traffic patterns of existing and potential development. That study is to be completed in approximately 3 months.
2. 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. 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 met on February 20, 2013 and withheld a recommendation on this request.

Mr. Hernandez and Mr. Wilensky recused themselves from this agenda item.

Daniel Shumate, 973 West Laurel Hollow Lane, Germantown, TN 38139, Chief Financial Officer for Campbell Clinic 1400 S. Germantown, Germantown, TN 38138, stated clearly Campbell Clinic has a long history in Germantown, as everyone in this room is well aware of. I have been with them for over 2 years. Long before Campbell Clinic to put down the first brick there was really nothing in that area until they moved its main location from downtown out to Germantown. As you have seen, the industry is growing along with size of the building. We are seeking a rezoning to allow us to maximize our building to meet our expanding and growing needs and hopefully continue the great relationship with the City of Germantown that we have enjoyed over the past several years.

Charles Heotis, 3018 Oakleigh Manor Lane, Germantown, TN 38138, stated he is a reserve officer and on duty right now, but I am also an employee of Smith and Nephew in the medical device business. I can attest to the need for expanding the space with working in the industry and seeing what Campbell Clinic does and working with the doctors from there. I would like to endorse the expanding space.

Mr. Harless asked based on the expansion that you are proposing here tonight, with your projections would this satisfy your grown needs for the future?

Mr. Shumate noted we have a Strategic Plan through the year 2020; we like to think this would allow us to go far beyond that.

Mr. Harless asked how far beyond that? Do you think this will satisfy you for the next 10 years?

Mr. Shumate stated anything far beyond 10 years in a business world is really a pure speculation. Yes I do.

Ms. Burrow moved to recommend approval of the rezoning from "O" Office Zoning District to the "O-51" Office Zoning District of 15 acres, consisting of property owned by the Campbell Clinic, located east of Germantown Road, and south of Wolf River Blvd., subject to staff comments, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

Mr. Bacon voted yes; I support the changes from "O to O-51" office zoning district based on the adjacent east parcel zoning.

Mr. Barclay voted yes; with the zoning change, it does make sense with 0-51 being the same with the adjacent property and UT Medical to make better use of the property.

Ms. Burrow voted yes; because this is the best use for this property to go 0-51 so it would be in harmony with the adjacent property.

Mr. Harless voted yes; I am please that Campbell Clinic is expanding; it is a great use of the property with the requirements of the area, which helps it grow.

Alderman Owens voted yes; I think the 0-51 district is very similar to the other district. I do not believe it will be any adverse effects in the surrounding property, because of this rezoning. I would like to thank Campbell Clinic for their continue investments in Germantown.

Chairman Klevan voted yes; my main reason is the fact 0-51 will allow for the maximum flexibility of this piece of property and given the surrounding areas. In addition, I would like to applaud Mr. Shumate and Mr. Davis for their hard work on making this thing work.

Mr. Harless asked that Mr. Morgan make sure the traffic issue that we talked about in our Executive session is addressed for the safety of patients and customers.

Mr. Morgan stated we would be looking at the traffic study with Kimley-Horn and with the traffic study for this project when it comes forward.

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

3. **Consent Agenda** There was none.
4. Chairman Klevan asked if there was any old business to come before the Commission. There was none.
5. Chairman Klevan asked if there was any new business to come before the Commission. There was none.
6. Chairman Klevan asked if there were any liaison reports. There was none.
7. **ADJOURNMENT:** The meeting adjourned at 6:20 p.m.