

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, June 4, 2013**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on June 4, 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 6:02 p.m. asking the secretary for the roll.

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

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

Commissioners Absent: None

Staff Present: David Harris, Wade Morgan, Tim Gwaltney, Andy Pouncey and Regina Gibson.

2. A quorum for tonight's Planning Commission meeting was established.
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3. **Approval of Minutes for May 7, 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 May 7, 2013. If there were no additions, corrections or deletions to the minutes of the May 7, 2013, meeting of the Planning Commission, he would entertain a motion for approval.

Ms. Burrow moved to approve the Planning Commission minutes of May 7, 2013, as submitted, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

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

4. **Consent Agenda:** Chairman Klevan stated the second order of business is the approval of the Consent Agenda. He then proceeded to read the Consent Agenda items:

- 4a. FedEx Trade Network, 3800 Forest Hill-Irene Rd. – Request Preliminary and Final Site Plan Approval of a Parking Lot Expansion

INTRODUCTION:

Applicant Name: **Dennis Fulmer, w/FedEx Trade Networks – Applicant**

Location: Northeast corner of Forest Hill-Irene Rd. and Crestwyn Hills Drive

Current Zoning District: “C-2” General Commercial Zoning District

DISCUSSION: The property is within the Forest Hill Heights PUD, and totals 6.155 acres. The proposed parking lot expansion will add 50 parking spaces in an almost identical layout to the existing parking area immediately to the west. According to the applicant, the site lacks sufficient parking spaces for all employees. Some employees currently park along the curb of Crestwyn Hills Drive.

	DEVELOPMENT INFORMATION
TOTAL SITE AREA	6.15 ac.
BUILDING SIZE	51,169 sq. ft.
NUMBER OF EXISTING PARKING SPACES	247
PROPOSED ADDITIONAL PARKING SPACES	50

STAFF RECOMMENDATION: Approval

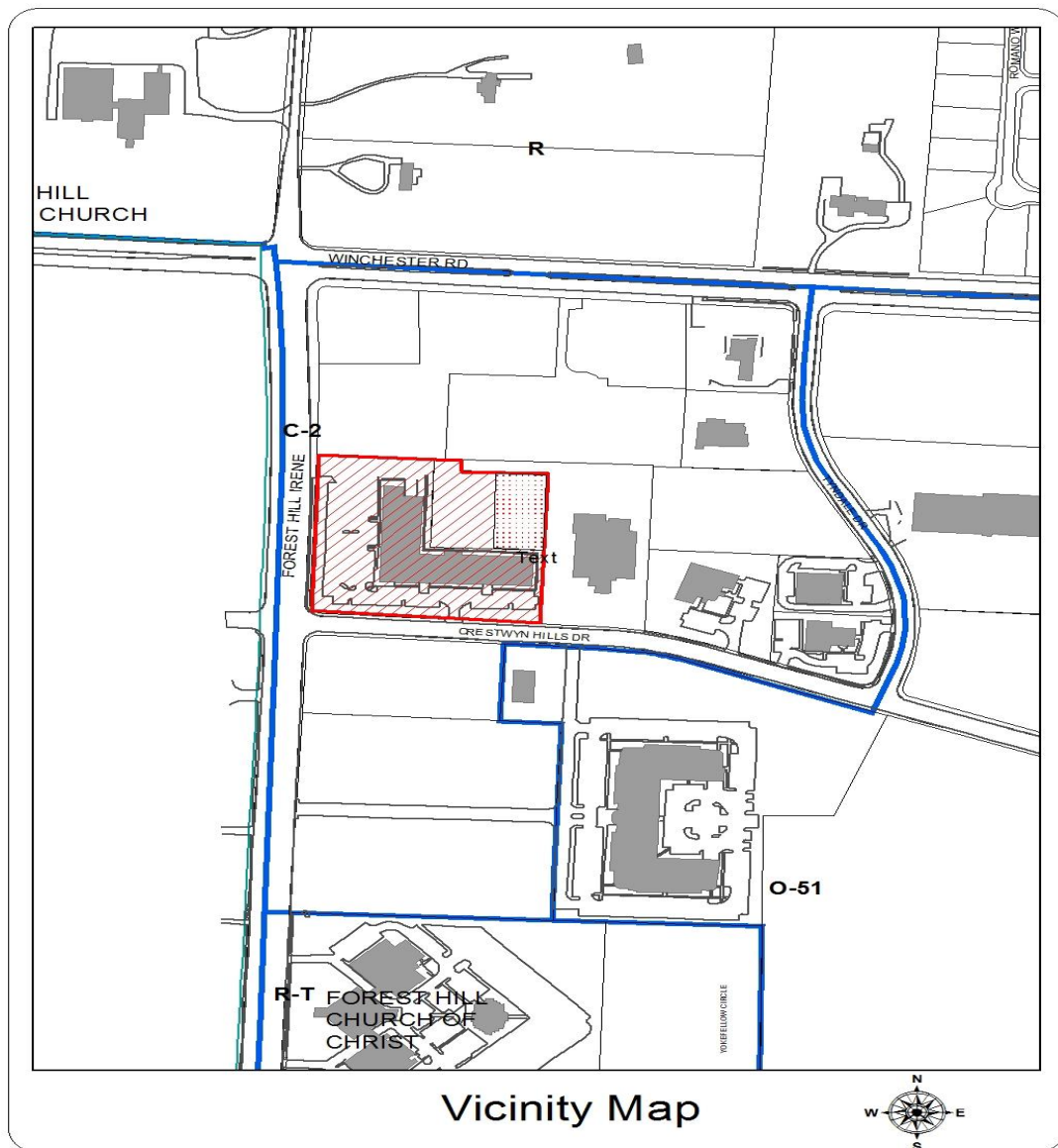
A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Change references from City of Memphis to City of Germantown.

B. 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. This project must comply with the Tennessee Dept. of Environment and Conservation (TDEC) NPDES regulations governing stormwater discharge. The construction drawings shall include an erosion control plan, which is in conformance with these regulations, and provide a copy of the Developer's Notice of Intent (NOI) as submitted to the TDEC. Before work commences on the project, the contractor/developer must provide the City Engineer a copy of the TDEC Notice of Coverage and a copy of the site specific Storm Water Pollution Prevention Plan.
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.



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

PROPOSED MOTION: To approve the preliminary and final site plan for the expansion of the FedEx Trade Network parking lot at 3800 Forest Hill-Irene Rd., subject to the preceding comments.

Mr. Bacon moved to approve the preliminary and final site plan for the expansion of the FedEx Trade Network parking lot at 3800 Forest Hill-Irene Rd., subject to the preceding comments, seconded by Mr. Barclay.

Chairman Klevan asked for a roll call.

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

4b. Lot 3, Wolf River Office Park Subdivision, north side of Wolf River Blvd., west of Germantown Rd:
Request Final Site Plan Approval

INTRODUCTION:

Applicant Name: Cindy Reaves, w/SR Consulting – Representative

Location: North Side of Wolf River Blvd, opposite the intersection of Miller Farms Rd.

Current Zoning District: “O” Office Zoning District

BACKGROUND: The Planning Commission approved a three (3)-lot subdivision for the property on June 1, 2004, and approved a modification to the lot lines on April 4, 2006. The Board of Mayor and Aldermen approved subdivision development contract No. 452 on June 14, 2004. The two existing buildings were approved by the PC on August 3, 2004 (lot 1, 50,000 sq. ft.) and on April 3, 2007 (lot 2, 44,600 sq. ft.). On March 5, 2013, the Planning Commission gave preliminary site plan approval.

DISCUSSION: Lot 3 has access to Wolf River Blvd. via a right-in / right-out curb cut on the east end of the lot and also to a median opening in Wolf River Blvd via a shared-access driveway on adjacent lot 2. The proposed building will be similar in orientation and design to the existing office building on Lot 2.

	DEVELOPMENT INFORMATION
TOTAL SITE AREA	2.946 ac.
BUILDING SIZE	36,000 sq. ft. floor area
BUILDING FOOT PRINT	18,000 sq. ft.
NUMBER OF PARKING SPACES	180
PERVIOUS/IMPERVIOUS RATIO	25.3/74.7

REVISIONS TO PLAN: *The applicant has revised the plans to address the comments generated by the Technical Advisory Committee and the Planning Commission subcommittee. The fire flow water requirement has been addressed to the satisfaction of the City Engineer (see attached letter), the conflict between the entrance structure column and the existing water line and storm drain line have been resolved and the monument sign has been removed from the plan. The DRC approved the pervious/impervious ratio on May 28, 2013.*

STAFF RECOMMENDATION: Approval

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Relocate the PIV/Fire Dept. Connection to the front of the building.
2. Relocate the sewer manhole so that it is out of the proposed curb.
3. Relocate all private easements to be outside the Wolf River Blvd. right-of-way.
4. Provide a detail diagram and instructions on the installation of the parking lot lights within/near the retaining wall, to insure that the retaining wall and associated fabric are not damaged.

B. GENERAL COMMENTS

1. The building will become part of the subdivision for the purpose of maintaining the sanitary sewer force main.
2. 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.
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. 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.
5. The applicant shall provide proof of TDEC approval for the water system and sanitary sewer system. Contact Bill Hinch with TDEC for information.
6. 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.
7. 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.
8. 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.
9. 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 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.
10. 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.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT (MIKE HARLESS, CHAIRMAN):

The subcommittee met on May 22, 2013 and withheld a recommendation on this request.

PROPOSED MOTION: To recommend final site plan approval of the building on Lot 3 of the Wolf River Office Park Subdivision, subject to staff comments.

Mr. Bacon moved to recommend final site plan approval of the building on Lot 3 of the Wolf River Office Park Subdivision, subject to staff comments, seconded by Mr. Barclay.

Chairman Klevan asked for a roll call.

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

4c. Baptist Rehabilitation Hospital, East Side of Germantown Rd., North of Wolf River Blvd. (Baptist Memorial Healthcare property) – Request Preliminary and Final Site Plan Approval

INTRODUCTION:

Applicant Name: **Blaine Paul, w/Duke Realty – Representative**

Location: Immediately east of Chick-Fil-A restaurant and north of Taco Bell Restaurant and Trust One Bank

Current Zoning District: “C-2” General Commercial Zoning District

DISCUSSION: Baptist Memorial Healthcare is partnering with Centerre Healthcare Corp to operate a 49-bed inpatient rehabilitation hospital on this 6.15-acre parcel. Duke Realty Corp. will be responsible for developing the project and will ultimately own both the building and parcel.

	DEVELOPMENT INFORMATION
TOTAL SITE AREA	6.15 ac.
BUILDING SIZE	49 beds
BUILDING FOOT PRINT	34,330 sq. ft.
NUMBER OF PARKING SPACES	130
PERVIOUS/IMPERVIOUS RATIO	35.7/64.3
(20% pervious space required for this property)	

STAFF RECOMMENDATION: Approval

A. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Include a traffic flow plan (directional signs, lane markings, etc.) to direct traffic through the parking lot to the appropriate entrances on Germantown Rd. and Wolf River Blvd.
2. Identify all easements to be abandoned and provide letters of approval from MLGW, ATT and Comcast, as appropriate.
3. Address riprap at structure D1, to the satisfaction of the City Engineer.
4. The fire access drive shall incorporate rollover curbing. Perform a field test of the layout of the fire access drive, prior to construction.
5. Include an irrigation tap in the water line.

B 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. 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.

4. This project must comply with the Tennessee Dept. of Environment and Conservation (TDEC) NPDES regulations governing stormwater discharge. The construction drawings shall include an erosion control plan, which is in conformance with these regulations, and provide a copy of the Developer's Notice of Intent (NOI) as submitted to the TDEC. Before work commences on the project, the contractor/developer must provide the City Engineer a copy of the TDEC Notice of Coverage and a copy of the site specific Storm Water Pollution Prevention Plan.
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.

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

PROPOSED MOTION: To approve the preliminary and final site plan for the Baptist Rehabilitation Hospital on the east side of Germantown Rd., north of Wolf River Blvd., subject to the preceding comments.

Mr. Bacon moved to approve the preliminary and final site plan for the Baptist Rehabilitation Hospital on the east side of Germantown Rd., north of Wolf River Blvd., subject to the preceding comments, seconded by Mr. Barclay.

Chairman Klevan asked for a roll call.

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

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5. Maplewood Planned Unit Development, West side of Forest Hill-Irene Rd., North of Forest Hill-Irene Cove - Request Preliminary PUD Approval

INTRODUCTION:

Applicant Name: **Steve Hooper, w/ ETL, Inc. – Representative**

Location: West side of Forest Hill-Irene Rd., immediately south and west of the Taylor Chapel CME Church

Current Zoning District: “R” Low Density Single Family Residential Zoning District

DISCUSSION: Shaw’s Creek Builders proposes to develop this 16.99-acre tract into a PUD consisting of 35 lots for single-family detached dwellings on a private drive. The development concept proposes reduced front yard setbacks (to 30 feet) and minimum side yard setbacks of 5 on one side and 15 feet on the other side. All driveways will be located on the side with a 15-foot setback. Provision has been made for the eventual installation of gates at each entrance. In addition, the existing dwelling is to be retained. (Exhibit 1 – Driveway Locations Plan, describes the proposed layout of dwellings and driveways.)

PLAN REVISIONS: *The applicant has provided additional details on the future installation of gates at the entrances. There is sufficient setback from Forest Hill-Irene Rd., and sufficient area to provide a vehicle turn-around area, so as to meet the City’s gate standards.*

STAFF RECOMMENDATION: Preliminary Approval

A. PRIOR TO FINAL PUD PLAN APPROVAL

1. Provide additional details on the storm drainage, sanitary sewer facilities and easements within Lots 9 and 10 and on adjacent properties.
2. Off-site erosion control measures and easements are required. Provide letters of approval from affected property owners.

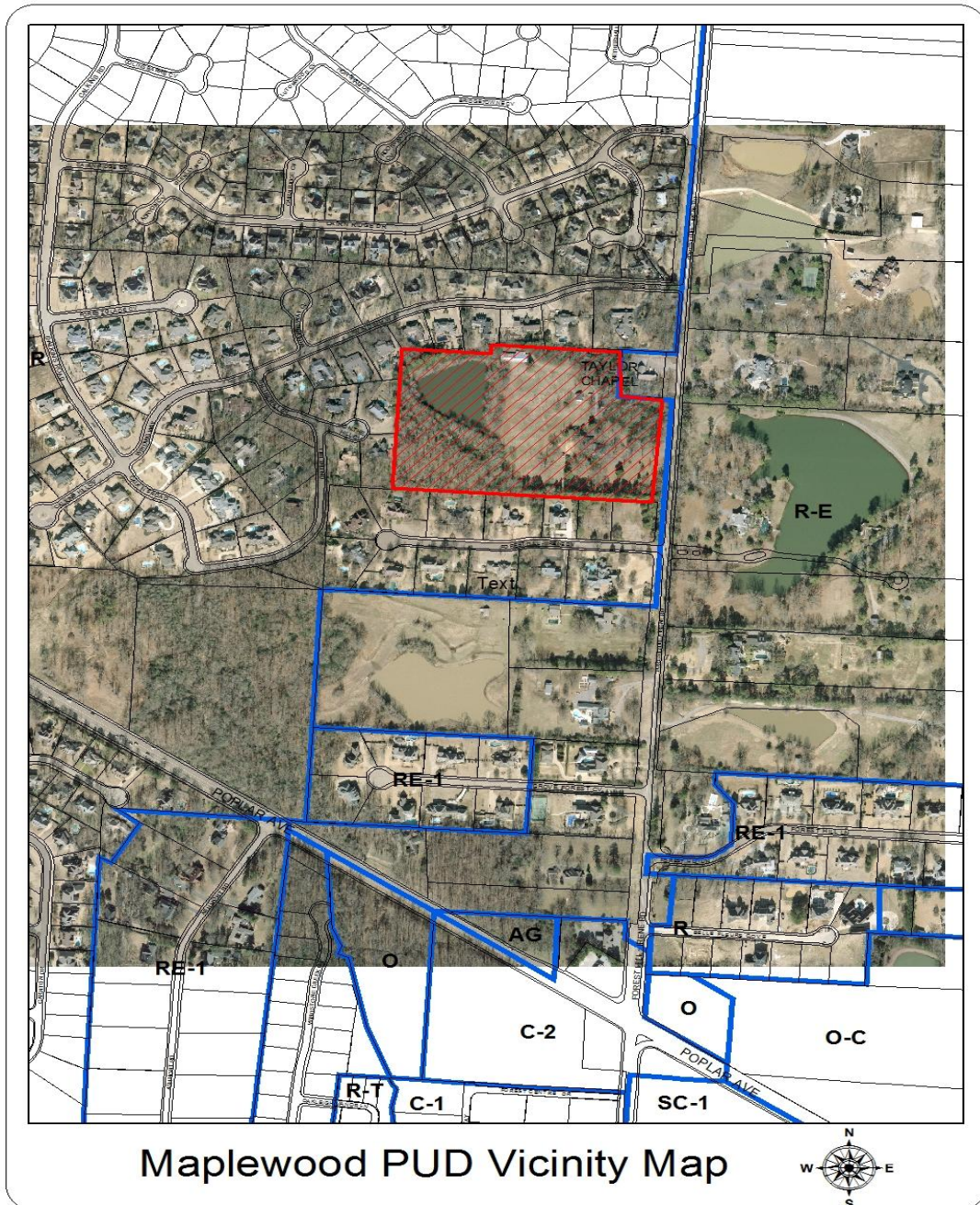
B. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. Provide a center left turn lane and additional curb lane in Forest Hill-Irene Rd., as shown on the Forest Hill Irene Road Exhibit air photo.
2. Provide easements for all off-site erosion control measures.
3. Remove the existing dwelling outline from the final plat and identify the existing and proposed building setback distances.
4. Note that the well on lot 33 is to be abandoned per Health Dept. regulations/standards.
5. Provide the design for the improvements to Forest Hill-Irene Rd. across the property’s frontage.
6. Provide a demolition plan for existing buildings and utilities.
7. The Shelby County Code, Section 3-25 [Reference 1200-3-11-02 (Asbestos)] require building owners and/or operators to submit a notification of intent to do demolition or renovation at least ten (10) working days prior to the start of the activity even if no asbestos is present so compliance can be verified. Notification also includes the submittal of an asbestos survey report. Please contact the Health Department at (901) 544-7349 for more information.
8. Any existing septic tanks and field lines shall be removed in accordance with the Health Department Regulations. The Construction Plans shall include the location of septic tanks and field lines.

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. 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.
4. This project must comply with the Tennessee Dept. of Environment and Conservation (TDEC) NPDES regulations governing stormwater discharge. The construction drawings shall include an erosion control plan, which is in conformance with these regulations, and provide a copy of the Developer's Notice of Intent (NOI) as submitted to the TDEC. Before work commences on the project, the contractor/developer must provide the City Engineer a copy of the TDEC Notice of Coverage and a copy of the site specific Storm Water Pollution Prevention Plan.
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:
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 - (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.



Steve Hooper with ETI, Inc. 1755 Lynnfield Road, Suite 100, Memphis, TN 38119 asked if there were any questions from the board or staff?

Andy Pouncey noted we talked about the payment in lieu of improvements for street improvements and sidewalks. In the Planning Subcommittee meeting, we talked about joining the sidewalks from both ends of that street; having that in place when you build.

Tim Gwaltney stated the construction of the project would widen Forest Hill Irene Road to add the center turn lane; in a payment in lieu of for the curb, gutter and additional lanes (cost difference with three lanes vs. four lanes).

Mr. Owens asked Mr. Hooper if he could fill us in on the meetings with the neighbors.

Mr. Hooper noted they met with the neighbors to discuss tree preservation; we will save as many trees as possible and in addition, they will show up on final plan. We are in progress of meeting with each neighbor to discuss saving some trees and planting new trees.

Chairman Klevan made a comment for the record that we have discussed the preliminary plan, but not for the final plan. I have a concern, if you choose to keep the streets private with the option for gates; what will protect the integrity of the lot owners of 21, 35, and 1. The only time that can be protected is now; if you chose to amend it in your HOA documents then that takes it into a whole new realm and the City is out of it.

SUBDIVISION AND SITE PLAN SUBCOMMITTEE REPORT (MIKE HARLESS, CHAIRMAN): The subcommittee met on May 22, 2013 and withheld a recommendation on this request.

PROPOSED MOTION: To approve the preliminary plan for the Maplewood Planned Unit Development, subject to the preceding comments.

Mr. Harless moved to approve the preliminary plan for the Maplewood Planned Unit Development, subject to the preceding comments, seconded by Mr. Bacon.

Chairman Klevan asked for a roll call.

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

6. Southeast Corner of Wolf River Blvd. and Kimbrough Rd. – Request Rezoning of 2.7 Acres from the “R-T” Multi-family District to the “O” Office District

INTRODUCTION:

Applicant Name: **Harvey Marcom, w/The Reaves Firm – Representative**

Location: Southeast corner of Wolf River Blvd and Kimbrough Rd.

Current Zoning District: “R-T” Multi-family Zoning District

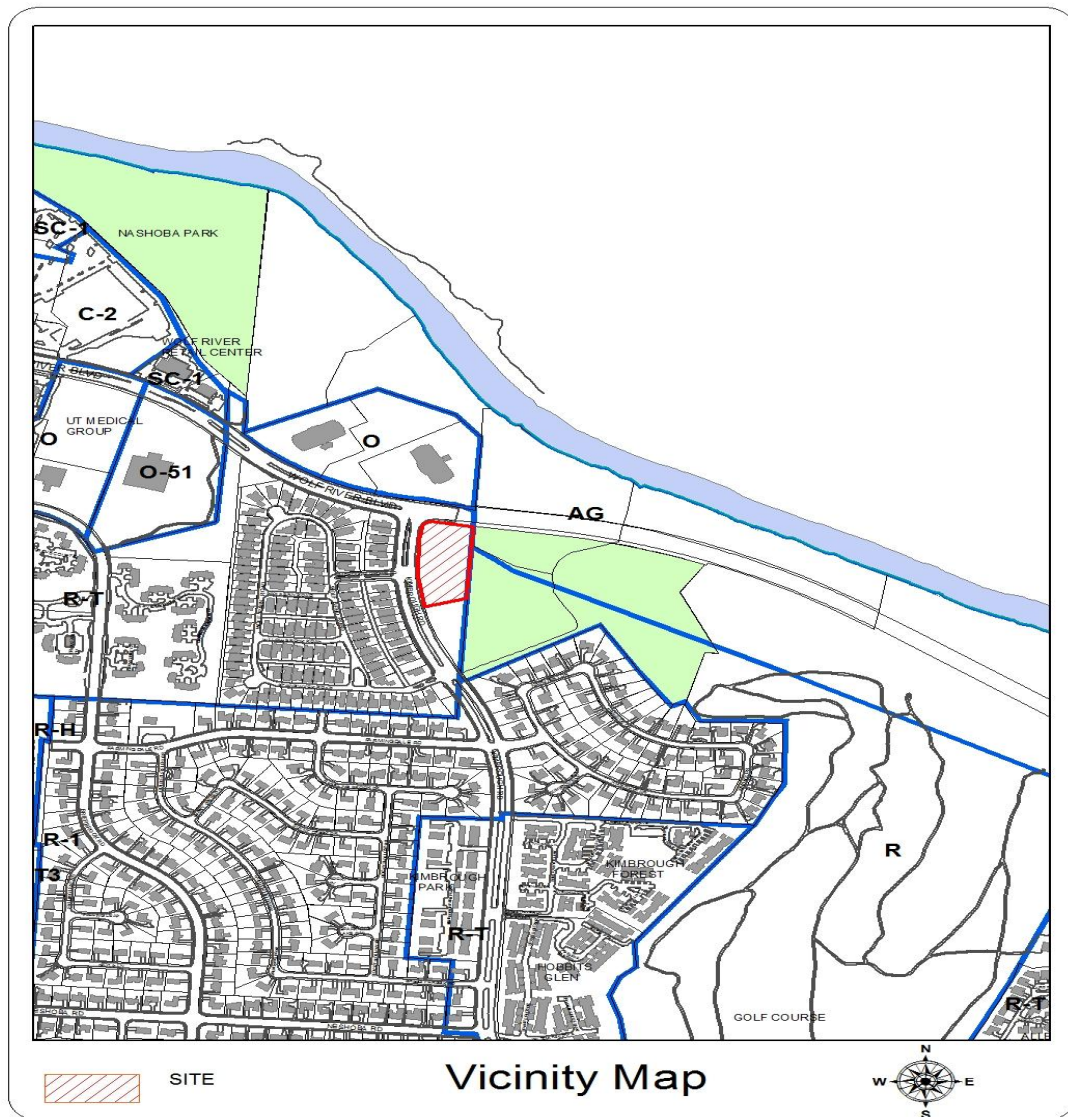
Proposed Zoning District: **“O” Office District**

Surrounding Zoning **“O” Office Zoning District to the north, “R” Residential and “AG” Agricultural zoning (State of Tennessee Natural Area) to the east; R-T Multi-family Residential zoning to the west and south**

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.

STAFF COMMENTS:

1. The applicant has submitted two concept plans for the eventual development of the site. Conceptual Site Plan A is the developer's preferred plan. It places parking to the side and rear of the proposed buildings and offers an appearance from Kimbrough Rd that is more compatible with the residential development to the west and south. However, Plan A requires approval of a Planned Unit Development and variances from the standard office district requirements. Conceptual Site Plan B reflects the development that would be permitted by the proposed Office zoning district.
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.
3. If approved, the applicant shall proceed to the Board of Mayor and Aldermen (BMA) for three readings on the rezoning.



Lee Davidson from the Reaves Firm, Inc., 5880 Ridge Bend Road stated he was here to represent the applicant Spence Ray with McNeill-Kimbrough LLC. We do believe this is appropriate for office use.

Elizabeth Boyd at 1524 Wolf Bend Road asked for the traffic numbers.

Mr. Harless asked what are the current traffic counts on Kimbrough Road?

Mr. Gwaltney noted approximately 15,000 per day.

Speaking Against:

1. George Milam - 1525 Wolf Park Road
2. Kenneth Ludwig 1446 Wolf Bend Road
3. Steve Johnson – 1445 Kimbrough Road
4. Robin Fessler – 1469 Kimbrough Road

5. Bill Sessoms – 1453 Wolf Bend Road
6. Phil Knapp – 1458 Wolf Bend Road

Those individuals make the following comments:

- There are no other commercial use on Kimbrough Road; entrance being directing across the street from Kimbrough Grove, loss of value to residents across from development.
- This property was flooded in 2011 at least 3 feet.
- The City needs to do something about the high speed of traffic on Kimbrough Road.
- Are the existing medical buildings neighborhood friendly?
- It will lower property values for homes on Kimbrough Road.

Mr. Wilensky asked the City Engineer (Tim Gwaltney) to address the question that was raised by the resident on the water runoff.

Mr. Gwaltney answered we do not have a site plan to review now. Any plan designed for that site has to take in to account any storm water issues. The site plan must address the water from one site and it cannot adversely affect water from any other adjacent sites, meaning there should be a detention base on a site that will handle the runoff that are generated from that site. The structures have to be 30 inches above and the adjacent grades 18 inches above. When the traffic signal goes in at Kimbrough Road and Wolf River Boulevard it will slow the traffic down.

Mr. Pouncey noted Kimbrough Road would stay at two lanes on both sides.

Mr. Davidson noted about the eastern half of the property is in the flood zone and will have to be filled to remove the site from flooding.

ZONING & ANNEXATION SUBCOMMITTEE REPORT: (SUSAN BURROW, CHAIRMAN) – The subcommittee met on May 22, 2013 and withheld a recommendation on this proposal.

PROPOSED MOTION: To recommend approval of the rezoning from the “R-T” Multi-family District to the “O” Office District of 2.7 Acres located on the southeast corner of Wolf River Blvd. and Kimbrough Rd.

Ms. Burrow moved to recommend approval of the rezoning from the “R-T” Multi-family District to the “O” Office District of 2.7 Acres located on the southeast corner of Wolf River Blvd. and Kimbrough Road, subject to staff comments, seconded by Mr. Harless.

Chairman Klevan asked for a roll call.

Mr. Owens voted yes; with completion of Wolf River Boulevard, there is a substantial change in the land use. In addition, in the case of such a small land area, he felt that office use would be better than a multifamily use.

Ms. Burrow voted yes; due to the traffic changes in the vicinity.

Mr. Wilensky voted yes; due to changed development trends; a natural transition from nearby medical.

Mr. Barclay voted yes; the development trends of the nearby property make sense to have other medical offices.

Mr. Bacon voted yes; due to all the zoning changes that have occurred it is not something we take likely. The primary reason that I am voting for it are the development trends to the north, supports it being rezoned from the "R-T" Multi-family District to the "O" Office District.

Mr. Hernandez voted yes; he thinks the completion of Wolf River Boulevard will have a major favorable impact of the residents of Kimbrough Grove. In addition, bringing down the traffic numbers from 15,000 to 3,000 or 4,000 with the new traffic signal is positive. These two medical offices will fit in with the other medical buildings to the north.

Mr. Harless voted yes; we have seen many changes over the last five to ten years with Wolf River Boulevard and with the WRB being cut through has created a unique situation; flood issues will be addressed on the site plan and handle appropriately by staff.

Chairman Klevan voted yes; the development trends to the north being medical office and west makes a natural fit. I have deep respect for all the comments from all of you, which makes our City the way it is. I can promise you that everything stated as a comment, staff will address the issues when a site plan comes before them and then to the Planning Commission.

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

7. Chairman Klevan asked if there was any old business to come before the Commission. There was none.
8. Chairman Klevan asked if there was any new business to come before the Commission. There was none.
9. Chairman Klevan asked if there were any liaison reports. There was none.
10. **ADJOURNMENT:** The meeting adjourned at 7:02 p.m.