

PLANNING COMMISSION  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, April 2, 2019  
6:00 p.m.

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of City Hall on April 2, 2019. Regular meetings of the Planning Commission are broadcasted and recorded electronically. Minutes reflect a summary of the proceedings and actions taken.

1. Chairman Harless called the meeting to order at 6:00 p.m.
2. Chairman Harless requested the roll call. Pam Rush called the roll of the Commission and established a quorum:

COMMISSIONERS PRESENT:

Mike Harless, Chairman; Vice Chairman; George Hernandez, Secretary; Sherrie Hicks; Keith Saunders; David Clark; Richard Marsh; Mike Palazzolo, Mayor; and Alderman Forest Owens

DEVELOPMENT STAFF PRESENT:

Cameron Ross, Economic and Community Development Director; Sheila Pounder, Planning Division Manager; Sarah Goralewski, Senior Planner; Pam Rush, Administrative Assistant; and David Harris, Assistant City Attorney

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3. **Approval of Minutes for March 5, 2019**

Chairman Harless stated that the next order of business is the approval of the minutes for the March 5, 2019, meeting. If there are no additions, corrections or deletions to the minutes of the March 5, 2019, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Hernandez moved to approve the Planning Commission minutes of March 5, 2019; seconded by Mr. Saunders.

Chairman Harless asked for a roll call.

Roll Call: Hicks – yes; Saunders – yes; Hernandez – yes; Bacon – absent; Harless – yes; Owens – yes; Clark – yes; Marsh – abstain; Palazzolo - yes. MOTION PASSED

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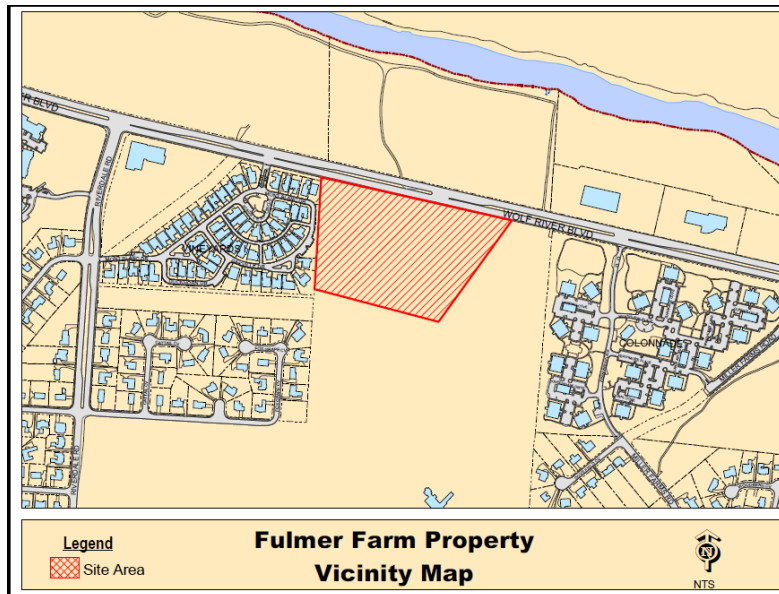
**Public Hearing:**

4. a. **Fulmer Farm Property Rezoning**

PROJECT NAME:	Fulmer Farm Property Rezoning
Development Case Number:	19-921
Property Location:	South side of Wolf River Blvd., 324.66' east of the centerline of Mont Blanc Place
Property Owner/Applicant Name:	Fulmer Partnership – Catherine Fulmer Muscari, Principal
Developer Name:	Ford Jarratt Realty and Development Co. – Price D. Ford Sr., Principal
Representative Name:	SR Consulting – Cindy Reaves, Agent
Existing Zoning & Land Use:	“R” Single-Family Residential (Single Family & Farm Land)

Area:	15.229 acres
Request:	Approval to rezone a portion of a parcel from “R” Residential to “O” Office

\*Refer to the Disclosure Form attached for more information



Location is approximated

**REVISIONS:**

*The Planning Commission Subcommittee met on March 20, 2019, and suggested that the applicant consider extending the boundary of the rezoning area to the east to include the entire frontage along Wolf River Blvd. and square up the parcels along the eastern boundary. The applicant has indicated that the property owners (Fulmer Family) are not interested in this change at this time because it would impact the current greenbelt designation that covers the eastern edge of their property. The PC Subcommittee also recommended that the applicant should meet with the City Fire Marshall to discuss the possible location of an ambulance station on this site that could serve the Medical District Corridor. Fire Chief Selberg has considered this suggestion and his comments indicate that “the placement of an Ambulance station on Wolf River on the Fulmer Property isn’t an optimal location for overall coverage for the City”. See the Chief’s full statement under the Fire Department TAC comments on page 5 of this report.*

**COMPATIBILITY WITH RELEVANT PLANNING DOCUMENTS:**

Germantown Forward 2030: This project fulfills the following Germantown Forward 2030 Strategic Objectives: Economic Development Strategic Objectives 1 and 2: “Economic development practices support economic sustainability,” and “Economic development policies encourage investment in key commercial areas.”

Germantown Medical District Study (2014): The project site is located within the boundaries of the approved Medical District Study which assumes that this area along Wolf River Blvd. will be redeveloped with office uses consistent with the existing uses east of the site. See Medical District Study Land Use Scenario Map on page 9 of this report.

**PROJECT ANALYSIS:**

**INTRODUCTION:** The applicant, Fulmer Partnership, is requesting approval for the rezoning of a parcel of land containing 15.229 acres from “R” (Low-Density Residential) to “O” (Office). The proposed rezoning site consist of only a portion of the full 190.62-acre parcel known as Fulmer Farms that will main in the R district. The developer has supplied a concept/sketch plan for creating a buildable lot for

three new Class A office buildings fronting Wolf River Blvd. The applicant's desire is to replicate the development of the existing medical office complex (built by the same developer) located on the north side of Wolf River Blvd; approximately 240 feet east of this site.

**BACKGROUND:** On June 14, 1973, the City of Germantown annexed the 190.62 acres Fulmer Farm Property with the Board of Mayor and Aldermen (BMA) approval of Ordinance 1973-10. On December 31, 1974, Ordinance 1973-10 was modified by Chancery Court Decree No. 80069. The current residential zoning on this site appears to date back to its annexation into the City per the 1960 Shelby County historical zoning map. Although this site is not located within one of the five areas identified by the City as an economic node, it is within the area identified as a Medical District Corridor. The subject site is currently part of the residential farm land owned by the Fulmer family, whose home sites will continue to be located to the south of this newly rezoned office area.

**DISCUSSION:** Application Request: See the attached letter from the developer, Ford Jarrett Reality and Development Company, explaining the zoning change and the fiscal impact of this project.

Under the laws of the State of Tennessee and the Ordinance of the City of Germantown, changes in zoning may be granted on either of two conditions: 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, the Tennessee courts set 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.

Per Section 23-404, a sketch plan for the potential development is required and must indicate how the property may be developed for the intended use while meeting the requirements of the requested zoning district with regard to building setback lines, building height, buffer, landscape, and parking requirements. A conceptual sketch plan has been provided by the applicant.

Approval of the rezoning request does not signify or imply approval of the proposed concept/sketch plan for the subject properties. If the Planning Commission and the Board of Mayor and Aldermen approved the rezoning, the applicant must submit for the review and approval of the Planning Commission all plans for the development of the site. Elements of the concept/sketch plan that do not comply with the Zoning Ordinance or that are not shown on the plan shall be corrected or added before it is submitted to the Planning Commission for approval.

**STAFF COMMENTS:**

The Technical Advisory Committee met on March 13, 2019, and had the following comments:

Planning:

**Rezoning Considerations:**

- The site is within the City's Medical District Corridor.
- The site is located on a major arterial road designed to handle the traffic volumes that would be generated by the proposed office uses.
- The site is bounded on two sides by multi-family zoning (R-T) that are developed with apartments (The Bridges) and small-lot residential (Vineyard) uses. The Greenway trails are located to the north of the site; directly across Wolf River Blvd.

- The approval of office zoning in this location with higher density residential on both sides is similar to the zoning pattern to the east of the site along Wolf River Blvd.
- The office zoning provides an acceptable transition to the existing single-family “R” zoning to the south of the site.

Prior to Rezoning Approval:

- Neighborhood Meeting. Prior to the Planning Commission Subcommittee meeting, the meeting date shall be set. The neighborhood meeting should occur prior to the regular Planning Commission meeting.
- Conceptual sketch/site plan. It is understood that the conceptual site plan shall require full review and possible revisions, prior to any final site plan approval.
- If approved, the applicant shall proceed to the Board of Mayor and Aldermen (BMA) for three readings on the rezoning. If approved by the BMA, the applicant may return to the Planning Commission for preliminary and final site plan approvals.

Prior to Site Plan Approval:

- The site plan shall be reviewed for compliance per all applicable City of Germantown ordinances, prior to any approval

**Engineering:**

Prior to Rezoning Approval:

- No comments related to rezoning

**Public Works:**

Prior to Site Plan Approval:

- GPW has some concerns with how the site drainage system will function when successive storm events occur
  - The 60” cross drain pipe that provides the majority of stormwater conveyance for the site has become inundated in the past during successive storm events
  - The proposed site drainage needs to accommodate for additional stormwater flows given the drastic increase in impervious surface and the previous flooding that has taken place to the existing pervious site.
  - Due to these concerns, an underground detention system with some stage storage is recommended.
  - A video inspection of the existing 60” pipe is also recommended in order to ascertain what maintenance needs to be completed prior to the development
  - A pond report is needed for the 60” pipe that outfall into the pond across the street.
    - This will allow for us to ascertain if the pond can accommodate the proposed site additional flows
- Water:
  - The 2.5” service connections do not meet our current standards with a 2” meter for irrigation and regular service lines. A 2” service should be provided for a 2” meter service.
  - The looping of the water system may need to be moved to the north side of the lot pending Fire Department recommendations
  - City of Germantown standard details and specifications will be needed for the Site Plan Approval
  - A traffic control plan will be needed for the connection to the water main along WRB
- Sewer:
  - A larger/wider easement is required for proper future maintenance of the two existing sanitary sewer mains that run along the south side of the property
  - The proposed sanitary sewer main runs close to the foundation of the proposed building to the south

- Why is there a need for multiple sanitary sewer services to the same building (basement?)?
- Traffic
  - Please expand the two proposed east and west driveways to at least 26 feet in width to provide enough room for emergency/service vehicles to ingress/egress
  - Will there be a sidewalk along WRB for the proposed development?
  - Please provide and include justification for a deceleration lane and taper for left-turn traffic into the proposed development and the same for right-turn traffic into the proposed development

### **Neighborhood Services:**

#### Prior to Site Plan Approval:

- Concerned about the smaller building setback and landscape area on the west side bordering existing residential. Also once this area is raised out of flood plain, what impact this will have on adjacent residential.
- While not a zoning issue, the concept plan shows trash enclosures that could be situated differently to allow for proper flow of the truck. Also, I would suggest allowing space in the enclosure for recycling containers.

### **Fire Services:**

#### Prior to Rezoning Approval:

- The fire department does not have comments prior to rezoning approval

#### Prior to Site Plan Approval:

- Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided.
- Fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
- At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the *fire code official*.
- The fire department connection (FDC), post indicator valve (PIV), and the Knox Lock Box shall be installed on the address side of the building.
- The fire main will need to loop north of the area indicated to accommodate the required spacing for the fire hydrants.
- Fire hydrants shall be spaced so as not to exceed 300 feet in travel distance as a hose lays.
- A fire pump for each building will be required to meet the needed fire flow for the standpipes.
- All applicable general comments shall apply.

### **Additional comments per John Selberg, Fire Chief 3/27/2019:**

I met last week with Mayor Palazzolo and City Administrator Lawton regarding the proposed medical office's development on the Fulmer Property along Wolf River Blvd. Some of the discussion was regarding the possible placement of an Ambulance station in that area. While this would allow for some enhanced Ambulance coverage for the Medical District, my concern was that it wasn't the optimal location for overall coverage for the City. I prefer to not locate an Ambulance in a station without sharing the station with a fire engine crew. We have some areas in the northwest part of Poplar Estates and the southwest part of English Meadows, as well as the Kirby Parkway area that are extended response distances from Fire Station 3. I feel that the best use of City resources would be to strategically place a fire station with ambulance and fire engine in a location to provide better coverage for all of these areas, as well as help with the heavy call load for the crews at Station 3. Therefore, I didn't feel that the placement of an Ambulance station on Wolf River on the Fulmer Property was the optimal use of resources.

**MLGW:**

- It is the responsibility of the owner/applicant to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- No permanent structures, development or improvements are allowed within any utility easements, without prior MLGW written approval.
- It is the responsibility of the owner/applicant to comply with the National Electric Safety Code (NESC) and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- It is the responsibility of the owner/applicant to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- It is the responsibility of the owner/applicant to contact TN-1-CALL @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- Street Trees are prohibited, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- Landscaping is prohibited within any MLGW utility easement without prior MLGW approval.
- **Street Names:** It is the responsibility of the owner/applicant to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for Street Naming Guidelines and the Online Street Name Search: <http://www.mlgw.com/builders/landandmapping>
- It is the responsibility of the owner/applicant to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
- All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
- All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- It is the responsibility of the owner/applicant to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**Economic Development:** No comment received.

**Police:** No comment received.

**Parks:** No comment received.

**Germantown Municipal School District (GMSD):** No comment received.

**STAFF RECOMMENDATION:** Approval to rezone a 15.229-acre parcel located on the south side of Wolf River Blvd., approximately 324.66' east of Mont Blanc Place from "R" Residential to "O" Office, subject to the comments 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 and adopted City Policy upon which relief is sought.

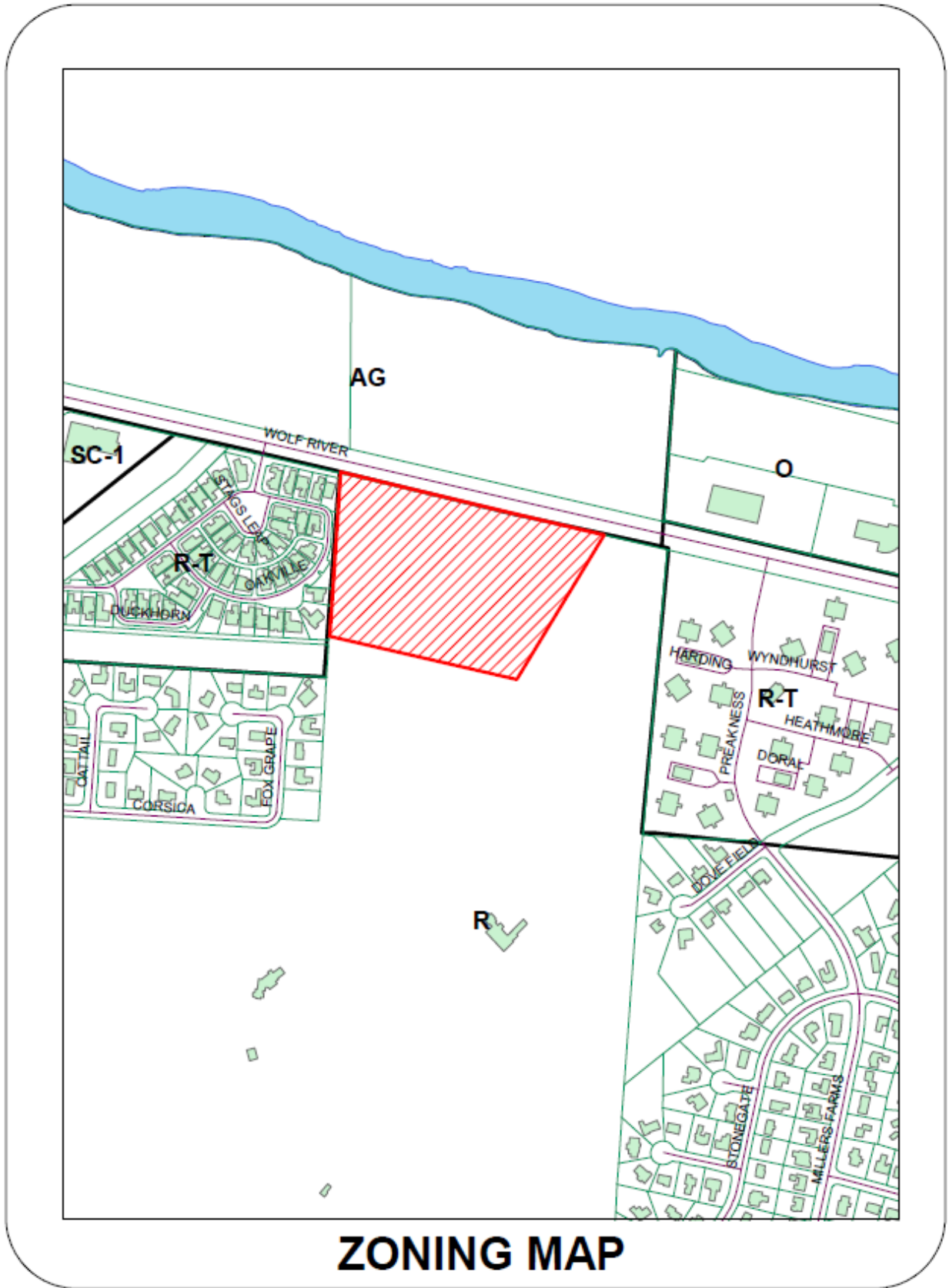
**SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE ACTION:**

The Subcommittee met on March 20, 2019, and recommended placing this application on the next Planning Commission agenda for action, subject to the Subcommittee discussion, comments in the staff report, and the plans and documents filed with the application.

**PROPOSED MOTION:** Approval to rezone a 15.229-acre parcel located on the south side of Wolf River Blvd., approximately 324.66' east of Mont Blanc Place from "R" Residential to "O" Office, subject to the comments and conditions listed above and the plans and documents submitted with the application.

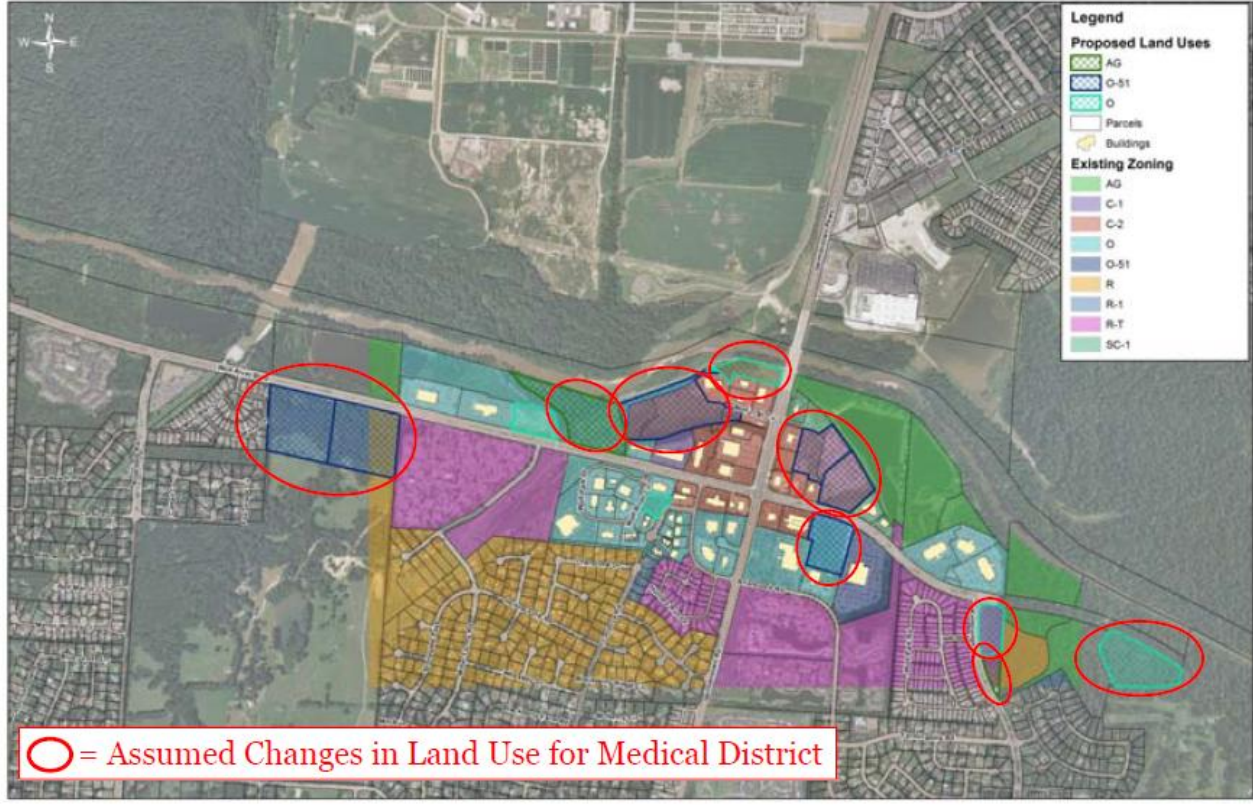
**APPENDIX:**

Zoning Map (p. 8)  
Medical District Study Land Use Scenario Map (p. 9)  
Conceptual Sketch/Site Plan (p. 10)  
Applicant's Project Description Narrative (p. 11-13)  
PC Application (p. 14-15)  
Ownership Disclosure Form (p. 16)

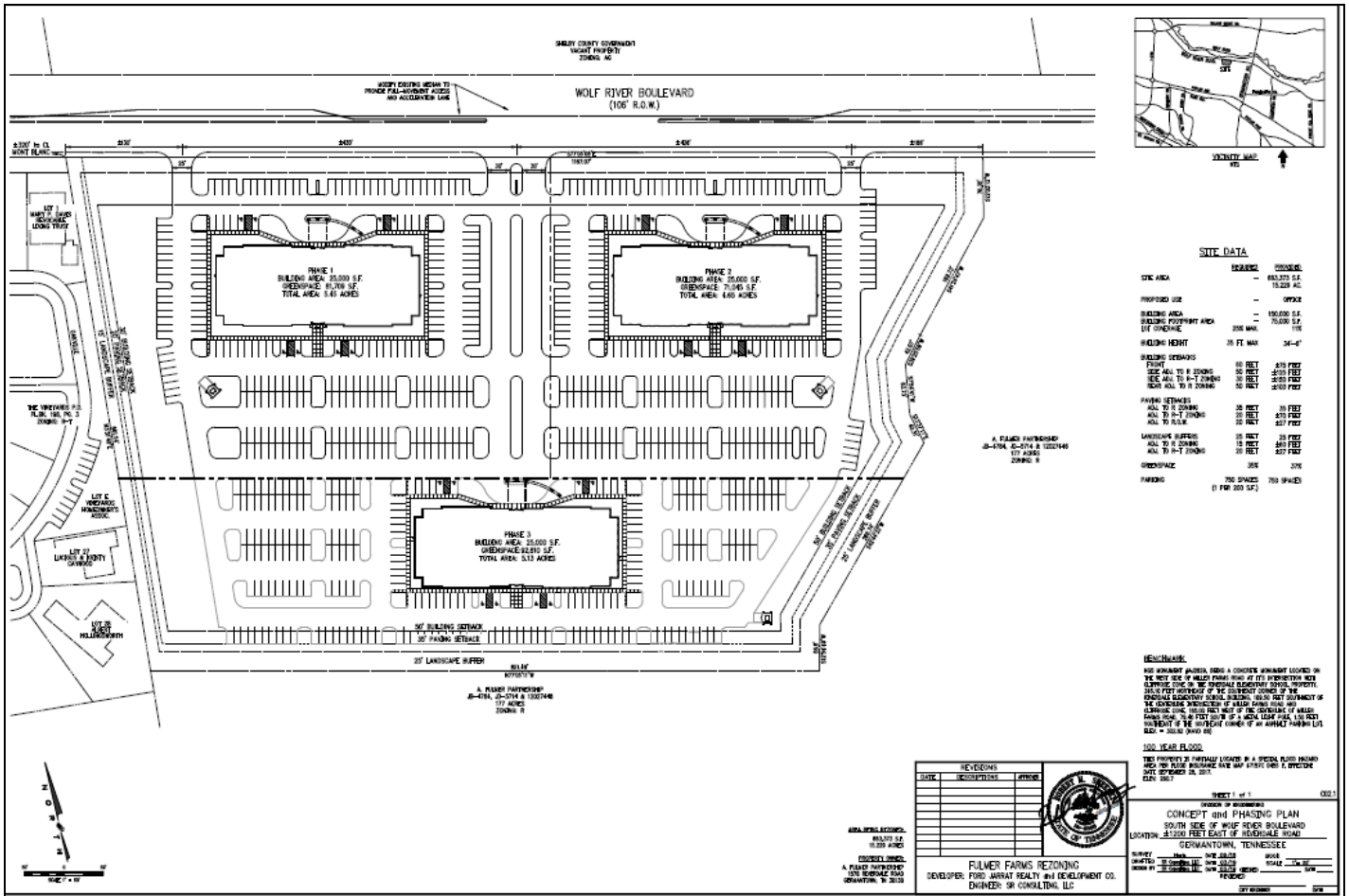




# MEDICAL DISTRICT LAND USE SCENARIO



## CONCEPTIONAL SKETCH/SITE PLAN (Enlarged Copy included in Web Packet)



**SITE DATA**

TYPE AREA	REVISIONS	CHANGES
STC AREA	REVISIONS	652,373 S.F.
		15,328 AC.
PROPOSED USE		OFFICE
BUILDING AREA		150,000 S.F.
BUILDING FOOTPRINT AREA		75,000 S.F.
LOT COVERAGE		23% MAX.
BUILDING HEIGHT		35 FT MAX. 34'-4"
BUILDING SETBACKS		
FRONT	30 FEET	210 FEET
REAR ALL TO R ZONING	30 FEET	250 FEET
SIDE ALL TO R ZONING	30 FEET	250 FEET
REAR ALL TO R ZONING	30 FEET	250 FEET
PARKING SETBACKS		
FRONT TO R ZONING	30 FEET	10 FEET
ALL TO R ZONING	30 FEET	10 FEET
ALL TO R ZONING	30 FEET	10 FEET
LANDSCAPE BUFFER		
ALL TO R ZONING	15 FEET	30 FEET
ALL TO R ZONING	30 FEET	25 FEET
OPENSPACE		30%
PARKING	750 SPACES	750 SPACES
	(1 PER 200 S.F.)	

**NOTES:**  
 THE PROPERTY IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD AREA ON FLOOD INSURANCE RATE MAP DATED 08/07/02. THE FLOOD ZONE IS SHOWN ON THE PLAN.

DATE	REVISIONS	APPROVED

SHEET 1 of 1

CONCEPT AND PHASING PLAN  
 SOUTH SIDE OF WOLF RIVER BOULEVARD  
 LOCATION: 2100 FEET EAST OF HUNTERDALE ROAD

SEWANTOWN, TENNESSEE

PROJECT NO. 19-001

DATE: 04/02/19

DRAWN BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

DATE: 04/02/19

PROJECT NO. 19-001

**PREPARED BY:**  
 FULMER FARMS REZONING  
 DEVELOPER: FORD AUSTIN REALTY AND DEVELOPMENT CO.  
 DRAWN BY: SR CONSULTING, LLC



March 5, 2019

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

**VIA HAND DELIVERY**

RE: The Fiscal Impact of the proposed Cypress Realty Holdings Co.-A. Fulmer Family Partnership Development  
Totaling three Class A Medical Office Buildings, developed in phases on approximately a 15 acre site  
fronting Wolf River Boulevard  
Germantown, Tennessee

Dear Commission Members:

This letter addresses the fiscal impact and our rezoning request from R to O of the Cypress/Fulmer Cooperative Development and ownership of approximately 15 acres fronting Wolf River Boulevard in Germantown, Tennessee. This Property is commonly referred to as Fulmer Farms and is further referenced per the attached site plan.

We are pursuing this zoning request for this Parcel due to the fact that there is no other Property currently zoned for Class A medical use in Germantown. Our experience developing the two Class A Medical Office Buildings across the street at 7550 and 7600 Wolf River strongly indicate to us that there is a shortage of Class A medical space in the sub market as both properties remain 100% occupied. As I am sure you are aware, this subject area was designed as a medical corridor by Germantown.

The first building will be developed on the western portion of the frontage adjacent to the Vineyards Subdivision. The first building will encompass 5.05 acres and a 50,000 square foot, two story Class A Medical Office Building. This and all the additional buildings will be similar in construction materials, landscaping and Tenants to the two facilities built by Cypress Realty Holdings Company at 7550 and 7600 Wolf River Boulevard and almost directly across the street.

The total construction cost of the facility at stabilization totals \$11,969,877.

The Property Tax Revenue anticipated for the City of Germantown for this phase of the development is anticipated at \$93,365.

Once a building permit is obtained, the construction time for this building and the two additional buildings is estimated at nine months each.

Each building, once stabilized should result in approximately 200 full and part time jobs.

The second building will encompass 5.05 acres on the eastern most Wolf River frontage which will also accommodate an identical two story, Class A Medical Office Building. It is anticipated that the construction cost, construction time frame and property taxes revenue will be similar to the first building.

The third and final building on parcel 3 will encompass 5.13 acres and will also accommodate an identical two story, Class A Medical Office Building. It is anticipated that the construction cost, construction time frame, and property taxes revenue will be similar to the first and second buildings.

Once all three phases are developed and stabilized, this 150,000 square foot Class A Medical Office Building Development will result in a total cost of approximately \$35,909,631. This will result in anticipated tax revenue to the City of Germantown totaling \$280,095 annually.

Please feel free to call with any questions or comments. I can be reached at 901-682-7606 or via email at [pford@cypressfund.com](mailto:pford@cypressfund.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Price D. Ford", with a stylized flourish at the end.

Price D. Ford, SIOR, CCIM  
Principal

PDF/msh

Enclosure





# CITY OF GERMANTOWN TENNESSEE

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

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

## PLANNING COMMISSION OFFICIAL APPLICATION FORM

TYPE OF APPLICATION	
<p><b>(Check <input checked="" type="checkbox"/> all that apply):</b></p> <p> <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 checked="" type="checkbox"/> Rezoning From: <u>  R  </u>                      To: <u>  O  </u>  <input type="checkbox"/> Other: _____                 </p>	
<p>*****  <b>IS THIS SITE WITHIN A SMART CODE AREA: (Circle One) YES <input type="radio"/> NO <input checked="" type="radio"/></b>                      (Please note - if yes, than follow Smart Code Application Instructions to complete this form for submittal)</p>	
<p><b>PLANNED USE DEVELOPMENT'S (PUD) ONLY:</b></p> <p> <input type="checkbox"/> PUD Outline Plan (Master Plan);              <input type="checkbox"/> PUD Amendment to Outline Plan;  <input type="checkbox"/> PUD Preliminary Plan (individual phases);      <input type="checkbox"/> Final Plan (individual phases);                      Phase: _____ of _____      Date of PUD Outline Plan (Master Plan) Approval: _____                      Other: _____                 </p>	
PROJECT INFORMATION (Provide Additional Pages as Needed)	
<p>Project Name: <u>Fulmer Farms Rezoning</u></p> <p>Address/Location: <u>south side of Wolf River Blvd., 324.66' east of the centerline of Mont Blanc Place</u></p> <p>Project Description: <u>Office complex</u></p>	
<p>No. of Acres: <u>15.229</u>      Parcel Identification Number(s): <u>part of G0219 00304</u></p>	
<p><b>PLEASE ATTACH A LETTER EXPLAINING THE PROJECT, IN DETAIL, AND LISTING ALL VARIANCES REQUESTED FROM THE SUBDIVISION AND ZONING REGULATIONS.</b></p>	
PROPERTY OWNER/LESSEE/DEVELOPER INFORMATION (All applicable parties shown below must sign the application)	
<p>Property Owner Name &amp; Title (Print): <u>A Fulmer Partnership</u>      Address: <u>1578 Riverdale Rd. Germantown, TN 38138</u>                      Catherine Fulmer Muscari, Principal                      Phone No.: <u>901-755-8776</u>      Email Address: <u>cmuscari@fulmerco.com</u>  <b>Signature of Property Owner</b> <u>Catherine J. Muscari</u>                      Lessee Name &amp; Title (Print): <u>n/a</u>      Address: _____                      Phone No.: _____      Email Address: _____  <b>Signature of Lessee</b> _____                      Developer Name &amp; Title (Print): <u>Ford Jarratt Realty and Development Co.</u>      Address: <u>700 Colonial Road, Suite 100 Memphis, TN 38117</u>                      Price D. Ford Sr., Principal                      Phone No.: <u>901-682-7606</u>      Email Address: <u>pford@cypressfund.com</u>  <b>Signature of Developer</b> <u>[Signature]</u> </p>	
<p><b>PLEASE ATTACH A COPY OF THE DEED REFLECTING OWNERSHIP OF THE SUBJECT REAL PROPERTY</b></p>	

<b>APPLICANT INFORMATION</b>	
Name: <u>Price D. Ford Sr.</u>	Title: <u>Chief Manager</u>
Company Name: <u>Cypress Realty Holdings Co. III</u>	Address: <u>700 Colonial Rd., Suite 100 Memphis, TN 38117</u>
Phone No.: <u>901-682-7606</u>	Email Address: <u>pford@cypressfund.com</u>
Who will represent this proposal at the Planning Commission meeting (name & title)?	
<u>SR Consulting, LLC, Cindy Reaves, Managing Partner</u>	
<b>ENGINEER/SURVEYOR INFORMATION</b>	
Engineer Name: <u>SR Consulting, Robert M. Sweeney</u>	Address: <u>5909 Shelby Oaks Dr., Suite 200 Memphis, TN 38135</u>
Phone No. <u>901-373-0380</u>	Email Address: <u>bsweeney@src-memphis.com</u>
Surveyor Name: <u>Milestone Land Surveying, Inc.</u>	Address: <u>2880 Cobb Rd. Lakeland, TN 38002</u>
Phone No.: <u>901-867-8671</u>	Email Address: <u>milestonels@bellsouth.net</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.IT., 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: Cypress Realty Holdings Co. III  
Address: 700 Colonial Road, Suite 100 Memphis, TN 38117  
Signature of Applicant: [Signature], chief manager

Property Owner Name & Title: A Fulmer Partnership  
Address: 1578 Riverdale Road Germantown, TN 38138  
Signature of Property Owner: Catherine J. Muscarel

Lessee Name & Title: n/a  
Address: \_\_\_\_\_  
Signature of Lessee: \_\_\_\_\_

Developer Name & Title: Ford Jarratt Realty and Development Co.  
Address: 700 Colonial Road, Suite 100 Memphis, TN 38117  
Signature of Developer: [Signature], Principal

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

Name	Business or Home Address
<u>Price D. Ford, Sr.</u>	<u>700 Colonial Road, Suite 100 Memphis, TN 38117</u>
<u>Joe Jarratt</u>	<u>700 Colonial Road, Suite 100 Memphis, TN 38117</u>
_____	_____
_____	_____



**STAFF PRESENTATION:**

Mr. Ross made a presentation of the application to the Planning Commission.

**BOARD DISCUSSION:**

Chairman Harless invited the applicant up to discuss the project.

Cindy Reaves (project representative), Managing Partner with SR Consulting, LLC, 5909 Shelby Oaks Drive, Suite 200, Memphis, TN 38135, made a presentation. She stated with the development of Wolf River Boulevard and the Medical District Corridor, there is a need for this use. This will not just be Office; it will be a Class A Medical Office Building. Three buildings are proposed. However, one building will be built at a time, as they are needed. In order to develop the site as proposed, it will need to be filled and she discussed how this will be achieved.

Chairman Harless asked if anyone in the audience would like to speak in favor on this project. There was none.

Chairman Harless asked if anyone in the audience would like to speak against this project.

Donald Frahm, 7289 Oakville Drive, Vineyards Home Owner Association President; Concern: Not sufficient buffer. He thinks the project is too close to the Vineyards neighborhood. He would like it pushed further to the east, with a bigger buffer of 175 feet between the proposed development and the existing neighborhood.

Robert Pinstein, 7297 Stags Leap Circle; Concerns: Property values, loud trucks unloading dirt, emptying the trash dumpsters, lighting, and construction noise.

Chairman Harless stated the meeting tonight is for rezoning of this property. It is not for site development. If the rezoning passes, then there will be another Planning Commission meeting, where the applicant is required to present the site plan. He understands that the applicant has scheduled another meeting with the homeowners and at that meeting; many of these details will be discussed. He wants both parties to know as much about the process as possible. The Planning Commission holds the applicant responsible for educating the residents about what's going to happen on that property. He asked members of the audience to hold their comments to about (3) three minutes.

Robert Bostick, 7262 Oakville Drive; Concerns: Drainage, water flow, flooding, and noise from trash cans/dumpsters, which is emptied between 5:00-5:25 a.m. every Monday morning, along with the street sweepers on Saturday night after midnight. The buffer between this proposed development and the existing Vineyards neighborhood is not big enough.

Dr. Harvey Weiner, 7276 Oakville Drive; Concern: Flooding. Recent flooding three years ago, where the Wolf River overflowed onto Wolf River Boulevard, caused a partial closing of the entrance to the Vineyards neighborhood complex. If the flood pond on the Fulmer property had not been there to take up the flood water, this could have been a disastrous problem. The sewers also overflow, and the proposed new pond with the office development is so far back, it could cause a problem. It wouldn't be as good as what exists now.

Dennis Sexton, 7197 Mont Blanc Drive; Concern: Sufficient natural buffer between new development and existing neighborhood. Is the rezoning the time to require a buffer zone and would the buffer zone be a natural area, or a maintained area by the property owner?

William Murray, 7256 Duckhorn Drive; Concerns: Construction traffic. There will be lots of trucks coming in with dirt, traffic and parking, getting in and out on a daily basis. There will be three (3) new buildings and with 200 employees in each building, as well as 2 to 3 times that number of people with

appointments as well as service people coming in; he doesn't want to see a 24 hour service. There needs to be a wall in between the proposed development and the existing neighborhood, and more landscaping.

Cindy Reaves stated the buffer between the proposed office building and the neighborhood is 155 feet. The plan is to keep as much natural vegetation as possible and then supplement it with a lot more landscaping. The dirt to fill this site will not be hauled in. The Fulmer family is planning on living on the remaining portion of the property. The proposed rezoning is appropriate to continue the medical corridor and not develop apartments. The proposed 250 space parking lot shown on the conceptual development plan is just meeting the minimum requirement of the City of Germantown; 250 parking spaces will not be needed. There will be specific times for trash pickup.

Ms. Hicks asked with regards to the current R zoning, what is the density and how many single family houses could be built there? Is there any separation as far as buffering between R and R-T zoning districts?

Mr. Ross answered under the current zoning designation of R; the property could be developed at approximately three (3) houses per acre, with 15,000 square foot lots. There are 15 acres, which would allow for 45 lots. The proposed 150 foot natural area buffer is part of the site development process.

Mr. Saunders asked in regards to the 150 foot buffer, is the R-T zoning also classified for apartments complex? Right now, there is R-T zoning on both sides of this proposed development, with R zoning in the center. It could equally well be changed over to R-T zoning. That's still within the realm requested in regards to development; is that correct? In regard to the flooding of that particular property, there is a grade; how is the drainage running of that property going to be taken care of?

Mr. Ross answered yes, R-T zoning allows for apartments. Yes, that could be a request based on the contexts of the surrounding zoning.

Mr. Clark stated that the residents of the Vineyards brought up a good point. Is now the time to create a buffer zone? I don't think it is. If you look at the zoning map, it shows the R-T zoning for the Vineyards and certain parts that are buffer areas.

Bob Sweeney (project engineer) with SR Consulting, LLC, 5909 Shelby Oaks Drive, Suite 200, Memphis, TN 38135, stated the area between this proposed site and Vineyards is an area well below the 100 year flood elevation, and it floods all the time. The property is going to be filled up to the elevation of Wolf River Boulevard and higher. The area between the proposed parking lot and the Vineyards is not going to be filled. That will be left as natural as it is now. The drainage will be placed at the downstream end, and drain across Wolf River Boulevard the way it does right now. Yes, this area will flood; it is in a flood plain. It is wetlands, and it needs to stay that way. On the east side of the proposed site, a much larger tree is proposed to be preserved; thus that area is to be left in its natural state.

Chairman Harless asked by putting the parking at a higher elevation than the current flood plain is now and directing more water into that eastern flood plain, won't that fill up quicker? The proposed buffer right now between the Vineyards property line and the proposed parking lot at the narrowest point is 75 feet; is that correct?

Bob Sweeney answered that the water will actually flow in a pipe under Wolf River Blvd., and that the total amount of water coming in should be reduced. Yes, the distance between the proposed parking lot and the existing Vineyards property line is 75 feet.

Mr. Hernandez asked about the water collection from the impervious portion of the proposed development and which direction will that be routed? It's not going to the west?

Bob Sweeney answered the water will first go to the north and then to the east to the big box culvert and to the stream that's carrying water from 500 acres. No, the water will not flow to the west.

Alderman Owens noted the natural areas to the east and west are to be left. Are you going to slope the western edge of the proposed parking, or will there be a retaining wall? Will the drainage be surface drainage that flows to the east?

Bob Sweeney answered it will be a 3:1 slope and it will be sod. It goes down into a 35 foot buffer that will remain natural. That's a requirement of TDEC. The parking lot is flat. There is a storm drain system in the parking lot that will be piped to the 12 inch box culvert.

Mayor Palazzolo asked the Fulmer family to come forward to speak about future plans for their family's property. He mentioned past projects such as Nottaway, TraVure, and Whole Foods (with the neighbors on Dogwood Road). At the end of the day, there was a lot of consensus and exchange of ideas on both sides. They were happy the projects were designed differently than as first presented to the Planning Commission or Board of Mayor and Aldermen. He encourages the applicants to get to know the neighborhood leadership and try to do everything they can to make their lives as peaceful as possible, because they are your neighbors.

Arthur Fulmer, 1570 Riverdale Road, and Catherine Fulmer Muscari, 1576 Riverdale Road, stated they have no future plans other than this proposed development. They plan to continue to enjoy living on their property with their livestock of chickens, cattle, horses, as well as wildlife (deer, fox, and coyote).

Chairman Harless asked if there were any questions of commissioners.

Mr. Saunders moved to rezone a 15.229-acre parcel located on the south side of Wolf River Boulevard, approximately 324.66' east of Mont Blanc Place from "R" Residential to "O" Office, subject to the comments and conditions listed above and the plans and documents submitted with the application, seconded by Mr. Clark.

Chairman Harless asked for a roll call.

Roll Call: Hicks – yes; Saunders – yes; Hernandez – yes; Bacon – absent; Harless – yes; Owens – yes; Clark – yes; Marsh – yes; Palazzolo - yes. MOTION PASSED

Mr. Clark voted yes; he stated in listening to the homeowners with the information they brought forward, he feels like there are still a number of issues that will need to be addressed on the site plan at that stage.

Mr. Hernandez voted yes; the criteria for the rezoning is either a mistake was originally made or a change in neighborhood. Many decades ago, there wasn't even a Wolf River Boulevard to the north of this property. Now there is that road as well as many office buildings in that corridor. This clearly fits the criteria for a rezoning.

Ms. Hicks voted yes; she appreciated the neighbors being here and noted that they came at the right time. The concerns they raised have been stated before can be addressed, which would be at the site plan stage. She encourages everybody to talk and work it out.

Mr. Marsh voted yes; he agrees with the comments of the other commissioners, and very much appreciates the concerns from the neighbors. At this time, the Planning Commission is voting on the rezoning and not on the site itself. This is not the final site plan. There are a lot of concerns that will need to be addressed at the site plan stage. It's clear from the comments tonight, the property owner and the developers are committed to do everything possible to make this a great project that is going to address all those concerns. This rezoning request is consistent with changes in population and traffic patterns.

Alderman Owens voted yes; he appreciated the neighbors coming out and letting their opinions be known to the Planning Commission. He has a little bit of history on the property. As a child, he went fishing on there. Later, as the Planning Director at the City of Germantown, the Vineyards were developed during his tenure. He was proud of that development. He recalled that the Vineyards property was rezoned to the multi-family R-T zoning designation, so that higher quality, smaller lots could be developed. That was a concern from the adjacent neighbors, and a larger buffer was created. This is the beginning of the process. If the rezoning is approved tonight, it moves forward to the Board of Mayor and Aldermen for three (3) readings, and the second Board of Mayor and Aldermen is a public hearing. Residents would have input throughout that process. If the rezoning is approved by the Board of Mayor and Aldermen, the applicant must then return to the Planning Commission for site plan review and approval. At that point, the Planning Commission would look at everything from engineering, grading, drainage, access, site layout, and the trash dumpster. If the proposed development is approved at that level, then it comes before the Design Review Commission which looks at landscaping, architecture, signage, lighting and all the things that were touched upon tonight. The Planning Commission will make sure the residents are protected. R zoning is not the most appropriate zoning for this site, and nor is multi-family. It should be zoned office, due to being on a major road. High quality office is a good use.

Mr. Saunders voted yes; he agree that the overall area has changed somewhat. But he does appreciate the residents making their statements and concerns tonight. He wanted to emphasize what the Mayor said about getting together and trying to work out something. Although the Planning Commission may be approving the rezoning tonight, there is still a long road ahead before this project comes to reality.

Chairman Harless voted yes; he agrees with his fellow commissioners. This area has gone through a sufficient change. Twenty years ago, there wasn't a road there; today there is a six (6) lane divided highway. There are medical offices across the street and a medical community in the area. Going through the rezoning at this time is appropriate. He emphasized that it's important for the neighbors and the applicant to get together and talk through these issues.

Mayor Palazzolo voted yes; he addressed the applicant and stated that when they are looking at their site plan, pay particular attention to landscaping and sidewalks frontage of medical building on Wolf River Boulevard. Across the street, there are meandering sidewalks with a lot of green space between them. That would soften the ability to walk down Wolf River Boulevard safely. He agrees with all of his colleagues on all the things they said this evening.

Chairman Harless said the motion passes the Planning Commission and now goes to the Board of Mayor and Aldermen for three (3) readings. He thanked the audience for being here and for their comments.

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### **COMMISSION LIAISON REPORTS:**

Ms. Hicks stated the Bicycle and Pedestrian Safety Commission has not met since her last liaison report.

Mr. Saunders stated EDC met on March 7. Ordis Copeland, TN ECD made a presentation on what's going on as far as the State is concern. They are working with bringing in manufacturing, and other companies into the area. Also, he talked about workforce training. Planning/Small Area Plan Nodes/Districts: Central Business District (Smart Code) – Openings in Thornwood: Bella Vita and Buff City Soap. East Poplar Avenue (at Forest Hill-Irene) – Joann's is under construction. West Poplar Avenue District (Smart Code) – FirstBank is moving forward with an addition to their already rented out space. They will be taking the entire front half of the bottom floor. (Wolf River) - There is a proposal for three new medical office buildings (50,000 square feet a piece) on 15 acres at the north end of the Fulmer property. They have to get a zone change first from residential to office. Forest Hill Heights (Smart Code) –There's a daycare center proposal.

Mr. Clark stated the Parks and Recreations met on March 28, to discuss the Farmington Park Playground being worked on when school lets out, and it will be ready when school starts back in August. There will be a ribbon cutting for the re-opening. The Commission voted to have the basketball goals taken down until school starts back in August, as there had been problems with drugs at the park.

Mr. Marsh stated the Environmental Commission met on February 14, and discussed the increasing challenges with recycling from an economic point of view, with the cost incurred to maintain the program. The need for second water tower was also discussed, to allow for addition pressure, both for public safety and fire purposes. There was a discussion when that might be and the process it would take to get that approved.

Alderman Owens stated at the last BMA meeting, three (3) ordinances that the Planning Commission had approved passed: the amended Wireless Transmission had three (3) readings, and the amendments to the Parkland Dedication and Tree Mitigation Ordinances were approved at the public hearing. The last two still have one reading before the BMA. He would like to take this time to applaud the staff for all the work done.

Mr. Hernandez stated the Tree Board has not met since his last liaison report.

Chairman Harless stated the IDB will have their next meeting in May.

Mayor Palazzolo stated thank you to the Planning Commission for their hard work and dedication. He knows the Commissioners study their packets, visit the sites, and ask staff questions. They have the best interest of all the applicant and neighbors at heart.

**OLD BUSINESS:** The Chairman asked if there was any old business. There was none.

**NEW BUSINESS:** The Chairman asked if there was any old business. There was none.

**ADJOURMENT:** There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 7:15 p.m.

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Mr. Mike Harless, Chairman  
Planning Commission

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