

**PLANNING COMMISSION MEETING  
MUNICIPAL CENTER COUNCIL CHAMBERS  
Tuesday, June 5, 2012**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on June 5, 2012. Chairman David 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 David Klevan then called the meeting to order at 6:00 p.m. asking the secretary for the roll.

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

**Commissioners Present:** Mike Harless, Alderman John Drinnon, Forrest Owens, David Klevan, Dike Bacon.

**Commissioners Absent:** Hale Barclay, Susan Burrow, and Steve Wilensky.

**Staff Present:** David Harris, Pam Rush, Andy Pouncey, Jonathan Smith, Tim Gwaltney and Wade Morgan.

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

---

**1. Approval of Minutes for May 1, 2012**

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 1, 2012. If there were no additions, corrections or deletions to the minutes of the May 1, 2012, meeting of the Planning Commission, he would entertain a motion for approval.

Mr. Bacon moved to approve the Planning Commission minutes of May 1, 2012, as submitted, seconded by Alderman Drinnon.

Chairman Klevan asked for a roll call.

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

---

**2. Consent Agenda** There was none.

**3. Baptist Memorial Health Care Cancer, 7892 Wolf River Blvd – Request Rezoning from “C-2” Commercial and “SC-1” Shopping Center Zoning Districts to “O-51” Office Zoning District**

**BACKGROUND:** The property is part of the site of the former Wal-Mart store. On July 11, 1994, the Board of Mayor and Aldermen approved Subdivision Development Contract No.369 for the re-subdivision of Lots 2a and 3 of the Wolf River Center Subdivision, 1<sup>st</sup> Addition, Phase 1 Subdivision. In July 1994, the Board of Mayor and Aldermen approved Project Development Contract No. 970 for the Wal-Mart Store. On August 3, 2004, the Planning Commission gave preliminary and final site plan approval to plans to demolish the Wal-Mart building and replace it with two 48,000 square feet, two story office buildings. Those buildings were never constructed. Since that time, the property has been re-subdivided into several lots and developed for the Magna Bank, Trust One Bank and Taco Bell restaurant.

**DISCUSSION:** Baptist Memorial Health Care Corporation proposes to construct a 237,000 square foot cancer treatment clinic on a 12.1-acre site. A detailed description of the project is attached. As part of the rezoning application, a traffic impact analysis has been submitted.

**STAFF COMMENTS:**

1. The Germantown Code (Sec. 23-66) permits changes in Zoning Districts, “whenever the public necessity, convenience, general welfare or good zoning practice justifies 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 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 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. A conceptual site plan for the building is attached.
3. The O-51 district permits the following land uses:
  - (1) Financial, insurance and real estate services such as, but not limited to, banks, credit companies and insurance and real estate offices.
  - (2) Professional services such as, but not limited to, architectural, legal and engineering services.
  - (3) Medical services such as, but not limited to, doctors' offices and dentists' offices.
  - (4) General offices.
  - (5) Wireless transmission facilities.
  - (6) Accessory buildings and uses customarily incidental to such uses including, but not limited to, satellite dish receiving antenna.
4. The Germantown engineering staff has reviewed the traffic impact analysis, and finds the analysis acceptable for the purposes of the rezoning. The engineering staff has worked with the consultants on the traffic impact to this point and will continue to work with them as the project advances through site plan review and construction plan preparation.
5. If approved, the applicant shall proceed to the Board of Mayor and Aldermen (BMA) for three readings on the rezoning.

**ZONING & ANNEXATION SUBCOMMITTEE REPORT: (SUSAN BURROW, CHAIRMAN)**

The Zoning and Annexation subcommittee met on May 16, 2012 and withheld a recommendation.

**MOTION:** To recommend approval of the rezoning of a 12.1 acre parcel at 7892 Wolf River Blvd. from “C-2” Commercial and “SC-1” Shopping Center Zoning Districts to “O-51” Office Zoning District

Mr. Owens stated a primary concern of mine is the traffic study. Can staff explain the traffic study report?

Mr. Gwaltney stated we have reviewed the traffic impact statement provide by the consultants from Kimley Horn and we agree with the traffic projections done as a full build-out for the site. In addition, the total projections are in the same range as the current zoning allows. These are the main points at this stage we wanted answered.

Mike Davis, the representative from the Reaves Firm, Inc. 5880 Ridge Bend Road, stated there is growing excitement for this project to get started throughout the region and community. We feel like the "O-51" zoning is appropriate for the use in a medical corridor along Wolf River Boulevard. He noted he would answer any questions or concerns about this project or the site plan.

Mr. Harless said, "I understand there is talk about adding an additional traffic light on Wolf River Boulevard. I hope you will work with all the neighbors to make sure it works out for the community."

Mr. Davis stated we are working with the adjacent property owners to try to make that happen in a location that best suits the entire area. The UT Medical Center is across the street along with the future Campbell Clinic expansion. We would love to be able to work with all the property owners and make the best possible location for everyone involved.

Alderman Drinnon moved to recommend approval of the rezoning of a 12.1-acre parcel at 7892 Wolf River Blvd. from "C-2" Commercial and "SC-1" Shopping Center Zoning Districts to "O-51" Office Zoning District, seconded by Mr. Owens.

Chairman Klevan noted he applauds the applicant for their due diligence for working with staff and getting the traffic study right. Mr. Klevan believes it was confirmation of what he felt anyway. He feels strongly that "O-51" is a better-suited option for this piece of property because it gives the same flexibility as the existing zoning with the addition of going up some. I feel like the traffic that is generated, based on the study, meets my satisfaction, because it is going to generate more for the shifting times. I will be voting yes for this item.

Dike Bacon said he whole heartedly supports the zoning being changed to "O-51", and it is consistent with development trends. It is a very exciting project. The issue with the traffic needs to be addressed on where the red light will go. I will be voting yes for this item.

Alderman Drinnon stated he appreciates the time that you worked on this project and recognizes the medical corridor that the City supports. I am in favor of this zoning change. I will be voting yes for this item.

Mike Harless noted that it is obvious Germantown is becoming a premier medical center in this region. It is very exciting to have the Baptist Cancer Center coming to this area. He thinks "O-51" in this location makes a lot of since because there are no residential areas close by. It is utilizing space to its fullest. I will be voting yes for this item.

Forrest Owens stated that there has been a change in the area including the development of offices and medical offices. I will be voting yes for this item.

Chairman Klevan asked for a roll call.

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

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.**

Chairman Klevan noted we have made an executive change in the next Planning Commission meeting that is schedule for July 3. It will be moved to Tuesday, July 10 due to the 4 of July holiday and vacations.

**ADJOURNMENT:** The meeting adjourned at 6:25 p.m.