



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

**Minutes
of The
Metropolitan Planning Commission**

10/23/2008

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Hunter Gee
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
Ted Morrissey, Legal Counsel
Jason Swaggart, Planner II
Bob Leeman, Planner III
Trish Brooks, Admin. Svcs Officer 3
Carrie Logan, Planner II
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Brian Sexton, Planner I
Steve Mishu, Metro Water
Jonathon Honeycutt, Public Works
Mr. Sean Alexander, Metro Historic

Commission Members Absent:

Victor Tyler
Derrick Dalton

Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

I. CALL TO ORDER

The meeting was called to order at 4:04 p.m.

II. ADOPTION OF AGENDA

There were no changes made to the agenda.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to adopt the agenda as presented. **(6-0)**

III. APPROVAL OF OCTOBER 14, 2008, MINUTES

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the October 14, 2008 minutes as presented. **(6-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Holleman stated he would reserve his comments until after his item was presented for discussion.

Councilmember Tygard spoke in favor of Item #1, 2008S-150U-03, Park Preserve, Phase I. He briefly explained his support for the proposal and requested its approval. He did, however, mention some of the issues associated with the proposal and spoke of a meeting in which positive progress was made in an attempt to resolve some of the issues expressed by all those affected by the proposal.

Ms. Cumming arrived at 4:07 p.m.

Ms. Andree arrived at 4:07 p.m.

Councilmember Harrison addressed the Commission on Item #1, 2008S-150U-03, Park Preserve, Phase I. He acknowledged the good intentions of the Habitat Organization, however, expressed issues with the volume of homes being proposed for his district. He too acknowledged the meeting that was held and stated that the issues surrounding the development were not addressed. He suggested additional studies be completed on integrating low income housing throughout all of Nashville. He requested that the Commission either disapprove or defer the proposal if it did not contain all the necessary requirements for approval.

Councilmember Harrison then spoke regarding Item #3, 2008SP-025U-03, The Park at Ewing Creek. He briefly explained that he and the residents affected by the proposed development were in favor of its approval and provided the various reasons of support. He asked that the Commission consider these reasons as they make a determination on the proposal.

Councilmember Barry spoke in favor of Item #10, 2008Z-089T, Residential Tree Density Requirements. She provided a brief history on the tree ordinance and offered additional information on the importance of trees and their positive affects on the environment. She requested that the Commission approve the ordinance.

Councilmember Duvall stated he reserve his comments until after his item was presented for discussion.

Councilmember Hunt addressed the Commission on Item #12, 2005P-010G-02, Nashville Commons at Skyline. He briefly explained the issue of several street lights that were contained in the proposal and requested that these lights be excluded from the development.

Councilmember Hunt then spoke to the Commission regarding Item #1, 2008S-150U-03, Park Preserve, Phase I. He explained that progress was being made by all parties affected by the development and requested that the Commission defer the proposal indefinitely to allow additional time for continued discussions.

Councilmember Craddock spoke in favor of Item #13, 2005P-027U-05, Home Depot. He then spoke regarding Item #1, 2008S-150U-03, Park Preserve Phase I. He suggested that additional effort and cooperation should be displayed by the Habitat Organization in an effort to provide a good neighbor relationship.

Councilmember Murray explained that she would reserve her comments until after her item was presented with the Commission.

Councilmember Jameson spoke in favor of Item #10, 2008Z-089T, Residential Tree Density Requirements. He presented several slides to the Commission in an effort to illustrate the issues associated with tree removal and residential development. He then offered additional information supporting his request and requested that the Commission approve the text amendment. He submitted information for the record.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

2. 2007SP-114U-10 A request for final site plan approval for the Specific Plan-Residential (SP-R) located at 4000 Wayland Drive, to construct one single-family residence with a detached garage, and install drainage, landscaping, and a wall associated with the proposed residence – deferred to November 13, 2008, at the request of the applicant.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items as presented. **(8-0)**

Ms. Hammond announced, "As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel."

VI. PUBLIC HEARING: CONSENT AGENDA

FINAL PLATS

11. 2008S-162G-02 A request for final plat approval to create 2 lots on property located at 1204 Campbell Road.

-Approve with conditions including an exception to the lot comparability requirement

REVISIONS AND FINAL DEVELOPMENT PLANS

13. 2005P-027U-05 A request to amend a portion of the Home Depot Planned Unit Development Overlay, approved by Council Bill BL2005-881, located at Gallatin Pike (unnumbered), at the northwest corner of Gallatin Pike and Joyce Lane, to delete Condition #20 restricting access to Joyce Lane and to allow for the development of a 4,952 square foot financial institution, replacing two 3,600 square foot restaurant uses previously approved. - Approved with conditions, including removing the restriction for access to Joyce Lane

OTHER BUSINESS

14. Exclusion of Grange Insurance from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations. -Approve

15. Confirmation of Cyrus Hatfield and Gigi Grimstad to the Harding Town Center Advisory Committee -Approve

Ms. Cummings moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. **(8-0)**

VIII. PREVIOUSLY DEFERRED ITEMS

1. **2008S-150U-03**
Park Preserve, Ph 1 (Concept Plan)
Map: 060-00 Parcels:005, 006, 060
Bordeaux/Whites Creek Community Plan
Council District 2 – Frank Harrison
Staff Reviewer: Nedra Jones

A request for concept plan approval to create a cluster-lot subdivision containing 34 single-family lots at 508 and 512 Ewing Drive and Ewing Drive (unnumbered), approximately 600 feet west of Ewing Lane (10.31 acres), zoned RS7.5, requested by Nashville Area Habitat for Humanity Inc., owner, Ragan-Smith-Associates Inc., surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST -Cluster Lot

A request for concept plan approval to create a cluster-lot subdivision containing 34 single-family lots at 508 and 512 Ewing Drive and Ewing Drive (unnumbered), approximately 600 feet west of Ewing Lane (10.31 acres), zoned Single-Family Residential (RS7.5).

ZONING

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. While only 34 lots are proposed, the RS7.5 zoning would permit up to 51 cluster lots on 10.31 acres.

History A preliminary plat was previously approved by the Planning Commission for this property on January 26, 2006, for 46 lots. Since a final plat was not recorded within two years, the preliminary plat expired on January 25, 2008.

The Park Preserve Planned Unit Development, also owned by Habitat for Humanity, is located immediately south of the Park Preserve Subdivision, which proposes a future street connection into the PUD. The PUD was approved by Metro Council in July 2002, for 416 single family lots and 327 multi-family units on 200 acres.

SUBDIVISION DETAILS The concept plan proposes to create 34 single-family lots within a cluster lot development on 10.31 acres. The cluster lot option contained in the Metro Code allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS7.5 (minimum 7,500 sq. ft. lots) to RS3.75 (minimum 3,750 sq. ft. lots) if the plan meets all the requirements of the cluster lot provisions of the Metro Zoning Code. The applicant has reduced the minimum lot sizes by one base zone classification to RS5 (minimum 5,000 sq. ft. lots) and the proposed lots range in size from approximately 5,000 square feet to 7,600 square feet.

Open Space/Landscaping Cluster lot developments are required to provide 15 percent usable open space per phase. The concept plan designates 24 percent or 2.45 acres of the site as open space including both passive and active space with a playfield, and playground equipment. A standard B-3 landscape buffer is planned along the eastern perimeter of the site to screen the development from neighboring property. This area is not counted as usable open space.

Sidewalk A five foot sidewalk is planned within the right of way throughout the development.

Access/Street Connectivity The plan proposes a new public road that will intersect onto Ewing Drive to the north at Gwynnwood Drive and extends south ending in a stub street that will eventually connect to the Park Preserve PUD. This PUD, also owned by Habitat for Humanity, is currently undeveloped with a stub street connection that would tie into Park Preserve, Phase 1 Concept Plan. There is also a stub street shown on this concept plan to provide a future connection to the west.

PUBLIC WORKS RECOMMENDATION

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Construct Ewing Drive pavement section along property frontage per standard drawing ST-253. Provide tapers per AASHTO / MUTCD standards. Coordinate Ewing Dr improvements with road widening at La Vista by Park Preserve PUD.
3. Construct the site access road at Ewing Drive with one entering and two exiting lanes (LT and TH/RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
4. Lots 1 and 16 shall have no driveway access to Ewing Drive.

STORMWATER RECOMMENDATION Approved. The lot layout is acceptable; however, the water discharging from the pipe between Lots 33 and 34 is not receiving full treatment. This issue must be dealt with at the time of plan submittal to the MWS Stormwater Division.

FIRE MARSHAL RECOMMENDATION

1. Before a plat for 1 or 2 families can be approved, plans showing water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations shall be provided.
2. All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
3. Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
4. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B.

5. Fire Hydrant flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.

STAFF RECOMMENDATION Staff recommends approval with conditions of the concept plan for the Park Preserve, Phase 1.

CONDITIONS

1. All development plans shall comply with the conditions and design regulations established by the Department of Public Works.
2. All development plans submitted for approval must comply with the Fire Marshal's requirements listed above.
3. All development plans shall comply with the Stormwater requirements listed above.
4. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

Mr. Leeman presented and stated that staff is recommending approval with conditions.

Ms. LeQuire acknowledged that the requested subdivision met the necessary requirements for approval, however, suggested that the Commission consider adding a condition to the recommendation that would require market housing types suitable for various levels of income for the proposed developments located in this area.

Mr. Bernhardt explained that staff supports and encourages diverse housing in its community planning process. He further offered that he was unaware of an ordinance that would require diverse housing, but would welcome the opportunity to review a county-wide ordinance that would provide diverse housing throughout the entire county.

Ms. Jones offered her thoughts on utilizing mixed housing types within Habitat subdivisions. She too acknowledged that the development had met all the necessary requirements and would have to be approved by the Commission.

Mr. Ponder acknowledged the discussions that had taken place on this proposal and encouraged that all parties "keep the door open" for additional conversations.

Mr. Clifton acknowledged the concerns and issues associated with the requested development. He spoke on the importance of providing affordable housing throughout the city. He then reminded the Commission that the requested development met all the subdivision regulations and stated he would support its approval.

Ms. Cummings spoke of her support for the Habitat Organization, however, expressed concern with the density of the proposed development planned for this area and stated that if approved, the Commission may regret its existence in the future. She too recognized that the request met all of the subdivision regulations and would have to be approved as submitted.

Mr. Gee agreed with many of the comments made and suggested that the affordable housing issue should be studied further at the higher level in which legislation could be drafted that would possibly provide incentives for the implementation of affordable housing throughout the entire City.

Mr. Gotto requested additional information on the location of a proposed planned unit development planned for this area.

Mr. Leeman explained the location of the development and its proposed access points.

Mr. Gotto expressed concern with the lack of resolution that resulted from the meeting between the Habitat Organization and community leaders. He stated that if the proposed development were to be approved, it would be setting a precedent. He explained that he supports the Habitat organization, however, believed that the proposal should have been deferred indefinitely to allow additional conversations with the community.

Mr. Gotto moved to disapprove Concept Plan 2008S-150U-03.

Ms. Cummings offered her support and seconded the motion to disapprove.

Mr. Bernhardt asked that Mr. Gotto provide reasons for the disapproved motion as it was a requirement for the record.

Mr. Gotto briefly explained his reasons for the motion to disapprove.

Mr. Clifton shared his views on the implications that would result if the proposed development were disapproved by the Commission and urged that the motion not carry forward.

Ms. LeQuire questioned when the larger planned unit development located south of the development would be heard by the Commission.

Mr. Bernhardt provided additional information on the planned unit development.

Ms. LeQuire requested that Mr. Morrissey provide legal advice on the motion that was currently on the floor.

Mr. Morrissey briefly explained the Commission's role in relation to land use policies and the issues associated with basing a decision on moral issues.

Mr. Gee questioned why affordability could not be used and considered part of land use.

Mr. Bernhardt offered additional guidance on the request being made of the Commission.

Mr. Gee requested additional information on the content of the planned unit development that would be heard in December.

Mr. Bernhardt explained the planned unit development and its content to the Commission.

The motion to disapprove failed.

Mr. Clifton moved and Mr. Ponder seconded the motion, to approve with conditions Concept Plan 2008S-150U-03 as recommended by the Planning staff. **(6-2) No votes – Gotto, Cummings**

Resolution No. RS2008-217

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-150U-03 is **APPROVED WITH CONDITIONS. (6-2)**

Conditions of Approval:

1. All development plans shall comply with the conditions and design regulations established by the Department of Public Works.
2. All development plans submitted for approval must comply with the Fire Marshal's requirements listed above.
3. All development plans shall comply with the Stormwater requirements listed above.
4. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.”

Mr. Bernhardt offered that current discussions will offer guidance to the Habitat Organization on how they may want to move forward on the planned unit development.

IX. PUBLIC HEARING: SPECIFIC PLANS

2. **2007SP-114U-10**
4000 Wayland Drive (Formerly Beacon Way Townhomes)
Map: 130-11-0 Parcels: 001, 002, 003
Green Hills/Midtown Community Plan
Council District 34 – Carter Todd
Staff Reviewer: Bob Leeman

A request for final site plan approval for the Specific Plan-Residential (SP-R) located at 4000 Wayland Drive, at the northwest corner of Wayland Drive and Beacon Drive (1.25 acres), to construct one single-family residence with a detached garage, and install drainage, landscaping, and a wall associated with the proposed residence, Carbine and Associates, applicant for Charles R. Carroll, owner.

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Specific Plan 2007SP-114U-10 to November 13, 2008, at the request of the applicant. (8-0)

3. **2008SP-025U-03**
The Park at Ewing Creek
Map: 059-00 Parcels: 063, 195
Bordeaux/Whites Creek Community Plan
Council District 2 – Frank Harrison
Staff Reviewer: Brenda Bernards

A request to rezone from RS7.5, R8, and CS to SP-MI zoning properties located at 2832 Whites Creek Pike and Rowan Drive (unnumbered), approximately 1,510 feet south of Briley Parkway (91.97 acres), to permit the development of a retail, office, warehouse and industrial campus and open space, requested by Dale & Associates, applicant, for Ewing Creek, LLC, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Preliminary SP

A request to rezone from Single-Family Residential (RS7.5), One and Two-Family Residential (R8), and Commercial Service (CS) to Specific Plan-Mixed Industrial (SP-MI) zoning properties located at 2832 Whites Creek Pike and Rowan Drive (unnumbered), approximately 1,510 feet south of Briley Parkway (91.97 acres), to permit the development of a retail, office, warehouse and industrial campus and open space.

Existing Zoning

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots.

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP-MI District - Specific Plan-Mixed Industrial is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes retail, office, warehouse and industrial campus and open space.

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Natural Conservation (NCO) NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Residential Low Medium (RLM) RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Neighborhood Center (NC) NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

Consistent with Policy? No. While some of the proposed uses are consistent with land use policies, the majority of the proposed retail, office, warehouse and industrial uses will be located on areas now designated as RLM policy, which does not support these uses. The portion of the property designated NC is consistent with proposed District A uses. The portion of the property that is designated NCO is to remain as open space and this is consistent with the policy.

PLAN DETAILS The proposed SP includes three districts, each with its own land uses and bulk standards. While a plan is included showing a new street and lots, this is meant to be illustrative only and no specific street or lot layout is proposed with this rezoning request.

District A District A, with approximately 12 acres in area, is proposed for commercial, retail, office and warehouse uses fronting Whites Creek Pike from the southern property line to the TVA easement. The uses and bulk standards for this district are similar to those for the CS zoning district with the following uses excluded: residential, non-residential drug treatment, automotive sales, bar or nightclubs, hotels motels, and construction/demolition landfills. Building heights are to be two stories and the maximum floor area ratio (FAR) is proposed to be 0.8.

Various building materials are identified. These include various types of concrete, brick and stone as well as stucco and architectural metals and glazing. More detail is required on what is included in "architectural metals." While the colors for these buildings are not limited, the more intense colors are restricted to be used as accents only.

A 30 foot landscape buffer is proposed along Whites Creek Pike in order to provide additional buffering from the existing, active quarry across from the property. Details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species is needed.

District B District B, with approximately 38 acres in area, is proposed for industrial, office, and warehouse uses in the center of the property. Uses permitted within this sub-district are those allowed under the Industrial Warehousing/ Distribution (IWD) zoning district with the following uses excluded: residential, construction/demolition landfill, automotive sales and uses, non-residential drug treatment, sanitary landfill, adult entertainment, and mineral extraction. Building heights are limited to one to two stories. The bulk standards of the IWD zoning district will apply in District B.

Various building materials are identified. These include various types of concrete, brick and stone, architectural metals and glazing. Gloss, highly reflective metals are prohibited as the primary building material. As is the case for District A, more detail is required on what is included in "architectural metals." While the colors for these buildings are not limited, the colors are to be subdued and not reflective.

A standard B buffer is identified along the north, west and south perimeter of District B. A list of proposed trees and shrubs species is needed.

District C District C is approximately 42 acres in area and is proposed for open space. This district includes the floodway along the northern boundary and an approximately 300 foot wide buffer to provide permanent separation of the industrial

uses from the adjacent residential subdivision. Uses in this portion of the SP are limited to a greenway along Ewing Creek and maintenance of the open space, including the wooded areas. The existing vegetation is to be supplemented with additional plantings. A tree protection plan will be required for any portion of District C adjacent to development in District B.

The buffers in District A and B, and the open space in District C, will be managed and maintained through an association set up for this purpose. No details of this association have been provided and will be required prior to final site plan approval of the first phase of this proposed development.

Streets and Sidewalks Any street or streets accessing District B through District A will be designed to Public Works' non-residential local street standard. A five foot sidewalk is included in this street standard. In order to comply with the Subdivision Regulations, the principal street of this development must be a loop street or other street pattern that provides two access points to Whites Creek Pike. If more than one street is built, a short cul-de-sac that is accessed from a principal street may be permitted.

Sidewalks are required along the frontage of Whites Creek Pike.

Access Management An access management plan is required. This plan needs to provide for limited access on to Whites Creek Pike from District A. No more than two access points are permitted in addition to the loop street. Wherever possible, access to District A will be from the new principle street with cross access easements.

Parking Parking requirements for each use will be governed by the standards of the Zoning Code for each proposed use. In District A, parking shall be located to the side or rear of the building with only one row of parking permitted on the Whites Creek Pike frontage. All parking shall be screened as required by the Zoning Code.

Building Orientation The proposed plan provides setbacks but does not discuss building orientation. Buildings on lots adjacent to Whites Creek Pike, shall be oriented towards Whites Creek Pike, with the primary building entrances facing the street.

Signs, Lighting and Fencing Signs, lighting and fencing for District A are proposed to be based on the standards of the CS zoning District and based on the IWD zoning district standards for District B.

For District A, in addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs in District A include building signs and freestanding ground signs. Building signs are attached directly to, or supported by brackets attached directly to a principal building. Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height.

Signs in District A shall be externally lit with steady, stationary, down directed, and completely shielded light sources. Freestanding ground signs may be lit from a ground lighting source. All signs in District A shall be constructed using high-quality durable materials such as metal, stone, brick, and hardwood, and shall complement materials and features of buildings on the same property. The design and alignment of signs on multiple use buildings shall compliment each other such that visual unity effect is achieved.

Any phase of development in District A that will include multiple stories and/or tenants shall submit an overall sign program with the final site plan.

There are no sign, lighting or fencing standards proposed for District C. In this district, signage and lighting will be limited to that necessary to support the open space and greenway functions only.

Phasing As each lot is developed the developer must demonstrate how the access management plan is being achieved and that the development of any one lot will not preclude subsequent development from meeting the intent and requirements of the SP

STORMWATER RECOMMENDATIONS Preliminary SP approved except as noted:

- Any work within the floodplain will require fill compensation.
- Regional stormwater facility is partially located under the TVA easement. TVA approvals will be required.

WATER SERVICES RECOMMENDATION Approval at this time with these conditions set forth by the capacity letter.

- Public water & sewer extensions will be required in addition to the construction of a 16 inch public water main in White Creek Pike.
- At this point in time this is all the applicant needs. Prior to future development of the commercial site further capacity issues must be addressed.
- Easements will be the responsibility of the developer & at the developers expense.
- Pressure regulating devices when pressures exceed 100 psi.
- Contact the Fire Marshal regarding adequate fire protection

FIRE MARSHAL RECOMMENDATION -Reviewed

- Fire Hydrants shall be in-service before any combustible material is brought on site.
- All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.6 ft.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
- Actual or projected fire hydrant flow data shall be provided on plat showing compliance with 2006 edition of NFPA 1 table H.
- More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
- Access to the property of the planned building group shall be provided by a minimum of two distinctly separate routes, each located as remotely from the other as possible.

NES RECOMMENDATION

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 3) NES has existing easement along Whites Creek Pike – Book 5706 Page 637
- 4) 30-foot public utility easement required adjacent to public r-o-w. Make drainage and common open space areas should be a public utility easement.
- 5) NES can meet with developer/engineer upon request to determine electrical service options
- 6) NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
- 7) Developer shall work with Metro PW on street lighting. This is urban services area and must be lit to Metro's minimum requirements.
- 8) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com).
- 9) NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
- 10) Developer shall work with the NES Vegetation Management Section if NES has to build ovhd distributions lines for serve.
- 11) To serve lot 16 NES must have a permit in place to cross TVA either ovhd or ugrd. This permit process takes 4-6 weeks for approval from TVA prior to final construction pack being issued.

TO APPLY FOR SERVICE:

1. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates (TN83F) that contains the civil site information (Engineer shall provide approved plans by Metro Planning w/ any changes from other departments)
2. Developer to provide a proposed easement drawing for the electric, phone and catv.
3. All street lighting shall meet Metro's requirements and be installed by developer – NES needs locations for conduit stub-outs to those areas
4. Contact Dwight Tidwell, NES Energy Services Engineering, @ 747-3282 to begin an order for new service, identify any service removals and temporary power needs to the ESE representative assigned job to coordinate all work in regards to the project.

PUBLIC WORKS RECOMMENDATION Public Works comments are forthcoming.

STAFF RECOMMENDATION Staff recommends disapproval of this request as the proposed industrial, office, warehouse, and retail uses are not consistent with the RLM land use policy which covers the majority of this property. Furthermore, a substantial amount of additional details are needed on the preliminary plan in order to effectively review any final site plans that would be submitted under this SP.

CONDITIONS

1. This SP is limited to retail, office, and warehouse uses in District A, industrial, office, and warehouse uses in District B, and open space and greenways in District C.
2. The corrected copy of the SP plans shall include a definition of architectural metals; planning staff shall approve materials.
3. The corrected copy of the SP plan shall include a plant species list for all buffers to be approved by the urban forester
4. Prior to final site plan approval of the first phase of this development, an association to manage and maintain the landscape buffer yards shall be established and a management plan shall be prepared and approved by the Urban Forester
5. A tree protection plan shall be provided with the final site plan for each lot developed adjacent to District C.
6. For any final site plan that proposes a street, the street pattern shall meet the requirements of the Subdivision Regulations. The principle street shall be a loop street or similar pattern that provides two access points to Whites Creek Pike.
7. The corrected copy of the SP shall include sidewalks along Whites Creek Pike.
8. The corrected copy of the SP shall include a description of the access management plan including no more than two driveway access points to Whites Creek Boulevard.
9. Prohibited signs in District A shall include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.
10. Permitted signs in District A shall include building signs and freestanding ground signs a maximum 6 feet in height.
11. Signs in District A shall be externally lit and shall be constructed using high-quality durable materials.
12. A sign program shall be required with a Final Site Plan for any phase of the development in District A that will include multiple stories and/or tenants.
13. Signage and lighting in District C shall be limited to that necessary to support the greenway and open space functions.
14. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included

as a condition of Commission or Council approval, District A shall be subject to the standards, regulations and requirements of the CS zoning district, District B shall be subject to the standards, regulations and requirements of the IWD zoning district, and District C shall be subject to the standards, regulations and requirements of the AR2a zoning district, as of the date of the applicable request or application.

15. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
16. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
17. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Bernards presented and stated that staff is recommending disapproval.

Mr. Roy Dale, Dale & Associates, spoke in favor of the proposed development.

Mr. Ken Jakes, 5920 Clarksville Pike, spoke in opposition to the proposed development.

Mr. Kevin Estes, Dale & Associates, spoke in favor of the proposed development.

A resident of the community, who did not identify himself, spoke in favor the proposed development.

Mr. Gotto requested additional information on the proposed development, in particular, the elements that were not submitted as part of the specific plan application.

Mr. Bernhardt offered additional information on the application as it was reviewed by staff.

Mr. Gotto acknowledged and spoke on the issue of the land use policy implemented for this area in relation to the Community Character Manual. He then acknowledged the support of the both the Councilmember and the community with regard to this development.

Mr. Gee questioned whether the applicant met all of the requirements for a specific plan.

Ms. Bernards offered additional information on the application as submitted.

Mr. Gee explained that he would not want to support a plan that was incomplete.

Ms. Cummings thanked the community for providing their input on the proposed plan. She too acknowledged that the application lacked the necessary details for approval.

Ms. Bernards offered that if the application were approved, that the applicant would have 120 days to address any of the application's deficiencies.

Mr. Clifton acknowledged that the community and the Councilmember were in support of the proposed development for this

area.

Mr. Gee questioned whether the application could be approved after the requested information was submitted and reviewed by staff.

Mr. Bernhardt addressed this question.

Mr. Ponder questioned whether the proposal could be deferred one meeting to allow additional work on the application.

Ms. Bernards explained that the public hearing on this application was scheduled for November 6, 2008, and that the Planning Commission would not meet again until November 13, 2008.

Ms. Jones offered her views on costs associated with large developments and suggested that the Commission conditionally approve the application until all the necessary details were submitted to substantiate its approval.

Ms. LeQuire requested additional information on the staff's recommendation in relation to the submitted application.

Ms. Bernards briefly explained the two groups of conditions placed on the development.

Mr. Ponder questioned whether the details would include building placement contained in the development.

Ms. Bernards explained the building placement requirements to the Commission.

Mr. Gotto questioned whether the recommendation of disapproval would change if all of the conditions were met by the applicant.

Ms. Bernards stated that the recommendation of disapproval would not change due to the development's inconsistency with the subarea plan for this area.

Mr. Clifton moved, and Mr. Gotto seconded the motion, which passed unanimously, to disapprove Specific Plan 2008SP-025U-03, The Park at Ewing Creek as submitted, with the condition to approve, if staff conditions were addressed by the applicant. **(8-0)**

Resolution No. RS2008-218

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-025U-03 is **DISAPPROVED; APPROVED IF STAFF CONDITIONS ARE ADDRESSED. (8-0)**

While the proposed SP –MI district is not entirely consistent with the Bordeaux/Whites Creek Community Plan’s policies, the proposed uses are compatible with the existing industrial uses on the east side of Whites Creek Pike, and the SP provides for substantial open space to separate the proposed industrial uses from the existing residential area west of Whites Creek Pike.”

X. PUBLIC HEARING: ZONING MAP AMENDMENTS

4. 2008Z-078G-13

Stewarts Ferry Pike

Map: 110-00 Parcel: 102

Map: 111-00 Parcels:005, 007, 022, 023, 024, 033

Maps: 123-00, 124-00, 137-00, 137-04, 138-00 Parcels: Various

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall

Staff Reviewer: Brenda Bernards

A request to rezone various properties from RS15 and AR2a to RS80 zoning along Bakers Grove Road, Couchville Pike, Granny White Lane, Hobson Pike, Mt. Juliet Road, Palimino Place, Pugh Road, Stewarts Ferry Pike, and Thoroughbred Drive (2265.98 acres), requested by Councilmember Robert Duvall for various owners.

Staff Recommendation: Approve

APPLICANT REQUEST- A request to rezone various properties from Agricultural/Residential (AR2a) and Single-Family Residential (RS15) to Single-Family Residential (RS80) zoning along Bakers Grove Road, Couchville Pike, Granny White Lane, Hobson Pike, Mt. Juliet Road, Palimino Place, Pugh Road, Stewarts Ferry Pike, and Thoroughbred Drive (2,265.98 acres).

Existing Zoning

AR2a District -Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

RS15 District -RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

Proposed Zoning

RS80 District -RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Rural (R) R is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

Consistent with Policy? Yes. The request to rezone the property from AR2a and RS15 to RS80 is consistent with the R policy.

ANALYSIS This request will rezone 288 parcels from AR2a and RS15 to RS80. Of the 288 parcels included in this request, the rezoning will create 46 substandard parcels where the existing lot sizes will be less than 80,000 square feet. Of these 46 parcels, five are non-residential (three cemeteries, two churches) which range in size from 5,663 square feet to 52,708 square feet. Eight parcels are part of larger parcels in the adjacent Wilson County. There are 15 parcels that are owned by the same owners as the adjacent parcel and, when combined, would be over 80,000 square feet in size. There are 18 stand-alone, residential parcels that will be less than 80,000 square feet in size. These range in size from 6,970 square feet to 73,360 square feet.

Substandard Lots Section 17.40.670 of the Metro Zoning Code allows that a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by the zoning district provided the lot contains a minimum area of 3,750 square feet and existed prior to the date of the ordinance.

PUBLIC WORKS RECOMMENDATION No exception taken.

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	2,193.71	2.47	5,418	40933	3803	3897

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	72.27	0.5	36	407	35	43

Maximum Uses in Proposed Zoning District: RS80

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	2,265.98	0.46	1,042	8983	739	884

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	2,265.98		-4,412	-32357	-3099	-3056

METRO SCHOOL BOARD REPORT

Projected Student Generation As this request to change to single-family districts represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

STAFF RECOMMENDATION Staff recommends approval of the zone change request because the RS80 zoning district is consistent with R land use policy.

Ms. Bernards presented and stated that staff is recommending approval.

Councilmember Duvall spoke in favor of the requested zone change. He explained that the requested use would continue to preserve the pristine nature of the area and requested its approval.

Mr. Chris Toby spoke in favor of the requested zone change.

Mr. Harold Smith, 2277 Stewarts Ferry Pike, spoke in favor of the proposed zone change.

Mr. Derrick Smith, 2443 Stewarts Ferry Pike, spoke in favor of the proposed zone change.

Mr. Ponder spoke in favor of the requested zone change.

Ms. Jones questioned which parcels would be affected by the requested zone change.

Mr. Bernhardt explained the various properties that would be affected by the zone change request.

Ms. Bernards offered additional information on parcels that were contained in the rezoning.

Mr. Gotto spoke in favor of the requested zone change and commended Councilmember Duvall for taking the steps to preserve this area of the county.

Ms. Cummings expressed concerns with implementing a mass rezoning and suggested that property owners be given an opportunity to opt out of the rezoning if they so desired.

Mr. Clifton spoke in favor of the proposed rezoning.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to approve Zone Change 2008Z-078G-13. **(8-0)**

Resolution No. RS2008-219

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-078G=13 is **APPROVED. (8-0)**

The proposed RS80 district is consistent with the Antioch/Priest Lake Community Plan’s Rural policy, which is for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominately rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses, such as the RS80, may be appropriate.”

5. 2008Z-079U-10

Whitland Avenue

Map: 103-16 Parcels: Various

Map: 104-09, 104-09-Q Parcels: Various

Green Hills/Midtown Community Plan

Council District 24 – Jason Holleman

Staff Reviewer: Carrie Logan

A request to apply a Neighborhood Conservation Overlay for various properties on both sides of Whitland Avenue between Wilson Boulevard South and Bowling Avenue, zoned R8 (19.61 acres), requested by Councilmember Jason Holleman, applicant, for various owners.

Staff Recommendation: Approve, subject to approval of the proposed overlay by the Metro Historic Zoning Commission prior to the Planning Commission meeting.

APPLICANT REQUEST - A request to apply a Neighborhood Conservation Overlay for various properties on both sides of Whitland Avenue between Wilson Boulevard South and Bowling Avenue, zoned One and Two-Family Residential (R8) (19.61 acres).

Existing Zoning

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

PROPOSED OVERLAY DISTRICT Section 17.36.120 of the Metro Zoning Ordinance recognizes Neighborhood Conservation Districts, along with Historic Preservation Districts and Historic Landmarks, as “Historic Districts.” These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

The Metro Historic Zoning Commission will review any new construction including additions, demolitions, or relocation of structures.

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

Residential Low Medium (RLM) RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Consistent with Policy? Yes. The proposed Whitland Avenue Neighborhood Conservation Overlay does not change the base zoning. Further, the proposed overlay will serve to preserve the distinctive character of Whitland Avenue.

Metro Historic Zoning Commission Recommendation On October 20, 2008, the Metro Historic Zoning Commission will meet regarding the Whitland Avenue Neighborhood Conservation Zoning District. The MHZC will determine whether it is a historically significant geographic area as per the criteria of Metro Code 17.36.120. Additionally, the Commission will consider design guidelines for the proposed expansion area. MHZC staff has recommended that the application meets both requirements.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

METRO SCHOOL BOARD REPORT

Projected student generation As this request to apply a Neighborhood Conservation Overlay does not change the underlying zone district, the number of expected students to be generated is zero.

STAFF RECOMMENDATION Staff recommends approval because the request is consistent with the applicable land use policies and the intent of Section 17.36.120.

Ms. Logan presented and stated that staff is recommending approval.

Ms. Juli Mosely, 3830 Whitland Avenue, spoke in favor of the conservation overlay.

Mr. Drew Alexander, 3701 Whitland Avenue, spoke in opposition to conservation overlay.

Mr. Cyrl Stewart, 3813 Whitland Avenue Stewart, spoke in favor of the conservation overlay.

Mr. Eric Alldredge, 3734 Whitland Avenue, spoke in opposition to the conservation overlay.

Ms. Pat Pyle, 3619 Whitland Avenue, spoke in opposition to the conservation overlay.

Mr. Shawn Henry, 315 Deadrick Street, spoke in opposition to the conservation overlay.

Mr. Bill Coleman, 3608 Whitland Avenue, spoke in opposition to the conservation overlay.

Mr. William Coles, 3749 Whitland Avenue spoke in opposition to the conservation overlay.

Ms. Elizabeth Fox, 3812 Whitland Avenue, spoke in favor of the conservation overlay.

Ms. Kelly Motley, 3711 Whitland Avenue spoke in favor of the conservation overlay.

Mr. Giachery Lizarraga, 3823 Whitland Avenue, spoke in opposition to the conservation overlay.

Mr. Chad Greer, 3828 Whitland Avenue spoke in favor of the conservation overlay.

Mr. Richard Eatherly, 3735 Whitland Avenue, spoke in opposition to the conservation overlay.

Mr. Harry Walters, 3731 Whitland Avenue, spoke in opposition to the conservation overlay.

Mr. Ralph Mosley, 3838 Whitlan Avenue, spoke in favor of the conservation overlay

Ms. Carol Armes, 3807 Whitland Avenue, spoke in favor of the conservation overlay.

Ms. Phyllis Avant, 204 Cantrell spoke in opposition to the conservation overlay.

Councilmember Holleman spoke in favor of the conservation overlay. He stated that the neighborhood met all the requirements that support the historic nature of the overlay and that it was consistent with the land use policies for the area. He gave a brief explanation on the process that was used to alert property owners of the request and stated that 85% of the neighbors were in favor of its approval. He also explained that he would continue to meet with those who were opposed to the overlay, and include Metro Historic staff members, to allow further explanation on its implementation. He requested its approval.

Mr. Gotto questioned whether the Commission had the authority to remove one of the properties included in the overlay.

Mr. Bernhardt explained that the Commission could recommend an adjustment on the boundaries included on the overlay.

Mr. Gotto requested clarification on height requirements included in the overlay in relation to the concern mentioned by constituent who was interested in remodeling his home.

Mr. Sean Alexander, of Metro Historic, explained the height requirements to the Commission and spoke on the concerns mentioned by the constituent. He offered additional information on the historic nature of the constituent's home.

Mr. Gotto questioned the boundaries of the overlay and the reason it did not include a particular parcel.

Mr. Alexander explained the boundaries of the overlay.

Mr. Gotto questioned whether the Commission could approve the requested overlay but grant a variance which would exclude a parcel from the overlay.

Mr. Bernhardt offered that the Commission's role was to affirm, adjust or comment on the boundaries of the overlay, and to assure its consistency with the plan. He further explained that it was the Historic Commission's role to monitor the criteria used in the overlay.

Mr. Gotto requested clarification on R8 uses in relation to the daycare center parcel that was excluded from the overlay.

Ms. Logan explained R8 zoning uses to the Commission.

Mr. Gee requested clarification on uses of other parcels not included in the overlay.

Ms. Logan explained the uses to the Commission.

Mr. Gee questioned the history on the parcel that currently houses a daycare.

Mr. Alexander addressed this question.

Mr. Gee suggested expanding the conservation overlay to include the non-residential parcels in an effort to protect these parcels from any potential R8 uses that would not compliment this area.

Councilmember Holleman explained that expanding the overlay was not an option due to the public notification process. He further explained that the neighborhood wanted to include only the residential properties in this area.

Ms. Cummings commented on the lack of meetings as expressed by some of the constituents and the issue of splitting up the neighborhood over the overlay request.

Mr. Clifton spoke of the positive outcomes that result from implementing conservation overlays and how the tool can be used to preserve, protect and increase home values. He spoke of the overall support of overlays displayed by the Commission and offered that the boundaries for inclusion and/or exclusion should remain at the Council level.

Mr. Ponder agreed that the overlay will improve the neighborhood and spoke in favor of its support.

Ms. LeQuire suggested that the Commission defer the proposal in an effort to allow the neighborhood to continue their meetings and discussions, with the hopes that they obtain a more unanimous voice in favor of its implementation.

Mr. Bernhardt explained that the ordinance was filed and would be heard at the November 6, 2008, Council Public Hearing. He also advised the Commission that they could discuss this issue at their next meeting, and could still make a recommendation to the Council prior to the bill's third reading.

Councilmember Holleman acknowledged that the bill could be amended prior to its third reading and agreed to continue his dialogue with the neighborhood.

Mr. Ponder moved to approve Zone Change 2008Z-079U-10 with the condition that the Councilmember continue meeting individually and collectively with the community.

Mr. Gotto questioned whether a recommendation from the Commission was necessary for the Council Public hearing.

Mr. Bernhardt explained this concept to the Commission.

Mr. Gotto offered that the Commission defer the zone change one meeting to obtain additional input that could be obtained from the Council Public Hearing and requested that Mr. Ponder withdraw his motion as stated.

Mr. Ponder renewed his motion to approve.

Mr. Clifton spoke in favor of deferring the proposal as suggested by Mr. Gotto.

The motion to approve failed due to a lack of a second.

Mr. Gotto moved, and Mr. Clifton seconded the motion, to defer Zone Change 2008Z-079U-10 to November 13, 2008, to allow additional time for further review on the specifics of the guidelines by the Community and the Commission. **(7-1) No – Ponder**

Resolution No. RS2008-220

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-079U-10 is DEFERRED TO THE NOVEMBER 13, 2008, PLANNING COMMISSION MEETING, and the Public Hearing is closed. (7-1)”

The Commission recessed at 6:40 p.m.

The Commission resumed at 6:48 p.m.

[Note: The staff reports for items #6 and #7 were combined, and these items were heard by The Planning Commission together. See Item #7 for the staff report, actions, and resolutions.]

- 6. 2008Z-082T**
After Hours Establishment
Staff Reviewer: Jennifer Regen

A council bill to amend the Metro Zoning Code, Chapters 17.04 and 17.08, to create "After Hours Establishment" as a use permitted with conditions, and to provide restrictions and conditions regarding the location of after hours establishments, sponsored by Councilmember Anna Page.

Staff Recommendation: Approve with amendments

7. **2008Z-086T**
Parking for After-Hours Establishments
Staff Reviewer: Jennifer Regen

A council bill to amend the Metro Zoning Code, Table 17.20.030 (Parking Requirements) and Table 17.20.040 (Adjustment to Required Parking) for "After Hours Establishments", sponsored by Councilmember Anna Page.

Staff Recommendation: Approve

APPLICANT REQUEST - BL2008-299 (2008Z-082T)

A council bill to amend the Metro Zoning Code, Chapters 17.04 and 17.08, to create "after hours establishment" as a use permitted with conditions, and to provide restrictions and conditions regarding the location of after hours establishments.

BL2008-327 (2008Z-086T)

A council bill to amend the Metro Zoning Code, Table 17.20.030 (Parking Requirements) and Table 17.20.040 (Adjustment to Required Parking) for "After Hours Establishments".

ANALYSIS

Existing Law The Zoning Code does not regulate "After-Hours Establishments". The Metro Code does regulate the operation of these businesses in Chapter 6.06 (Business Licenses and Regulations), but not their location.

Chapter 6.06 defines an after-hours establishment as a commercial business open to the general public after 3:00 a.m. where patrons bring their own alcoholic beverages to drink; or a nightclub marketed to teenagers under the age of 18 who can be on the premises without a parent or legal guardian.

Every after-hours establishment must obtain a permit from the Department of Codes. A permit costs \$250 initially and \$100 for annual renewal plus any cost associated with a background check. Each establishment must provide a security plan for the premises, including any parking lot areas. The security plan is reviewed and approved by the Metro Police Department.

The security plan requires one security officer for every 50 patrons, an officer in readily identifiable attire, officer patrol of restrooms and parking areas, a dedicated officer for any establishment parking lot, and a dedicated officer at the establishment's front door with a hand-held counter to ensure patron occupancy doesn't exceed the maximum capacity. The Metro Code further provides for mandatory, regular police checks to ensure the establishment complies with the Metro Code.

An after-hours establishment permit can be revoked for non-compliance by the Director of Codes, and such revocation can be appealed by the applicant or permit holder to the Director of Codes within five days of receiving a letter indicating the director's decision to deny an initial permit, renewal, or revocation.

Proposed Bill BL2008-299 (2008Z-082T): Creates a definition for after-hours establishment, permits with conditions (PC) the use in the CS, CA, CF, CC, IR, and IG zoning districts, and limits the use to arterial streets, and locations where the establishment is located at least 500 feet away from any residential property.

BL2008-327 (2008Z-086T): Creates a parking requirement for use and prohibits a 10% parking reduction if use is located near a public transit route.

Proposed Text BL2008-299 (2008Z-082T): This bill modifies the Chapter 6.06 definition of an after-hours establishment by truncating it to "a commercial establishment open to the general public after the hour of 3:00 a.m. that allows patrons to bring alcoholic beverages onto the premises (BYOB)." Nightclubs marketed to teenagers are not part of the proposed zoning definition.

Today, the Zoning Administrator classifies an after-hours establishment as a "bar/nightclub" which is allowed in the CS, CA, CF, and CC zoning districts. The proposed bill permits with conditions (PC) an establishment in those districts and expands it to include two industrial zoning districts, IR and IG.

The bill proposes to limit after-hours establishments to properties having driveway access to an arterial street and those located further than 500 feet from any residential property.

BL2008-327 (2008Z-086T): This bill creates a parking requirement of 1 space for every 75 square feet of gross floor area in the establishment. It also prohibits a 10% parking reduction for any establishment located within 660 feet of a public transit route.

Analysis In March 2008, the Metro Council determined “after-hours establishments” are appropriate with certain operational standards via council bill BL2008-116. The Codes Department has an application and review process for these establishments that mirrors the adopted council bill requirements. Hence, staff’s analysis focuses on where these uses should be allowed within the county.

Existing Establishments Within Davidson County, there are 14 after-hours establishments currently operating and one pending application. Ten after-hours establishments are located in downtown, mid-town, or on Main Street, while four others are located on West Trinity Lane, Nolensville Pike, and Antioch Pike, in addition to a pending application for Nolensville Pike. All of these establishments have been permitted since February 2008. No permits have been denied or revoked by the Director of Codes. Ten of these establishments have received no complaints since obtaining their after-hours permit, while four have received complaints, according to the Codes Department database. Those four establishments have been cited for graffiti on buildings, illegal banners, or inside wiring being a possible fire hazard. Staff contacted the Metro Police Department for any incidents reported to that department. The police department has received numerous complaints about one establishment on Nolensville Pike, but few for any other establishments.

BL2008-299 The bill’s definition of an after-hours establishment does not conflict with the existing definition in Chapter 6.06 of the Metro Code. The zoning districts where an establishment could be located are the same as where a bar/nightclub or club can locate, except for the IR and IG districts. These uses are currently not allowed in any industrial zoning district. The bill further restricts an establishment’s location by requiring it to be a minimum of 500 feet from any property line having a residential use and to have driveway access from an arterial street.

The adopted community plans and redevelopment districts for downtown, midtown, and Main Street all call for a mixed-use environment. Nashville’s downtown is known for its variety of entertainment venues like restaurants, bars, nightclubs, adult-entertainment businesses, hotels, performing arts centers, and arenas. Many of these businesses close in the early morning hours, and after-hours establishments remain open after 3:00 a.m., providing people a way to continue socializing with friends.

Staff analyzed the location of all 14 existing after-hours establishments plus the one pending application. Few would satisfy the 500 foot minimum distance requirement. None of them would satisfy the bill’s locational criteria. Of the 13 existing after-hours establishments (excluding Rocketown an under age 18 venue), 70% or 10 establishments, would not meet this standard. All the establishments though can meet the required driveway access on an arterial street proposed by the bill.

To address the apparent concerns of suburban residents, staff recommends after-hours clubs not be allowed at all in the CS zoning district or in the IR and IG districts as the bill allows. Instead, staff recommends the establishments be permitted in the CA, CF, CC districts, and IR and IG districts within the urban zoning overlay (UZO), only.

BL2008-327 Staff has no objections to this bill. The bill’s parking requirement of 1 space per 75 square feet is appropriate. It is the same parking requirement as for bars/nightclubs. The prohibition for establishments to receive the standard 10% parking reduction if located within 660 feet of a public transit line is not problematic. If a person is unable to drive from the after-hours establishment, they will need to find alternative transportation such as a cab as public transit does not operate between the hours of 11:15 p.m. and 5:42 a.m.

STAFF RECOMMENDATION Staff recommends approval with several amendments to council bill BL2008-299 to ensure after-hours establishments have an opportunity to locate in downtown, mid-town and industrial zoning districts within the UZO. Staff recommends approval of council bill BL2008-327. Staff’s recommended amendments to BL2008-299 are as follows:

- 1) delete CS district from list of zoning districts where an after-hours establishment would be allowed;
- 2) add for IR and IG zoning districts that they must be located within the UZO to protect suburban residents; and, delete minimum separation distance of 500 feet from an after-hours establishment to the property line of a residential use

Ms. Regen presented and stated that staff is recommending approval with amendments on Text Amendment 2008Z-082T as well as approval of Text Amendment 2008Z-086T.

Ms. LeQuire suggested including MUG and MUI as additional uses within the UZO's.

Ms. Regen explained that after hours establishments would not be allowed in MUG and MUI and that Councilmember Page did not include these uses as part of her bill. She agreed that the uses may be good to include in the bill.

Ms. Jones spoke of the tremendous growth that the City is experiencing that will possibly cause additional examination of the proposed bill.

Mr. Ponder spoke in favor of approving the bill.

Mr. Clifton questioned whether the sponsor of the bill was aware of the amendments that were being proposed by staff.

Ms. Regen explained her conversations with Councilmember Page regarding the amendments.

Mr. Clifton offered to approve the bill as proposed and suggested that the additional uses as mentioned by Ms. LeQuire be offered as suggestions to the Councilmember.

Mr. Gee questioned whether the bill would prohibit the after hours establishments from SP districts.

Ms. Regen explained the bill in relation to SP districts.

Mr. Bernhardt offered additional information on these establishments being located in specific plan districts.

Mr. Gee requested additional information on the rules and regulations that are currently applied to after hour establishments.

Mr. Morrissey explained these regulations to the Commission.

Mr. Gee questioned whether additional amendments would need to be made to the Zoning Code if additional uses were included in the bill.

Ms. Regen provided additional information on the bill as recommended and how additional uses, if included, would affect its implementation throughout the county.

Mr. Gotto spoke in favor of the proposed bill however, requested additional clarification on the 500 foot requirement mentioned in the bill and its affect on non-conforming uses.

Ms. Regen explained this concept to the Commission.

Mr. Gotto moved and Ms. Cummings seconded the motion, which passed unanimously, to approve with amendments, Text Amendment 2008Z-082T, After Hours Establishment, and to approve Text Amendment 2008Z-086T, Parking for After-Hours Establishments. **(8-0)**

Resolution No. RS2008-221

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-082T is APPROVED WITH AMENDMENT No. 1 and 2. (8-0)”

Resolution No. RS2008-222

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-086T is APPROVED. (8-0)”

8. 2008Z-087T
 Prohibiting Auto Uses in Industrial Districts
 Staff Reviewer: Jennifer Regen

A council bill to amend the Metro Zoning Code, Section 17.08.030 to require Specific Plan (SP) zoning and delete as permitted by right in the industrial zoning districts (IWD, IR, and IG) "Automobile sales, used," "Automobile repair", "Vehicular Rental/Leasing", "Vehicular Sales and Service, Limited", "Wrecker Service", and "Heavy Equipment, Sales and Service", sponsored by Councilmember Anna Page.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A council bill to amend the Metro Zoning Code, Section 17.08.030 to require Specific Plan (SP) zoning and delete as permitted by right in the industrial zoning districts (IWD, IR, and IG) "Automobile sales, used," "Automobile repair", "Vehicular Rental/Leasing", "Vehicular Sales and Service, Limited", "Wrecker Service", and "Heavy Equipment, Sales and Service".

ANALYSIS

Existing Law The current Zoning Code permits by right (P) various auto-uses such as auto repair, auto service, vehicular sales and service, heavy equipment sales and service, salvage yard, and wrecker service in industrial zoning districts (IWD, IR and IG).

Proposed Bill The bill would require Specific Plan (SP) zoning for auto-uses in industrial districts. No longer would such uses be permitted by right. Existing auto-uses in the IWD, IR and IG districts would be grandfathered in if this bill is adopted. Those auto-uses legal today would simply become legal, non-conforming uses and be subject to the non-conforming use provisions of the Zoning Code (Sections 17.40.640 – 17.40.690). Therefore, this bill would apply only to new businesses or existing ones that desire to expand their current operations. The table below identifies the affected auto-uses in bold font that this bill modifies.

AUTO-RELATED USES															
Note: Bill only affects the location of bolded land uses and districts with highlighted text.															
Land Use	Zoning District														
	MUL	MUG	MUI	CL	CS	CA	CF	CC	SCN	SCC	SCR	SP	IWD	IR	IG
Automobile Convenience	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC				
Automobile repair												PC	P	P	P
Automobile sales, new				P	P	P					P	PC	P	P	P
Automobile sales, used												PC	P	P	P
Automobile service		P	P	P	P	P	P	P		P	P	PC	P	P	P
Car wash												PC	P	P	P
Heavy equipment, sales and service												PC	P	P	P
Scrap operation															P
Vehicular rental/leasing												PC	P	P	P
Vehicular sales and service, limited												PC	P	P	P
Wrecker service												PC	P	P	P

Analysis In March 2006, the Metro Council adopted council bill BL2006-972 requiring SP zoning for all auto-related uses wanting to locate in non-industrial zoning districts, except automobile sales (new), automobile service, and automobile

convenience (e.g. gas stations).

Since the adoption of council bill BL2006-972, five persons have submitted SP applications to operate “auto sales, used” businesses. When others seeking to operate an “auto sales, used” business or other auto use requiring SP zoning learn that adoption of an SP by Metro Council can take from three to four months and that there is a \$6,195 application fee, those potential applicants have chosen to pursue other properties that are either legally non-conforming and zoned CS today or look for properties zoned industrial where the auto uses are permitted by right.

Requiring SP zoning for virtually all of the auto-uses creates a real barrier of entry. Further, it creates an inconsistency between seemingly similar uses. A scrap operation would continue to be permitted by right in the IG district, but an auto repair business would require SP zoning. Other industrial uses like a tank farm, waster water treatment plant, heavy and medium manufacturing, and mining operations (quarry, soil) would continue to be permitted by right in the IR and IG districts.

STAFF RECOMMENDATION Staff recommends disapproval of this bill as it significantly limits opportunities for auto-uses to locate in Davidson County. Location of auto uses in industrial zoning districts has not been demonstrated to have any negative effects on other industrially zoned properties.

Ms. Regen presented and stated that staff is recommending disapproval.

Mr. Gotto questioned whether staff discussed the proposed bill with Councilmember Page.

Ms. Regen explained she did not speak with the Councilmember.

Mr. Gee suggested that staff meet with Councilmember Page to determine if there was a particular issue that prompted the bill and if so, offer alternative solutions to remedy the situation.

Mr. Gotto spoke on the fees associated with SP zoning and how they may be part of the issue that prompted the bill. He offered that Council is currently reviewing the fee schedules for SP zoning associated with auto uses, which may mitigate some of the concerns of Councilmember Page.

Ms. LeQuire requested further clarification on the proposed bill.

Mr. Bernhardt explained the impact that this bill would have on SP uses related to auto facilities if it were approved as submitted.

Ms. Cummings moved and Mr. Ponder seconded the motion, which passed unanimously to disapprove Text Amendment 2008Z-087T, Prohibiting Auto Uses in Industrial Districts, as recommended by staff. (8-0)

Resolution No. RS2008-223

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-087T is **DISAPPROVED. (8-0)**”

- 9. 2008Z-088T**
Mobile Vendors on Cleveland Street
Staff Reviewer: Jennifer Regen

A council bill to amend the Metro Zoning Code, Section 17.04.060 to modify the definition of "mobile vendor" to exempt vending activity along Cleveland Street between Dickerson Pike and McFerrin Avenue, sponsored by Councilmember Pam Murray.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A council bill to amend the Metro Zoning Code, Section 17.04.060 to modify the definition of "mobile vendor" to exempt vending activity along Cleveland Street between Dickerson Pike and McFerrin Avenue.

ANALYSIS

Existing Law The Zoning Code allows mobile vendors as a use “permitted with conditions” (PC) in the CL, CS, CA and CF zoning districts. Mobile vendors may sell goods, wares or merchandise within a permanently, enclosed structure with no outdoor vending or display areas (tables, crates, cartons, racks or other devices). No outside vending or display area are allowed except for vendors selling food, beverages, living plants, or agricultural products, or if the street vendor is licensed.

Proposed Bill - The bill exempts Cleveland Street from the mobile vendor provisions.

Proposed Text - The bill modifies the definition of mobile vendor by adding the following underlined language:

“Notwithstanding the foregoing, vendors selling only food and/or beverages, vendors selling living plants and agricultural products, vendors selling goods, wares or merchandise along Cleveland Street, and street vendors licensed pursuant to Section 13.080.040 of the Metropolitan Code of Laws shall not be considered ‘mobile vendors’”.

Analysis Cleveland Street is a collector street running slightly more than one mile in length between Dickerson Pike and McFerrin Avenue. The entire street is within the bill sponsor’s Council District, District 5. Currently, there are six properties zoned commercial along Cleveland Street (CN, CL, and CS). Of these six properties, one is located in the historic Greenwood Neighborhood Conservation Overlay District while the another is in the historic Maxwell Neighborhood Conservation Overlay District; both Districts were adopted by the Metro Council in May 2008.

In addition to historic overlays, Cleveland Street runs through three different Detailed Neighborhood Design Plans (DNDPs) in the Subarea 5 Plan: Cleveland Park West, Cleveland Park East, and Greenwood. All three plans were adopted by the Planning Commission in 2005 after community involvement in their preparation. Each plan recognizes the existing built environment, community desire for reinvestment, and creation of neighborhood-scaled centers of activity.

By exempting Cleveland Street from the mobile vendor requirements, persons would be allowed to sell or display wares indoors or outdoors from permanent structures, temporary structures such as tents, vans, or cars, or from crates, cartons, racks, tables, etc. According to the Zoning Administrator, these vendors would be permitted by right (P) as a “retail” use on any of the six commercially zoned properties along Cleveland Street. Allowing these temporary vendors would serve to undermine efforts to bring new retail, office, and commercial investment. Temporary vendors do not support the long-term visions embraced by the community, and adopted in the DNDPs.

STAFF RECOMMENDATION Staff recommends disapproval of this bill. The bill does not support the adopted DNDPs for Cleveland Park West, Cleveland Park East, Greenwood or the Greenwood and Maxwell Neighborhood Conservation Overlay Districts. Further, carving out exemptions for a particular street, neighborhood, or commercial area dilutes the bill’s enforceability and effectiveness.

Ms. Regen presented and stated that staff is recommending disapproval.

Councilmember Murray spoke in favor of the proposed text amendment. She briefly explained the support of the vendors as well as the community members affected by this amendment and requested its approval.

Ms. Cummings questioned whether the vendors in question possessed a license to sell their goods.

Ms. Regen explained the difference of street vendors and mobile vendors in relation to required licenses to the Commission.

Ms. Cummings clarified with Councilmember Murray that her request was to allow street vendors at the requested locations.

Councilmember Murray explained that she and the community members were in favor of allowing the street vendors in the two particular areas as requested as it offers the opportunity for the community come together on a social basis.

Mr. Gotto gave a brief explanation on the origination of the Mobile Vendor bill. He then acknowledged the concerns of Councilmember Murray and offered that maybe with strict licensing requirements, it may be possible to allow street vendors in districts in which there is support for their existence.

Mr. Clifton acknowledged the concerns mentioned by Councilmember Murray and agreed with possibly amending the

legislation that would allow the street vendors in her district.

Mr. Ponder questioned Councilmember Murray as to how she would enforce street vendor requirements if it were only approved for a certain area in her district.

Councilmember Murray provided her thoughts on enforcing the bill in her district.

Mr. Ponder offered the possibility of deferring the request until an overall policy could be written to assist with implementing the bill if approved.

Ms. LeQuire requested clarification as to how the street vendors were prohibited from selling goods in the area.

Mr. Bernhardt explained that the Mobile Vendor bill was passed by Council that prohibited certain types of vendors throughout the city.

There was a brief discussion regarding the deferral of the bill and when it would be scheduled for its public hearing at Council.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to defer Text Amendment 2008Z-088T to December 13, 2008, to allow additional time for Councilmember Murray and staff to review the bill. **(8-0)**

Resolution No. RS2008-224

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-088T is DEFERRED TO THE DECEMBER 11, 2008, PLANNING COMMISSION MEETING, and the public hearing is closed. (8-0)”

10. 2008Z-089T
Residential Tree Density Requirements
Staff Reviewer: Ann Hammond

A council bill to amend the Metro Zoning Code, Sections 17.24.050 (Exceptions) and 17.24.100 (Replacement of Trees), to make tree density requirements apply to residential development for two (2) lots or more, sponsored by Councilmember Mike Jameson and Councilmember-at-Large Megan Barry.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to amend Chapter 17.24 of Title 17 of the Metropolitan Code to make the tree density requirements applicable to certain residential development.

APPLICATION DETAILS

Existing Law - Article II of Chapter 17.24 of the Zoning Code addresses tree protection and replacement. To minimize tree removal and encourage preservation of existing trees, the Code requires properties to achieve a “tree density” factor of at least 14 units per gross acre using both existing (protected) and new (replacement) trees. A “unit” represents a numerical value assigned to existing trees based on the tree’s diameter at breast height (approximately 4.5 feet above the ground) and to new trees based on their caliper size (a tree’s diameter measured 1 foot off the ground). Both measurements are made from the uphill side of the tree.

When calculating the tree density factor, the Zoning Code allows deductions from a project’s gross acreage area for property now or proposed in the future to be covered by a lake or pond year round, any fenced athletic field, or any structures located or proposed to be located on the property. A “structure” was interpreted in a recent court opinion to include buildings, parking areas, drive aisles, and loading areas.

Section 17.24.050 of the Code lists several types of development to which the landscaping and tree protection provisions of the Code do not apply. Section 17.24.050 C. contains an exception for certain types of residential property.

Analysis The stated purpose of this ordinance is to extend the tree density requirements to residential development. The ordinance proposes two text amendments. Section 1 of the ordinance revises Section 17.24.050, the “Exceptions” portion of the Zoning Code, and Section 2 revises Section 17.24.100, the “Replacement of trees” provisions.

Section 1 of the ordinance proposes to change the first sentence of Section 17.24.050 C. to clarify that the only residential property exempt from the tree requirements are those lots that have been previously platted, which typically will be owned by individual homeowners. The amended section C would not exempt lots that are part of a “new subdivision.” The term “new subdivision” is not defined in the ordinance. Staff recommends that Council amend the ordinance to include a definition of what is, or is not, a “new subdivision.”

Current first sentence of 17.24.050 C. exempts:

A platted lot zoned for single-family or two-family dwellings for which a valid building permit has been issued.

Proposed new first sentence of 17.24.050 C. exempts:

An individual lot not part of a new residential subdivision zoned for a single-family or two-family dwelling for which a valid building permit has been issued.

Section 2 of the ordinance retains the existing tree density requirements for non-residential properties, and sets out a new incremental schedule for tree density required for residential development. The schedule of required tree density for residential properties is based upon the number of units included in the development.

Section 2 proposes the following tree density requirements for residential developments:

Number of housing units	Tree Density Factor measured in Tree Density Units (TDU), using protected or replacement trees, or both
Between 2 and 25 single family or two family units	≥ 14 TDU
Between 26 and 50 single family or two family units	≥ 12 TDU
Between 51 and 75 single family or two family units	≥ 10 TDU
76 or more single family or two family units	≥ 7 TDU

As described above, “Tree Density Units” are calculated under the existing Zoning Code by measuring the “diameter at breast height” (DBH) for protected trees and the caliper size for replacement trees. The Zoning Code includes separate tables for “Protected Trees” and for “Replacement Trees.” Protected trees with a larger DBH and replacement trees with a larger caliper size are worth more “units” than smaller trees.

All aspects of calculating the tree density factor for a property are not proposed to be changed by this ordinance. The tree density factor calculations currently promote using replacement trees over the protection of existing trees. Small replacement trees have the same TDU value as larger protected trees. For example, a protected tree with a 6-inch DBH has a TDU value of 0.2, while a replacement tree with a 6-inch caliper size has a TDU value of 1.0. If the intent of the Council is to protect existing trees, then consideration should be given to amending the ordinance to revise the TDU values for replacement and protected trees.

General Plan Policy The General Plan for Nashville and Davidson County addresses the importance of vegetation for effective stormwater management, moderating glare, radiant heat, noise and wind, and enhancing community appearance. The plan recommends “[t]o ensure that the vegetative cover is sufficiently protected in developing areas, landscaping requirements should apply to all new commercial and residential development.”

STAFF RECOMMENDATION The proposed ordinance furthers the implementation of the General Plan. Trees serve to reduce the negative impacts from the development of property, including reducing stormwater impacts and limiting the “heat island” effect from large areas of pavement. Staff recommends approval of the proposed ordinance because it is intended to provide for greater tree density on property being developed for residential purposes.

Staff recommends that the Council consider an amendment to define the term “new subdivision” and, if the intent of the Council is to protect existing trees, then the TDU tables contained in the ordinance should be revised. There are also minor

amendments to the ordinance that are needed to correct typographical errors and other minor errors in the existing Zoning Code sections. These changes are not substantive in nature and have been communicated to the Council staff office.

If the ordinance is extensively amended, then staff recommends that the Commission request the Council to re-refer it to the Commission for consideration of the amendments.

Ms. Hammond presented and stated that staff is recommending approval.

Mr. Jordan Clark, 446 Bowling Avenue, spoke in opposition to the proposed text amendment and presented slides to the Commission.

Councilmember Jameson spoke in favor of the proposed text amendment and requested its approval. He provided a brief explanation on his efforts to meet with the opposition in an effort to find a compromise on the outstanding issues. He strongly urged the Commission to approve the bill.

Mr. McLean requested clarification on tree planting and time requirements.

Councilmember Jameson offered that time requirements were not specified in the ordinance, however, that it could be similar to those requirements applied in commercial developments.

Mr. McLean then requested clarification on the number of trees that would be required for various residential developments.

Councilmember Jameson explained this concept to the Commission.

Mr. McLean offered his comments on the ordinance and spoke specifically on some of the issues contained in the bill, in particular, the costs that would be incurred by the developers.

Councilmember Jameson offered explanation that reiterated one of the intentions of the tree ordinance which was to preserve existing trees as opposed to replacing those that are cleared for development.

Mr. McLean asked that Councilmember continue working with the home builders to further discuss some of the issues that were mentioned.

Mr. Roy Dale, Dale & Associates, spoke in favor of the proposed text amendment.

Ms. LeQuire spoke in favor of the text amendment.

Ms. Jones acknowledged the frustrations and offered her thoughts on the intentions of the ordinance and the issues that are experienced by developers. She explained the reasons on how the tree ordinance is more easily enforced for commercial developments, than residential developments, due to practical issues. She suggested these issues be addressed prior to the implementation of the bill.

Mr. Ponder spoke in favor of the tree ordinance.

Mr. Clifton spoke in favor of the text amendment and stated that additional modifications may be necessary.

Ms. Cummings spoke in favor of the ordinance and her support for preserving existing trees during development.

Mr. Gee questioned which phase of residential development would require the actual tree planting.

Ms. Hammond explained this concept to the Commission.

Mr. Gee questioned whether the ordinance sufficiently addressed the issues associated with tree removal; and then he questioned the logic used to determine the different application methods that would be used for different sized developments.

Ms. Hammond offered additional information on the proposed amendment.

Ms. Jones offered that additional review should take place on the bill and offered to assist with its refinement.

Mr. Gotto acknowledged and agreed with the comments of Chairman McLean. He too expressed concern with the clear cutting of trees for development. He spoke of the recent decline in the housing industry and the timing of the bill which may have caused additional stress on the home builders. He offered to facilitate meetings between all parties affected by the proposal in an effort to find solutions to the various issues contained in the bill.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve Text Amendment 2008Z-089T, Residential Tree Density Requirements. **(8-0)**

Resolution No. RS2008-225

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-089T is **APPROVED. (8-0)**”

XI. PUBLIC HEARING: FINAL PLATS

11. 2008S-162G-02

Wooten Subdivision
Map: 033-06 Parcel: 006
Parkwood/Union Hill Community Plan
Council District 10 – Rip Ryman
Staff Reviewer: Jason Swaggart

A request for final plat approval to create 2 lots on property located at 1204 Campbell Road, at the northwest corner of Campbell Road and Old Dickerson Pike (1.1 acres), zoned R20, requested by Aaron and Robin Walker, owners, Rocky Montoya, surveyor.

Staff Recommendation: Approve with conditions including an exception to the lot comparability requirement

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 2 lots on property located at 1204 Campbell Road, at the northwest corner of Campbell Road and Old Dickerson Pike (1.1 acres), zoned One and Two-Family Residential (R20).

ZONING

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS The plat will create two new lots with a density of approximately 2 units per acre. The existing lot is located at 1204 Campbell Road which is at the northwest intersection of Campbell Road and Old Dickerson Pike. The existing lot consists of one house and a small storage building and contains no significant slopes or floodway or floodplain.

Lot Comparability Both lots meet the minimum lot size requirement for the R20 zoning district, but Section 3-5 of the Subdivision Regulations requires that new lots in areas previously subdivided and predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. It is important to note that the area surrounding this subdivision proposal is not fully developed. It consists of some previously subdivided properties as well as many that have not been subdivided. As a result, there is some question whether or not a lot comparability analysis is required. Since there are some questions, staff opted to perform a comparability analysis as well as to notify surrounding property owners of the subdivision request. The lot comparability analysis yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Old Dickerson Rd.	39,939	145
Campbell Road	39,939	131

The proposed new lots will have the following areas and street frontages:

- **Lot 1:** 31,599 sq. ft., (.72 acres), with ~139 linear ft. of frontage on Old Dickerson Road, and ~123 linear ft. of frontage on Campbell Road.
- **Lot 2:** 20,856 sq. ft., (.48 acres), with ~90 linear ft. of frontage on Campbell Road.

Both lots fail for area and frontage and do not pass for comparability.

Lot Comparability Exception A lot comparability exception can be granted when a proposed lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots meet **one** of the qualifying criteria for the exception to lot comparability:

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Residential Low Medium Density (RLM) land use policy. RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

As the area does not have a clear development pattern, there is some uncertainty if the proposed lots should be required to meet the lot comparability standards. While the lots do not meet the requirements for area or frontage, they do qualify for an exception. Because the proposed density of the subdivision is consistent with the area’s Residential Low Medium policy, staff recommends that the Commission allow an exception to the lot comparability requirements.

Front Yard Setbacks The property was originally platted with an 80 foot minimum front setback along Old Dickerson Pike and a 75 foot minimum front setback along Campbell Road. The existing house on proposed Lot 1 meets the front setback requirement along Old Dickerson Pike but encroaches into the front setback along Campbell Road. When there is no platted setback, front setbacks are determined by zoning. Under zoning the front setback for proposed Lot 2 would be the average of the front setback of the neighboring properties along Campbell Road. According to Codes Staff this would call for a minimum front setback of 60 feet. Since the existing house on Lot 1 encroaches into the existing platted front setback and the zoning would require that the setback on Lot 2 to be deeper than the existing house on Lot 1, staff recommends that the platted front setback be removed from Campbell Road.

STORMWATER RECOMMENDATION Returned for Corrections

1. The current plat resubmittal (received 10/13/2008) is still not in compliance with Storm Water's requirements. Applicant must show and label a 30' dimension that extends perpendicularly from the top of bank line. Currently, the "30' Water Quality Buffer" scales to 25' rather than 30'.

WATER SERVICES RECOMMENDATION Returned for Corrections

1. Add the PRV note and revise Note #13 as specified on provided mark-up.

PUBLIC WORKS RECOMMENDATION No Exception Taken

STAFF RECOMMENDATION Staff recommends that the final plat be approved with conditions including an exception to the lot comparability requirement.

CONDITIONS

1. Prior to recordation, the plat must be corrected as specified above by the Metro Department of Stormwater and Water Services.
2. The platted front setback along Campbell Road shall be removed. The front setback along Campbell Road shall be determined by the Metro Zoning Code.

Approve with conditions including an exception to the lot comparability requirement, (8-0) *Consent Agenda*

Resolution No. RS2008-226

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-162G-02 is **APPROVED WITH CONDITIONS, including an exception to the lot comparability requirement. (8-0)**

Conditions of Approval:

1. Prior to recordation, the plat must be corrected as specified above by the Metro Department of Stormwater and Water Services.
2. The platted front setback along Campbell Road shall be removed. The front setback along Campbell Road shall be determined by the Metro Zoning Code.”

XII. PUBLIC HEARING: REVISIONS AND FINAL DEVELOPMENT PLANS

12. 2005P-010G-02

Nashville Commons at Skyline (Wal-Mart Revision #2, Water Tank)
 Map: 050-12-0-A Parcels:001, 004
 Parkwood/Union Hill Community Plan
 Council District 3 – Walter Hunt
 Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3458 Dickerson Pike, at the northwest corner of Briley Parkway and Dickerson Pike (24.01 acres), zoned SCR, to reduce the area of a proposed Wal-Mart Superstore from 184,109 to 153,859 sq. ft., to construct a 150,000 gallon water tank, and to create a 1.43 acre outparcel with 11,000 sq. ft. of retail, requested by Gresham Smith and Partners, applicant, for Nashville Commons L.P. and Wal-Mart Stores East L.P., owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3458 Dickerson Pike, at the northwest corner of Briley Parkway and Dickerson Pike (24.01 acres), zoned Shopping Center Regional (SCR), to reduce the area of a proposed Wal-Mart Superstore from 184,109 to 153,859 sq. ft., to construct a 150,000 gallon water tank, and to create a 1.43 acre out parcel with 11,000 sq. ft. of retail.

Zoning District

SCR District - Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

PLAN DETAILS This is a request to revise the last approved preliminary plan and for final site plan approval for Phase 1 of the Nashville Commons Planned Unit Development. The site is currently graded and some infrastructure is in place but no structures have been erected. Approval of a final site plan is a prerequisite for Metro to issue permits for the construction of Phase 1 which will consist of a 153,859 square foot retail store and a 150,000 gallon water tank.

Preliminary PUD The PUD was originally approved in 2005 for 718,781 square feet of retail and restaurant uses. The PUD has been revised several times and the last approved preliminary was for 691,783 square feet of retail and restaurant uses.

Site Plan The proposed overall site plan is for 672,753 square feet of retail and restaurant uses and a 150,000 gallon water tank. The plan is consistent with the last approved site plan in terms of uses, access points, building form, and connectivity. Minor revisions include a decrease in the floor area of Store 1 (Walmart) from 184,109 square feet to 153,859 square feet, and the addition of a new 1.43 acre out parcel intended for 11,000 square feet of retail. The out parcel is located in an area that was previously approved for parking for Store 1 (Walmart).

Staff Analysis The proposed floor area does not exceed the floor area that was approved by Council or the last approved preliminary, and is consistent with the original concept. While the proposed new out parcel will be within an area that was approved for parking both Store 1 and the new out parcel will have sufficient parking under the Zoning Code.

Staff's main concern with respect to the proposed final site plan is that the applicant is proposing to remove street lights from the new segment of Doverside Drive. While street lights were not specifically required in the Council-approved preliminary PUD plan, street lights were shown on the last site plan approved by the Planning Commission. The site is in the General Services District (GSD) and street lights are not required under zoning. Public sidewalks are also not required in the GSD, but were required along Doverside Drive with the PUD. Lighting is important along public sidewalks, and the removal of the street lights can create an unsafe environment for pedestrians. Since sidewalks are required along Doverside Drive then street lights are also necessary and need to be shown on the final site plan.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance.
2. Any approval is subject to Public Works' approval of the construction plans.
3. Identify transit / drop-off and pick-up location. Provide detail (ie. Sidewalk width, furniture / shelter, ADA accessibility route).
4. MTA approval required for transit location.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions including a condition that street lights along Doverside Drive be required as shown on the last approved final site plan.

CONDITIONS

1. Street lights along Doverside Drive are required and shall be added to the plans as shown on the last approved final site plan approved by the Planning Commission. The revised plan shall be submitted to the Planning Commission prior to the issuance of any building permits.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Swaggart presented and stated that staff is recommending approval with conditions.

Mr. Michael Jenkinson spoke in opposition to the staff's recommendation.

Mr. Gotto requested additional information on the street lights contained in the development and questioned how they would be maintained, as they would be located in the GSD district.

Mr. Bernhardt offered explanation for the street lights.

Ms. Cummings requested additional information on the outparcel that was contained in the proposal.

Mr. Swaggart explained that he was not sure of the tenant planned for the out-parcel.

Ms. Jones questioned where the subdivision was located in relation to the proposed development.

Mr. Gotto questioned whether the Zoning Code would require the developer to power the proposed street lights.

Mr. Swaggart explained that this development was a Planned Unit Development in which certain performance criteria could be included by the Planning Commission.

Mr. Gotto questioned how the street lights became an issue with the development.

Mr. Swaggart explained this concept to the Commission.

It was mentioned that the City furnishes street lights in the Urban Service Districts.

Mr. Clifton acknowledged the size of the development and the need for improvements that should accompany the proposal.

Mr. Ponder stated that due to the many uncertainties surrounding the issue of the street lights that they should be removed from the development.

Mr. Gotto expressed concern with the precedent that would be set if the street lights were included in the proposal.

Ms. Jones agreed with Mr. Ponder.

Ms. LeQuire acknowledged that Councilmember Hunt requested that the street lights be omitted from the development and that she would support his request.

Ms. Cummings requested additional information on the pedestrian access points contained in the development.

Mr. Swaggart explained this concept to the Commission.

Mr. Ponder offered additional suggestions that would assist in lighting the development.

Mr. Jenkinson explained the various lighting methods that are currently contained in the development.

Mr. Gee questioned how street lights are administered in the USD districts.

Mr. Bernhardt explained this concept to the Commission.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve with conditions, 2005P-010G-02, Nashville Commons at Skyline, with the exception of condition #1 that requires street lights along Doverside Drive. **(8-0)**

Resolution No. RS2008-227

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-010G-02 is APPROVED WITH CONDITIONS, with the exception of Condition No. 1 requiring street lights along Doverside Drive. (8-0)

Conditions of Approval:

- ~~1. Street lights along Doverside Drive are required and shall be added to the plans as shown on the last approved final site plan approved by the Planning Commission. The revised plan shall be submitted to the Planning Commission prior to the issuance of any building permits.~~

2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits."

- 13. 2005P-027U-05**
 Home Depot (Amendment #1 - Regions Bank)
 Map: 061-03 Parcel: 205
 East Nashville Community Plan
 Council District 4 – Michael Craddock
 Staff Reviewer: Brian Sexton

A request to amend a portion of the Home Depot Planned Unit Development Overlay, approved by Council Bill BL2005-881, located at Gallatin Pike (unnumbered), at the northwest corner of Gallatin Pike and Joyce Lane, classified SCR (1.81 acres), to delete Condition #20 restricting access to Joyce Lane and to allow for the development of a 4,952 square foot financial institution, replacing two 3,600 square foot restaurant uses previously approved, requested by Sain Associates, applicant, for Home Depot U.S.A., Inc., owner.

Staff Recommendation: Approve with conditions, including removing the restriction for access to Joyce Lane

APPLICANT REQUEST - Amend Preliminary PUD

A request to amend a portion of the Home Depot Planned Unit Development Overlay, approved by Council Bill BL2005-881, located at Gallatin Pike (unnumbered), at the northwest corner of Gallatin Pike and Joyce Lane, classified Shopping Center Regional (SCR) (1.81 acres), to delete Condition #20 restricting access to Joyce Lane and to allow for the development of a 4,952 square foot financial institution, replacing two 3,600 square foot restaurants.

Existing Zoning

SCR District - Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

PLAN DETAILS On January 17, 2006, the Metro Council approved a 133,007 square foot Home Depot and two 3,600 square foot restaurants on this site. The Council approved plan included a cross access easement from the Home Depot driveway to the site. The PUD was approved with the condition that access from Joyce Lane to the restaurants be restricted. The two restaurants were never constructed.

This is a request to amend the approved PUD plan to permit a one-story, 4,952 square foot financial institution replacing the two restaurants. The request is also for the deletion of the condition that is currently restricting access to Joyce Lane.

A financial institution is consistent with the existing commercial use already approved in the PUD.

Building Orientation The proposed financial institution is orientated toward Joyce Lane and Gallatin Pike separated by a row of parking spaces on the southern and eastern sides of the building. The rear of the building faces two existing historical log cabins, discussed in more detail below, and Briley Parkway. There are five drive through banking lanes proposed on the westside of the building.

Access/Parking The proposed plan shows the 10 foot cross access easement from Home Depot driveway with a second access from Joyce Lane. As noted above, a condition of the Council approved PUD restricts access to the site from Joyce Lane. The applicant is requesting the deletion of the Council adopted condition in order to permit a right-in only access. Staff is recommending that the condition restricting access remain.

The plan proposes a total of 34 parking spaces which meets the minimum requirement of the Zoning Code.

Landscaping A 10 foot landscape buffer is proposed on the eastern and southern property lines. A five foot landscape buffer is proposed along the western property line. The plan also proposes trees and shrubs on the site which meets the minimum landscaping requirements of the Metro Zoning Code.

Historic Structures There are two fenced existing log cabins located in the rear of the building. The cabins were listed as secondary structures on the National Register of Historic Places along with Evergreen Place, the primary structure. Because Evergreen Place has been demolished, the property no longer retains integrity of design, materials, workmanship, and feeling (qualities for which it was listed), which is the reason it was removed from the National Register in March 2008. The cabins were moved and the property was graded in preparation for commercial development. The Historical Commission has noted that the cabins, the only log buildings remaining on the site, were constructed prior to the Civil War and need to be carefully preserved.

PUBLIC WORKS RECOMMENDATION All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

- Modify site to encourage uses of Home Depot's shared driveway and discourage exiting traffic from using the proposed driveway.

STAFF RECOMMENDATION Staff recommends disapproval as submitted. However, staff would recommend approval of the amendment if access to the site from Joyce Lane remains restricted.

CONDITIONS

1. The two existing log cabins shall be carefully preserved from negative impacts resulting from the planning, installing, running, and maintaining of the irrigation system for the landscape buffer yards.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approved with conditions, **(8-0) Consent Agenda**

Resolution No. RS2008-228

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-027U-05 is **APPROVED WITH CONDITIONS, including removing the restriction for access to Joyce Lane. (8-0)**

Conditions of Approval:

1. The two existing log cabins shall be carefully preserved from negative impacts resulting from the planning, installing, running, and maintaining of the irrigation system for the landscape buffer yards.

2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The proposed uses are not out of character with the uses originally approved in the development, and are allowed within the SCR zoning district. While the original plan limited access onto Joyce Lane, Public Works has no issue with the proposed access and has recommended approval.”

XIV. OTHER BUSINESS

14. Exclusion of Grange Insurance from providing surety bonds for one year pursuant to Section 6- 1.2.d of the Metro Subdivision Regulations.

Approved, **(8-0) Consent Agenda**

15. Confirmation of Cyrus Hatfield and Gigi Grimstad to the Harding Town Center Advisory Committee

Approved, **(8-0) Consent Agenda**

16. Stormwater Presentation and Commission discussion

Mr. Michael Hunt, Mr. Tom Palko and Mr. Steve Mishu, of Metro Water Services made a brief presentation to the Commission on the best management practices for dealing with stormwater.


17. Executive Director Reports
18. Legislative Update

XV. ADJOURNMENT

The meeting adjourned at 9:18 p.m.

Chairman

Secretary

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