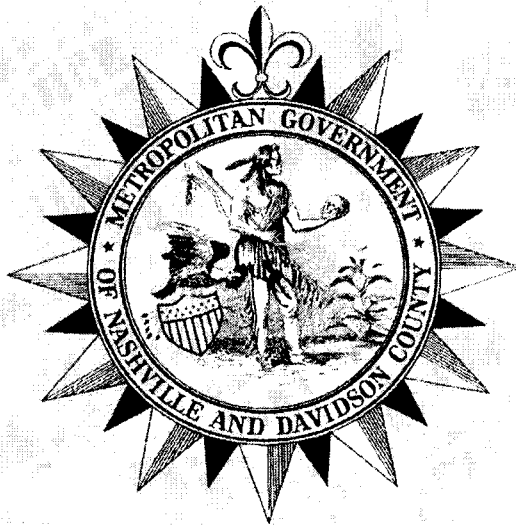


Metropolitan Planning Commission

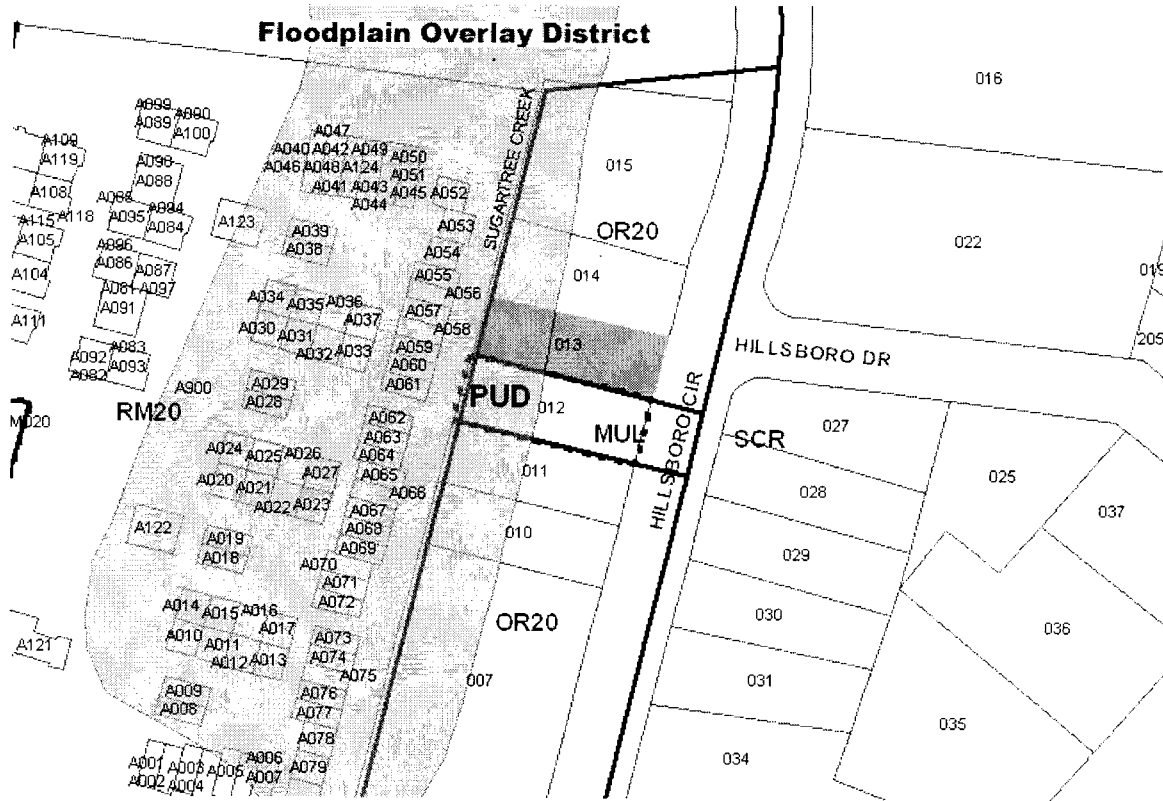


Staff Reports

August 26, 2010

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.

PREVIOUSLY DEFERRED ITEMS



2010SP-014-001
 4101 Hillsboro Circle
 Map: 131-02 Parcel: 013
 Green Hills/Midtown Community Plan
 Council District 25 – Sean McGuire



Project No. Zone Change 2010SP-014-001
Project Name 4101 Hillsboro Circle
Council Bill BL2010-742
Council District 25 – McGuire
School District 8 – Hayes
Requested by Emad Eshak, applicant for Reza Frazmand et ux, owners
Deferrals *This request was deferred from the August 12, 2010, meeting by the Planning Commission. The public hearing was closed at the August 12th meeting.*

Staff Reviewer Swaggart
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST Permit retail, convenience retail and all other uses permitted in the OR20 zoning district.

Rezoning A request to rezone from Office/Residential (OR20) to Specific Plan Mixed-Use (SP-MU) zoning and for final site plan approval for property located at 4101 Hillsboro Circle, opposite Hillsboro Drive and located within the Green Hills Urban Design Overlay District and partially within the Floodplain Overlay District (0.17 acres), to permit retail, convenience retail and all uses permitted by OR20.

Existing Zoning
OR20 District Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

FO District Floodplain Overlay District (FO) represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life.

Proposed Zoning
SP-MU District Specific Plan-Mixed Use 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 a mix of uses.*

CRITICAL PLANNING GOALS N/A



Metro Planning Commission Meeting of 08/26/2010

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Regional Activity Center (RAC)

RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. 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 with the intent of the policy.

Consistent with Policy?

Yes. The mix of uses in the proposed SP is consistent with the property's RAC policy. The policy supports uses such as retail activities, office and high density residential.

REQUEST DETAILS

The property is located at 4101 Hillsboro Circle, southwest of the Hill Center, and is approximately 0.17 acres. It is currently developed with a building approximately 3,000 square feet in size with a paved driveway and parking lot.

The applicant has indicated that the existing building would be used for general retail or retail convenience. The OR20 district currently in place permits retail as an accessory use only with the following conditions:

1. The use is located within the same building as the office building.
2. The use can only be accessed from inside the office building and has no direct access from the outside.
3. There is no exterior signage on the office building.
4. The use can not occupy more than ten percent of total floor area of the office building.

While the proposed retail uses are not permitted as stand-alone uses in the existing OR20 zoning district, the uses are consistent with the RAC land use policy. To ensure that development is consistent with the long range plan, the policy also requires that any zone change be accompanied by an enforceable site plan such as a Planned Unit Development or SP.

The proposed SP will permit the stand-alone use of retail, but also ensure that any future development will be in compliance with the land use policy. It is also important to note that this property is within the Green Hills Urban Design Overlay. While the signage standards of the UDO are mandatory, the development standards are optional.



Metro Planning Commission Meeting of 08/26/2010

These standards provide incentives such as floor area bonus for projects that develop under the UDO. The proposed SP zoning would not limit this property from developing under the standards of the UDO in the future. The SP is being utilized with this request because the applicant is not proposing any new development at this time. If new development is ever proposed on the site, then the SP would permit the owner to develop under the UDO guidelines.

The request is also for final site plan approval. Since the applicant would be using the existing building, the final site plan that would be required for a project with new construction is not necessary in this case. The proposed SP does include language for future development and does require a final site plan to be approved by the Planning Commission for any future development.

Specific Plan Proposal

The proposed SP would permit retail, convenience retail, and all uses permitted in the OR20 zoning district. The SP plan also contains limitations which will ensure that permitted uses within the existing building do not become a nuisance, as well as limitations that will guide any future construction or redevelopment of the property. The conditions are as follows:

1. Permitted uses include all uses permitted in the OR20 zoning district, retail and convenience retail.
2. The sale of gasoline is not permitted.
3. The sale of beer or alcoholic beverages is not permitted.
4. All signage shall meet the Green Hills Urban Design Overlay Sign Standards.
5. Parking requirements for all uses permitted in the OR20 zoning district shall meet Metro Zoning Requirements. The UZO District standards apply for uses classified as retail (general retail) or convenience retail.
6. New construction shall require final site plans to be submitted to the Planning Commission for approval.
7. Additional disturbance of the flood plain shall meet current regulations as they pertain to the flood plain and the Flood Plain Overlay District.
8. New construction shall be oriented towards Hillsboro Circle.
9. Front Setback for new construction:
 - Minimum 5 feet;
 - Maximum 10 feet.



Metro Planning Commission Meeting of 08/26/2010

10. Parking shall be located within the side or rear yard. Parking is not permitted within the front yard.
11. 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.
12. 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, the property shall be subject to the standards, regulations and requirements of the OR20 zoning district as of the date of the applicable request or application.

PUBLIC WORKS RECOMMENDATION

An access study may be required with any development.

Maximum Uses in Existing Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.80 F	5,924 SF	152	20	20

Maximum Uses in Proposed Zoning District: **SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.17	-	3,000 SF	166	10	29

Traffic changes between maximum: **OR20** and proposed **SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	14	-10	9

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed SP is consistent with the RAC land use policy.

CONDITIONS

1. Permitted uses in the SP are limited to retail, convenience retail and all uses permitted by the OR20 zoning district as described on the plan.
2. 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, the property shall be subject to the



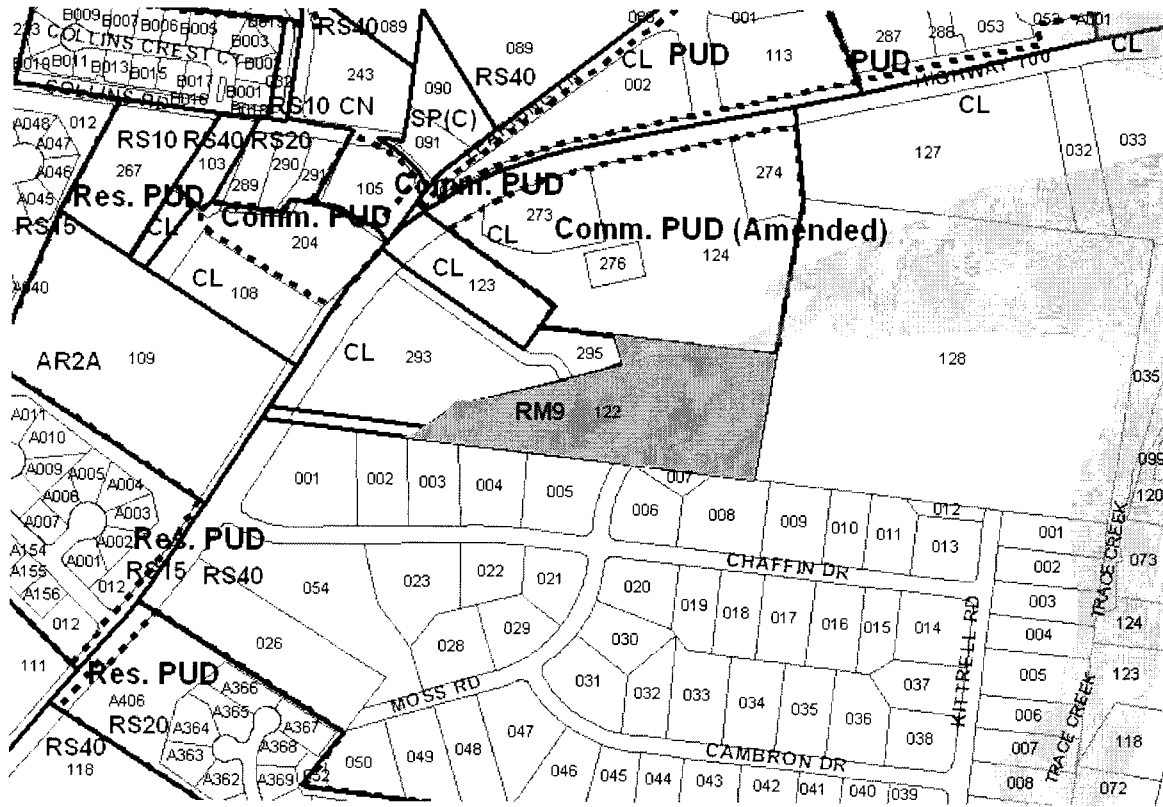
Metro Planning Commission Meeting of 08/26/2010

standards, regulations and requirements of the OR20 zoning district as of the date of the applicable request or application.

3. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
4. 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.

SEE NEXT PAGE

PREVIOUSLY DEFERRED ITEMS



2009Z-015PR-001

Map: 155-00 Parcel: 122

Bellevue Community Plan

Council District 35 – Bo Mitchell



Project No. **Zone Change 2009Z-015PR-001**
Council Bill BL2009-411
Council District 35 - Mitchell
School District 9 - Simmons
Requested by Councilmember Bo Mitchell, applicant, Betty French and Mary and James Johnson, owners
Deferrals *Deferred from the April 22, 2010, Planning Commission Meeting at the request of the applicant.*
Staff Reviewer Swaggart
Staff Recommendation *Defer indefinitely at the request of the applicant*

APPLICANT REQUEST

Modify conditions restricting access to Moss Road.

Amend Council Bill

A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss Road for property located at 5109 Moss Road, approximately 775 feet south of Collins Road (6.03 acres), zoned Multi-Family Residential (RM9).

Zoning District
RM9 District

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

REQUEST

This is a request to amend a previously approved Council Bill (BL2005-543) to modify a condition pertaining to the restriction of access to Moss Road. The bill, adopted in 2005, authorized the rezoning of two properties from Commercial Limited (CL) and Office Limited (OL) to Multi-Family Residential (RM9), and included conditions. The conditions required that prior to the issuance of any building permits an updated Traffic Impact Study (TIS) be submitted, or that certain traffic conditions from a 2003 TIS would be required. The conditions are as follows:

1. Extend the existing left turn lane (12 ft wide) on Hwy 100 from the Collins Rd intersection to the westernmost site access joint access driveway. Install required transition per AASHTO. Lane shall be marked as 2-way left turn.
2. Dedicate 1/2 of ROW along HWY 100 frontage as required for street classification of U4 (84' ROW) per TDOT's APR plans. Adjacent western property shall also dedicate such ROW along its Hwy 100 property frontage.



Metro Planning Commission Meeting of 08/26/2010

3. Two site driveways shall be installed with 1 entering lane and 2 exiting lanes. Driveway widths shall not exceed 35 ft. One drive shall be installed opposite the barn theater drive and the other drive shall be a joint access drive with adjacent western property. Adequate sight distance shall be provided.
4. The driveway opposite the Map 155, Parcel 204 shall be signalized if warrants are justified at completion of property development. Developer shall conduct traffic counts and submit warrant analysis to Metro Traffic Engineer for approval. Signal shall be bonded. Signal design shall provide video detection equipment for site traffic movements. Pedestrian facilities shall also be installed.
5. No access to Moss road shall be allowed.
6. Since Hwy 100 is a state facility, Hwy 100 improvements shall be submitted to TDOT for their approval.

Analysis

The intention of this bill is to restrict parcel 122, which is zoned for multi-family residential uses, from having any access to Moss Road. While the intent is to restrict access to Moss Road, the bill is worded such that both a new TIS is required *and* the conditions of the 2003 TIS must also be satisfied. Since the 2003 TIS was conducted there have been numerous changes in the area and many of the conditions are no longer relevant to the site. The bill should be amended to require an updated TIS that would *supersede* the 2003 TIS. In addition, in order to ensure that the intent of this bill is met, it should explicitly restrict access to Moss Road.

While neither this bill nor the bill being amended specifically addresses secondary access, a secondary access from the property to Moss Road may be appropriate. Moss Road is in a Single-Family Residential District, and it is appropriate to restrict commercial property from accessing Moss Road. Now that the property is zoned for residential uses (RM9), a secondary access *may* be feasible to Moss Road. Primary access to the property must continue to be from Highway 100. If an updated TIS warrants access to Moss Road, then it should be limited to secondary access only with primary access being from HWY 100.



Metro Planning Commission Meeting of 08/26/2010

PUBLIC WORKS RECOMMENDATION

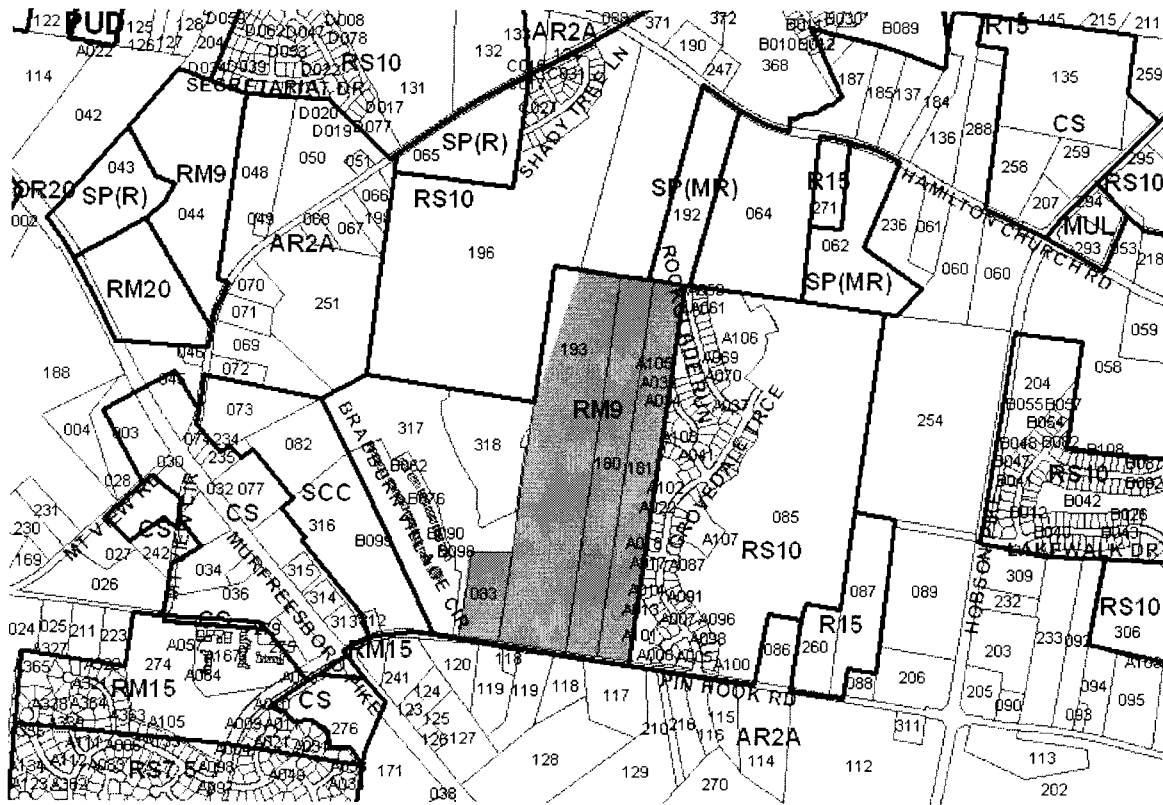
A TIS will be required at development to address any changes in access that have been previously conditioned.

STAFF RECOMMENDATION

Defer indefinitely.

CONDITIONS (if approved)

1. The bill shall be amended to clarify that a new TIS shall be required, and that the TIS conditions listed in BL2005-543 shall not be required.
2. The following condition shall be added: "Any future development under the RM9 zoning shall have its primary access from Highway 100, and based on the findings of the TIS, a secondary access may be permitted from Moss Road."



2010UD-002-001

Pin Hook

Map: 164-00 Parcels: 083, 180, 181

Map: 164-00 Parcel: part of 193

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall



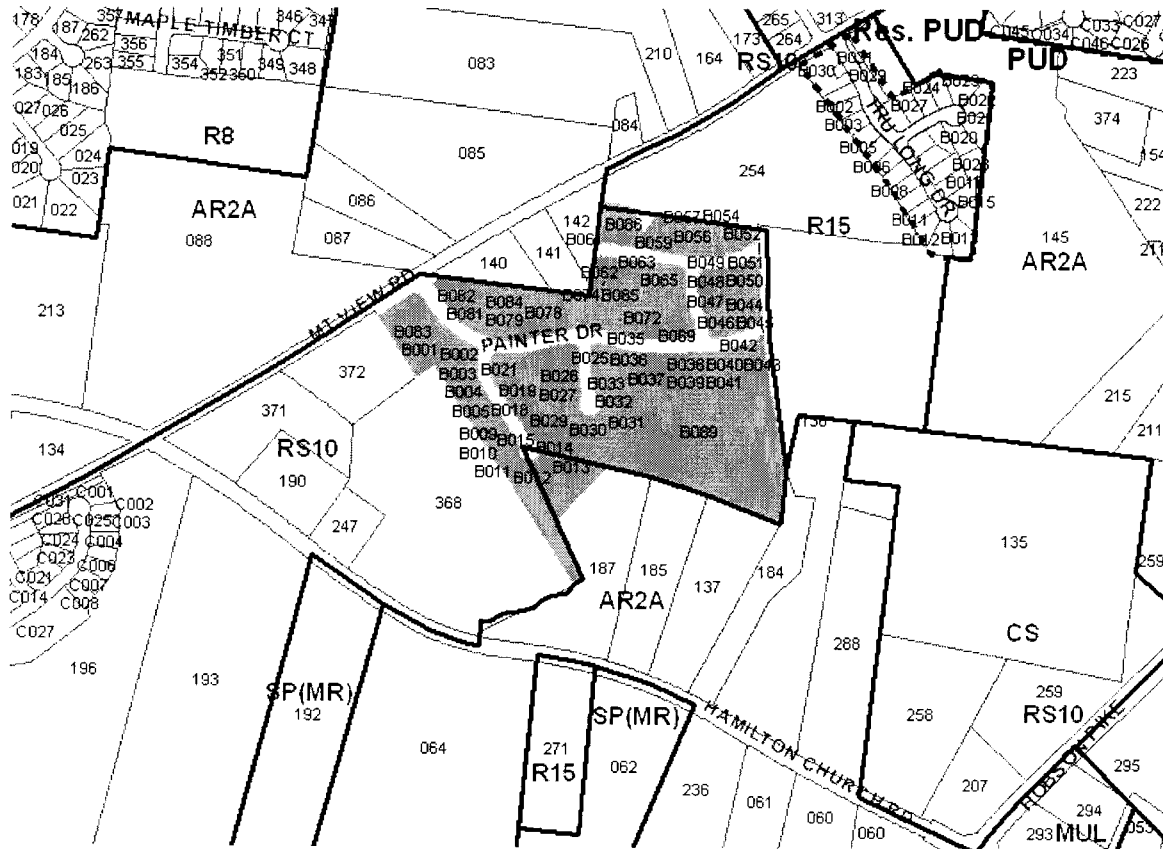
Project No. Urban Design Overlay 2010UD-002-001
Project Name Pin Hook Urban Design Overlay
Council Bill BL2010-658
Council District 33 - Duvall
School District 6 - Mayes
Requested by Councilmember Robert Duvall
Deferral *Deferred from the April 22, 2010, and June 24, 2010, Planning Commission meetings.*

Staff Reviewer Johnson
Staff Recommendation *Withdraw application*

APPLICANT REQUEST Apply the Pin Hook Urban Design Overlay.

Preliminary UDO A request to make applicable the provisions of an Urban Design Overlay (UDO) district to be known as the "Pin Hook UDO" to properties located at 3534 and 3562 Pin Hook Road, Pin Hook Road (unnumbered), and at Hamilton Church Road (unnumbered), east of Murfreesboro Pike, zoned Multi-Family Residential (RM9) (61.48 acres), to apply building design and typology standards to lots zoned as RM9.

STAFF RECOMMENDATION Staff has received a written request from the applicant to withdraw this application. Staff recommends withdrawal of the Pin Hook UDO.



2010UD-006-001

Edison Park

Map: 150-15-0-B Parcels: 001-089

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall



Project No. Urban Design Overlay 2010UD-006-001
Project Name Edison Park Urban Design Overlay
Council Bill BL2010-665
Council District 33 - Duvall
School District 6 - Mayes
Requested by Councilmember Robert Duvall
Deferral *Deferred from the April 22, 2010, and June 24, 2010, Planning Commission meetings*

Staff Reviewer Johnson
Staff Recommendation *Defer to the October 28, 2010, Planning Commission meeting*

APPLICANT REQUEST

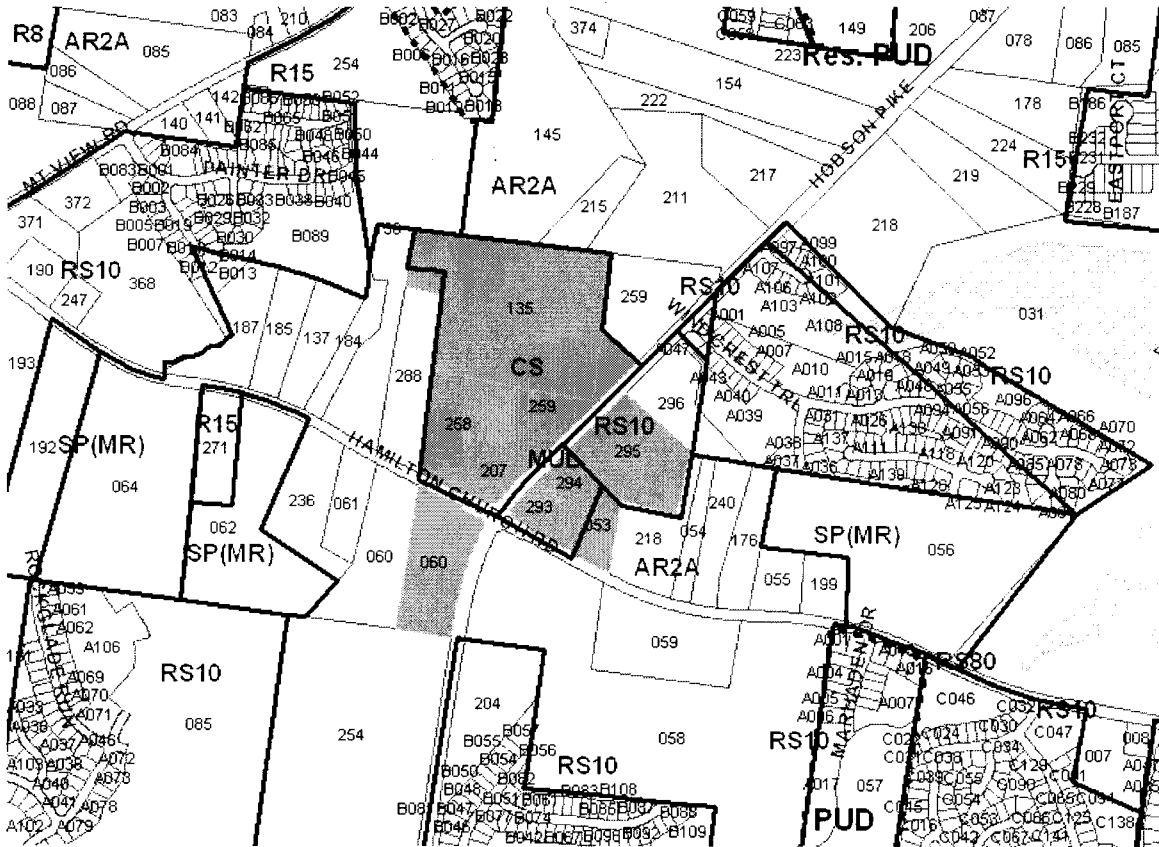
Apply the Edison Park Urban Design Overlay.

Preliminary UDO

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Edison Park UDO" applicable to properties located along Painter Drive, Schoolhouse Court, Jenny Ruth Point, Rebecca Trena Way, and Coneflower Trail, east of Mt. View Road, zoned Single-Family Residential (RS10) (20.36 acres).

STAFF RECOMMENDATION

Staff has received a written request from the applicant to defer this application until the October 28, 2010, Planning Commission meeting. Staff recommends deferral of the Edison Park UDO to the October 28, 2010, Planning Commission meeting.



2010UD-007-001

Hamilton-Hobson

Map: 150-00 Parcel: 135

Map: 164-00 Parcels: 053, 060, 207, 258, 259, 293, 294, 295

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall



Project No. Urban Design Overlay 2010UD-007-001
Project Name Hamilton-Hobson Urban Design Overlay
Council Bill BL2010-667
Council District 33 - Duvall
School District 6 - Mayes
Requested by Councilmember Robert Duvall
Deferral *Deferred from the April 22, 2010, and June 24, 2010, Planning Commission meetings*

Staff Reviewer Johnson
Staff Recommendation *Defer to the October 28, 2010, Planning Commission meeting*

APPLICANT REQUEST

Apply the Hamilton-Hobson Urban Design Overlay.

Preliminary UDO

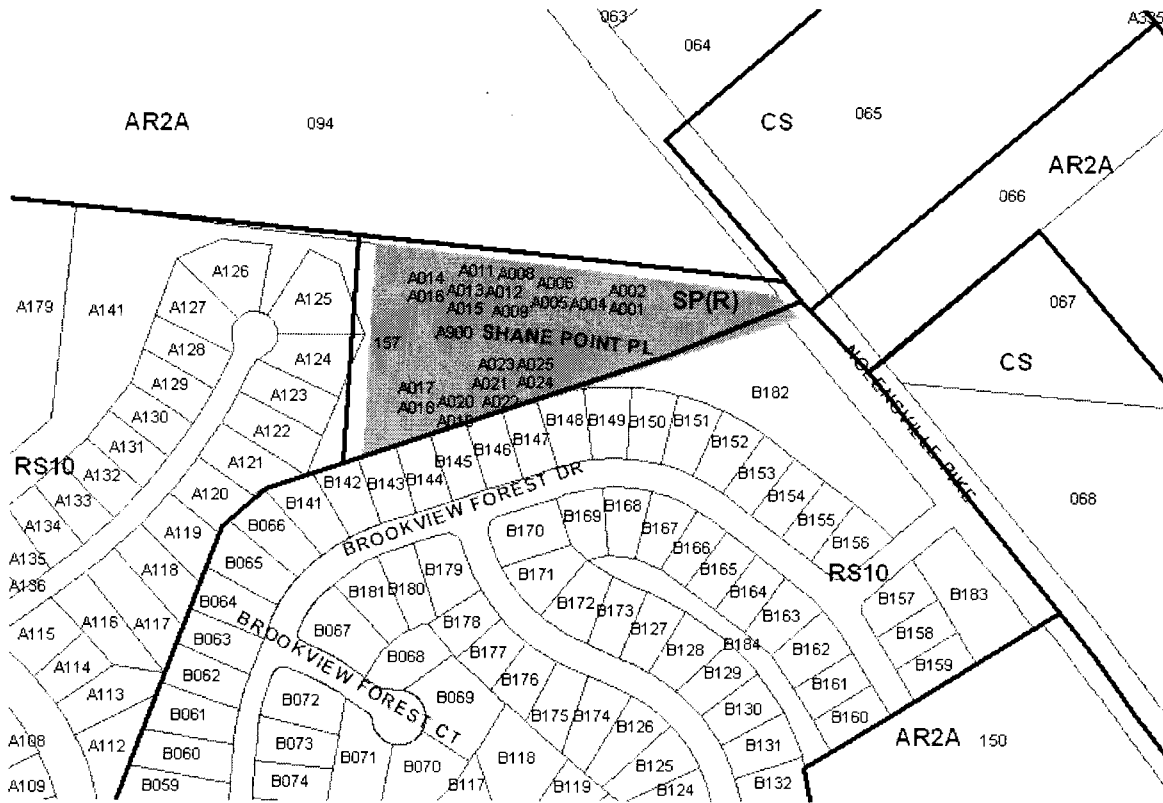
A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Hamilton-Hobson UDO" applicable to properties located at 3527, 3606, 3618 and 7086 Hamilton Church Road, Hamilton Church Road (unnumbered), 2214 Hobson Pike and Hobson Pike (unnumbered), at the intersection of Hamilton Church Road and Hobson Pike, zoned Agricultural/Residential (AR2a), Single-Family Residential (RS10), Mixed Use Limited (MUL), and Commercial Service (CS) (45.18 acres).

STAFF RECOMMENDATION

Staff has received a written request from the applicant to defer this application until the October 28, 2010, Planning Commission meeting. Staff recommends deferral of the Hamilton-Hobson UDO to the October 28, 2010, Planning Commission meeting.

SEE NEXT PAGE

**ZONING MAP AMENDMENTS,
TEXT AMENDMENTS,
and SPECIFIC PLANS**



2006SP-061G-12

Shane Point

Map: 172-00 Parcel: 157

Map: 172-16-A Parcel: 001-025, 900

Southeast Community Plan

Council District 31 – Parker Toler



Project No. SP District Review 2006SP-061U-12
Project Name Shane Point SP
Council District 31 - Toler
School District 2 - Brannon
Requested by Metro Planning Department
Staff Reviewer Bernards
Staff Recommendation Find the SP District Active

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan-Residential (SP-R) district known as "Shane Point", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at 6201 Nolensville Pike (3.37 acres), approved for 25 townhouses via Council Bill BL2006-1109 effective on July 18, 2006.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP District be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

DETAILS OF THE SP DISTRICT

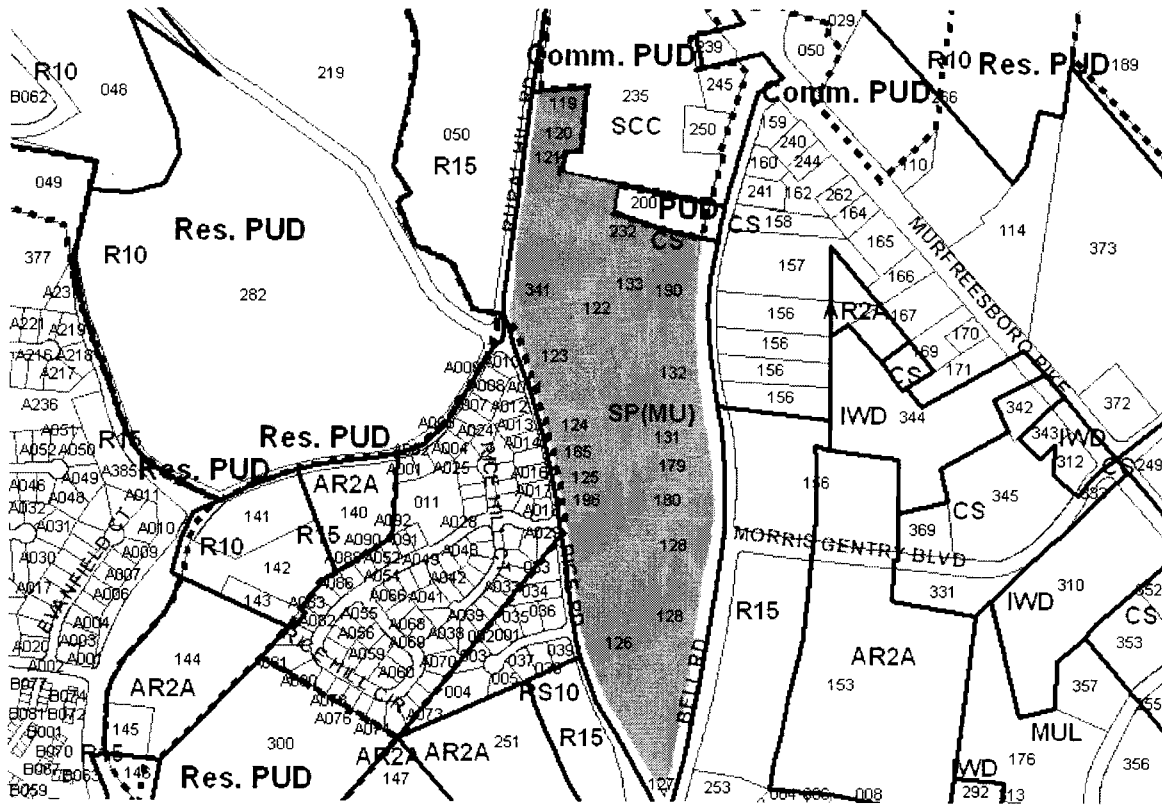
The SP was approved for 25 townhouses.

Staff visited the site on July 19, 2010. The site is under development with townhouse units both built and under construction.

The staff assessment of this SP is that it is active. Staff recommends that this SP be found active and that it be placed back on the four-year review list.

STAFF RECOMMENDATION

Staff recommends that the Shane Point SP be found to be active.



2006SP-079U-13

Rural Hill Road

Map: 149-00 Parcels:119, 120, 121, 122, 123, 124, 125, 126, 128, 128.01, 131, 132, 133

Map: 149-00 Parcels:179, 180, 185, 190, 196, 232, 341, part of 200

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall



Project No.
Project Name
Council District
School District
Requested by

SP District Review 2006SP-079U-13
Rural Hill Road SP
33 - Duvall
6- Mayes
Metro Planning Department

Staff Reviewer
Staff Recommendation

Bernards
Find the SP District inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan-Mixed Use (SP-MU) district known as "Rural Hill Road", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for various properties located at the intersection of Bell Road and Rice Road, east of Rural Hill Road (33.25 acres), approved for a maximum of 570 residential units and 430,000 square feet of office and commercial uses via Council Bill BL2006-1113 effective on July 18, 2006.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP District is appropriate.

DETAILS OF THE SP DISTRICT

The Rural Hill Road SP was a collaborative effort by the property owners, the former Councilmember and the Planning Department. The SP promoted incremental, coordinated growth that is to result in a compatible design as if all of the properties were to develop under a single ownership.



Metro Planning Commission Meeting of 08/26/2010

The SP was designed to transition from commercial/mixed-use along Bell Road, to a mixture of office and residential within the interior of the property, to all residential across from residential development along Rural Hill and Rice Roads.

A Building Regulating Plan included in the SP established three sub-districts. Permitted uses, building types, and intensities of development were all specified for the individual sub-districts. The following provides a general description of each sub-district.

Sub-district 1

Uses: Commercial, Office, and Multi-Family
Minimum of 50% retail development;
Maximum establishment size of 20,000 sq. ft.
Building Types: Mixed Use/Commercial, Live/Work, Stacked Flats, and Courtyard Flats
Maximum Building Height: 3 stories

Sub-district 2

Uses: Office and Multi-Family
Minimum of 50% residential development
Building Types: Mixed Use/Office, Live/Work, Stacked Flats, and Courtyard Flats
Maximum Building Height: 3 stories

Sub-district 3

Uses: Multi-family and Single-Family,
Building Types: Mansion House, Townhouse Court, Cottage Court, and Townhouse
Maximum Building Height: 2 and ½ stories to 3 stories

SPECIFIC PLAN REVIEW

Staff conducted a site visit on July 19, 2010. There did not appear to be any construction activity on the site. While the next step after the site visit is to send a letter to the property owners of record requesting details that could demonstrate that the SP was active, in this case, as partners in the development of the SP, staff knew that there had been no activity. A Community Plan amendment accompanied the SP and the SP remains in compliance with the land use policies of the Antioch/Priest Lake Community Plan. The letter sent to the property owners stated the staff recommendation to the Planning Commission that this SP remain in place as approved.

FINDING OF INACTIVITY

When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing



Metro Planning Commission Meeting of 08/26/2010

character of the community and whether the SP should remain on the property, or

2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

Permits on Hold

Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan

This property is within the Antioch/Priest Lake Community Plan and there are two land use policies in place Community Center (CC) and Residential Medium High (RMH).

At the time the SP was recommended for approval by the Planning Commission, the Community Plan was amended to ensure that the SP was consistent with the policies. The analysis provided for the amendment was as follows:

Policy categories are typically mirrored across a major corridor such as Bell Road. In this case, however, RMH policy has been applied to undeveloped property directly across the street from commercially-zoned and policed properties. While higher-density residential and commercial developments may be compatible across a major arterial, it makes more sense to allow similar uses and intensities along both sides of this portion of the



Metro Planning Commission Meeting of 08/26/2010

corridor to achieve a cohesive and balanced development pattern.

The area in question is well suited for the mixture of uses encouraged by CC policy, with good access to the major street and freeway systems. The property is highly visible and lacks environmental constraints. The surrounding residential neighborhoods are healthy and diverse. The proposed SP provides a transition from mixed-use development along Bell Road to strictly residential development that is compatible with adjacent neighborhoods.

These policies remain appropriate for the reasons stated in the initial amendment.

Amendments/Rezoning

As the SP is consistent with the Community Center and Residential Medium High policies of the Antioch/Priest Lake Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

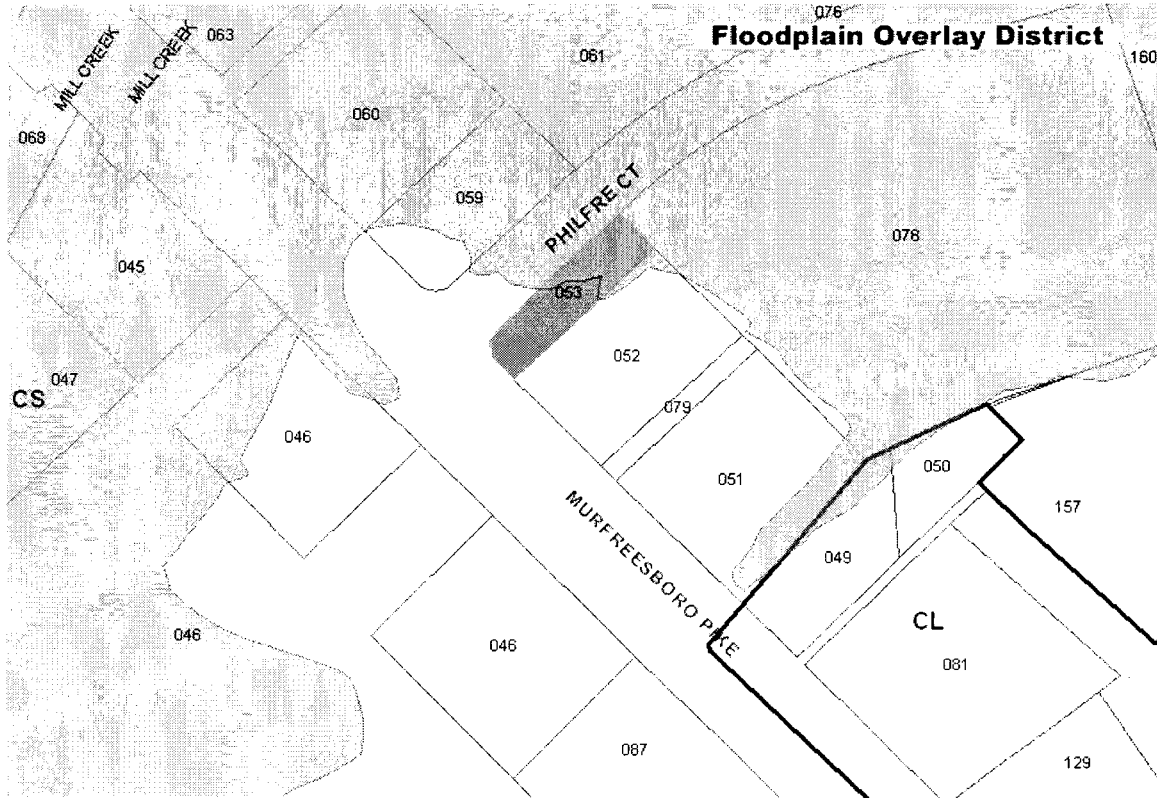
Recommendation to Council

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION

Staff recommends that the Rural Hill Road SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

SEE NEXT PAGE



2010SP-013-001

Alfa Tire

Map: 106-16 Parcel: 053

South Nashville Community Plan

Council District 13 – Carl Burch



Project No. Zone Change 2010SP-013-001
Project Name Alfa Tire
Council District 13 – Burch
School District 7 – Kindall
Requested by Afsoon Hagh and Parvin Arjmandi, owners
Staff Reviewer Swaggart
Staff Recommendation Approve with conditions

APPLICANT REQUEST

Permit automobile repair and all uses of the CS zoning district.

Rezoning

A request to rezone from Commercial Service (CS) to Specific Plan-Automobile (SP-A) zoning and for final site plan approval for property located at 1044 Murfreesboro Pike, at the southeast corner of Murfreesboro Pike and Philfre Court (0.22 acres), located partially within the Floodplain Overlay District, to permit all uses permitted by CS zoning and automobile repair.

Existing Zoning
CS District

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

FO District

Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. **The proposed zoning request will not remove this property from the FO.**

Proposed Zoning
SP-A District

Specific Plan-Auto 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 is for automobile uses, but will also permit commercial uses.*

CRITICAL PLANNING GOALS N/A



Metro Planning Commission Meeting of 08/26/2010

SOUTH NASHVILLE COMMUNITY PLAN

Corridor Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit 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 with the intent of the policy.

Consistent with Policy?

Yes. The policy permits all types of commercial uses including automobile repair. While no new development is presently proposed, the proposed specific plan will provide guidance for future development on the site, which will ensure that future development meets the intent of the policy.

REQUEST DETAILS

The property is located at the southeast corner of Murfreesboro Pike and Philfre Court, and is just south of Mill Creek. The property is approximately 0.22 acres and is developed with an approximately 3,000 square foot building. There is paved parking in the front and the rear. Access to the property is from Murfreesboro Pike, Philfre Court and from the adjacent property to the south.

The property was once used as a dry cleaning business, but for the past several months the property has been used for auto repair, more specifically new and used tire sales. The business was cited, because this use is no longer permitted in CS and is only permitted in SP

Specific Plan Proposal

The SP permits auto repair and all uses permitted in the CS zoning district. The SP plan also contains limitations which will ensure that the permitted uses on the property do not become a nuisance as well as limitations that will guide any future development on the site. The conditions are as follows:

1. Permitted uses include all uses permitted in the CS zoning district, and auto repair.



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2. No free standing signs are permitted.
3. Building signage is limited to one sign on the front of the building facing Murfreesboro Pike, and one sign on the side of the building facing Philfre Court. Total sign area shall not exceed 60 square feet.
4. The number of parking spaces shall meet the minimum number of spaces required by the Zoning Code for the proposed use.
5. Outdoor storage or display is not permitted.
6. All auto repair services shall be provided at the rear of the building. Repair and repair services are not permitted in front of the building along Murfreesboro Road.
7. An accessory carport is permitted at the rear of the building. Accessory carport shall not be enclosed, and shall not cover more than 312 square feet.
8. New construction shall require final site plans to be submitted to the Planning Department for approval.
9. The layout and design of any new construction shall meet the intent of the property's land use policies.
10. Additional disturbance of the floodplain shall meet current regulations as they pertain to the floodplain and the Floodplain Overlay District.
11. 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.
12. 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, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.

PUBLIC WORKS RECOMMENDATION

An access study may be required with any development.

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed SP is consistent with the property's land use policy.

CONDITIONS

1. Permitted uses in the SP are limited to auto repair, and all uses permitted by the CS zoning district.
2. The existing free standing pole sign shall be removed from the property.



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3. 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, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
4. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
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.

SEE NEXT PAGE

NO SKETCH



Project No. 2010Z-015TX-001
Project Name Recreation Centers
Council Bill BL2010-745
Council District Countywide
School District Countywide
Sponsored by Councilmember Duane Dominy

Staff Reviewer Regen
Staff Recommendation Approve

APPLICANT REQUEST

Permit a “recreation center” as a special exception use in AG and AR2a.

Text Amendment

A council bill to amend Section 17.08, of the Metro Zoning Code, to allow recreation centers as a special exception use in the Agriculture (AG) and Agriculture/ Residential (AR2a) Zoning Districts.

PURPOSE

The bill would permit a “recreation center” to locate in an agricultural zoning district as a special exception (SE) use.

Existing Law

The existing Zoning Code permits a “recreation center” as a SE use in all R, RS, and RM zoning districts. A recreation center is defined in Section 17.04.060 of the Metro Zoning Code as a “community center, playground, park, swimming pool, and/or playing field, available to the membership of a club or the general public.”

Proposed Bill

The bill would expand where recreation centers are now a SE use from the R, RS, and RM districts to the AG and AR2a zoning districts. A recreation center can be private or public, but it does not allow for a private gym or fitness center, whether for-profit or non-profit. Those uses would fall under “personal care services” in the Metro Zoning Code. Personal care services are not allowed in AG, AR2a, R, RS, and RM zoning districts.

STAFF RECOMMENDATION

Staff recommends approval of this bill. According to the Metro Parks Master Plan (July 2008), large portions of the county are underserved by recreational facilities with significant portions lying outside of a 3 mile radius of a community center. Further, the bill supports Mayor Karl Dean’s “Healthy Nashville – Healthy Living Report” of April 2009 which calls for getting county residents more physically active and building more park play fields. The report states that in 2008, nearly 61% of Davidson county residents were overweight.

NO SKETCH



Project No. 2010Z-016TX-001
Project Name Amateur Radio Antenna
Council Bill BL2010-746
Council District Countywide
School District Countywide
Requested by Councilmember Anna Page

Staff Reviewer Regen
Staff Recommendation *Approve subject to Metro Legal's review and recommendation*

APPLICANT REQUEST

Require a FCC license to construct an amateur radio antenna / tower and remove at owner's expense any inactive radio antenna towers.

Text Amendment

A council bill to amend Section 17.16.290 of the Metro Zoning Code, to require an active, valid FCC license for operation of an amateur radio antenna.

PURPOSE

The bill requires an amateur radio operator to have a current, valid license from the FCC. Proof of the license must be submitted to the Zoning Administrator, prior to construction of any antenna. In the event a license expires without being renewed, the antenna and any associated tower must be removed at the property owner's expense.

ANALYSIS
Existing Law

The existing Zoning Code permits amateur radio antennas in the agricultural and residential zoning district as "accessory" (A) uses. Section 17.16.290 sets forth several standards for tower height, tower location, tower setback, and tower mounting.

Proposed Bill

The bill adds a standard requiring amateur radio operators to have a currently valid FCC license. Proof of the license must be submitted to the Zoning Administrator, prior to construction of any antenna. In the event a license expires without being renewed, the antenna and any associated tower must be removed at the property owner's expense.

What is amateur radio?

The FCC website defines amateur radio as being a voluntary, non-commercial radio service involving amateur radio operators communicating locally and worldwide using store-bought or homemade radios, computers, satellites, and even the internet. Known as "hams", amateur radio operators have served as emergency communicators during the initial stages of



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emergencies and disasters. They played a critical role during Hurricane Katrina.

Is a FCC license required?

The FCC requires operators to be licensed and pass an examination to operate on radio frequencies known as "amateur bands". There are three licenses types: Technician, general, and extra. Technician is the most common license obtained. A passing score on the test for all three license types is 74%. Anyone can obtain a license who has a FCC registration #, except a representative of a foreign government. To obtain a FCC registration #, an applicant must provide a valid social security number. Licenses are to operate a radio with a call name. One call name is licensed to one radio operator. The FCC does not license or inquire about the radio tower or its location from which the operator will transmit. Licenses are good for 10 years. As of 8/14/2010, Tennessee had 16,030 licensed operators per the national association of Amateur Radio operators known as "ARRL" which reports FCC licenses by state on its website.

Is a TN license required?

The State of TN does not require a state-issued amateur license. State law does plainly indicate a local government (city or county) cannot pre-empt FCC (Section 6-54-130).

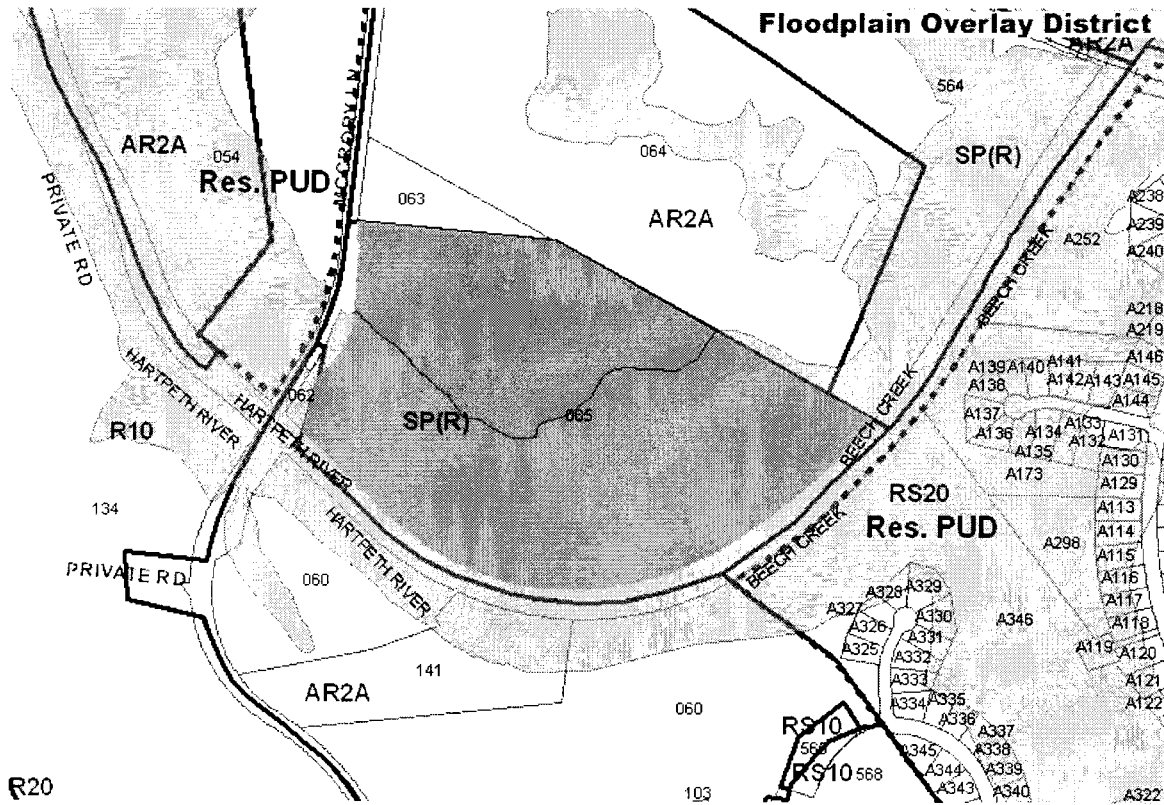
Metro Legal Review

Metro Legal is currently reviewing this bill and staff's analysis. Specifically, Legal is researching whether the bill, as filed, results in a pre-emption of state and federal law by prohibiting someone who has a FCC amateur radio license from using another person's radio antenna or tower to transmit, if the antenna/tower owner does not have a FCC amateur radio license. The FCC does not regulate radio antennas or towers, only the actual person's voice being transmitted over the airwaves. Hence, no amateur radio license is required to erect a radio antenna or tower. If adopted, this bill requires that any person with a radio antenna/tower must have a FCC amateur radio license.

STAFF RECOMMENDATION

Staff recommends approval of this bill contingent upon Metro Legal finding it does not pre-empt state and federal law.

SEE NEXT PAGE



2010Z-019PR-001
 Map: 126-00 Parcel: 085
 Bellevue Community Plan
 Council District 35 – Bo Mitchell



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2010Z-019PR-001
BL2010-744
35 - Mitchell
9 - Simmons
Councilmember Bo Mitchell, applicant, John Gregory Jones, owner

Staff Reviewer
Staff Recommendation

Sexton
Approve and direct staff to initiate a housekeeping amendment to change the policy to Natural Conservation

APPLICANT REQUEST

Rezone from SP-R to AR2a.

Zone Change

A request to rezone from Specific Plan- Residential (SP-R) to Agricultural/Residential (AR2a) zoning for property located at 7874 McCrory Lane and partially within the Floodplain Overlay District, approximately 1,850 feet south of Highway 70 S (36.2 acres).

Existing Zoning
SP-R District

Specific Plan 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 SP permits 4 dwelling units per acre.*

FO District

Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. **The proposed zoning request will not remove this property from the FO.**

Proposed 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. The AR2a zoning would permit 18 lots.

CRITICAL PLANNING GOALS N/A



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BELLEVUE COMMUNITY PLAN

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?

No. The proposed AR2a zoning is not consistent with the property's RLM policy. The proposed AR2a zoning is intended for residential uses with a density range of one dwelling unit per 2 acres while the RLM policy requires a density range of two to four dwelling units per acre.

While the request to rezone to AR2a may be inconsistent with the RLM policy, the request would bring the property more into compliance with the Floodplain Overlay District covering approximately 21 acres of this property. While the existing single family residence, barn and a shed were not severely impacted by the recent storm event, the majority of this property was flooded. The applicant has requested this rezoning to reduce the amount of development that would be permitted on this property.

Because majority of the property proposed to be rezoned to AR2a is located within the FO District, staff recommends approval of this rezoning and further recommends that the Planning Commission direct staff to initiate a housekeeping amendment to NCO policy. NCO policy covers the property to the north and Open Space policy is on the State of Tennessee Veterans Cemetery to the west. This is a logical extension of the NCO policy to provide greater protection of the FO District.

HISTORY

On August 10, 2006, the Planning Commission recommended approval for a request to rezone this property from AR2a to SP-R. This request was approved by the Metro Council on September 16, 2006. The SP was approved with a dedicated greenway and conservation access easement which included the floodway, floodway buffer and 25 feet beyond the floodway buffer. With the exception of a pre-existing single family residence, barn and a shed this property has not been developed.



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PUBLIC WORKS RECOMMENDATION

No exception taken

No traffic table was prepared. This request would decrease the permitted density and would not intensify.

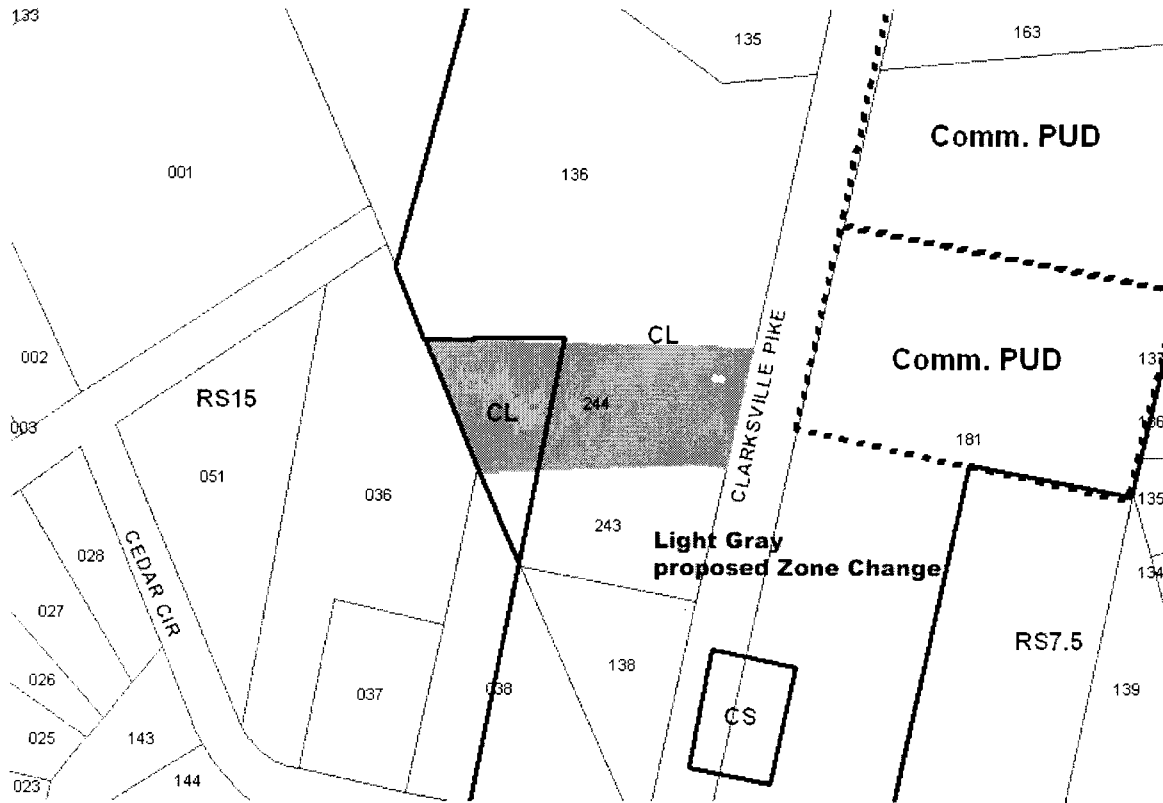
METRO SCHOOL BOARD REPORT

Projected Student Generation

As this request 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 that the request be approved and that the Commission direct staff to initiate a housekeeping amendment to change the residential policy to Natural Conservation.



2010Z-022PR-001

Map: 058-00 Parcel: part of 244
Bordeaux/Whites Creek Community Plan
Council District 1 – Lonell R. Mathews, Jr.



Project No. 2010Z-022PR-001
Council District 1 – Matthews, Jr.
School District 1 – Gentry
Requested by Old Hickory Credit Union, owner

Staff Reviewer Johnson
Staff Recommendation *Disapprove*

APPLICANT REQUEST

Rezone from CL to CS.

Zone Change

A request to rezone from Commercial Limited (CL) to Commercial Service (CS) zoning for a portion of property located at 4123 Clarksville Pike, approximately 950 feet south of Kings Lane (0.0009 acres).

Existing Zoning

CL District

Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

Proposed Zoning

CS District

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

CRITICAL PLANNING GOALS

N/A

**BORDEAUX/WHITES CREEK
COMMUNITY PLAN**

***King's Lane Corner Detailed
Neighborhood Design Plan***

Mixed Housing (MH) in Community Center/Corridor (CC)

Mixed Housing (MH)

MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Community Center/Corridor (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial



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retail and services, and public benefit 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 with the intent of the policy.

Consistent with Policy?

No, the proposed CS district is not consistent with the Mixed Housing detailed land use policy. While the existing CL commercial district is also not consistent with the policy, the proposed CS zoning district permits a wider range of commercial uses and moves further from the residential land uses promoted by the policy.

ANALYSIS

According to the zone change application, the purpose of this request is to allow for an electronic sign that is not permitted under the existing district. The Zoning Code prohibits electronic message center signs in all residential and office zoning districts and some commercial zoning districts. Introduction of electronic message center signs into this residential policy area conflicts with not only the envisioned residential uses, but also the current commercial zoning along this section of Clarksville Pike.

This zone change request, which seeks to rezone a small portion of an existing property (40 square feet) to permit a sign that is not currently permitted, could be considered a zoning application that is intended only to avoid elements of signage requirements of the Zoning Code. The proposed CS zoning, if applied, will constitute a spot zone and create split zoning on the subject property.

RECENT ZONE CHANGES

On November 12, 2009, the Planning Commission approved a CL to CS zone change on the property directly across Clarksville Pike from the subject site to permit the construction of an electronic message center sign.

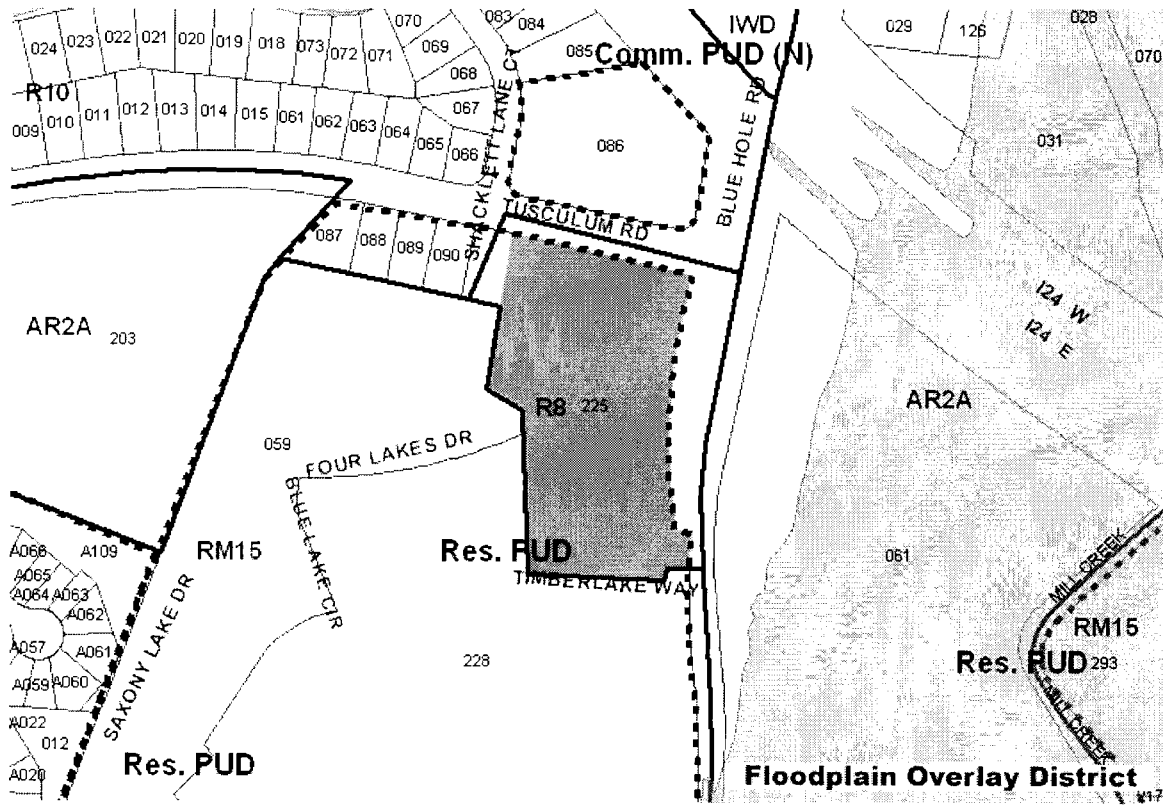
PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends disapproval of the request because the CS zoning district is incompatible with the residential land use policy.

REVISED SITE PLAN



117-84P-001

Project 808

Map: 162-00 Parcel: 225

Southeast Community Plan

Council District 32 – Sam Coleman



Project Nos. 117-84P-001
Project Name Project 808
Council District 32 - Coleman
School District 2 - Brannon
Requested by Barge, Cauthen & Associates

Staff Reviewer Leeman
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Permit a daycare facility for 75 or more children.

Revise Preliminary PUD & Approve Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of a Residential Planned Unit Development Overlay located near Blue Hole Road and Tusculum Road (1.0 acre), zoned One and Two-Family Residential (R8), to permit construction of a one-story 6,480 square foot day care center for more than 75 children and to grant preliminary approval only for a future one-story, 4,180 square foot addition to that day care facility.

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 5.79 dwelling units per acre including 25% duplex lots.

Residential PUD

A residential PUD was applied to this property in 1984 to permit a church, and later revised in 1994, to permit a church with education buildings. The Zoning Administrator has determined that a daycare use is permitted this PUD.

CRITICAL PLANNING GOALS NA

PLAN DETAILS

This request modifies the preliminary and final PUD for a religious institution. The current approved plan from July 14, 1994, shows a religious institution with a separate 18,000 square foot building for education and physical education. The proposed plan deletes the building for education and physical education. In its place, a 6,480 square foot daycare use for 75 or more children is proposed with an outdoor playground area. A future one-story addition is proposed for 4,180 square feet.

The applicant is requesting preliminary and final PUD approval for the 6,480 square foot building, and

SHACKLETT LANE

TUSCULUM ROAD
(60' ROW)

RETENTION-AREA HERBACEOUS PLANT MATERIAL
① SOFT RUSH
② JOE PINE WEEB
③ GREENHEAD CONEFLOWER

FUTURE 1-STORY
4,180 SF
FFE= 541.0

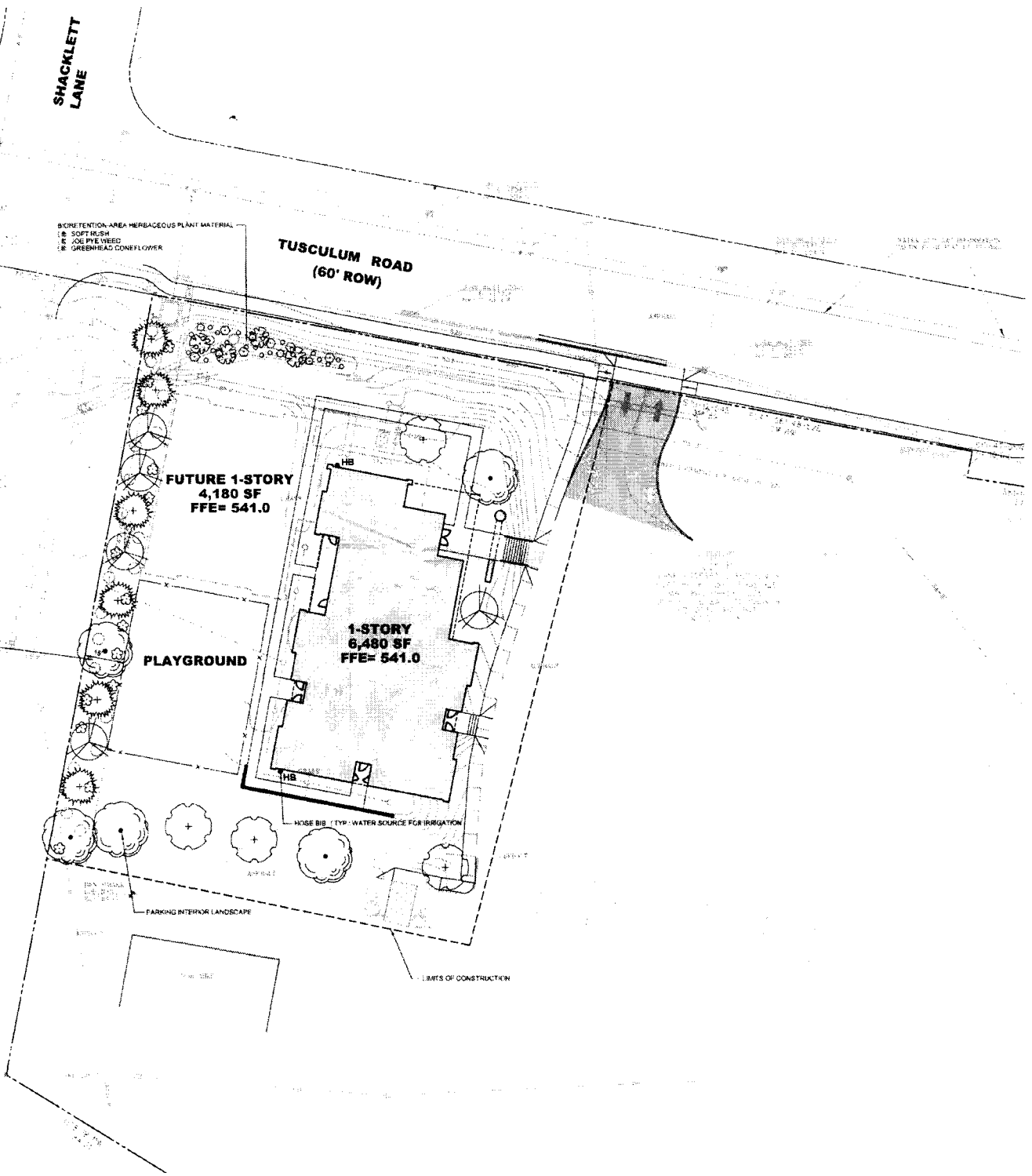
PLAYGROUND

1-STORY
6,480 SF
FFE= 541.0

HOSE BIB (TYP. WATER SOURCE FOR IRRIGATION)

PARKING INTERIOR LANDSCAPE

LIMITS OF CONSTRUCTION





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preliminary approval only for the 4,180 square foot daycare addition. Landscaping shall comply with the Metro Zoning Code as will parking. An existing curb cut onto Tusculum Road is to be relocated slightly further south. A public sidewalk shall also be constructed along Tusculum Road, connecting to Blue Hole Road.

PUBLIC WORKS RECOMMENDATION

The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

WATER SERVICES RECOMMENDATION

Approve

STORMWATER RECOMMENDATION

Approve

STAFF RECOMMENDATION

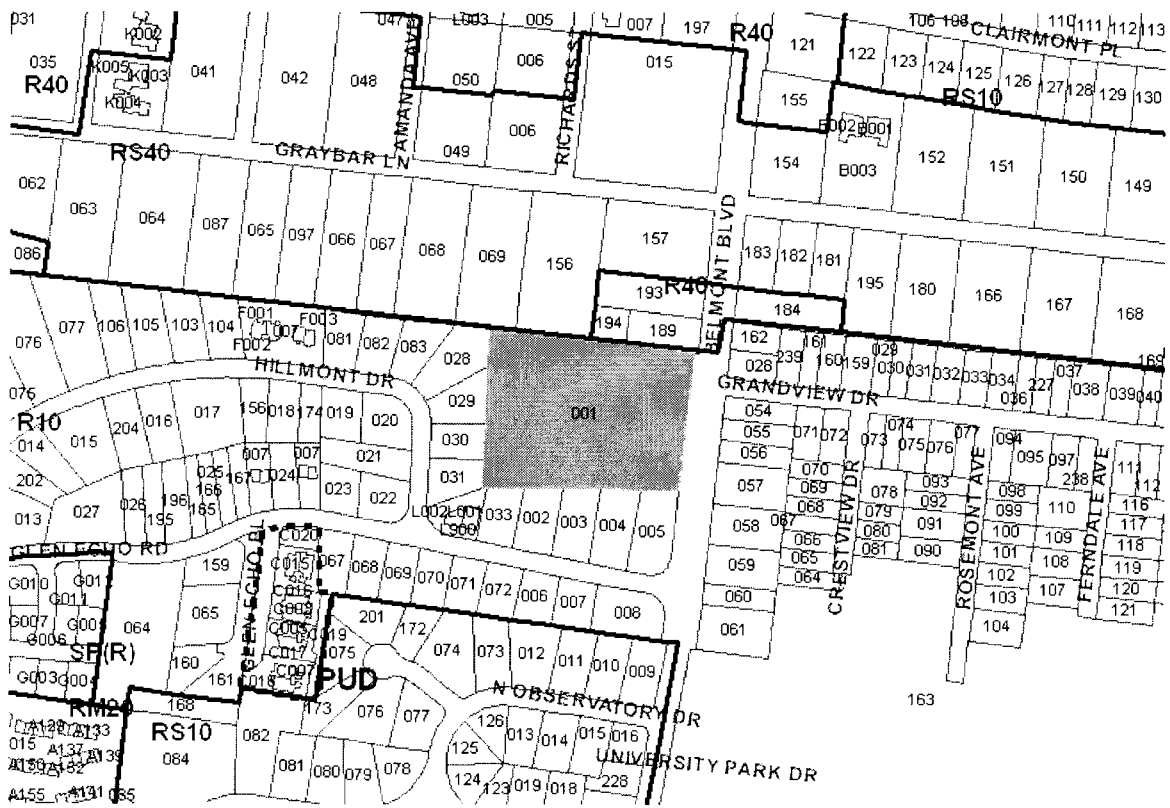
Staff recommends approval with conditions.

CONDITIONS

1. Backflow preventer shall be located adjacent to the building or screened from the public right-of-way with landscaping.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services, the Traffic Engineering Section of the Metropolitan Department of Public Works, and the Fire Marshal's Office.
3. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. The final approved plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

SEE NEXT PAGE

OTHER BUSINESS



2010M-006PR-001
 Walter Stokes School Surplus Property Request
 Map: 117-16 Parcel: 001
 Green Hills/Midtown Community Plan
 Council District 25 – Seam McGuire



Project No. Mandatory Referral 2010M-006PR-001
Project Name Surplus Property for Walter Stokes School
Council Bill BL2010-733
Council District 25 - McGuire
School District 8 - Hayes
Requested by Department of Finance- Public Property Administration

Staff Reviewer Leeman
Staff Recommendation *Defer to the September 14, 2010, Planning Commission meeting as discussions between Metro Departments and the School Board continue*

APPLICANT REQUEST

Surplus a 5.2 acre parcel of property.

An Ordinance requesting to declare as "surplus" a 5.2 acre parcel of real property located at 3701 Belmont Boulevard and known as "Walter Stokes School," located north of Glen Echo Road along the west side of Belmont Boulevard.

R10 District

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

CRITICAL PLANNING GOALS

N/A

METRO CHARTER

Under Article 11, Chapter 5 of the Metro Charter, the Planning Commission is required to make a recommendation to the Metro Council relating to Mandatory Referrals. The Charter reads as follows:

Section 11.505 Mandatory Referrals to Planning Commission

"Whenever the commission shall have adopted the master or general plan of the metropolitan government area or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the area under the jurisdiction of the metropolitan government until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided, that in case of disapproval, the commission shall communicate its reasons to the council and said council by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, said council shall have the power to proceed. The widening, narrowing, relocation, vacation, change in



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the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting body, board or official.”

Declaration of Surplus Property

The Metropolitan Board of Education has determined that the property is no longer needed for school purposes. The Metropolitan Nashville Board of Education has transferred the subject property to the Director of Public Property and the Metropolitan Government has declared the property surplus. The Director of Public Property is authorized to dispose of the property subject to the approval of the Metropolitan Council and the Mayor.

STAFF RECOMMENDATION

Staff recommends this item be deferred to the September 14, 2010, Planning Commission meeting as discussions between Metro Departments and the School Board continue.