



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

Thursday, April 12, 2012

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

Howard Office Building, Sonny West Conference Center (1st Floor)

MISSION STATEMENT

The Planning Commission guides growth and development as Nashville and Davidson County 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.

Commissioners Present:

Jim McLean, Chair
Hunter Gee, Vice Chair
Stewart Clifton
Judy Cummings
Phil Ponder
Jeff Haynes
Greg Adkins
Andree LeQuire
Councilmember Phil Claiborne

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Doug Sloan, Assistant Executive Director – Operations
Kelly Adams, Administrative Services Officer III
Craig Owensby, Public Information Officer
Dennis Corrieri, Planning Technician I
Bob Leeman, Planning Manager II
Jennifer Regen, Development Relations Manager
Brenda Bernards, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Brian Sexton, Planner I
Susan Jones, Legal

Commissioners Absent:

Derrick Dalton

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

The Commission is a 10-member body, nine of whom are appointed by the Metro Council and one of whom serves as the mayor's representative. The Commission meets on the 2nd and 4th Thursday of each month at 4:00 p.m., unless otherwise noted. The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, the Commission recommends an action to the Metro Council (e.g. zone changes, specific plans, overlay districts, and mandatory referrals). The Metro Council can accept or not accept the recommendation.

Agendas and staff reports can be viewed on-line at www.nashville.gov/mpc/agendas or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville. Also, at the entrance to this meeting room, a binder of all staff reports has been placed on the table for your convenience.

Meetings on TV can be viewed live or shown at an alternative time on Channel 3. Visit www.nashville.gov/calendar for a broadcast schedule.

Writing to the Commission

You can mail, hand-deliver, fax, or e-mail comments on any agenda item to the Planning Department. For the Commission to receive your comments, prior to the meeting, you must submit them by **noon the day of the meeting**. Otherwise, you will need to bring 14 copies of your correspondence to the meeting and during your allotted time to speak, distribute your comments.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300
Fax: (615) 862-7130
E-mail: planningstaff@nashville.gov

Speaking to the Commission

If you want to appear in-person before the Commission, view our tips on presentations on-line at www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf and our summary regarding how Planning Commission public hearings are conducted at www.nashville.gov/mpc/docs/meetings/Rules_and_procedures.pdf. Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition. The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

- Day of meeting, get there at least 15 minutes ahead of the meeting start time to get a seat and to fill-out a "Request to Speak" form (located on table outside the door into this meeting room).
- Give your completed "Request to Speak" form to a staff member.
- For more information, view the Commission's Rules and Procedures, at www.nashville.gov/mpc/pdfs/main/rules_and_procedures.pdf

Legal Notice

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.



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Mr. Gee seconded the motion to adopt the revised agenda. (7-0)

C. APPROVAL OF MARCH 22, 2012 MINUTES

Councilmember Claiborne moved and Mr. Ponder seconded the motion to approve the March 22, 2012 minutes. (7-0)

D. RECOGNITION OF COUNCILMEMBERS

Mr. Clifton arrived at 4:06 p.m.

Dr. Cummings arrived at 4:11 p.m.

Councilmember Carter Todd spoke in support of SP zoning for Item 3.

Council Lady Johnson asked for deferral of Items 4a, 4b, 4c, 4d, and 4e.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

2. 2012Z-005TX-001

BL2012-113 / JOHNSON
STREETS IN MULTI-FAMILY DEVELOPMENTS

4a. 74-79P-003

NASHBORO VILLAGE SITE 14

4b. 74-79P-004

NASHBORO VILLAGE SITE 15

4c. 74-79P-006

NASHBORO VILLAGE SITE 27

4d. 74-79P-007

NASHBORO VILLAGE, SITE 25

Mr. Ponder moved and Dr. Cummings seconded the motion to approve the Deferred Items. (9-0)

F. CONSENT AGENDA

1. 2012Z-003TX-001

BL2012-117 / TYGARD
MICRO-BREWERY

5. 98P-007-003

SEVEN SPRINGS

6. 2012S-042-001

BATTLEFIELD ESTATES, RESUB LOT 27

7. Amendment of the adopted "Leave Transfer Program" for Metro Planning Department Non Civil Service Employees to include sick leave transfer

8. Resolution authorizing the expenditure of \$40,000 from the Advance Planning and Research Fund to the Nashville Area MPO to obtain specialized consultant expertise to develop and implement community surveying for the Nashville-Davidson County General Plan Update.
9. Amendment #3 to Contract #L-2268 between the Metropolitan Government of Nashville and Davidson County and PB Americas, Inc. for General Planning
10. Amendment #1 to Contract #L-2672 between the Metropolitan Government of Nashville and Davidson County and Westat, Inc. for Household Travel Survey
11. Employee contract renewal for Brandon Burnette.
12. New employee contracts for Ben Miskelly and Doug Sloan.
13. Capital Improvements Budget April 2012 Final

Mr. Gee moved and Mr. Clifton seconded the motion to approve the Consent Agenda. (9-0)

G. PREVIOUSLY DEFERRED ITEMS

No Cases on this Agenda

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

No Cases on this Agenda

I. RECOMMENDATIONS TO METRO COUNCIL

Zoning Text Amendments

1. 2012Z-003TX-001

BL2012-117 / TYGARD

MICRO-BREWERY

Staff Reviewer: Jennifer Regen

A request to amend Section 17.08.030, of the Metro Zoning Code, to allow micro-brewery as a "P" (permitted by right) in the Industrial and Warehousing/Distribution (IWD) District, requested by Councilmember Charlie Tygard.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Allow microbreweries in the IWD zoning district.

Text Amendment

A request to amend Section 17.08.030.D of the Metro Zoning Code to allow micro-brewery as a "P" (permitted by right) in the Industrial and Warehousing/Distribution (IWD) District.

CRITICAL PLANNING GOALS N/A

PURPOSE OF THE TEXT AMENDMENT

This text amendment is intended to allow microbreweries to locate in the IWD zoning district. Currently, a microbrewery is allowed in the IR and IG zoning districts, but is prohibited in the IWD.

Existing Law

Microbreweries are permitted by right (P) in the CF, DTC, IR, and IG zoning districts.

Proposed Bill

The proposed bill amends Section 17.08.030 (District Land Use Table) to add "Microbrewery" as a use permitted by right (P) in the IWD zoning district. The change would make a microbrewery and an artisan distillery allowed in the same zoning districts.

ANALYSIS

On September 19, 2008, the Metro Council adopted substitute ordinance BL2008-282 classifying a "Microbrewery" as a *business that produced beer regardless of the percentage of alcohol by volume (ABV), in quantities not to exceed five thousand (5,000) barrels per month, with a barrel containing thirty-one U.S. liquid gallons.* Prior to its adoption, the Zoning Administrator had to classify a microbrewery as a medium manufacturing use, greatly limiting where such a use could locate in Nashville. With the advent of craft breweries and nano-breweries, where production is limited and small-scale, the earlier manufacturing classification was found to be antiquated.

On February 2, 2009, the Metro Council adopted ordinance BL2009-587 allowing a microbrewery anywhere in the DTC. Again, the Council recognized the unique nature of these businesses and their contribution to the entertainment, restaurant, retail, and tourist venues located in downtown Nashville.

On November 19, 2009, the Metro Council adopted ordinance BL2009-537 allowing an artisan distillery in the IWD, IR, and IG zoning districts as well as the DTC. An artisan distillery produces less than 1,000 barrels of alcoholic beverage a month, and a barrel equals fifty-five U.S. liquid gallons.

STAFF RECOMMENDATION

Staff recommends approval of this bill. A microbrewery use will complement, not detract from, other uses located in an IWD zoning district. It is a small-scale manufacturing concern just like an artisan distillery, where alcoholic beverages are produced in small batches.

ORDINANCE NO. BL2012-117

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, to modify Section 17.08.030.D (District Land use Table) to permit "Microbrewery" in the IWD zoning district (Proposal No. 2012Z-003TX-001).

WHEREAS, the Metro Council adopted Substitute Ordinance BL2008-282 on September 19, 2008, allowing microbreweries as a permitted use in the CF, IR and IG zoning districts;

WHEREAS, the Metro Council adopted Ordinance BL2009-587 on February 2, 2010 allowing microbreweries as a permitted use in the DTC zoning district;

WHEREAS, microbreweries are a manufacturing use appropriate for industrial zoning districts; and,

WHEREAS, it is fitting and proper to allow microbreweries in all industrial zoning districts as part of Nashville's entertainment and tourism industry.

NOW, THEREFORE BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. Amend Section 17.08.030.D (Zoning District Land Use Table: Industrial Uses) by inserting "Microbrewery" as a permitted (P) use in the IWD zoning district.

SECTION 2. That this Ordinance shall take effect five (5) days after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Charlie Tygard

Approved (9-0), Consent Agenda

Resolution No. RS2012-63

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-003TX-001 is **APPROVED. (9-0)**

A microbrewery is a small-scale manufacturing use that is consistent with the intent of the IWD zoning district. A similar use, artisan distillery, is already permitted in the IWD zoning district."

2. 2012Z-005TX-001

BL2012-113 / JOHNSON
STREETS IN MULTI-FAMILY DEVELOPMENTS

Staff Reviewer: Jennifer Regen

A request to amend the Metro Zoning Code to add a new provision in Chapter 17.28 (Environmental and Operational Performance Standards) to require multi-family developments in certain situations to construct public streets within the development, requested by Councilmember Karen Johnson.

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED INDEFINITELY 2012Z-005TX-001 at the request of the applicant. (9-0)

Specific Plans

3. 2012SP-005-001

VOCE DEVELOPMENT

Map 159, Parcel(s) 055

Council District 34 (Carter Todd)

Staff Reviewer: Brenda Bernards

A request to rezone from RS40 to SP-R zoning property located at 5570 Granny White Pike, approximately 300 feet north of Oman Drive (61.23 acres), to permit 57 residential units and a residential sales center, requested by Civil Site Design Group, applicant, Granny White Cabin Realty LLC, owner.

Staff Recommendation: APPROVE WITH CONDITIONS and disapprove without all conditions and grant variances to the Subdivision Regulations for flag lots and sidewalks.

APPLICANT REQUEST

Permit up to 57 residential units.

Zone Change

A request to rezone from Single-Family Residential (RS40) to Specific Plan-Residential (SP-R) zoning property located at 5570 Granny White Pike, approximately 300 feet north of Oman Drive (61.23 acres), to permit up to 57 residential units and a residential sales center.

Existing Zoning

RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of 0.93 dwelling units per acre. *Using the cluster lot option, the lot yield for this property is 56 dwelling units.*

Proposed Zoning

Specific Plan-Residential 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 up to 57 single-family residential units.*

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Creates Open Space
- Creates Walkable Neighborhoods

The Vocé SP proposal meets a number of critical planning goals. The site has varied topography, a number of natural drainage ways and many mature trees. Approximately 37 percent of the site, 22.63 acres, will remain as open space. The applicant has worked with Public Works and the Fire Marshal to develop alternative street sections that minimize the grading required. The lots have been laid out based on topographic conditions and will allow many of the mature trees on site to be saved. The natural drainage ways are utilized as an alternative to piping. The plan proposes an integrated network of sidewalks, trails, paths and other pedestrian ways creating a walkable community.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Residential Low (RL) is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

This property is within Special Policy Area No. 13.

In non-conventional developments, such as PUDs and cluster lot subdivisions, the following is recommended for the portions of such developments that abut or face existing conventional subdivisions:

- 1) these areas should be generous open space with sufficient vegetation to minimize the visual impact of the new development or*
- 2) the new development in these areas should be designed to reflect the character and appearance of the abutting conventional subdivision in terms of lot widths and front setbacks.*

The plan includes a landscape buffer around the entire property. The applicant has worked with the Urban Forester to determine the most appropriate plantings to supplement the existing vegetation in these areas.

Consistent with Policy?

Yes. The proposed plan is consistent with the RL policy with an overall density of 1.09 units per acre. In addition, the plan includes generous open spaces with sufficient vegetation to minimize the visual impact of this development as required by Special Policy Area No. 13.

PLAN DETAILS

The Vocé SP includes a site plan, landscape buffer plan and report that includes a regulating plan and design standards.

Site Plan

The approximately 61 acre site is characterized by steep slopes to the rear, natural drainage ways and mature trees. The proposed plan includes 57 building lots for single-family residences ranging from 5,550 square feet to over 100,000 square that are laid out in a manner that works with the character of the property to preserve the slopes and many of the mature trees. Under the existing zoning of RS40, a cluster lot subdivision would yield 56 lots. However, as lots could only be reduced to 20,000 square feet, the layout would require more grading and the removal of more vegetation.

A number of lots are shown as critical lots due to the steep slopes. As required by the Subdivision Regulations, the plan shows preliminary grading and provides details of measures to be taken to protect natural features, minimize changes in grade, cleared areas and street alignments to minimize disturbance of slopes.

The plan shows two road connections, one to Granny White Pike to the west and the second connection to Carlybrook Lane to the northwest. The steep slopes prevent additional connections. There is one driveway serving two lots that connects to Granny White Pike. All other driveways connect to the internal street system. In order to minimize grading, the applicant sought, and the Board of Fire and Building Codes granted, a variance to permit road and driveway grades to exceed 10 percent in certain locations. The applicant has worked with Public Works to develop alternative roadway designs that meet three objectives to reduce run-off, increase permeable areas, minimize grading and increase the number of mature trees that can be saved.

Sidewalks are shown on one side of the new streets and a footpath through the open space areas is planned. The proposal will require a variance from the sidewalk requirements of the Subdivision Regulations. Variances to this section and other sections of the Regulations are discussed below. The applicant has indicated that rather than building the required sidewalk on Granny White Pike, an in-lieu contribution to the sidewalk fund will be made. The Subdivision Regulations provide for this option.

A neighborhood commons area is proposed to accommodate play areas and will serve as a gathering area. An existing log cabin on the property will be moved to the common area.

Details of building materials have been provided. A Design Review Committee (DRC) will be established and will include an Architect, Landscape Architect and Arborist. The DRC will review and approve house site plans, elevations and landscape plans as well as any design standards of the homeowners' association. The DRC will not be a public entity associated with the Metro government or with the Planning Commission.

Regulating Plan

The Vocé SP includes a regulating plan that details the bulk standards for the two housing types. This is the portion of the SP that will be reviewed and approved by staff. This includes the lot area, building coverage, setbacks, height and parking requirements. The regulating plan also includes entrance signage, lighting requirements and landscaping requirements.

Subdivision Regulations

As the preliminary SP plan plays a similar role to a concept plan for a subdivision, the applicant gave consideration to the Subdivision Regulations in designing the site plan for the Vocé SP. With the request for preliminary approval, the applicant has also requested variances to Section 3-4.2.d to permit flag lots and Section 3-8.1 to allow sidewalks on one side of the new streets only.

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

The intent of the regulations for which the variances are sought are to ensure all lots have street frontage and to provide sidewalks on new streets. The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area, as the proposed lot layouts causing flag lots and the reduced pavement widths of the streets are a result of the applicants efforts to design a development that is sensitive to the environmental resources of the property.
- b. There are no other subdivisions proposed in the immediate area as it is primarily developed, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The applicant could develop the property as a more conventional subdivision but in order to protect the environmental resources and character of the property and reduce grading, a more innovative and sensitive design is proposed.
- d. The subdivision is consistent with the area's long range policy or RL and the Special Policy Area No. 13. With the adoption of the SP Plan, the subdivision will meet the zoning requirements.

URBAN FORESTER RECOMMENDATION

I have reviewed the plan and visited the site with the applicant. The conscientious approach to protecting the existing trees and the proposed layout of the development is impressive. Virtually any development of this size includes the removal of trees, as this one surely does. However, the applicant has exhibited a profound understanding of environmental stewardship with the development plan.

There are several "landmark" sized Oak trees that will be incorporated into the design and will be protected using the techniques and materials set forth by the Tree Ordinance. In addition, the roads, lots, and building pads have been placed in such a way as to adhere to the lay of the land and to minimize any runoff.

I recommend approval of this project.

STORMWATER RECOMMENDATION

Preliminary SP approved with conditions:

- Water Quality will require 80% TSS removal.

PUBLIC WORKS RECOMMENDATION

Public Works is in general agreement with the concept and layout of this development; however certain features may require modifications prior to final development plans and construction permitting.

Conditions:

1. In conjunction with final construction plans, sight triangles should be provided to identify that adequate sight distance is available at the specific location of the project access.
2. Construct access drive on Granny White Pike with a minimum of 1 entering lane and 2 exiting lanes, striped as separate left and right turn lanes with 100 ft of storage and transition per MUTCD and AASHTO standards.
3. Construct a Southbound left turn lane on Granny White at project access with 75ft of storage and transition per MUTCD and AASHTO standards.
4. Portions of this property contain steep slopes and soils that may be prone to slippage and erosion when cuts are made. With construction plan submittal include a geotechnical report stamped by a licensed engineer that evaluates the soils based upon field testing along the planned roadways and outline the necessary mitigations to prevent slippage and erosion.
5. Retaining walls are generally not recommended adjacent to the right-of-way in residential areas. When used for roadway purposes, walls must be designed by a licensed engineer, and conform to the TDOT Earth Retaining Structures Manual latest edition. For the environmental design in this development, walls four feet or less may be adjacent to the back of the right-of-way line. Walls greater than four feet and less than ten feet must be moved back from the right-of-way a distance equal to the height over four feet. Walls greater than ten feet must be moved back from the right-of-way a distance equal to the height of the wall.
6. This plan suggests existing trees to be retained as close as five feet from the roadway. Public Works supports retaining as many trees as possible, however there are concerns that excavation and/or compaction within the drip line of a tree will result in permanent root damage significantly reducing the life of the tree, and potentially having adverse implications for the stability of the roadway. This proposal will require further evaluation by the developer's arborist, engineer, and Metro. In any case the developer will be responsible for removing trees that do not survive within the right of way for a period of three years beyond the street acceptance date.
7. Public Works is agreeable to the proposed reduction in cross-section width for this particular project so long as adequate on-site parking is provided and a connection is made to the adjacent development. Should the proposed connection not be provided, the Public Works standard cross section ST-252 will apply to all streets.
8. Street grades shall be a minimum of 1% and a maximum of 12% unless the engineer documents an environmental hardship. In no case shall any grade exceed 15% and must comply with the regulations of the Metro Fire Department. Landings are required on all intersections. Approval of this concept plan does not constitute approval of the proposed road grades shown on the concept plan.
9. All streets shall be crowned per Public Works standard drawings.

10. Construction traffic shall access the site directly from Granny White Pike and not through Carlybrook Lane.
11. A solid waste plan must be filed with the final SP.
12. 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.

Maximum Uses in Existing Zoning District: **RS40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	61.23	1.16 D	56 L*	620	50	65

*Density calculated using cluster lot provision

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential(210)	61.23	-	57 L	620	50	65

Traffic changes between maximum: **RS40** and proposed **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-1 L	0	0	0

SCHOOL BOARD REPORT

Projected student generation **4** Elementary **2** Middle **2** High

The proposed 57 residential units will generate the same number of students as the 56 residential units permitted under the RS40 zoning district.

Schools Over/Under Capacity

Students would attend Percy Priest Elementary School, J.T. Moore Middle School, and Hillsboro High School. Percy Priest Elementary School and J.T. Moore Middle School are identified as over capacity. There is no capacity within the cluster for additional elementary and middle school students. This information is based upon data from the school board last updated September 2011.

Fiscal Liability

The fiscal liability of four new elementary students is \$80,000 (4 X \$20,000) and two new middle school students is \$47,000 (2 X \$23,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the Vocé SP as it is consistent with the RL land use policy and meets the requirements of Special Policy Area No. 13. In addition, staff recommends that variances to the flag lot and sidewalk requirements of the Subdivision Regulations as described in the staff report.

CONDITIONS

1. The requirements of Public Works and Stormwater Division shall be met.
2. The uses of this SP shall be limited to single-family residential and associated uses as shown on the plan.
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 RS10 zoning district for the courtyard villa single family lots and the RS20 zoning district for the remaining single-family lots as of the date of the applicable request or application.
4. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.

5. 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.
6. 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 the staff recommendation of Approval with Conditions.

Shannon Pollard, applicant, spoke in support of staff recommendation.

Dudley Smith, 1221 Clifter Drive, spoke in support of staff recommendation.

Jeff King, 401 Commerce Street, spoke in support of staff recommendation.

Edsel Charles, 609 Banbury Place, spoke in support of staff recommendation.

Charlie McClendon, PO Box 158923, spoke in support of staff recommendation.

Adam Epstein, 3704 Hobbs Road, spoke in support of staff recommendation.

Jack Smithwig, 1133 Stonewall Jackson Court, spoke in support of staff recommendation.

Jim Caden, 4 Wynstone, spoke in support of staff recommendation.

Jonathan Cummings, 123 Riverbend Drive, spoke in support of staff recommendation.

Steve (unsure of his last name), spoke in support of staff recommendation.

Lisa Maki, PO Box 150917, spoke in support of staff recommendation.

Bill Frasch, President of High Valley HOA, spoke against staff recommendation.

Jim Murphy, Hound's Run HOA, spoke against staff recommendation.

Eric Snyder, Oman Drive HOA, spoke against staff recommendation.

Matthew Foster, City of Forest Hills, spoke against staff recommendation.

Mary Kantanie, 1427 Richland Woods Lane, spoke against staff recommendation.

Tom DePauw, 1144 Radnor Glen Drive, spoke against staff recommendation.

Roger Price, 5001 High Valley Drive, spoke against staff recommendation.

Dominick Mancuso, 1100 Radnor Glen Drive, spoke against staff recommendation.

Charles Kimbel, 1249 E. Hickory Springs, spoke against staff recommendation.

Whitney Sitzler, 1404 Richland Woods Lane, spoke against staff recommendation.

Barry Holt spoke against staff recommendation.

Kevin Gangaware, on rebuttal, stated that the neighbors don't believe that 56 lots can be developed, but it can be done. He also noted that Richland Woods is a cluster lot development. Geotechnical studies have been done on this property and it can be developed safely.

Dr. Cummings moved and Mr. Gee seconded the motion to close the Public Hearing. (9-0)

Mr. Haynes expressed concern with the two lots that dump directly on to Granny White Pike and stated that it seems to be a significant traffic hazard.

Rob Pease, applicant, clarified that the lots spill on to Granny White Pike in an effort to preserve the drains and trees.

Mr. Adkins stated that development under the current RS40 zoning is a terrible idea; it's bad for the community and bad for Nashville. He

also expressed agreement with Mr. Haynes concerns regarding the two lots dumping on to Granny White.

Ms. LeQuire asked staff to clarify the levels of SP approval.

Ms. Bernards clarified that if the proposal is approved by the Planning Commission, the next step is Council approval, then final site plan approval, and then the final plat.

Ms. LeQuire noted that stormwater runoff and a geotechnical study will be important to consider at a later step in the process. She also inquired if more pervious surfaces could be added.

Councilmember Claiborne stated that this development is consistent with all the land use policies and meets all the requirements; this is only the first stage of an extended process. He expressed support of staff recommendation.

Mr. Ponder expressed that this is an environmentally fresh development and spoke in support of staff recommendation.

Dr. Cummings requested that Stormwater share their position on this proposal.

Steve Mishu, Metro Stormwater, stated that everything will be done to ensure that this development does not negatively impact downstream neighbors. He also noted that pervious pavement is fine everywhere except right-of-ways.

Dr. Cummings inquired if it is normal practice to require an Environmental Impact Study? She also inquired if the turn lane is a condition.

Devin Doyle, Public Works, stated that a Traffic Impact Study was submitted and evaluated. The initial recommendation was that no turn lane would be required, but Public Works asked for further analysis. The left turn lane was conditioned with the understanding that potential modification is possible depending on further evaluation and discussion.

Dr. Cummings inquired if Public Works had any concerns with the two lots dumping on to Granny White.

Mr. Doyle stated that no, the two lots would generate less than 20 trips per day.

Mr. Bernhardt clarified that approximately 95% of the evaluation of this project was based on environmental factors.

Dr. Cummings expressed her support of staff recommendation.

Mr. Clifton noted that water is always an issue, but large developments like this tend to improve run off. He spoke in support of staff recommendation.

Mr. Gee moved and Dr. Cummings seconded the motion to approve with conditions, including the revised Public Works Condition Number 3, disapprove without all conditions, grant variances to the Subdivision Regulations for flag lots and sidewalks, and request that the developer look at alternatives to driveways directly accessing Granny White Pike. (9-0)

Resolution No. RS2012-64

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-005-001 is **APPROVED WITH CONDITIONS, including the revised Public Works condition No. 3 in the staff report to add "*However, if a revised traffic analysis is submitted to and approved by the Department of Public Works related to this condition, it may be modified or removed*", and disapprove without all conditions and grant variances to the Subdivision Regulations for flat lots and sidewalks, and request that the developer look at alternatives to driveways directly accessing Granny White Pike. The Final Site Plan will go to the Planning Commission without a public hearing. (9-0)**

Conditions of Approval:

1. The requirements of Public Works and Stormwater Division shall be met.
2. The uses of this SP shall be limited to single-family residential and associated uses as shown on the plan.
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 RS10 zoning district for the courtyard villa single family lots and the RS20 zoning district for the remaining single-family lots as of the date of the applicable request or application.
4. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains

the plan and all related SP documents. 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.

5. 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.
6. 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.

The proposed SP is consistent with the RL land use policy and meets the requirements of Special Policy 13."

Planned Unit Developments: Periodic Review

4a. 74-79P-003

NASHBORO VILLAGE SITE 14

Map 135, Parcel(s) 276
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located at Nashboro Boulevard (unnumbered), at the southeast corner of Nashboro Boulevard and Flintlock Court, Site 14, zoned R10 (4.48 acres), approved for 144 multifamily units in two six-story buildings, requested by Councilmember Karen Y. Johnson, applicant, Flintlock Investors, LLC, owner.

Staff Recommendation: FIND THE PUD INACTIVE, recommend to the Metro Council that PUD continue to be implemented as adopted.

The Metropolitan Planning Commission DEFERRED 74-79P-003 to the May 24, 2012, Planning Commission meeting. (9-0)

4b. 74-79P-004

NASHBORO VILLAGE SITE 15

Map 135, Parcel(s) 418
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located at Nashboro Boulevard (unnumbered), at the southwest corner of Nashboro Boulevard and Flintlock Court, Site 15, zoned R10 (3.46 acres), approved for approximately 27,600 square feet of commercial uses, requested by Councilmember Karen Y. Johnson, applicant, Vastland Nashboro Development, LLC, owner.

Staff Recommendation: FIND THE PUD INACTIVE, recommend to the Metro Council that the PUD continue to be implemented as adopted.

The Metropolitan Planning Commission DEFERRED 74-79P-004 to the May 24, 2012, Planning Commission meeting. (9-0)

4c. 74-79P-006

NASHBORO VILLAGE SITE 27

Map 135, Parcel(s) 317
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development

Overlay District located at Nashboro Boulevard (unnumbered), approximately 1,500 feet east of Murfreesboro Pike, Site 27, zoned RM6 (1.7 acres), approved for a day care center, requested by Councilmember Karen Y. Johnson, applicant, Vastland Nashboro Development, LLC, owner.

Staff Recommendation: FIND THE PUD INACTIVE, recommend to the Metro Council that the PUD continue to be implemented as adopted.

The Metropolitan Planning Commission DEFERRED 74-79P-006 to the May 24, 2012, Planning Commission meeting. (9-0)

4d. 74-79P-007

NASHBORO VILLAGE, SITE 25

Map 135, Part of Parcel(s) 308
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located on a portion of property at 171 Bell Road, approximately 1,000 feet south of Nashboro Boulevard, Site 25, zoned R10 (1.2 acres), approved for 100 units in a five-story building, requested by Councilmember Karen Y. Johnson, applicant, Nashboro Golf Course, LLC, owner.

Staff Recommendation: FIND THE PUD INACTIVE, recommend to the Metro Council that the PUD continue to be implemented as adopted.

The Metropolitan Planning Commission DEFERRED 74-79P-007 to the May 24, 2012, Planning Commission meeting. (9-0)

4e. 74-79P-005

NASHBORO VILLAGE, SITE 3

Map 135-11-0-D, Parcel(s) 900
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located on various properties at 901 B Nashboro Boulevard, approximately 1,190 feet east of Murfreesboro Pike, Site 3, zoned R10 (12.59 acres), approved for 73 townhomes, requested by Councilmember Karen Y. Johnson, applicant, Townhomes of Nashboro Village, L.P., owner.

Staff Recommendation: FIND THE PUD ACTIVE

APPLICANT REQUEST

Periodic Review of Sites 3, 14, 15, 25 and 27 within the Nashboro Village PUD

This staff report is organized to give a brief description of the overall PUD and a description of the PUD Periodic Review process. The staff analysis of each individual portion will follow. Staff is recommending that Sites 14, 15 and 27 be found inactive but retain as approved. These will be discussed first. Staff is recommending that Site 25 be found inactive and that it be amended. This will be discussed next. Staff is recommending that Site 3 be found active. This will be the concluding discussion.

PLAN DETAILS

The Nashboro Village PUD is located between Murfreesboro Pike and Bell Road south of Smith Springs Road in the Antioch area of Davidson County. The PUD was originally approved by the Metro Council in 1979 for a range of housing types, commercial uses, recreational facilities and a day care center. The PUD was divided into 28 development sites and these have been developed in phases over time. Portions of the PUD have been revised and the master plan updated a number of times. The main recreational facilities include a golf course, which is the central feature of the PUD, and a tennis facility.

This PUD is within the Antioch/ Priest Lake Community Plan. The Land Use policy is Residential Medium (RM). This policy supports a variety of housing types within a density range of four to nine dwelling units per acre. The Nashboro Village PUD covers approximately 393 acres with 2,475 residential units for an overall density of 6.3 units per acre.

INITIATION OF THE PUD REVIEW

Councilmember Johnson sent letters to the Planning Department on February 22, 2012, and March 12, 2012, requesting that five portions of the Nashboro Village PUD be reviewed to determine whether or not they are active. The review was initiated on March 1, 2012 for Sites 3, 14 and 15, the next scheduled filing deadline for a Planning Commission meeting. The review was initiated on March 12, 2012, for Sites 25 and 27 to track with the other requests for a periodic review of portions of this PUD. Certified letters were sent to the property owners informing them of the initiation of the review and requesting documentation of activity.

A site visit was made in March 2012 to these five portions of the PUD.

PERIODIC PUD REVIEW

Section 17.40.120.H of the Metro Zoning Ordinance authorizes a councilmember to request, and the Metropolitan Planning Commission to review, any Planned Unit Development (PUD) overlay district, or portion thereof, to determine whether the PUD is "inactive," and if so, to recommend to the Council what action should be taken with respect to the PUD. The Commission determines whether the PUD is "inactive" by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council. If the Planning Commission determines the PUD to be inactive, the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

Analysis

Classification of the PUD

Under 17.40.120 H., the Commission is first required to determine whether the portion of the Nashboro Village PUD is active or inactive by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council.

Section 17.40.120 H.3.a. of the Metro Code requires the Planning Commission to make three findings in order to determine whether a PUD has been active or inactive:

- i. Six or more years have elapsed since the latter of*
 - (1) The effective date of the initial enacting ordinance of the PUD,*
 - (2) The effective date of any ordinance approving an amendment to the PUD,*
 - (3) The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or*
 - (4) The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and*

The initial enacting ordinance for the Nashboro Village PUD became effective January 1979. There have been no amendments to these portions of the PUD that required Metro Council approval since the initial enactment date.

- ii. Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and*
- iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.*

Property owners were requested to provide documentation of any activity for the above measures.

Section 17.40.120 H.3.a. states that the Commission "*may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review.*" The letters sent via certified mail also requested details of any development activity on the property over the past 12 months.

PLANNING COMMISSION RECOMMENDATION TO METRO COUNCIL

If the Planning Commission determines that any of the five portions of the PUD under review are active, then no further action is required for that portion of the PUD.

If the Commission determines that any of the portions of the PUD are inactive, then the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

With respect to the legislation to be recommended to the Metro Council, the Planning Commission is directed by the Code to take two distinct steps.

First, the Commission is to determine whether the "*existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans.*"

Second, the Commission is to recommend the legislation, and include, as needed:

- (a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.*
- (b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.*
- (c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.*

Metro Zoning Code
Section 17.40.120 H: Periodic Review of Planned Unit Developments

H. Periodic Review of Planned Unit Developments.

1. *Authorization to Review.* The metropolitan planning commission is authorized to review any planned unit development overlay district (PUD), or portion thereof, to determine whether development activity has occurred within six years from the date of the latter of initial enactment, subsequent amendment, or re-approval by the metropolitan council, and, if determined inactive in accordance with subsection 4.a. of this section, to recommend legislation to the council to re-approve, amend or cancel the PUD and make conforming changes to the base zoning if necessary.
 2. *Initiation.* Review of a PUD or portion thereof to determine inactivity may be initiated by the metropolitan planning commission
 - a. On its own initiative,
 - b. By written request of a member of the metropolitan council, or
 - c. By written request of a property owner within the area of the PUD overlay requested for review.
 - d. *Notice of Review.* Within five business days of the initiation of a review, the planning commission shall send written notice to the district councilmember(s) for the district(s) in which the PUD is located, to the zoning administrator, and to the owner(s) of property in the portion of the PUD overlay district to be reviewed.
 3. *Metropolitan Planning Commission Procedure.* Within 90 days from the initiation of its review, the planning commission shall hold a public hearing in accordance with the planning commission's adopted Rules and Procedures to concurrently consider if the PUD or portion thereof should be classified as inactive and, if found inactive, provide a recommendation to the metropolitan council on legislation to re-approve, amend or cancel the PUD and make conforming changes to the base zoning district if necessary.
 - a. *Determination of Inactivity.* To determine that a PUD or portion thereof is inactive, the planning commission shall establish each of the findings i. through iii. below. The planning commission may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review.
 - i. Six or more years have elapsed since the latter of
 - (1) The effective date of the initial enacting ordinance of the PUD,
 - (2) The effective date of any ordinance approving an amendment to the PUD,
 - (3) The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or
 - (4) The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and
 - ii. Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and
 - iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.
 - b. *Recommendation to Metropolitan Council.* If the planning commission determines that the PUD or portion thereof under review is inactive, the commission shall recommend legislation to the metropolitan council to re-approve, amend, or cancel the PUD, or portion thereof that is determined to be inactive, including conforming changes to the base zoning district if necessary. In recommending legislation, the planning commission shall:
 - i. Determine whether the existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans adopted by the metropolitan government.
 - ii. Recommend legislation to re-approve, amend, or cancel the existing overlay district, including as required:
 - (a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.
 - (b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.
 - (c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.
- Failure of the planning commission to act within 90 days from the initiation of a review shall be considered a recommendation to re-approve by ordinance the existing PUD overlay district without alteration.*
- c. *When Inactivity Not Established.* If the planning commission determines that the PUD or portion thereof under review does not meet the criteria of Section 17.40.120.H.4.a for inactivity, the PUD review is concluded, the limitations of subsection 5 are terminated, and a re-review of the PUD shall not be initiated in the manner of subsection 2 of this section for 12 months following the commission's determination.
4. *Metropolitan Council Consideration.* The procedures of Article III of this chapter (Amendments) shall apply to metropolitan council consideration of ordinance(s) to:
 - a. Re-approve the existing PUD master plan and apply the appropriate base zoning district(s), if different from current base zoning,
 - b. Amend the PUD master plan, or
 - c. Cancel the PUD overlay district, including any change(s) to the underlying base zoning district.
 - d. Decline to take action by ordinance. If the metropolitan council does not act to re-approve, amend, or cancel the PUD within six

months of receipt of the planning commission's recommended legislation, the property may be developed in accordance with the master development plan last approved by the metropolitan council, or subsequently revised by the planning commission.

5. *No grading permit nor any building permit for new building construction shall be issued within the PUD overlay district or portion thereof for which a review has been initiated until the earlier of:
 - a. *The metropolitan council's final action to re-approve, amend or cancel the PUD overlay district, or*
 - b. *Six months following the planning commission's submission of a recommendation to the metropolitan council, or the deadline for that submission should the commission fail to act.**

Planned Unit Development 74-79P-005, Nashboro Village PUD Review Site 3

APPLICANT REQUEST

Periodic Review of Site 3 of the Nashboro Village PUD

PUD Review

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located on various properties at 901 B Nashboro Boulevard, approximately 1,190 feet east of Murfreesboro Pike, Site 3, zoned R10 (12.59 acres), approved for 73 townhomes.

Existing Zoning

Site 3 is zoned R10 with a PUD overlay District. The PUD overlay allows 73 townhouse units. Site 3 was originally approved for 78 townhouse units. In December 2005, the Planning Commission approved the final site plan for Site 3 with a reduced unit count of 73 townhouses. The Planning Commission approved a revision to the plan in January 2009 to remove a connection of a private drive across the Colonial Pipeline gas line easement.

Timeline for Planning Commission Action

The Zoning Code requires that within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. This request was initiated on March 1, 2012 and the 90 day period extends to May 30, 2012. A If the Planning Commission does not make a determination within 90 days from the initiation of a review it will be considered that a recommendation was made to re-approve by ordinance the existing PUD overlay district without alteration.

ANALYSIS

As noted above, staff made a site visit in March 2012 and observed the presence of infrastructure to serve this development. In addition, the property owner's representative did respond to the letter requesting documentation of activity with the following details of physical improvements constructed on the site:

- April 25, 2006 – Grading Permit No. SW2005-266 issued by Metro for site construction work on Tract 3.
- May 2006 to August 2006 – Approximately 90% of the site grading work and storm drainage infrastructure was installed for the 73 townhome units.
- June, 2007 – Public water and sanitary sewer line infrastructure installed for service to the 73 townhome units.
- December 21, 2007 - Wamble & Associates, PLLC prepares as-built plans for the public water and sanitary sewer infrastructure.

The owner's representative also provided documentation of activity within the past 12 months to develop Site 3. In the summer of 2011 investors in the Nashboro Village Townhomes, LP entered into a contract with First Bank to purchase and finish the previously approved development on Site 3.

A review of our file indicates the following activities have occurred on Site 3:

- June 6, 2011 - Wamble & Associates, PLLC engaged by Bacar Constructors to prepare an as-built survey and contact Metro departments to identify the items necessary to complete the site work and obtain building permits for the 73 townhome units in Nashboro Village Tract 3.
- June – December 2011 - Wamble & Associates, PLLC, Quirk Designs, Greenspace Design and Bacar Constructors engaged by Townhomes of Nashboro Village, LP to develop site plans, unit architecture, site landscaping and development cost for completing the 73 townhome units approved on Nashboro Village Tract 3.
- November 10, 2011 - Wamble & Associates, PLLC prepares an updated ALTA Survey for Nashboro Village Tract 3.
- December 2011 – Building Permit No. T201128012 issued by Metro Codes Department.
- December 6, 2011 – Application for service submitted to NES.
- February 24, 2012 – Townhomes of Nashboro Village, LP acquires Nashboro Village Tract 3 from First Bank by Special Warranty Deed.
- March 9, 2012 - Wamble & Associates, PLLC prepares Revised Site Construction Plans and submits to Metro Planning, Metro Stormwater, Metro Public Works for approval and building permit sign-off.

Based on records provided by the property owner, First Bank was paid \$650,000 for the purchase of Site 3 on February 24, 2012. From that

time to date approximately, \$75,000 has been paid on fees and expenses to enable the continued development and building the Site 3 project. These fees and expenses were for legal fees, appraisal fees, architecture fees, surveying fees, engineering fees, and contractor fees.”

Based on the documentation provided and the site visit, staff recommends that Site 3 of the Nashboro Village PUD be found to be active.

Consistency with Policy

The land use policy on this property and all properties within the PUD is Residential Medium (RM). This policy supports a variety of housing types within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments. The Nashboro Village PUD covers approximately 393 acres with 2,475 residential units for an overall density of 6.3 units per acre. This density fits within the RM policy.

Recommended Legislation (if required)

If the PUD is found to be inactive, staff recommends that the PUD be maintained as approved as it “is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans.”

STAFF RECOMMENDATION

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find this portion of the Nashboro Village PUD to be active. If the Planning Commission finds the PUD to be inactive, staff recommends that the PUD be maintained as approved.

Ms. Bernards presented the staff recommendation of finding the PUD active.

Mr. Haynes left at 6:18 p.m.

Bob Preston, 2216 Nashboro Blvd, spoke against staff recommendation.

Vivian Wilhoite, 1029 Flintlock Court, spoke against staff recommendation.

Vicky Tatarin, 2510 Sleepy Hollow, spoke against staff recommendation.

Linda Hill, 1121 Nashboro Blvd, spoke against staff recommendation.

Jacqueline McCoy, Nashboro Woods, spoke against staff recommendation.

Sam Neal spoke against staff recommendation.

Elizabeth Hembree, 1151 Nashboro Blvd, spoke against staff recommendation.

Jo Beth Hastings, Nashboro Woods, spoke against staff recommendation.

Council Lady Johnson requested a deferral in order to have a community meeting with the developer.

Mr. Ponder left at 6:48 p.m.

Tom White, representing the property owner, asked the Commission to find the PUD active and noted that a deferral is not needed.

Mr. Adkins moved and Mr. Clifton seconded the motion to close the Public Hearing. (7-0)

Mr. Adkins stated that based on the information provided, the PUD is clearly active and he will support staff recommendation.

Ms. LeQuire asked for clarification on staff findings.

Mr. Clifton out at 6:59 p.m.

Councilmember Claiborne noted that there has been activity that shows that this PUD is active and expressed support of staff recommendation.

Dr. Cummings noted that some of the things that make this PUD active will not show up on the site, i.e. permits pulled, etc. She expressed support of staff recommendation.

Mr. Clifton in at 7:01 p.m.

Mr. Clifton noted that we don't have the right to tell a property owner that they cannot do what they are zoned to do. He stated support of staff recommendation.

Mr. Gee moved and Mr. Adkins seconded the motion to approve staff recommendation. (7-0)

Resolution No. RS2012-65

“BE IT RESOLVED by The Metropolitan Planning Commission that 74-79P-005 is **APPROVED, finding the PUD Overlay ACTIVE. (7-0)**”

J. PLANNING COMMISSION ACTIONS

Planned Unit Developments: final site plans

5. 98P-007-003

SEVEN SPRINGS

Map 160, Parcel(s) 044

Council District 04 (Brady Banks)

Staff Reviewer: Greg Johnson

A request to revise the preliminary plan and for final site plan approval for a portion of the Seven Springs Commercial Planned Unit Development Overlay District, located at 330 Seven Springs Way, opposite Cloverland Drive (10.94 acres), zoned MUL, to permit the development of a seven-story, 203,000 square foot office building, an 875-space parking garage and 25,706 square feet of retail uses in two buildings, requested by Barge Cauthen & Associates, applicant, for Highwoods Realty Limited Partners, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST

To increase the amount of office space from previous preliminary approval, and for final approval of office and retail development

Planned Unit Development (revision and final)

A request to revise the preliminary plan and for final site plan approval for a portion of the Seven Springs Commercial Planned Unit Development Overlay District, located at 330 Seven Springs Way, opposite Cloverland Drive (10.94 acres), zoned Mixed Use Limited (MUL), to permit the development of a seven-story, 203,000 square foot office building, an 875-space parking garage and 25,706 square feet of retail uses in two buildings.

Existing Zoning

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

SOUTHEAST COMMUNITY PLAN

Office Concentration (OC) is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use. OC activities will generally require some support services for office employees, such as restaurants, convenience stores, and health clubs. Often these support services cannot survive by serving only the OC area and must attract customers from other areas, which can lead to traffic congestion.

Consistent with Policy?

Yes. The revision to the preliminary PUD does not alter the basic layout of office and retail development that was approved in 2009. That amendment proposal included office and retail uses organized in a layout intended to emphasize walkable connectivity between those uses and with adjacent office uses within the PUD. The proposed revision will change the size and shape of the approved office and retail slightly, but the basic layout will maintain the same walkable intent.

PLAN DETAILS

This proposed revision and final site plan is located within Lot A of the Seven Springs PUD, which was amended in 2009 to permit 718,838 square feet of office and retail development. The preliminary amendment approval included two eight-story office buildings and approximately 78,918 square feet of one-story retail development along Old Hickory Boulevard.

The proposed final site plan includes one of the office buildings. At seven stories, this building is one story shorter than approved under the preliminary approval. However, the square footage has increased from 194,800 square feet to 203,000 square feet. Because the increase in square footage is less than 10 percent, Council approval through a PUD amendment is not needed. Approximately 26,000 square feet of retail development is proposed within this phase, which is approximately one third of the approved retail square footage approve within the lot.

The proposal meets applicable requirements of the Zoning Code including requirements for parking. The proposal does not include any signs. Signs will be reviewed by Planning staff at a later time as tenants move into the site. All signage will be required to follow Zoning Code requirements except as required by Council bill BL2009-564.

FIRE MARSHAL RECOMMENDATION Approved

STORMWATER RECOMMENDATION

1. Provide Maintenance Agreement, Long Term Plan, Dedication of Easement, and recording fees.
2. Provide NOC.
3. Add inlet protection to all inlets. I believe the check dams at the headwalls are backwards.
4. Change the stabilization note to state that disturbed areas will be stabilized within 14 days.
5. Provide all civil details (concrete flume curb cut, grass swales, detention pond, etc.). Provide a larger (blow-up) detail of the pond discharge / water quality unit /stormgate connection system (with sizes and inverts). Also, some details are incorrectly called out on certain pages.
6. Show how the roof drains connects to the underground detention system.
7. Consider adding access at these locations. Also, pond is listed as 62" CMP? Unsure if detention / water quality system matches the outlet input data (5.01 on calculations). Provide more clarification.
8. Stormfilter calculations specify a 2' drop but only 1' drop was observed?
9. The water quality outlet invert and the stormgate outlet invert are both labeled as 666 (no slope change)?

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.
- The following items must have approved construction drawings prior to issuance of grading permit and a bond must be recorded for each:
 - Detailed design of all three right turns into the site from west bound OHB
 - Signal modification at Cloverland and OHB
 - Proposed signal at Valley View and OHB
 - Median barrier/ concrete island on OHB
 - Roadway widening plans for Cloverland to facilitate a right turn lane onto OHB
 - Roadway widening plans for Valley View to facilitate a left turn onto OHB
 - Pedestrian improvements at both site entrances (ped signals, pushbuttons, ramps, etc.)
- A TDOT letter of approval is required for all work within the state ROW.
- Include detail for the guardrail on the western private driveway.
- Clearly define the OHB ROW and label the width. Has this ROW dedication been recorded? If so, label recording document. The public sidewalk must be located within the public ROW.
- Provide more detailed drawing of the right in right out entrance. (should be approximately 2 – ST-324 driveway ramps.)
- Indicate solid waste recycling plan. Is one of the two compactors dedicated to recycling?
- The sidewalk that parallels OHB must match the curb line grade.
- The existing sidewalk on the east side of Seven Springs Way and the north side of OHB (at the location of the proposed right turn lane) must be relocated. Show this relocation on the right turn lane construction plans.
- All paving located within the state ROW/ in the proposed right turn lanes on westbound OHB must conform to the paving cross section of ST-263
- Comply with previous conditions.
- Submit traffic analysis to determine if Cloverland turn lane improvement is triggered with this part of PUD.
- Construct median on driveway opposite Valley View Dr.
- Identify truck route and verify adequate truck turning movements.

Note: A new traffic table was not generated because this application does not propose any changes to the approved land uses.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the revision to preliminary and final PUD. The proposal is consistent with the preliminary approval with a small increase in office square footage. The proposal is also consistent with the requirements of the Zoning Code for the MUL zoning district.

CONDITIONS

1. All conditions of Metro Stormwater and Metro Public Works listed above shall be met.
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. All sign permit applications shall be reviewed by Planning staff. Signage shall follow Zoning Code requirements except as required by Council bill BL2009-564:
 - a. Ground signs shall be monument-style with a consistent base that is at least as wide as the sign background area.
 - b. A maximum of two ground signs are allowed along the commercial frontage of Old Hickory Boulevard and/or Seven Springs Way for Parcel A.
 - c. Each ground sign shall have a maximum height of eight feet and a maximum display area of 100 square feet. The total display area for ground signs shall not exceed 192 square feet.
 - d. For internally-illuminated signs, lighting shall be diffused and shall illuminate only letters and logos. Sign background area shall be opaque.
 - e. Building signs for first floor retail/restaurant spaces shall be aligned on the facade. A minimum and maximum height for these signs shall be submitted as part of the sign program. The minimum and maximum heights shall be within three feet (e.g. 12 foot minimum and 15 foot maximum height).
 - f. A sign program illustrating all intended sign locations shall be submitted to Metro Planning prior to approval of building permits. The sign program will illustrate the allotment of signage display area to individual tenants and the proposed placement of signage on each building.
 - g. All signs prohibited by the Zoning Code, including billboards, are prohibited within Parcel A of the Seven Springs PUD.
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.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan 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 may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-66

"BE IT RESOLVED by The Metropolitan Planning Commission that 98P-007-003 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. All conditions of Metro Stormwater and Metro Public Works listed above shall be met.
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. All sign permit applications shall be reviewed by Planning staff. Signage shall follow Zoning Code requirements except as required by Council bill BL2009-564:
 - a. Ground signs shall be monument-style with a consistent base that is at least as wide as the sign background area.
 - b. A maximum of two ground signs are allowed along the commercial frontage of Old Hickory Boulevard and/or Seven Springs Way for Parcel A.
 - c. Each ground sign shall have a maximum height of eight feet and a maximum display area of 100 square feet. The total display area for ground signs shall not exceed 192 square feet.
 - d. For internally-illuminated signs, lighting shall be diffused and shall illuminate only letters and logos. Sign background area shall be opaque.
 - e. Building signs for first floor retail/restaurant spaces shall be aligned on the facade. A minimum and maximum height for these signs shall be submitted as part of the sign program. The minimum and maximum heights shall be within three feet (e.g. 12 foot minimum and 15 foot maximum height).
 - f. A sign program illustrating all intended sign locations shall be submitted to Metro Planning prior to approval of building permits. The sign program will illustrate the allotment of signage display area to individual tenants and the proposed placement of signage on each building.

- g. All signs prohibited by the Zoning Code, including billboards, are prohibited within Parcel A of the Seven Springs PUD.
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.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan 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 may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

Subdivision: Final Plats

6. 2012S-042-001

BATTLEFIELD ESTATES, RESUB LOT 27

Map 118-05, Parcel(s) 121-122

Council District 17 (Sandra Moore)

Staff Reviewer: Brian Sexton

A request for final plat approval to create three lots on properties located at 923 and 925 Kirkwood Avenue, approximately 410 feet east of Lealand Lane, zoned R8 (1.03 acres), requested by Dorothy Fleming and Ken Yansick, owners, Dale & Associates, surveyor.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST

Final plat to create three lots

Final Plat

A request for final plat approval to create three lots on properties located at 923 and 925 Kirkwood Avenue, approximately 410 feet east of Lealand Lane, zoned One and Two Family Residential (R8) (1.03 acres).

CRITICAL PLANNING GOALS N/A

PLAN DETAILS

Final Plat

The applicant is requesting final plat approval for a three lot subdivision. Subdivisions of three or more lots must be approved by the Metro Planning Commission.

This residentially-zoned property is located west of Interstate 65 along Kirkwood Avenue. Lots 1 and 2 are approximately 12,099 square feet. Lot 3 is approximately 19,328 square feet in size. Lots 1 and 2 are undeveloped. There is an existing single family residence on Lot 3 that will remain.

Lots 1 and 2 have 50 feet of frontage and Lot 3 has 80 feet of frontage along Kirkwood Avenue.

Infill Subdivisions

All three lots meet the requirements of the infill subdivisions section of the Subdivision Regulations and the Metro Zoning Code for lot size and orientation. Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally comparable with surrounding lots. Development on the proposed lots will be limited to single-family dwellings and duplexes. The development is within the density requirement of two to four units per acre called for by the Residential Low Medium policy.

Sidewalks

Sidewalks are not present along the east side of Kirkwood Avenue. Because the subdivision proposal is located within the Sidewalk Priority Index, sidewalks are required across the frontage of all three lots. The applicant has placed a note on the plat prohibiting the issuance of building permits for Lots 1, 2 and 3 until sidewalks are constructed on each lot per the Department of Public Works specifications. While a sidewalk note has been placed on the plat, the applicant did not show the location of the proposed sidewalks. Prior to final plat recordation,

the applicant shall submit a revised plat to staff showing the location of the proposed sidewalks for Lots 1, 2 and 3.

WATER SERVICES RECOMMENDATION

Provide the following note on the plat:

Owner of Lots 1, 2, and 3 shall remove any structures from the public sewer easements shown, should Metro Water need them removed to service the public sewer within these easements.

STAFF RECOMMENDATION

Staff recommends approval with conditions because the subdivision request meets the requirements of the Subdivision Regulations.

CONDITIONS

1. Prior to final plat recordation, the applicant shall submit a revised plat to staff showing the location of the proposed sidewalks for Lots 1, 2 and 3.
2. Prior to final plat recordation, the following Water Service note shall be placed on the revised plat "Owner of Lots 1, 2, and 3 shall remove any structures from the public sewer easements shown, should Metro Water need them removed to service the public sewer within these easements."

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-67

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-042-001 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to final plat recordation, the applicant shall submit a revised plat to staff showing the location of the proposed sidewalks for Lots 1, 2 and 3.
2. Prior to final plat recordation, the following Water Service note shall be placed on the revised plat "Owner of Lots 1, 2, and 3 shall remove any structures from the public sewer easements shown, should Metro Water need them removed to service the public sewer within these easements."

K. OTHER BUSINESS

- 7. Amendment of the adopted "Leave Transfer Program" for Metro Planning Department Non Civil Service Employees to include sick leave transfer**

Approved (9-0), Consent Agenda

Resolution No. RS2012-68

"BE IT RESOLVED by The Metropolitan Planning Commission that the amendment of the adopted "Leave Transfer Program" for Metro Planning Non-Civil Service Employees to include sick leave transfer is **APPROVED. (9-0)**"

- 8. Resolution authorizing the expenditure of \$40,000 from the Advance Planning and Research Fund to the Nashville Area MPO to obtain specialized consultant expertise to develop and implement community surveying for the Nashville-Davidson County General Plan Update.**

Approved (9-0), Consent Agenda

Resolution No. RS2012-69

"BE IT RESOLVED by The Metropolitan Planning Commission that resolutions authorizing the expenditure of \$40,000 from the Advance Planning and Research Fund to the Nashville Area MPO to obtain specialized consultant expertise to develop and implement community surveying for the Nashville-Davidson County General Plan Update is **APPROVED. (9-0)**"

- 9. Amendment #3 to Contract #L-2268 between the Metropolitan Government of Nashville and Davidson County and PB Americas, Inc. for General Planning**

Approved (9-0), Consent Agenda

Resolution No. RS2012-70

“BE IT RESOLVED by The Metropolitan Planning Commission that Amendment #3 to Contract #L-2268 between the Metropolitan Government of Nashville and Davidson County and PB Americas, Inc. for General Planning is **APPROVED. (9-0)**”

10. Amendment #1 to Contract #L-2672 between the Metropolitan Government of Nashville and Davidson County and Westat, Inc. for Household Travel Survey

Approved (9-0), Consent Agenda

Resolution No. RS2012-71

“BE IT RESOLVED by The Metropolitan Planning Commission that Amendment #1 to Contract #L-2672 between the Metropolitan Government of Nashville and Davidson County and Westat, Inc. for Household Travel Survey is **APPROVED. (9-0)**”

11. Employee contract renewal for Brandon Burnette.

Approved (9-0), Consent Agenda

Resolution No. RS2012-72

“BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewal for Brandon Burnette is **APPROVED. (9-0)**”

12. New employee contracts for Ben Miskelly and Doug Sloan.

Approved (9-0), Consent Agenda

Resolution No. RS2012-73

“BE IT RESOLVED by The Metropolitan Planning Commission that the new employee contract for Ben Miskelly and Doug Sloan is **APPROVED. (9-0)**”

13. Capital Improvements Budget April 2012 Final

Approved (9-0), Consent Agenda

Resolution No. RS2012-74

“BE IT RESOLVED by The Metropolitan Planning Commission that the Capital Improvements Budget April 2012 Final is **APPROVED. (9-0)**”

14. Historic Zoning Commission Report

15. Board of Parks and Recreation Report

16. Executive Committee Report

17. Executive Director Report

18. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

April 12, 2012MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

April 16, 2012Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane

Topic: Antioch-Priest Lake Community Plan Economic Development & Retail Centers

April 19, 2012Community Meeting

3pm, Southeast Branch Library, 2325 Hickory Highlands Drive

Topic: Antioch-Priest Lake Community Plan Hands-On Design Workshop

April 24, 2012MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

May 3, 2012Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane

Topic: Antioch-Priest Lake Community Plan Transportation

May 10, 2012MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

M. ADJOURNMENT

The meeting was adjourned at 7:16 p.m.

Chairman

Secretary