



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Lindsley Hall
730 Second Avenue South
Nashville, Tennessee 37201

**Minutes
of the
Metropolitan Planning Commission**

February 12, 2004

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victory Tyler
James McLean
Councilmember J.B. Loring

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
David Kleinfelter, Planning Manager II
Brook Fox, Legal Counsel
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner II
Adrian Harris, Planner I
Bob Leeman, Planner III
Preston Mitchell, Planner II
Chris Wooton, Planning Technician I

Commission Members Absent:

Doug Small
Joe Sweat

I. CALL TO ORDER

The meeting was called to order at 4:02

II. ADOPTION OF AGENDA

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously, to adopt the agenda. **(8-0)**

III. APPROVAL OF JANUARY 22, 2004 MINUTES

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously, to approve the January 22, 2004 minutes. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Gotto spoke favorably of Item #7 – 2004S-013G-14, Summit Woods.

Councilmember Tygard spoke in favor of Item #12 – 2004M-009G-06. He also spoke of Case Nos. 2004Z-008G-06 and 2004P-002G-06. He stated there are many community concerns and issues pertaining to this development and if the plans are approved, he asked that they not include an ingress/egress on to Old Charlotte Road by means of a cut-through and that appropriate steps be taken to include berming and/or cul-de-sacs to protect the current residential sites.

Councilmember Crafton spoke favorably of Item #12 – 2004M-009G-06. He stated that this development would be an asset to the community.

Former Councilmember Vic Lineweaver spoke favorably of Item #12 – 2004M-009G-06.

Councilmember Adkins spoke in favor of Item #9 – 2004Z-002T.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

8. 2004Z-001T - Zoning Code Text Change. Amend the Metro Zoning Code to add “Recycling Facilities” to the Zoning District Land Use Table and definitions – defer to February 26, 2004

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously, to approve the deferred and withdrawn items. **(8-0)**

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

1. 2004Z-003G-04 A request to change from CS district to IR district part of a parcel at Myatt Drive (unnumbered)-
Approve
6. 2003Z-080U-12 Request to change from AR2a district to RM9 district property located at Tusculum Road and Benzing Road – *Approve* [This item removed from the Consent Agenda; see below action]

PRELIMINARY SUBDIVISION PLATS

7. 2004S-013G-14 Summit Woods, A request for preliminary approval of 25 lots located on the eastern margin of Tulip Grove Road, 400 feet north of Tulip Grove Lane - *Approved with conditions*
9. 2004Z-002T Text Change. Request to amend the Zoning Code to increase the area for required notification of public hearings - *Approve*

PLANNED UNIT DEVELOPMENTS (revisions)

11. 231-77-U-12 First Tennessee Bank (Formally Quincy's of Nashville PUD). Request to revise the preliminary plan and for final PUD approval, located at the southeast corner of Nolensville Pike and Goins Road -
Approve with conditions

MANDATORY REFERRALS

12. 2004M-009G-06 Donation of Real Property for Metro Parks Department Coley Davis Road - *Approve*

Mr. McLean moved, and Ms. Nielson seconded the motion, which passed unanimously, to approve the consent agenda, with the removal of Item #6 – 2003Z-080U-12, as a request was made to hear this proposal. **(8-0)**

VII. REQUEST TO AMEND THE SUBAREA 4 PLAN: 1998 UPDATE

Staff Recommendation - *Approve.*

REQUEST - Amend the Subarea 4 Plan: 1998 Update.

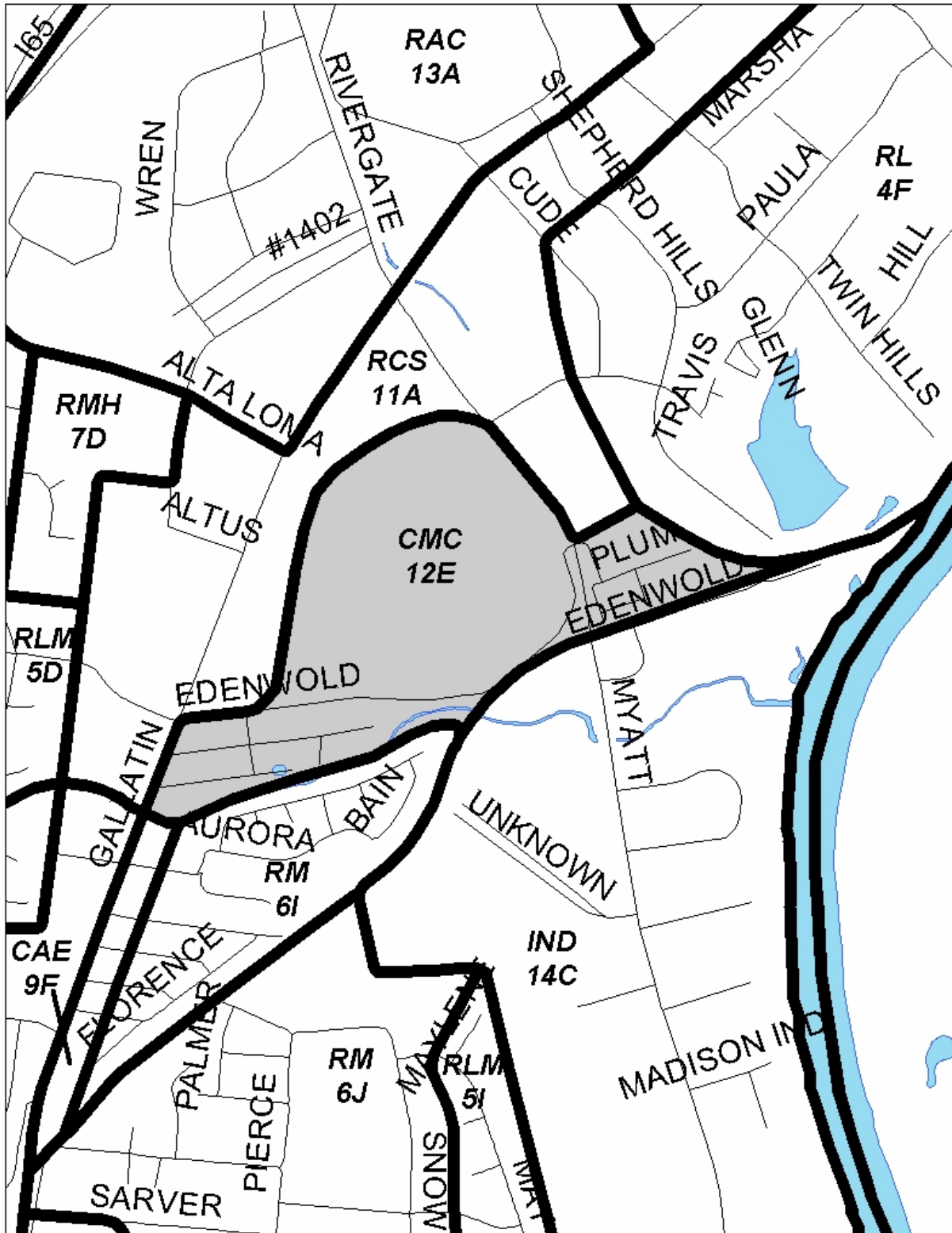
Background - The area in question is Commercial Mixed Concentration (CMC) Area 12E, which is located approximately 600 feet east of Gallatin Pike in the vicinity of Myatt Drive and Edenwold Road. This amendment request is related to a zone change request, 2004Z-003G-04, that is on this agenda. The Commission had disapproved this request as contrary to the General Plan at its December 11, 2003 meeting, but had also directed staff to revisit the CMC policy in this area to determine whether the policy should be changed back to Industrial and Distribution, which had been the policy for the area prior to a plan amendment in February 2001.

Staff believes that the intent of allowing industrial uses in this area can be met by adding some language to the existing policy text rather than changing the policy back to Industrial and Distribution. The text of the plan already recognizes the existing industrial uses and zoning that are within the area, and grants legitimacy to their presence. Additional text will make it possible to introduce new industrial zoning to the area in addition to commercial zoning that would implement the CMC policy. This would allow for market flexibility that could benefit this struggling area, which contains numerous vacant properties.

This location is suited for both commercial and industrial uses. It has access to two major arterial streets, Gallatin Pike and Myatt Drive, and is near the I-65 interchange. It borders an industrial area to the south and a large commercial area

to the north. The area contains both industrial and commercial uses, along with a scattering of office and residential uses. Staff recommends that the following italicized text be added to the policy text for Area 12E:

“CMC policy is applied to this area to provide additional commercial development opportunity close to the RiverGate Mall and also to provide for other high-intensity land uses, such as offices and medium-high to high density residential development, in close proximity to the RiverGate Regional Activity Center. Area 12E has historically been an industrial area, but the demand for industrial development has weakened in this area. This trend is expected to continue over the long term, although it is understood that some of the existing industrial businesses in the area will continue their operations well into the foreseeable future *and there may also be new industrial businesses in the area.* Therefore, zoning implementation of the CMC policy is expected and intended to occur gradually as market trends continue. *Because of this mixture of industrial and commercial uses and zoning and also because the area is locationally suitable for both mixed commercial and industrial development, industrial zoning is acceptable within this area. To help ensure the compatibility of uses within this area, industrial zoning within the area should be no more intense than IR (Industrial Restrictive). Because of the mix of industrial and commercial uses within this area, residential zoning is not appropriate as it would be in other CMC policy areas.*”



Approved (8-0), *Consent Agenda*

Resolution No. 2004 –053

“BE IT RESOLVED by the Metropolitan Planning Commission that amendment of the Subarea 4 Plan: 1998 Update is **APPROVED. (8-0)**”

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING
ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

1. **2004Z-003G-04**
Council Bill No. BL2003-87
Map 34-06, Part of Parcel 57
Subarea 4 (1998)
District 10 (Ryman)

A request to change from CS district to IR district part of a parcel at Myatt Drive (unnumbered), located approximately 1,000 feet south of North Gallatin Pike along the west side of Myatt Drive, (27.12 acres), requested by Walter Knestrick for Rivergate Partners, owner. (Re-referred from Metro Council).

Staff Recommendation - *Approve* if Plan Amendment is adopted.

APPLICANT REQUEST - Rezone 27.12 acres from commercial services (CS) to industrial restrictive (IR) district part of a parcel at Myatt Drive (unnumbered), located across from Spring Branch Road and south of Gallatin Pike.

Existing Zoning

CS district - CS district is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

IR district - IR district is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

SUBAREA 4 PLAN

Commercial Mixed Concentration (CMC) with Special Policy (New Policy in Italics) - CMC policy is applied to this area to provide additional commercial development opportunity close to the RiverGate Mall and also to provide for other high-intensity land uses, such as offices and medium-high to high density residential development, in close proximity to the RiverGate Regional Activity Center. Area 12E has historically been an industrial area, but the demand for industrial development has weakened in this area. This trend is expected to continue over the long term, although it is understood that some of the existing industrial businesses in the area will continue their operations well into the foreseeable future and there may also be new industrial businesses in the area. Therefore, zoning implementation of the CMC policy is expected and intended to occur gradually as market trends continue. Because of this mixture of industrial and commercial uses and zoning and also because the area is locationally suitable for both mixed commercial and industrial development, industrial zoning is acceptable within this area. To help ensure the compatibility of uses within this area, industrial zoning within the area should be no more intense than IR (Industrial Restrictive). Because of the mix of industrial and commercial uses within this area, residential zoning is not appropriate as it would be in other CMC policy areas.

History - On February 1, 2001, the Planning Commission amended the Subarea 4 Plan for this area from Industrial and Distribution (IND) to Commercial Mixed Concentration (CMC) policy, finding that the CMC policy would provide additional commercial development opportunities close to the RiverGate Mall and also to provide for other high intensity land uses, such as offices and medium-high to high density residential development, in proximity to RiverGate Regional Activity Center (see Subarea 4 plan amendment on this agenda).

Policy Conflict - No. If the Subarea 4 Plan is amended by the Commission, then the IR district will be consistent with the Plan's CMC special policy for the area, which calls for a wide range of commercial and industrial activities.

RECENT REZONINGS -Yes. This property was rezoned in 2001, from IR to CS (2001Z-001G-04), and there was an associated Subarea Plan amendment to change the policy from IND to CMC.

METRO PUBLIC WORKS FINDINGS

Current zoning

CS, Peak adjacent street traffic -- General Office:

AM Trips = 218

PM Trips =1,056

CS, Peak adjacent street traffic -- Shopping Center:

AM Trips = 730

PM Trips = 2,650

Proposed zoning

IR, Peak adjacent street traffic -- Manufacturing:

AM Trips = 166

PM Trips = 171

IR, Peak adjacent street traffic – General Light Industrial:

AM Trips = 838

PM Trips = 1,016

“The trip generations, depending on what is developed, will either decrease or maintain the same level. Usually, however, due to the size of the property there are many uncertainties as to how much it will impact the road, especially in this part of town. With the final development plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations. Therefore, we [Public Works] recommend approval of the zone change.”

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

Resolution No. 2004 –054

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-003G-04 is **APPROVED WITH CONDITIONS. (8-0)**

The proposed IR district is consistent with the Subarea 4 Plan’s Commercial Mixed Concentration (CMC) policy, which was amended to allow a wide range of commercial and industrial activities. This rezoning was conditioned on the approval of the Subarea 4 Plan Amendment, which allows for industrial zoning within the area.”

2. **2003Z-013T**
Council Bill No. BL2003-25

A council bill amending Section 17.24.050 (E) of the Zoning Ordinance to change the tree density requirements for loading areas, tractor trailer staging, and loading and parking areas, requested by Councilmember Greg Adkins. (Deferred from October 23, 2003).

Staff Recommendation - Disapprove.

APPLICANT REQUEST - This council bill would change Section 17.24.050 (E) of the Zoning Ordinance by exempting the tree density requirements from loading areas or tractor-trailer staging, loading and parking areas from the tree density requirements. The Metro Urban Forester has indicated that this request came about due to several warehouse/distribution facilities having been unable to meet the current tree density standards. The owners of the facilities were also unwilling to pay into the Metro Tree Fund.

The Zoning Ordinance currently include a compromise that allows for an exemption to the interior landscaping requirements in loading and staging areas, but does not allow for an exemption to the overall tree density requirements. The ordinance requires that at least 8% of the gross parking area shall be landscaped and that interior planting areas are located within or adjacent to the parking area as tree islands, at the end of parking bays, or inside measuring 7’ wide or greater. All multi-family, commercial, and industrial sites are subject to a tree density requirement of at least 14 units per acre, where units are defined by the quantity, type and size of trees planted. The Zoning Code allows for the clustering of landscaping to meet this requirement.

This proposed text change would exempt loading and staging areas from the overall tree density requirements, as well as the interior-planting requirement. Staff recommends disapproval since it is important for these commercial and industrial developments to comply with the standards for landscaping and buffering. Landscaping serves to reduce the impact on adjacent properties and public thoroughfares through screening and buffering, and increases the amount of non-impervious surfaces, which in turn reduces the amount of stormwater runoff. The ordinance’s current tree requirements are flexible by providing an exception to the interior planting requirements and an in-lieu payment to Metro’s Tree Fund for non-compliance with the tree density provisions.

Councilmember Adkins, who is sponsoring the ordinance, has proposed an amendment to the bill to limit its application to all three of the industrial zone districts (IR, IWD and IG). According to Metro's property maps, there are 3,103 acres of property classified as Transportation/Distribution Warehouse in the three industrial zone districts. Transportation/Distribution Warehouse is the land use category that would include most truck staging, loading and parking areas in the county.

The proposed amendment is shown below in bold and the current text is shown in *italics*. The existing Code applies the tree density requirements (Section 17.24.100) and perimeter planting requirements (Section 17.24.150), but the proposed text language would only apply the perimeter planting requirements for service loading areas and tractor-trailer staging, loading and parking areas within the IWD, IR and IG districts.

17.24.050 Exceptions

E. The interior planting requirements of Section 17.24.160 shall not apply to service loading areas or to tractor trailer staging, loading and parking areas.

F. The tree density requirements of Section 17.24.100 shall not apply to service loading areas within the IWD, IR, and IG zoning districts, or to tractor trailer staging, loading and parking areas within the IWD, IR, and IG zoning districts. The perimeter planting requirements of Section 17.24.150 shall apply to service loading areas, and to tractor trailer staging, loading and parking areas.

Recent Text Amendments The Planning Commission disapproved a nearly identical text change proposal on December 6, 2001. That bill was withdrawn at the Metro Council.

Mr. Kleinfelter presented and stated that staff is recommending disapproval.

Councilmember Adkins spoke in favor of the proposed text amendment. He stated that the amendment is a compromise for business owners who are affected by the tree ordinance. He commented that the current ordinance is too taxing for some of the business owners in the Nashville area.

Ms. Eleanor Willis, 682 Timber Lane, a member of the Nashville Tree Foundation, spoke in opposition to the text change – she stated that the text amendment would weaken the tree ordinance.

Mr. John Williams, 1900 Cedar Lane, representing Western Express, presented a set of photos to each of the Commission members. He stated that he supports the amendment because it is a rational approach to the tree ordinance and would accommodate the feasibility issues associated with the different types of businesses affected by the ordinance.

Mr. Mike Frankich, 3831 Valley Ridge Drive, a volunteer on the Greenways Commission, spoke in opposition to the text change.

Ms. Lynda Miller, 1146 Granny White Court, a member of the Metropolitan Tree Advisory Committee, spoke in opposition to the text change. She stated that Nashville has been voted a "Tree City USA" city and would like to see support of the ordinance.

Dr. Chris Catanzaro, 750 Roycroft Plaza, a member of the Metropolitan Tree Advisory Committee, as well as a research assistant professor of Horticulture at Tennessee State University, spoke in opposition to the text change. He stated that one of the purposes of the tree ordinance is to mitigate the environmental impacts of large areas of unbroken pavement.

Mr. Stephen Kivett, Urban Forester for Metro Nashville, spoke in opposition to the text change. He spoke regarding the tree fund. He mentioned that the Board of Zoning Appeals denied this request and stated the reasoning for their denial.

Ms. Kim Hawkins, 2205 Natchez Trace, spoke in opposition to the proposed text change. She also served on the Metro Tree Advisory Board and explained the tree bank system that is included in the tree ordinance.

Councilmember Crafton mentioned that he served on the Metro Council in 1998 when the tree ordinance was passed. He stated that the ordinance contained both a buffering mechanism as well as the standards to protect and replace trees. He expressed concerns regarding the funds generated by this ordinance and its affect it has on businesses.

Councilmember Gotto spoke in favor of the text change. He expressed concerns regarding the funds that are required from the businesses that are affected by the tree ordinance. He suggested that the text change contains a perimeter tree policy that eliminates the added tax for business owners.

Councilmember Adkins explained his position for proposing the text amendment. He expressed that this amendment is a compromise for future trucking companies affected by the tree ordinance. He stated that he has worked at the Legislature for the Environmental Committee and is by no means, “anti-tree”.

Mr. Tyler requested clarification regarding application of the tree ordinance in the past and whether companies have adhered to the requirements of the tree ordinance.

Ms. Cummings requested clarification on whether business owners chose to relocate out of Nashville because of the tree ordinance.

Mr. Clifton requested clarification on the purpose of the tree ordinance. He expressed concerns regarding the logistics of the ordinance and its application throughout the Nashville area.

Mr. McLean expressed concerns regarding the penalty that companies encounter as a result of the current tree ordinance.

Ms. Nielson spoke in favor of staff recommendation.

Councilmember J.B. Loring spoke in favor of approving the text change. He stated that it was an imposition to a company if the area in question was impractical for trees and that certain companies should not have to pay into a tree fund if they are required to place trees around the perimeter of the property.

Ms. Jones explained that she was involved in the development of the tree ordinance and does not want to see it weakened. However, due to the size of the lots of some of the business owners and the requirements of the tree ordinance, that maybe there should be a “cap” placed on the amount required for those who will be displacing trees. She explained that the tree ordinance was put in place to protect the environment, not penalize business owners.

Mr. Lawson expressed concerns regarding the growing numbers of concrete and pavement in Nashville and its affect on the air quality in Nashville. He stated that everyone should be contributing the quality of life. He also made mention of those who have already contributed to this fund and the affect an amendment would place on them. He stated that a legislative change would create a damaging inequity for all involved.

Ms. Nielson moved, and Ms. Jones seconded the motion, to disapprove Text Change No. 2003Z-013T. **(7-1) Loring – No**

Resolution No. 2004 –055

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Text Amendment No. 2003Z-013T is **DISAPPROVED. (8-0) (7-1) No Vote -- Loring**” Amended 3/11/04 See Resolution #2004-101

- 3. Case 2004Z-008G-06**
Council Bill No. BL2004-165
Map 114, Part of Parcel 39
Subarea 6 (2003)
District 22 (Crafton)

A request to change from R80 district to RS20 district property at 7515 Old Charlotte Pike, across from Gower Road, (31.3 acres), requested by Anderson-Delk & Associates, Inc., applicant, for Nancy Knox and Mary Ruth Hoover, owners. (Deferred from January 8, 2004).

Staff Recommendation - *Disapprove since the Planning Commission’s directive to revisit the recently-adopted Bellevue Community Plan has not been completed.* Although the requested zone change, and the associated new PUD, are consistent with the recently-adopted plan update, the Planning Commission acted to defer the three associated items

indefinitely to allow more time for the community to meet with the Councilmember, and to allow the Planning Department time to revisit the updated plan. The Community Plans Division intends to schedule a community meeting in this area to discuss possible changes to the updated plan in early March 2004.

APPLICANT REQUEST - Rezone approximately 31.3 acres from residential (R80) to residential single-family (RS20) district property adjacent to the south margin of Old Charlotte Pike (unnumbered) and running east of Overall Creek.

Existing Zoning

R80 district - R80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 0.58 dwelling units per acre including 25% duplex lots.

Proposed Zoning

RS20 district - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

BELLEVUE COMMUNITY PLAN POLICY

Residential Low-Medium (RLM) - RLM is a policy category designed to accommodate residential development within a density range of about 2 to 4 dwelling units per acre. Development at the upper end of the density range is recommended at locations along and in the vicinity of arterial and collector streets, provided primary access to the collector or arterial is not through a lower density area.

Natural Conservation (NCO) - NCO is intended for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development. NCO policy should be applied to large areas that are generally unsuitable for urbanization due to the presence of extensive amounts of land with unstable soils, 20%+ slopes or other physical features that are severe constraints to urban development. NCO policy should be applied to large areas where only minimal accessibility is expected. Due to their environmentally sensitive character, NCO areas are generally unsuitable for conventional suburban or urban development. The predominant types of land use anticipated in these areas are very low intensity residential, commercial (convenience scale) and community facility developments. Examples of low intensity, non-residential developments include convenience retail, athletic fields, and hiking trails. Agricultural uses are also found in NCO areas. Specific residential densities in NCO areas should be determined by physical site characteristics and the availability of services, particularly sewers. In general, the more environmentally sensitive or remote a site is, the lower the acceptable density. In general, densities should not exceed one dwelling unit per two acres.

Policy Conflict - No, but the commission has directed staff to revisit the policy for this area. The proposed zoning is consistent with the RLM policy for the area and the developer is proposing to keep all development out of the Natural Conservation area. The Natural Conservation area has been applied to a portion of this site because of the steep hillside located in the southeast corner of the site. There is an associated planned unit development (PUD) that is also being requested for this site. The PUD proposes a 49-lot single-family development that is consistent with the character of residential development in the existing Westchase Residential PUD located to the south of this property.

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for RS20, this proposal will generate approximately 555 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Different densities could generate more or less traffic.

Current zoning **R80, Peak Hour Adj. Street Traffic (Code 210)**
AM trips = 22 PM trips = 23

Proposed zoning **RS20, Peak Hour Adj. Street Traffic (Code 210)**
AM trips = 50 PM trips = 66

“I [Public Works] believe that RPM’s analysis of the access at Charlotte Pike will address any traffic concerns regarding the addition of 49 units to the back of this property. I recommend that our request for a TIS at development for this zone change 2004Z-008G-06 and for a PUD addition be cancelled. The extension of the left-turn lane on Charlotte Pike to 125 feet shall be conditioned for this PUD [and rezone].”

SCHOOLS **6 Elementary** **5 Middle** **4 High**

Schools Over / Under Capacity - Students would attend Gower Elementary, Hill Middle, and Hillwood High School. Hill Middle has been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the school impacted by this proposed rezoning, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$65,000.00 for additional school capacity in this cluster.

[Note: Items No. 3, 4, and 5 were heard by the Commission at the same time. See Item No. 5 for individual actions and resolutions.]

- 4. Case 2004P-002G-06**
Council Bill No. BL2004-166
Addition to Westchase
Map 114, Part of Parcel 39
Subarea 6 (2003)
District 22 (Crafton)

A request for preliminary approval for a Planned Unit Development located abutting the south margin of Old Charlotte Pike, opposite Gower Road, classified R80 and proposed for RS20, (31.3 acres), to permit the development of 49 single-family lots, requested by Anderson-Delk and Associates for Tennessee Contractors, Inc., optionee. (Deferred from January 8, 2004).

Staff Recommendation - Disapprove since the Planning Commission's directive to revisit the recently-adopted Bellevue Community Plan has not been completed. Although the requested zone change, and the associated new PUD, are consistent with the recently-adopted plan update, the Planning Commission acted to defer the three associated items indefinitely to allow more time for the community to meet with the Councilmember, and to allow the Planning Department time to revisit the updated plan. If approved at the Planning Commission or if the Metro Council files this PUD bill, the following condition needs to be added to the bill: An eastbound turn-lane, with 125 feet of storage, shall be provided along Charlotte Pike, at the entrance to the existing Westchase Residential PUD.

APPLICANT REQUEST

Preliminary PUD-Request to adopt a new Preliminary PUD, to be called Addition to Westchase PUD, to allow for the development of 49 single-family lots on approximately 31.3 acres. The PUD property is located along the south margin of Old Charlotte Pike and runs along the eastern margin of Overall Creek.

PLAN DETAILS

Site Design: The proposed plan calls for the development of 49 single-family lots to be located at the base of a hill that peaks in the southeast corner of the property. All lots will be located along a single spine road that will be an extension of an existing roadway located within the Westchase Residential PUD. This roadway will continue around the base of the hill and temporarily dead-end at parcel 293 – which is located just south of Old Charlotte Pike and across from Gower Road.

This PUD plan proposes to interconnect with the existing Westchase Residential PUD. The applicant of both PUDs, Tennessee Contractors, Inc., is also revising the Westchase PUD by relocating 16 single-family lots so that they can tie-in with this new PUD. Per the resubmitted PUD plans, all of the upslope lots will be designated as Critical Lots and will require individual review pursuant to the Metro Subdivision Regulations.

Open Space Provisions: The applicant is required to provide a minimum of 15% open space – or approximately 4.7 acres in this case. Because of the hillside and slopes associated with it, the applicant is providing approximately 19.3 acres of open space – or approximately 62% of the gross acreage.

Floodplain: The proposed subdivision is located adjacent to the Overall Creek 100-year floodplain; however, the majority of floodplain, as well as all of the floodway, is located on the west side of the creek since the grade begins to slope to the southeast on the subject site. The applicant has added a note to the PUD plan stating that development will remain out of the entire floodway and at least 2/3 of any floodplain, as required by the Metro Code.

METRO PUBLIC WORKS' COMMENTS

It is recommended that an eastbound turn-lane, with 125-feet of storage, be provided on Charlotte Pike, at the entrance to the existing Westchase Residential PUD.

CONDITIONS

1. An eastbound turn-lane, with 125 feet of storage, shall be provided along Charlotte Pike, at the entrance to the existing Westchase Residential PUD.
2. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

[Note: Items No. 3, 4, and 5 were heard by the Commission at the same time. See Item No. 5 for individual actions and resolutions.]

5. **97P-011G-06**
Westchase
Map 114, Part of Parcel 300
Map 114-7-B, Part of Parcel 91
Subarea 6 (2003)
District 22 (Crafton)

A request to revise a portion of the preliminary plan of the Planned Unit Development located abutting the west margin of Charlotte Pike, south of Sawyer Brown Road, classified RS20, (6.1 acres), to permit the redesign and relocation of sixteen single-family lots within the 134 single-family lot development, requested by Anderson and Delk for Tenn. Contractors, Inc., owner.

Staff Recommendation - *Disapprove* since this PUD revision is directly related to the preceding case, 2004P-002G-06. However, if 2004P-002G-06 is approved by the Metro Council, then staff recommends approval of this requested revision.

APPLICANT REQUEST

Revise Preliminary - Request for Revision to Preliminary for the Westchase Residential PUD to revise the location of 16 lots so as to accommodate an interconnected design with the proposed PUD to the north. The PUD property is located along the north margin of Charlotte Pike, south of Old Charlotte Pike.

PLAN DETAILS - The proposed plan calls for the relocation of 16 single-family lots so as to allow for an interconnected design with a proposed new PUD directly to the north. The relocation of the 16 lots does not affect the original approval of 134 single-family lots. The area to be revised is approximately 6.1 acres. Per the resubmitted PUD plans, all lots except three will be designated as Critical Lots and will require individual review pursuant to the Metro Subdivision Regulations.

METRO PUBLIC WORKS' COMMENTS - No exception taken

CONDITIONS (If approved)

1. If the proposed PUD to the north (2004P-002G-06) is not approved by the Metro Council, this plan shall revert back to the currently-approved plan.

Mr. Preston presented and stated that staff is recommending disapproval.

Councilmember Crafton stated that he held a neighborhood meeting regarding this proposal and some of the issues voiced by constituents included density of the project, connectivity and Old Charlotte, and stormwater concerns. Councilmember Crafton explained and provided resolution for each of these issues and asked that approval be given to the proposal.

Mr. Steve Hawkins, 6670 River Road Pike, spoke in opposition to the proposal and asked that the Commission disapprove or defer this item to allow the residents to review the subarea Plan.

Mr. Larry Sandlin, 8373 Old Charlotte Pike, presented a summary of the issues and concerns of the residents. He spoke in opposition to the proposal due to drainage issues and flooding that occurs in the area.

Mr. Stan Link, 513 Hickory Trail Drive, spoke in opposition to the proposal. He stated that the proposal would not remain within the standards of the community.

Mr. Daryl Phillips, 522 Hickory Trail Drive, spoke in opposition to the proposal due to the characteristics of the project.

Mr. Vaughn Hawkins, 7466 Old Charlotte Pike Road, asked that the Commission disapprove or defer this proposal to allow time for the community to review the subarea plan.

Ms. Jeanna McCluer, 553 Hickory Trail Drive, spoke in opposition to the proposal.

Ms. Linda Dudash, 8411 Old Charlotte Pike Road, spoke in opposition to the proposal and asked that the item be deferred or disapproved.

Mr. Jim Holland, 8301 Old Charlotte Pike, spoke in opposition to the proposal due to traffic concerns.

Mr. Mike Anderson, Anderson-Delk Associates, spoke in support of the proposal.

Mr. Tom White, distributed copies of the January 8th meeting minutes so that he could reference the actions taken on this item at that meeting. Mr. White explained that his client has met with the Councilmember and the community. He stated that the plan is in compliance with the subarea plan and should be approved. He further stated that they agreed to not include an ingress/egress to Old Charlotte.

Mr. Tyler Ring, developer of West Chase, spoke in favor of the development. He stated that he has complied with all the requests made by Councilmember Crafton and has compromised with the community.

Mr. Kevin Temple, a resident of Granny White Pike, spoke in support of the proposal.

Ms. Lyn Robertson, 1313 W. Running Brook Road, spoke in support of the proposal.

Mr. Lawson asked whether the Commission would like to defer this item for an additional meeting.

Ms. Nielson expressed concerns regarding the subarea plan as a whole and its relation to the proposal.

Mr. McLean expressed concerns regarding the prior actions taken by the Commission and the current actions being proposed. He also commented on the regulations imposed on this proposal and stated that if they have been met by the developer, that the project should move forward.

Ms. Cummings stated she was in favor of deferring the item to allow time for the neighborhood to meet on the proposal.

Mr. Lawson expressed concerns regarding reviewing the subarea plan and the delay of the project.

Ms. Jones expressed concerns regarding the subarea 6 plan and the need to re-review this area.

Councilmember Loring expressed support for the development.

Mr. Bernhardt explained the reasoning for the approval of the item at the January 8th meeting and its relation to the disapproval of this proposal at the present time.

Councilmember Loring moved, and Mr. McLean seconded the motion, to approve Zone Change No. 2004Z-008G-06, Planned Unit Development No. 2004P-002G-06 and Plan Unit Development 97P-011G-06, which will include an amendment of eliminating the connectivity to Old Charlotte Pike. **(6-2) No Votes – Nielson, Cummings**

Resolution No. 2004 –056

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-008G-06 is **APPROVED. (6-2)**

The proposed RS20 district is consistent with the Bellevue Community Plan’s Residential Low Medium (RLM) policy, which is intended for residential development within a density range of two to four dwelling units per acre.”

Resolution No. 2004 –057

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004P-002G-06 is **APPROVED WITH CONDITIONS. (6-2)**

Conditions of Approval:

1. An eastbound turn-lane, with 125 feet of storage, shall be provided along Charlotte Pike, at the entrance to the existing Westchase Residential PUD.
2. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.”

Resolution No. 2004 –058

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 97P-011G-06 is **APPROVED WITH CONDITIONS. (6-2)**

Conditions of Approval:

1. If the proposed PUD to the north (2004P-002G-06) is not approved by the Metro Council, this plan shall revert back to the currently-approved plan.”

Mr. Lawson explained that the Commission would no longer have a quorum and requested that the remaining two items be deferred to the meeting of February 26th.

Ms. Cummings moved, and Ms. Nielson seconded the motion, which passed unanimously, to suspend the rules of the Commission and to defer Item #6 2003Z-080U-12 and Item #10 2003S-301G-12 to the February 26th meeting due to the fact of the loss of a Commission quorum. **(8-0)**

- 6. 2003Z-080U-12**
Council Bill No. BL2003-84
Map 162, Parcel 55
Subarea 12 (1997)
District 32 (Coleman)

A request to change from AR2a district to RM9 district property located at 91 Tusculum Road, along the south margin of Tusculum Road and Benzing Road, (4.45 acres), requested by Gary Batson, agent for Janie Broadhead, owner. (Deferred from January 8, 2004)

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 4.45 acres from AR2a to RM9 district property located at 91 Tusculum Road, at Benzing Road.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 12 PLAN POLICY

Residential Medium-High (RMH) - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate, including attached townhomes and walk-up apartments.

Area 5G Policy - "This area includes the Brentridge, Timberlake and Saxony apartments with densities ranging from 9 to 15 units per acre. [I]n addition to the standard RMH policies, the following guideline applies to development in this area: *For the portion of this area with primary access from Tusculum and Benzing Roads, developments should be at the lower-end of the density range.*"

POLICY CONFLICT - No. The property is located at Tusculum and Benzing Road. RM9 zoning would allow 9 units per acre or a maximum of 40 total units. The subarea plan indicates a desired density limit of 9 units per acre.

RECENT REZONINGS - None.

TRAFFIC - Based on typical uses in the RM9 district, approximately 265 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER’S COMMENTS

"With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations."

Public works has further noted that the proposed zoning is relatively small and that no current traffic counts are available for the intersection of Benzing Road and Tusculum Road. Visual observations of the intersection, however, indicate that Old Benzing Road is a low-volume residential street connection with Tusculum Road and that the current level of service appears acceptable.

Public Works representatives have stated they were unable to give specific recommendations without a final site development plan and possibly a Traffic Impact Study. It was indicated to staff, however, that Public Works may require the following with development of this property:

1. Access on [Old] Benzing Road as far from the intersection with Tusculum Road as possible;
2. Dedication of right-of-way to at least 50-feet, if not already existing on either street;
3. Improvements to the alignment of [Old] Benzing Road and Tusculum Road; and
4. Improvements to the cross-section of [Old] Benzing Road along the property’s frontage on that road.

METRO NASHVILLE PUBLIC SCHOOLS REPORT

SCHOOLS (Projected new students) 3 **Elementary** 2 **Middle** 2 **High**

Schools Over/Under Capacity - Students would attend Cole Elementary, Antioch Middle School and Antioch High School. All three have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the schools impacted by this proposed rezoning, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$94,000 for additional school capacity in this cluster.

Planned School Capital Improvements:

Location	Project	Projected Date
Cole Elementary	Renovation	FY07-08
Antioch Cluster	Construct a new middle school for 800 students on a new site in Southeast Davidson County	FY03-04

The Metropolitan Planning Commission voted unanimously to DEFER Zone Change No. 2003Z-080U-04 to February 26, 2004, due to lack of quorum. (8-0)

IX. PUBLIC HEARING:

PRELIMINARY SUBDIVISION PLATS

7. **2004S-013G-14**
Summit Woods
Map 75, Parcel 142
Subarea 14 (1996)
District 12 (Gotto)

A request for preliminary approval of 25 lots located on the eastern margin of Tulip Grove Road, 400 feet north of Tulip Grove Lane (10.09 acres) located in the RS15 district, requested by James Sean Sadler, owner, and James + Associates, engineer. (Deferred from meeting of January 8, 2004).

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat - Request to subdivide 10.09 acres into 25 lots.

ZONING

RS15 District - **RS15 district, requiring a minimum lot size of 15,000 square feet and permits single-family lots.**

SUBDIVISION DETAILS - A subdivision of similar design, called Rock Crest, was approved on this property October 26, 2000. It expired in October 2002.

The plat of Cole's Retreat was approved on May 10, 2001. Cole's Retreat is located at the end of the Wonderland Pass cul-de-sac to the south and blocked any access to Wonderland Pass. At the time, staff felt that the road in the Rock Crest Subdivision would continue through to allow for the development of Parcel 161 to the south. The current applicant feels that it is more appropriate to provide a stub street to the north of the property, into an area that will allow for connections into subdivisions to the north as development occurs. Additionally, the applicant has noted that a connection to the south would cross a drainage ditch and require a culvert, which would not facilitate the connection of traffic routes.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (7,500 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 15,000 square feet.

The plan proposes lots that range in size from 10,040 to 14,358 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase. This development proposes 22% (2.28 acres) open space.

PUBLIC WORKS - Approval of this development is conditioned to include the following items:

Tulip Gove Road shall be rebuilt by the developer to provide adequate site distance at the site access road and Tulip Grove Road. All road improvements shall be completed before any Use and Occupancy Permits are approved.

The developer shall submit roadway construction plans including temporary construction drive entrance and graphs demonstrating adequate site distance for both access points. Demonstration of adequate site distance at the temporary construction drive shall be required prior to the start of development construction.

The developer shall submit a traffic detour plan to be approved by the Metro Traffic Engineer. An approved traffic re-routing plan shall be approved prior to any road construction by the developer.

CONDITIONS

1. Comply with the Public Works conditions listed above.
2. If existing vegetation is to be used in required landscape buffer yards, landscape plans must be reviewed and approved by the Urban Forester prior to grading plan approval.

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

Resolution No. 2004 –059

“BE IT RESOLVED by the Metropolitan Planning Commission that preliminary Subdivision Plat No. 2004S-013G-14 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Comply with the Public Works conditions listed above.
2. If existing vegetation is to be used in required landscape buffer yards, landscape plans must be reviewed and approved by the Urban Forester prior to grading plan approval.”

**X. PUBLIC HEARING:
ZONING MAP AMENDMENTS AND TEXT AMENDMENTS**

- 8. 2004Z-001T**
Council Bill No. BL2004-156

A council bill to amend Sections 17.04.060, 17.08.030 and 17.16.110 of the Zoning Ordinance to add a definition for "Recycling Facility", to designate zoning districts where a Recycling Facility is permitted, and to establish conditions for such a facility when permitted with conditions, sponsored by Councilmember David Briley.

The Metropolitan Planning Commission voted unanimously to DEFER Text Amendment No. 2004Z-001T to February 26, 2004. (8-0)

- 9. 2004Z-002T**
Council Bill No. BL2004-121

A request to amend Section 17.40.720 of the Zoning Code to amend the public notice requirements for proposed zoning map amendments to increase the required distances for written notice, requested by Councilmembers Adkins, Shulman, Jameson, Briley, Cole, and Toler.

Staff Recommendation - Approve.

APPLICANT REQUEST - This request is to amend Section 17.40.720 of the Metro Zoning Code to require larger areas of public notification for zone change requests at the Council Public Hearings. The following are the current requirements for public notification by mail. The proposed changes are shown in bold.

17.40.720 Notice by mail.

No public hearing shall be conducted unless, at least twenty-one days prior to the public hearing, the owner(s) of the subject property and all other property owners within the distances prescribed by this article have been given notice by mail of the time, date and place of the public hearing. Properties owned by the applicant shall not be included in the distance measurement for public notice. For a public hearing conducted by the board of zoning appeals, the appellant shall be notified by certified mail. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified. For amendments to the official zoning map, written notices shall be sent to property owners located within the following distances from the subject property.

From	To	Distance
Agricultural or residential	Industrial	500 1,000
Agricultural or residential	Institutional, mixed-use, office, commercial or shopping center	400 800

----- all other -----	300 600

For all other public hearings required by this title, property owners within three hundred feet of the subject property shall be provided written notice. The provisions of this article shall not apply to the adoption or subsequent amendment of this title, or to amendments to the official zoning map involving floodplain or airport overlay districts. (§ 3(1) of Amdt. 1 with Ord. 96-555 § 10.15(C), 1997)

STAFF ANALYSIS - Staff conducted an analysis of the January 2004, Council Public Hearing items and determined that the proposed text amendment would result in an increase of at least two-thirds more notices being sent out (4,103 notices vs. 6,862 notices). Staff notes that one case was for a mass-rezoning in Councilmember McClendon’s district, which required 2,911 notices but would have required 3,841 notices under the proposed Council Bill. Staff believes that doubling the distance requirements will increase the number of notices in many instances by at least two times.

There is no public notification requirement in the Zoning Code for Planning Commission consideration of zone change applications, but Planning Commission policy requires notification to surrounding property owners 10 days prior to each Planning Commission meeting. Since the Commission uses the same distance requirements as those in the Zoning Code, if this text amendment is approved, the new distances will also apply to public notification of Planning Commission public hearings.

The cost for processing a public hearing notice for Council and Planning Commission public hearings includes staff time, postage expense, and the cost for paper and envelopes. Approximately 165 zoning cases receive a Metro Council public hearing each year. Staff time is required to determine the addresses to which the notices must be sent, print envelopes, prepare and copy the notices, etc. An increase in the distance requirements for public hearing notices will increase these costs significantly.

Although the proposed bill would increase the cost for public notification, it would serve to better inform the public about proposed changes in their area. An independent study of the Planning Department’s fees, which is currently underway, may address charging applicants for such notices. Staff suggests that additional changes to the Code may be appropriate in the future to address the impact on Metro Government of the expense of preparing and mailing public hearing notices for private development proposals.

Staff recommends approval.

Recent Text Amendments - None.

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

Resolution No. 2004 –060

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Text Amendment 2004Z-002T is **APPROVED. (8-0)**”

XI. FINAL PLATS

- 10. 2003S-301G-12**
Schott Subdivision
Map 180, Parcel 38
Subarea 12 (1997)
District 31 (Toler)

A request for final plat approval to create 3 lots abutting the southern margin of Redmond Court, approximately 440 feet east of Redmond Land (6.52 acres), classified within the AR2a District, requested by Kenneth and Linda Schott, owners, H & H Land Surveying, Inc., surveyor.

XII. PLANNED UNIT DEVELOPMENTS (revisions)

11. 231-77-U-12

First Tennessee Bank (Formally Quincy's of Nashville No. 3 PUD)
Map 147-07, Parcel 160
Subarea 12 (1997)
District 30 (Kerstetter)

A request to revise the preliminary plan and for final approval for the Planned Unit Development located abutting the east margin of Nolensville Pike and the south margin of Goins Road, classified OR20, (1.93 acres), to permit the development of a 3,812 square foot bank to replace a 6,700 square foot restaurant, requested by ETI Corporation for Miguel Fuentes, owner.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Revise Preliminary & Final PUD - Request for revision to a Preliminary PUD and for final PUD approval for the Quincy's of Nashville Commercial Planned Unit Development to allow for the development of a 3,812-square foot bank. The PUD property is located in the southeast corner of Nolensville Pike and Goins Road.

PLAN DETAILS

Current Zoning: OR20 - The OR20 (Office / Residential) zone district allows for the development of a financial institution by right; therefore, staff supported the applicant's request of only revising the PUD plan from the old Quincy's restaurant use to the financial institution use.

Site Design: The proposed plan calls for the demolition of the former Quincy's restaurant use and all other accessory structures located on the subject site. The plan then calls for the construction of a 3,812-square foot bank to be centrally-located on the site with one point of ingress / egress on each abutting street and a future cross-access designation for when the site to the south is redeveloped. In response to staff comments over the revised plan moving the building closer to the rear property line, the applicant agreed to provide a significant landscape buffer within the now-proposed 45-foot open space setback.

METRO PUBLIC WORKS' COMMENTS

All comments provided as part of the plan review process were successfully addressed.

CONDITIONS

1. Prior to the issuance of any building permits, the associated subdivision plat, entitled Quincy's of Nashville No. 3 (Book 5800, Page 13), shall be amended to reflect the new eastern side minimum setback line of 45 feet.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These 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.

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

Resolution No. 2004 –061

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 231-77-U-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to the issuance of any building permits, the associated subdivision plat, entitled Quincy’s of Nashville No. 3 (Book 5800, Page 13), shall be amended to reflect the new eastern side minimum setback line of 45 feet.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These 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.”

XIII. MANDATORY REFERRALS

12. **2004M-009G-06**
Donation of Real Property for Metro Parks Department
Map 142, Parcel 217
Subarea 6 (2003)
District 22 (Crafton)

A request, submitted by the Department of Parks and Recreation, for donation of real property south of Coley Davis Road, on the east margin of the Harpeth River, for use as parkland, donated by the Harpeth Youth Soccer Association, donated to the Metro Department of Parks and Recreation.

Staff Recommendation - Approve

APPLICANT REQUEST - A request, submitted by the Department of Parks and Recreation, for donation of real property south of Coley Davis Road, on the east margin of the Harpeth River, for use as parkland, donated by the Harpeth Youth Soccer Association, donated to the Metro Department of Parks and Recreation.

This property is 18.21 acres, zoned SCR/Commercial PUD, lies entirely within a floodway or floodplain, and was last appraised at \$364,200. This portion of the plan was approved as Open Space.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Emergency Communications Center, Public Works, and Water Services.

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

Resolution No. 2004 –062

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-009G-06 is **APPROVED. (8-0)**”

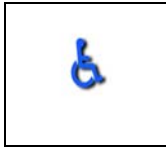
XIV. OTHER BUSINESS

13. Executive Director Reports

14. Legislative Update

XV. ADJOURNMENT

The meeting adjourned at 5:30 p.m.



Chairman

Secretary