



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission
September 11, 2003

PLANNING COMMISSION:

Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Victor Tyler
James McLean
Ann Nielson
Joe Sweat, representing Mayor Bill Purcell

Staff Present:

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

Commission Members Absent:

James Lawson, Chairman
Councilman John Summers

Place: Auditorium, Howard School Office Building

Time: 4:00 p.m.

I. CALL TO ORDER

The meeting was called order at 4:03 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond stated that Item #8 – 2003M-096U-13 should be corrected to read, “part of parcels 190 and 247”.

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

III. APPROVAL OF AUGUST 14, 2003 AND AUGUST 28, 2003 MINUTES

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to approve the minutes of August 14 and August 28th, 2003. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilman Rip Ryman was in attendance and spoke in reference to Item #3 - 2003Z-109G-04. He requested that this item be deferred to the November 13th meeting in order gain additional information regarding the proposed changes for this area.

The owner of the property was present at the meeting and understood that this item would be deferred until the November 13th meeting.

Mr. Sweat moved, and Ms. Cummings seconded the motion, which passed unanimously, to defer item #3 – 2003Z-109G-04 to the November 13th meeting. **(8-0)**

V. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

3. 2003Z-109G-04 Request to change RS7.5 to RM9 – Edgemeade Blvd. and Aurora Avenue – Deferred to November 13th.
4. 2003S-173G-03 Fontanel – Deferred by applicant to September 25, 2003 meeting
7. 2003M-092U-13 Rename part of McGavock Pike to Tadpole Lane -- Withdrawn

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously, to approve the announcement of deferred and withdrawn items with the addition of Item #3 at Councilman Ryman's Request. (8-0)

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

1. 2003Z-105U-05 CS to RS5, 104 Lucile St. -- Approve
2. 2003Z-108G-13 IR to IG, 12751 Old Hickory Blvd. -- Approve

PLANNED UNIT DEVELOPMENTS (revisions)

6. 98-85-P-14 Woodland Pointe, Phase 7 – Approve with conditions

MANDATORY REFERRALS

8. 2003M-097G-12 Land Donation for Metro Public Schools -- Approve

Ms. Nielson moved and Mr. Sweat seconded the motion, which passed unanimously, to approve the consent agenda. (8-0)

Ms. Hammond announced that she did not announce that Item #7 was part of the Public Hearing announcement of deferred and withdrawn items and that 2003M-092U-13 had been withdrawn from the agenda.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to amend the Public Hearing of announcement of deferred and withdrawn items to include Item #7 2003M-092U-13 as withdrawn. **(8-0)**

VII. OTHER BUSINESS

- a. Proposed Lot Comparability Regulations – Discussion Only; Public Hearing Scheduled for September 25, 2003
- b. Executive Director Reports
- c. Legislative Update

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

- 1. **2003Z-105U-05**
Map 71-15, Parcel 42
Subarea 5 (1994)
District 5

A request to change 0.28 acres from CS district to RS5 district property at 104 Lucile Street, approximately 150 feet east of Dickerson Pike, requested by William H. Hassell, Jr., owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 0.28 acres from commercial service (CS) to residential single-family (RS5) property at 104 Lucile Street, west of Dickerson Pike.

Existing Zoning

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

Proposed Zoning

RS5 district - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

SUBAREA 5 PLAN POLICY

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses are retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate, but the most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - No. This property is split between two policies: CAE and RM. The proposed zoning district (RS5) is consistent with the RM policy. The intent of the CAE policy category is to stabilize the existing condition and prevent additional expansion of commercial uses. The RS5 district is consistent with this policy in that it prevents expansion of commercial uses. This property is at the edge of a residential neighborhood and near the end of a residential street. The RS5 district is consistent with the surrounding residential development along Lucile Street.

RECENT REZONINGS - No.

TRAFFIC

Based on the trip generation numbers for residential single-family (RS5), this proposal could generate 28 trips per day. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works’ Recommendation “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.”

SCHOOLS

Students Generated <1 Elementary <1 Middle <1 High

Schools Over/Under Capacity - Students will attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. Jere Baxter has been identified as being overcrowded by the Metro School Board.

Approved (8-0), Consent Agenda

Resolution No. 2003-314

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-105U-05 is **APPROVED. (8-0).**”

The proposed RS5 district is consistent with the Subarea 5 Plan’s Commercial Arterial Existing and Residential Medium (RM) policies. The CAE policy is intended to stabilize the existing conditions and prevent additional expansion of commercial uses. The RM policy calls for residential development within a density range of four to nine dwelling units per acre. The proposed RS5 district is consistent with both policies in that it prevents expansion of commercial uses and provides residential development with a density range of four to nine dwelling units per acre. “

- 2. 2003Z-108G-13**
Map 175, Parcel 104
Subarea 13 (2003)
District 32

A request to change from IR district to IG district property located at 12751 Old Hickory Boulevard, approximately 700 feet north of Logistics Way, (1.67 acres), requested by June and Stoney Hunter, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 1.67 acres from industrial restrictive (IR) to industrial general (IG) district property at 12751 Old Hickory Blvd., north of Logistics Way.

Existing Zoning

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

Proposed Zoning

IG district - Industrial General is intended for a wide range of intensive manufacturing uses.

SUBAREA13 PLAN POLICY

Industrial (IN) - IN policy is intended to apply to areas of existing predominantly industrial development that are expected to remain indefinitely, and to any areas planned for similar such activities. Typical activities appropriate in IN areas include light to heavy “non-hazardous” manufacturing, storage, distribution, contractor businesses, and wholesaling.

Policy Conflict - No. The proposed zoning district (IN) is consistent with the policy and the surrounding development, especially along the east side of Old Hickory Blvd.

RECENT REZONINGS - Yes. This property was rezoned from AR2A to IR in 2000. The adjacent property to the north was rezoned to IWD and OR20 with the overall zoning update for the county.

TRAFFIC - Based on the trip generation numbers for industrial general (IG), this proposal will generate 115 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works’ Recommendation

“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.”

Approved (8-0), Consent Agenda

Resolution No. 2003 –315

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-108G-13 is **APPROVED (8-0)**.

The proposed IG district is consistent with the Subarea 13 Plan’s Industrial (IN) policy which is intended for existing areas of predominantly industrial development that are expected to remain indefinitely, and to any areas planned for similar activities. The proposed IG district is also consistent with the surrounding development along the east side of Old Hickory Boulevard.”

- 3. 2003Z-109G-04**
Map 34-13, Parcel 57
Subarea 4 (1998)
District 10 (Ryman)

A request to change from RS7.5 district to RM9 district property located at Edgemeade Boulevard (unnumbered), approximately 160 feet west of the western terminus of Aurora Avenue, (2.01 acres), requested by William G. Cole, Jr., owner.

The Metro Planning Commission deferred this item, at the request of Councilman Ryman, to the November 13, 2003 meeting. (8-0)

IX. PRELIMINARY SUBDIVISION PLATS

- 4. 2003S-173G-03**
Fontanel
Map 49, Parcels p/o 140, 200.01 and 319
Subarea 3 (1998)
District 1 (Gilmore)

A request for preliminary plat approval for 14 lots abutting the east margin of Whites Creek Pike, approximately 1,100 feet north of Lloyd Road, (37.81 acres), classified within the R15 and RS20 districts, requested by Fontanel Properties, LLC, owner, Advantage Land, surveyor. (Deferred from meeting of August 14, 2003).

The Metro Planning Commission deferred this item, at the request of applicant, to the September 25, 2003, meeting. (8-0)

X. PLANNED UNIT DEVELOPMENTS (revisions)

- 5. 151-79-U-14**
Donelson Health Care
Map 96-06, Parcel 227
Subarea 14 (1996)
District 14 (White)

A request for a variance to Section 17.20.120 of the Zoning Code (sidewalks) for a 644 foot long portion of sidewalk along McCampbell Avenue and 52 foot long portion along Colonial Circle, classified R10 and OR20, (2.46 acres), requested by Larry McClanahan, for Nashville Supportive Housing, Inc., owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST

Variance within a PUD - Request for a variance to Section 17.20.120 (Provision of Sidewalks) of the Zoning Code to remove the requirement to build 644 feet of sidewalk along McCampbell Avenue and 52 feet of sidewalk along Colonial Circle. The subject site is located along the north margin of McCampbell Avenue, east of Donelson Pike. The property is located within the R10 and OR20 districts.

PROPOSAL DETAILS

Since this variance request is located within a Planned Unit Development district, the Planning Commission will make a recommendation on the requested variance to the Board of Zoning Appeals (BZA). The BZA has jurisdiction over variance requests.

Per Section 17.36.060 of the Zoning Code, a PUD is required to adhere to the zoning requirements established in the Code. The Zoning Code requires that sidewalks be constructed along the subject property.

Having reviewed the request in light of the surrounding development and community facilities, staff recommends that the Planning Commission recommend disapproval of the requested sidewalk variance based on the following information:

- The site is approximately 1,700 feet east of Donelson Pike, where a small commercial node has been established at this intersection. Although not currently supported by pedestrian activity, sidewalks should be provided along McCampbell Avenue to support future pedestrians that may wish to travel from the residential areas to this commercial corner.
- This site is also approximately 1,700 feet west of Donelson Middle School and Hickman High School. A sidewalk system from this McCampbell Avenue / Colonial Circle area needs to be provided to allow students and parents to safely walk out McCampbell Avenue to Stewarts Ferry Pike to the schools and back.
- There is an existing Rail with Trail project, along the portion of Nashville & Eastern Rail that runs adjacent to McCampbell Avenue, which is under development as part of the Metro Parks' Greenway System. Any connections from this trail to the street system will need to be supported by a sidewalk network along McCampbell Avenue.
- There is no unique property hardship associated with this site. The frontage of this site is flat and would allow the construction of a sidewalk.

Mr. Mitchell stated that staff is recommending disapproval of this zone change. He also stated that this item will be heard by the Board of Zoning Appeals.

Mr. McClanahan introduced Mr. Dan Belmark to speak in reference to this project.

Mr. Belmark, spoke in favor of this project and requested that they be granted a sidewalk variance.

Mr. Neal also spoke in favor of the project and he too requested a sidewalk variance.

Ms. Cummings asked that staff clarify the request of the applicant.

Mr. Bernhardt explained that current policy requires the applicant to adhere to the zoning requirements and that sidewalks be constructed along the subject property. The applicant is requesting a variance on the curb and gutter systems that should accompany this project.

Mr. Small summarized the issue by stating that the applicant is requesting a sidewalk variance due to budgetary issues.

After a brief discussion, the Commission members conceded to recommend disapproval of this item, but to request assistance by the Public Works department to review the situation and provide their expertise on the project as well as ask the Mayor's office to review the funding associated with this project.

Ms. Sweat moved, and Mr. McLean seconded the motion, which passed unanimously to disapprove and requested that Public Works review the sidewalk variance request and that the Mayor's office review affordable housing that is available to assist the owners of the project.

Resolution No. 2003 –316

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 151-79-U-14 is **DISAPPROVED. (8-0)**”

6. **98-85-P-14**
Woodland Pointe, Phase 7
Map 122, Parcel 105
Subarea 14 (1996)
District 13 (Burch)

A request to revise a phase of the Residential Planned Unit Development district located abutting the east side of Bell Road at the terminus of Branched Oak Trail, classified RM9, (13.57 acres), to permit 52 single-family lots, replacing 44 single-family lots, requested by Land Design, Inc., for Bell Road Development, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revise Preliminary & Final PUD - Revise the preliminary master plan and for final PUD approval for a phase of the Woodland Pointe Residential PUD to permit the development of 52 single-family lots in place of 44 single-family lots.

PLAN DETAILS

Although the number of proposed lots is increasing by eight, there is no net increase in the number of approved dwelling units for the overall PUD. The Metro Council originally approved the PUD plan in 1985 to allow for 1,036 multi-family units. It was revised twice in 1999 to allow for a mixture of apartments, townhomes, and single-family lots for a final total of 847 dwelling units. With this addition of 8 lots to phase 7, the total number of dwelling units will only come to 748 units since other phases have been revised to allow for reductions or additions as the project has built out.

The applicant is revising the preliminary PUD to not only reconfigure lots to allow for the eight additional lots, but also to revise the centrally-located lots to allow for a new open space area at the top of the existing hill. This prevents the lots from triangulating at the peak, which helps create cleaner rear lot lines.

PUBLIC WORKS FINDINGS

The Metro Public Works Department provided comments as part of their review of the application. The applicant and staff are addressing specific technical concerns from Public Works. This is a grandfathered PUD that is near completion and one where the proposed cross-sections have been previously approved and used throughout the rest of the development. In addition, this phase, along with phases 5 and 6, received final PUD approval in March of 2001. A condition of that final PUD approval was that “prior to the completion of the 59th dwelling unit in the overall development, and prior to the issuance of the first Use & Occupancy permit in each subsequent phase thereafter, the developer shall conduct traffic count surveys at Bell Road and the site entrance to determine when actual traffic volumes meet signal warrants for a traffic signal at Bell Road at the entrance to the site. Once the signal warrant has been met for the traffic signal, the developer shall be responsible for the purchase, installation, and any other necessary improvements for that traffic signal.”

In addition to the above condition, there were several lane improvements that were required to be completed prior to the issuance of any Use & Occupancy permits for any unit within phases 5, 6, or 7. Metro Public Works has stated that the traffic counts are currently sufficient to warrant the installation of the traffic signal as part of this application. Staff recommends, therefore that the applicant be required to install the traffic signal at this time if the traffic counts are such that they would warrant that installation.

CONDITIONS

1. A final plat needs to be recorded prior to the issuance of any building permits.

2. 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.
3. 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.
4. Prior to the issuance of any permits, the developer shall conduct traffic count surveys at Bell Road and the site entrance to determine if actual traffic volumes meet signal warrants for a traffic signal at Bell Road at the entrance to the site. If the signal warrant has been met for the traffic signal, the developer shall be responsible for the purchase, installation, and any other necessary improvements for that traffic signal.
5. A landscape agreement shall be executed between the developer and Metro Public Works for the placement of structures and plantings in the public right-of-way. If these oval planting islands are not going to be located within the public right-of-way, the future plat shall dedicate these planting islands as open space to be maintained by the developer or homeowner's association with a pedestrian access easement dedicated for the sidewalk crossings over the planting islands.

Approved with Conditions (8-0), Consent Agenda

Resolution No. 2003 –317

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 98-85-P-14 is **APPROVED WITH CONDITIONS. (8-0).**

Conditions of Approval:

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. 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.
3. 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.
4. Prior to the issuance of any permits, the developer shall conduct traffic count surveys at Bell Road and the site entrance to determine if actual traffic volumes meet signal warrants for a traffic signal at Bell Road at the entrance to the site. If the signal warrant has been met for the traffic signal, the developer shall be responsible for the purchase, installation, and any other necessary improvements for that traffic signal.
5. A landscape agreement shall be executed between the developer and Metro Public Works for the placement of structures and plantings in the public right-of-way. If these oval planting islands are not going to be located within the public right-of-way, the future plat shall dedicate these planting islands as open space to be maintained by the developer or homeowner's association with a pedestrian access easement dedicated for the sidewalk crossings over the planting islands.”

XI. MANDATORY REFERRALS

7. **2003M-092U-13**
 Rename part of McGavock Pike to Tadpole Lane
 Map 120, Various Parcels
 Map 134, Various Parcels
 Subarea 13 (2003)
 District 13 (Burch)

A request to rename a section of McGavock Pike, between Murfreesboro Pike and Harding Place, to "Tadpole Lane", requested by the Department of Public Works.

Withdrawn (8-0), Consent Agenda

The Metro Planning Commission deferred this item, at the request of the applicant, to the September 25, 2003, meeting. (7-0)

- 8. 2003M-096U-13**
Land Donation for Metro Public Schools
Map 150, Parcel 190
Subarea 13 (2003)
District 13 (Bradley)

An Ordinance accepting a land donation on behalf of The Metropolitan Government of Nashville and Davidson County Tennessee, for use by the Metro Nashville Public Schools, located at the northeast intersection of Hamilton Church Road and Mt. View Road (11 acres).

Staff Recommendation - Approve

APPLICANT REQUEST

An authorization to accept a donation of property being part of tax map 150-00 parcel 190 (11 acres) at the northeast corner of Hamilton Church Road and Mt. View Road for the benefit of Metropolitan Nashville Public Schools

DEPARTMENT AND AGENCY COMMENTS -This donation has been approved by the Metro Director of Public Property Administration, by the Director of the Metropolitan Board of Education and by the Metro Board of Education.

The property is being donated as a condition of approval by the Planning Commission of zone change 2002Z-071G-13 for multiple properties in the area and complies with Sec. 4 of the corresponding Council Bill BL2002-1148: "Section 4. Be it further enacted, that the following conditions be completed prior to final plat recordation: No final plat for development on the site shall be approved until a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development's student generation potential."

The property consists of 11 acres at the intersection of Mt. View Road and Hamilton Church road, and is planned for an elementary school. The Zoning Code requires 5 acres for an elementary school and one additional acre per 100 students. The site is adequate for a school of up to 600 students.

The Code requires setbacks of 50 feet for buildings, 100 feet for athletic fields and a landscaped buffer adjacent to zones that allow residential uses. The site is bordered by two residential zones, AR2a and R15 and will be required to provide a landscape buffer "B."

When acquiring property for use as a school, and prior to adopting this ordinance, the Metro Code requires a public hearing be held in the Metro Council chambers. The public hearing need not be part of a regular council hearing. The hearing needs to be advertised at least 15 days but not more than 30 days prior to the hearing in two newspapers. Metro is also required to post signs on the property clearly stating the intended use.

Approved (8-0), Consent Agenda

Resolution No. 2003 –318

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-096U-13 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. No final plat for development on the site shall be approved until a school site, in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students, shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development’s student generation potential.”
2. The property consists of 11 acres at the intersection of Mt. View Road and Hamilton Church road, and is planned for an elementary school. The Zoning Code requires 5 acres for an elementary school and one additional acre per 100 students. The site is adequate for a school of up to 600 students.
3. The Code requires setbacks of 50 feet for buildings, 100 feet for athletic fields and a landscaped buffer adjacent to zones that allow residential uses. The site is bordered by two residential zones, AR2a and R15 and will be required to provide a landscape buffer “B.”
4. When acquiring property for use as a school, and prior to adopting this ordinance, the Metro Code requires a public hearing be held in the Metro Council chambers. The public hearing need not be part of a regular council hearing. The hearing needs to be advertised at least 15 days but not more than 30 days prior to the hearing in two newspapers. Metro is also required to post signs on the property clearly stating the intended use.

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- 9. 2003M-097G-12**
Land Acquisition for Metro Public Schools
Map 174, Parcel 60
Subarea 12 (1997)
District 32 (Coleman & Kincaid - runoff)

An Ordinance authorizing the acquisition of property by negotiation for use by the Metropolitan Nashville Public Schools, for the construction of a new Antioch Middle School and a future elementary school, located at 5832 Pettus Road, approximately 800 feet south of Preston Road.

Staff Recommendation - Approve

APPLICANT REQUEST

An authorization to acquire property (tax map 174-00, parcel 60) for future elementary and middle schools in the Pettus Road/Antioch area.

DEPARTMENT AND AGENCY COMMENTS - This acquisition has been approved by the Metro Director of Public Property Administration, the Director of the Metropolitan Board of Education and by the Metro Board of Education.

The property meets or exceeds Zoning Code requirements for a school site. The property consists of 27.81 acres on the east side of Pettus Road, south of Preston Road, and is planned for an elementary school and a middle school. The Zoning Code requires 5 acres for an elementary school plus 1 additional acre per each 100 students. The Code requires 10 acres for a middle school plus one additional acre for each 100 students. The site is adequate for a total school population of up to 1200 students.

Pettus Road is designated as a U4 Urban Arterial on the Major Street Plan. The Code requires setbacks of 50 feet for buildings, 100 feet for athletic fields and a landscaped buffer adjacent to zones that allow residential uses. The site is bordered by two residential zones, AR2a and RS10 and will be required to provide a type “B” buffer.

When acquiring property for use as a school, and prior to adopting this ordinance, the Metro Code requires a public hearing be held in the Metro Council chambers. The public hearing need not be part of a regular council hearing. The hearing needs to be advertised at least 15 days but not more than 30 days in two newspapers. Metro is also required to post signs on the property clearly stating the intended use.

Staff recommends approval subject to receiving all required departmental and agency approvals. Comments received to date have taken no exception.

Mr. Kleinfelter stated that staff is recommending approval of this proposal.

Mr. Abernathy, 5929 Pettus Road, spoke against the proposal due to traffic and possible flooding in the area.

Ms. Nielson asked for additional information regarding the dead end that is located in this project.

Ms. Cummings asked if Pettus Road would be widened due to the addition of an elementary school.

Mr. Bernhardt stated that the issue of flooding as well as traffic would be studied by the school district before the actual construction of the school would take place.

Mr. Lean moved and Ms. Nielson seconded the motion, which passed unanimously approve Mandatory Referral #2003M-097G-12. **(8-0)**

Resolution No. 2003 –319

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-097G-12 is APPROVED. (8-0)”

XII. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting was adjourned at 5:06 p.m.

Chairman

Secretary

