



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
of the
Metropolitan Planning Commission**

March 25, 2004

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Victor Tyler
James McLean
Councilmember J.B. Loring
Phil Ponder, representing the Mayor

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:

Ann Nielson

I. CALL TO ORDER

The meeting was called to order at 4:06.

II. ADOPTION OF AGENDA

Mr. Ponder moved and Mr. McLean seconded the motion, which passed unanimously, to approve the agenda. (8-0)

Chairman Lawson announced that Commissioner Nielson's mother recently passed and expressed condolences for her family on behalf of the entire Commission.

III. APPROVAL OF MARCH 11, 2004 MINUTES

Mr. Mclean moved and Mr. Clifton seconded the motion, which passed unanimously to approve the minutes of March 11, 2004. (8-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Toler spoke in favor of Item #2 – 98P-007U-12. He mentioned it was on consent and would only speak if the item failed the consent agenda.

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WITHDRAWN**

7. 2004S-074U-14 Pennington Bend Chase – Deferred to April 8, 2004

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 Clifton seconded the motion, which passed unanimously, to approve the deferred and withdrawn items.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

VI. PUBLIC HEARING: CONSENT AGENDA

PREVIOUSLY DEFERRED ITEMS

2. 98P-007U-12 Seven Springs PUD Condominiums – Approve w/Conditions

ZONING MAP AMENDMENTS

5. 2004Z-040U-14 Change from R8 to ORI, properties at 613A and 641A Ermac Drive - Approve

PRELIMINARY SUBDIVISION PLATS

8. 2003S-222U-10 Sunnybrook Lane Subdivision – Approve w/Conditions

FINAL PLATS

9. 2004S-073U-10 O.H. Mason Subdivision – Approve w/Conditions
10. 2003S-288U-12 Providence Park (formerly Woodland Hills), Phase I Section 2, revision – Approve w/Conditions

PLANNED UNIT DEVELOPMENTS (revisions)

11. 71-71-U-13 Antioch Shopping Center – Approve w/Conditions
12. 98-73-G-02 Hickory Hill Commercial – to Approve w/Conditions
13. 126-78-U-14 Lakeshore Estates - Approve w/Conditions

MANDATORY REFERRALS

14. 2004M-019U-10 Love Circle alley accept/abandon – to Approve
15. 2004M-020G-06 Rename Sec. Of Old Harding Pike - Approve

Mr. McLean moved, and Mr. Ponder seconded the motion, which passed unanimously to approve the consent agenda. 8-0

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

ZONING MAP AMENDMENTS and PLANNED UNIT DEVELOPMENTS

1. **2003Z-147U-05**
Map 072-10, Parcel 85, 86
Subarea 5 (1994)
District 8 (Hart)

A request to change from R6 to RM6 district properties located at 1017 and 1021 Spain Avenue, approximately 250 feet west of Gallatin Pike (0.58 acres), requested by Robert W. Rutherford, applicant, for Phillip-Robinson Company, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Rezone 0.58 acres from residential (R6) to residential multi-family (RM6) district property at 1017 and 1021 Spain Avenue, approximately 250 feet west of Gallatin Pike.

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. R6 zoning allows a total of 4 lots, or 5 units on this site including 25% duplex lots.

Proposed Zoning

RM6 district - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. RM6 allows a total of 3 units on this site.

SUBAREA 5 PLAN POLICY

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. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - No. The proposed zoning district is consistent with the Subarea 5 Plan’s Residential Medium policy. This rezoning would serve as a transition from the commercial and office uses to the south along Gallatin Pike and the residential zoning along Spain Avenue. Staff recommends that neither multi-family nor commercial zoning extend further than this property into the existing residential area. Further extension of multi-family or commercial zoning into the residential neighborhoods also may not be warranted in other locations along Gallatin Pike.

RECENT REZONINGS - Yes. A portion of parcel 95 to the south and parcel 84 adjacent to the property were rezoned from OP to OR20 in the county-wide zoning update in 1998. Parcel 085 was presented to the Planning Commission in August 1998, for a zone change from R6 to OR20. The Planning Commission recommended disapproval and the bill was withdrawn at Council.

TRAFFIC - Based on the trip generation numbers for residential multi-family (RM6), this proposal is expected to generate approximately 12 to 20 daily vehicular trips for elderly housing or residential condominium/ townhome uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations - There is a reduction in the number of dwelling units per acre with this zone change. In addition, the acreage is small.

“No Exception Taken.”

METRO NASHVILLE PUBLIC SCHOOLS REPORT

Schools (Projected New Students) 1 **Elementary** <1 **Middle** <1 **High**

Schools Over/Under Capacity - Students would attend Hattie Cotton Elementary, Gra-Mar Middle School and Maplewood High School. Hattie Cotton and Gra-mar have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

Planned School Capital Improvements:

Location	Project	Projected Date
Maplewood High School	Renovation	FY05-06

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

Mr. Phillip Smith, 1021 Delmas Avenue, spoke in opposition to the development due to the historical value of the area.

Mr. Steve Hager, a resident of Burchwood Avenue, spoke in opposition to the development due to the nature of the development and its compatibility to the area.

Mr. Robert Rutherford, applicant, spoke in favor of staff’s recommendations due to the fact that the proposal is a modest change to the current zoning of the area.

Mr. Ponder spoke in support of the facts presented by staff.

Mr. Tyler requested clarification on the proposed zoning and land uses.

Mr. Clifton spoke in favor of staff's recommendation for the development.

Mr. McLean clarified facts regarding the density of the proposal as well as the land use included in the proposal.

Ms. Cummings arrived at 4:26 p.m.

Mr. Small requested clarification on whether an overlay was present containing restrictions on the property.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously to adopt staff recommendations to approve, Zone Change No. 2003Z-147U-05. **(9-0)**

Resolution No. 2004 –102

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-147U-05 is **APPROVED. (9-0)**

The proposed RM6 district is consistent with the Subarea 5 Plan's Residential Medium (RM) policy calling for residential development within a density range of four to nine dwelling units per acre. This rezoning would serve as a transition from the commercial and office uses along Gallatin Pike to the single-family and duplex residential zoning along Spain Avenue. Multi-family or commercial zoning should not extend further than this property into the existing residential area and may not be warranted in other locations along Gallatin Pike.”

2. **98P-007U-12**
Seven Springs PUD Condominiums
Map 160, Parcel 46
Subarea 12 (1997)
District 31 (Toler)

A request for an amendment to an undeveloped phase of the Planned Unit Development located abutting the north side of Old Hickory Boulevard opposite Cloverland Drive, classified OR40, (8.27 acres), to permit the development of two 4 story buildings, each containing 72 condominium units, to replace 222 independent living unit and 48 assisted living units, requested by Barge Cauthen and Associates for Vastland Development Partnership, owners. (Deferred at the March 11, 2004 meeting).

Staff Recommendation - Approve with conditions, including those previously approved by Metro Council.

APPLICANT REQUEST

Amend Preliminary PUD - Request for an amendment to the Seven Springs preliminary Planned Unit Development to allow for the development of 144 condominiums, in two buildings, replacing 222 independent living apartments and 48 assisted living apartments. The PUD is located along the north side of Old Hickory Boulevard, across from the terminus of Cloverland Drive. The area to be amended includes 8.27 acres.

ZONING

OR40 Zoning - OR40 (Office/Residential) zoning district is intended for office and/or multi-family residential units at up to 40 dwelling units per acre. This development proposes a density of 17 condominiums per acre – well below the maximum of 40.

PLAN DETAILS

The plan proposes two new buildings, each containing 72 units and 4 stories in height. The total floor area proposed for both buildings is 344,000 square feet. This change to the PUD must be approved by Metro Council as an amendment because the proposed 4-story height exceeds the height controls established by the Council-approved plan, which set maximum heights along the eastern property line at specified setbacks for the independent and assisted living facilities.

The Council-approved plan established that, along the eastern property line, a 3-story building could be constructed at the 150-foot setback line and that a 4-story building could be built at the 200-foot setback line. Although the Council added those setbacks as a condition, the proposed plan meets the Zoning Code requirement of maximum 45 feet in height at the setback line (20 feet) with a 2:1 inward slope. The plan does not comply with the conditions previously approved by Council. The plan proposes that both buildings will be placed 135 feet from the east property line. Staff recommends approval of the new setbacks in the proposed plan. All other supplemental conditions added as part of the Council-approved plan should be carried over to this plan – such as additional screening and buffering required along the east property line adjacent to the Hearthstone subdivision.

METRO PUBLIC WORKS’ COMMENTS

The applicant satisfactorily addressed all Public Works comments.

METRO NASHVILLE PUBLIC SCHOOLS REPORT

Schools (Projected New Students)10 Elementary 7 Middle 6 High

Schools Over / Under Capacity - Students would attend Granbery Elementary, Croft Middle, and Overton High School. Granbery Elementary and Overton High School have 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.

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

Resolution No. 2004 –103

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 98P-007U-12 is **APPROVED WITH CONDITIONS. (8-0).**”

Conditions of Approval:

All conditions previously approved by the Metro Council with the original approval of this PUD shall remain in full force and effect, except that the Commission recommends approval of 135-foot setbacks from the east property line for both buildings covered by this amendment.”

VIII. ZONING MAP AMENDMENTS

- 3. **2004Z-020U-14**
Map 96-01, Parcel 18
Subarea 14 (1996)
District 14 (White)

A request to change from R10 district to CS district property at 115 Benson Road, approximately 285 feet north of Old Lebanon Pike, (0.53 acres), requested by John Harwell, applicant/owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST- Rezone 0.53 acres from residential single-family and duplex (R10) to commercial service (CS) district property at 115 Benson Road.

Existing Zoning

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

Proposed Zoning

CS district - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

SUBAREA 14 PLAN POLICY

Retail Concentration Community (RCC)-RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall.

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

Policy Conflict - This property is split between RCC policy along Lebanon Pike and RLM policy closer to the residential area along Benson Road. The proposed zoning district is consistent with the Subarea 14 Plan's RCC policy. Staff would typically discourage the commercial encroachment further into this residential area, however, there is an associated PUD plan that will address buffering and access issues.

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for commercial service (CS), this proposal is expected to generate approximately 519 to 594 daily trips ranging from new car sales to shopping center uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

Current Zoning R10, Peak Adj. Street Traffic (Code 210, single family detached housing)
AM trips = 2 PM trips = 3

Proposed Zoning CS, Peak Adj. Street Traffic (Code 832, High Turnover (sit-down) Restaurant)
AM trips = 129 PM trips = 151

“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.”

[Note: Items #3 and #4 were heard and discussed by The Commission together. See item #4 for actions and resolution.]

- 4. 2004P-007U-14**
Benson Road Parking PUD
Map 96-01, Parcel 18
Subarea 14 (1996)
District 14 (White)

A request for preliminary approval for a Planned Unit Development located abutting the east margin of Benson Road north of Old Lebanon Pike, classified R10 and proposed for CS, (.53 acres), to permit a paved 67 space parking area for the automobile dealership on an adjacent parcel of land, requested by Dale and Associates for John Harwell, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD - Request to adopt a new Preliminary PUD to allow for a parking lot with 67 spaces on 0.53 acres. The property is located north of Old Lebanon Pike, on the east side of Benson Road.

PLAN DETAILS

The proposed plan calls for 67 parking spaces that will be used for the car dealership to the south of this property on parcel 17. The proposed parking lot is private with no public access directly to Benson Road from parcel 18; however, a joint access easement is to be recorded between the two properties. An existing home will be removed and the existing wall is to remain.

Landscaping Buffer Variance Request - The applicant is requesting a variance for the reduction of the minimum landscaping buffer requirement, which is 20' in width (with a mixture of canopy trees, understory trees, and shrubs) to a 10' landscape buffer yard with a 6' wooden fence. According to Section 17.24.060 of the Zoning Ordinance, a 6' wall or permanent opaque fence would also be required since this is a parking lot adjacent to residentially zoned property to the east.

Section 17.24.240 of the Zoning Ordinance states that if a landscape buffer yard exceeds 20% of the total lot area, then the buffer yard may be reduced by fifty percent. Therefore, a variance may not be needed to allow a 10' buffer for this property because it appears the required 20' buffer would exceed 20% of the total lot.

Staff Recommendation - Staff recommends approval of the PUD with the condition that the applicant provide a buffer yard that exceeds the 10-foot yard required under the Code and a masonry wall. The masonry wall and extra buffer yard will protect the adjacent established residential neighborhood from potential negative impacts of the proposed CS zoning district. If the applicant does not provide the masonry wall and a larger buffer yard than the minimum required by the Code, then a PUD in this location would not provide any more protections to the surrounding neighborhood than what the base zoning already requires.

CONDITIONS

1. Prior to Final PUD approval, a revised preliminary PUD plan shall be submitted showing a masonry wall and a landscape buffer yard that exceeds the required 10' buffer yard.

Ms. Harris presented and stated that staff is recommending approval on the zone changes as well as approval with conditions on the planned unit development.

Mr. Roy Dale, 2821 Glen Oaks Drive, spoke in favor of the development. He stated that a PUD overlay has been submitted that would restrict the uses of the development. He also stated that the applicant will continue to work with the community regarding this proposal.

Mr. Don Geddes, President of the Riverpoint Home Owners Association, presented a petition in opposition to the proposal. He stated that the proposal would be an encroachment to a residential area and would cause environmental issues.

Councilmember White thanked the staff, as well as the applicant for their efforts in working with the community regarding this proposal. He stated he was in support of staff's recommendation.

Mr. Small expressed concerns regarding the entrance included in the proposal and its relation to the existing residential neighborhood.

Mr. Clifton expressed concerns regarding the drainage issues mentioned by the resident. He requested clarification of staff's recommendation regarding this issue.

Ms. Harris stated that Stormwater has reviewed the preliminary PUD plans and would submit approval at final plat review.

Mr. Bernhardt explained that the amount of run-off after development can not exceed the amount of run-off before development.

Mr. Clifton explained that due to the conditions placed on this development by staff and the fact that the rezoning is substantiated by the current zoning regulations, he would be in support of this development.

Ms. Cummings agreed with staff's recommendation.

Mr. Tyler expressed safety concerns regarding site distances included in the proposal, as well as additional traffic to the area.

Mr. Lawson explained that site distances and traffic issues would have to be addressed before the plan was approved at final review.

Mr. Ponder requested clarification on specific land use of this project.

Ms. Harris explained that specifics regarding land use were not included in the plans, but it was her understanding that due to the lay-out of the parking spaces included in the plans, that the lot would be used for storage, not a service station.

Mr. Clifton requested clarification on the Commission's authority to grant specific land uses included in a PUD.

Mr. Bernhardt explained that since a PUD was submitted, the Commission could place and/or eliminate certain land uses contained in a PUD.

Mr. Small suggested that the Commission explore placing a more restrictive zoning on this parcel to ensure proper land use in relation to any future development for this area if the PUD was cancelled.

The Commissioners briefly discussed the various options available to them regarding this development. Concerns regarding whether the land would be used for a parking lot or service station were eminent.

Mr. Bernhardt explained that it was his understanding that the applicant filed this rezoning application in order to store cars at this site as opposed to storing them at another location.

Mr. Clifton moved, and Ms. Cummings seconded the motion, which passed unanimously, to adopt as well as modify staff recommendations to include, the exclusion of wrecked vehicles and the servicing of vehicles on this lot; and, if the applicant fails to comply with these specific conditions, the motion would revert to a disapproval. **(9-0)**

Resolution No. 2004 –104

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-020U-14 is **APPROVED (9-0)**.

The proposed CS district is consistent with the Subarea 14 Plan’s Retail Concentration Community (RCC) policy intended to accommodate concentrations of community scale retail. The Subarea 14 plan also calls for Residential Low Medium (RLM) policy which is intended for residential development within a density range of two to four dwelling units per acre. This property is characterized mostly by the RCC policy and is consistent with the zoning district to the south along Old Lebanon Pike. Commercial encroachment into an existing residential area is typically discouraged, but the conditions required by the Commission as part of the associated Planned Unit Development address buffering and access issues.”

Resolution No. 2004 –105

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2004P-007U-14 is **APPROVED WITH CONDITIONS (9-0) THAT INCLUDES A CONDITION TO EXCLUDE THE SERVICING OR STORAGE OF WRECKED VEHICLES. If condition is not added to, or approved as part of Council Bill, MPC recommendation then changes to DISAPPROVE.**

Conditions of Approval:

1. Prior to Final PUD approval, a revised preliminary PUD plan shall be submitted showing a masonry wall and a landscape buffer yard that exceeds the required 10' buffer yard.”

- 5. 2004Z-040-14**
Maps 95-15, Parcels 26, 33
Subarea 14 (1996)
District 15 (Loring)

A request to change from R8 district to ORI district properties located at 613A and 641A Ermac Drive, east of Briley Parkway (0.80 acres), requested by Lawrence J. Sacks, The James Walter Pickle Charitable Foundation, applicant/trustee.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 0.80 acres from residential (R8) to office/ residential intensive (ORI) district property at 613A and 641A Ermac Drive, east of Briley Parkway.

Existing Zoning

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

Proposed Zoning

ORI district - Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities.

SUBAREA 14 PLAN POLICY

Office Concentration (OC) - The OC policy is intended for existing and future large concentrations of office development. The predominant uses in OC policy are offices. 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 RMH density are also an appropriate secondary use.

Policy Conflict - No. The proposed zoning district (ORI) is consistent with the OC policy calling for large concentrations of office and high-density residential development. The ORI zoning district also is consistent with the surrounding zoning districts and uses in the area. This proposal is also surrounded by the Century City office park and commercial and office development along Elm Hill Pike.

RECENT REZONINGS - Parcel 34 was conditionally approved from RM20 to CL by the Planning Commission on February 26, 2004.

TRAFFIC

Public Works Recommendation - With 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.

Typical Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Units per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	0.80	4.63	4	54	13	6

Typical Uses in Proposed Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.80	0.169	5,889	151	10	9

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	+97	-3	+3

Maximum Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Units per Acre	Total Number of	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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			Units			
Single-Family Detached (210)	0.80	4.63	4	54	13	6

Maximum Uses in Proposed Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	0.80	0.30*	10,454	1,635	43	347

*FAR adjusted to reflect the size of this site and a realistic maximum potential buildout with this use.

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	---	1581	+30	+341

METRO NASHVILLE PUBLIC SCHOOLS REPORT

School (Projected New Students) 4_Elementary 2_Middle 2_High

Schools Over/Under Capacity - Students would attend McGavock Elementary, Two Rivers Middle School and McGavock High School. None of these schools have 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.

*The numbers for ORI zoning are based upon students that would be generated if the ORI zoning were to develop as residential instead of office. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

Planned School Capital Improvements:

Location	Project	Projected Date
MCGAVOCK CLUSTER	CONSTRUCT A NEW MIDDLE SCHOOL FOR 800 STUDENTS IN THE MCGAVOCK CLUSTER	FY08-09
MCGAVOCK ELEMENTARY SCHOOL - RENOVATE EFACILITY	MCGAVOCK ELEMENTARY SCHOOL - RENOVATE EFACILITY	FY03-04

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –106

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-040G-14 is **APPROVED. (8-0)**

The proposed ORI district is consistent with the Subarea 14 Plan’s Office Concentration (OC) policy intended for existing and future large concentrations of office development. It is also consistent with the surrounding zoning districts and uses in the area. These two parcels are surrounded by the Century City office park PUD and commercial and office uses along Elm Hill Pike.”

- 6. **2004Z-041G-12**
Map 182, Part of Parcel 27
Subarea 12 (1997)
District 32 (Coleman)

A request to change from AR2a district to RS10 district a portion of property at Route 1 Cane Ridge Road, northeast of Old Hickory Blvd. (23 acres), requested by Joe McConnell, applicant, Cane Ridge Farms, LLC, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 23 acres from agricultural/residential (AR2a) to residential single-family (RS10) district property at Route 1 Cane Ridge Road, northeast of Old Hickory Blvd.

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. This zoning would allow for approximately 11 dwelling units.

Proposed Zoning

RS10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. This zoning would allow for approximately 85 dwelling units.

SUBAREA 12 PLAN POLICY

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

Policy Conflict - No. The proposed zoning district (RS10) is consistent with the RLM policy calling for residential development within a density range of two to four dwelling units per acre. The RLM district is also consistent with surrounding zoning districts in the area. The subarea plan states: "A contiguous pattern of development should be encouraged to promote the efficient delivery of public facilities and services" (Area 3G, p.47). This portion of the parcel does not have public road frontage, but access should be provided from existing residential developments to the north and south.

RECENT REZONINGS - Part of this same parcel was approved to change from AR2a to RS10 by the Planning Commission in April 2003. The Metro Council approved the change in August 2003.

TRAFFIC

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	23	0.5	12	147	18	16

Maximum Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	23	3.7	85	892	70	93

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	+745	+52	+77

The number of trips does not increase significantly; therefore, there will be No Exception Taken due to the number of trips. An access study may be required at submittal of Final Development Plans.

METRO NASHVILLE PUBLIC SCHOOLS REPORT

Schools (Projected New Students) 19 Elementary 14 Middle 11 High

Schools Over/Under Capacity

Students would attend Maxwell Elementary, Antioch Middle School and Antioch High School. All three schools have 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.

Planned School Capital Improvements:

<u>Location</u>	<u>Project</u>	<u>Projected Date</u>
Antioch Cluster	Construct a new middle school for 800 students on a new site in Southeast Davidson County	FY03-04

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

Councilmember Coleman expressed concerns regarding this development in relation to the already overcrowded schools, as well as the poor road conditions in the area. He requested that the Commission take these concerns into consideration and request that the applicant make amendments in order to accommodate these issues.

Mr. Lawson questioned Councilmember Coleman on the capital improvement projects and deferrals of such, if in fact, the School Board incurs a 15% budget reduction.

Councilmember Coleman stated that even if the capital improvements were to go forward, despite the 15% budget reduction, it would not alleviate the overcrowding of schools in this area. He suggested that the requestors be asked to provide the additional resources to assist the schools.

Mr. Tom White, attorney, spoke in favor of the development. He mentioned that he and his client will be attentive to the concerns mentioned by Councilmember Coleman and will continue to work towards a resolution.

Mr. Ponder suggested that the Commission be granted authority to deliberate individual school situations when asked to approve subdivisions.

Ms. Cummings acknowledged the issue of overcrowding of schools in this area, but stated that the land use is appropriate for the subarea plan and that she agrees with staff recommendation.

Mr. Clifton spoke of the overcrowded schools in this area and mentioned that it was his understanding that developers for this area were asked to set aside or contribute a portion of land to the school system to accommodate the growth in this area. He requested that staff provide a report to illustrate this information.

Mr. Bernhardt explained that in the zoning regulations, the Planning Commission typically has utilized the figure of 100 dwelling units – if a rezoning would generate over 100 dwelling units, then a 10 acre parcel would have to be set aside for a school. He also explained that the Planning Department continues to work with the School Board by providing affective numbers regarding development and enrollments.

Mr. Bernhardt also explained that the Department has been sending staff reports to the School Board in order to allow their review of proposed developments in the Nashville area. This would give members of the school board an opportunity to voice concerns regarding various developments at Planning Commission meetings as well as Council meetings.

Mr. McLean discussed denying development in Davidson County and its financial impact it would have on the entire community. He stated he was in support of this development and hoped that resolutions regarding overcrowding and poor roads could be solved at the Council level.

Mr. Small spoke in favor of the rezoning due to its appropriateness to the area. He did acknowledge the issues and concerns mentioned regarding the infrastructure of the schools and roads and hoped that these issues could be addressed at the Council level.

Ms. Jones acknowledged and commended staff for their efforts in building a relationship with the School District.

Mr. Loring acknowledged the overcrowding issues. He commented on his confidence in the school system in reference to addressing these areas of concern. He stated he was in favor of the proposal.

Mr. Loring moved, and Mr. Ponder seconded the motion, which passed unanimously, to approve Zone Change No. 2004Z-041G-12. **(9-0)**

Resolution No. 2004 –107

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-041G-12 is **APPROVED. (9-0)**

The proposed RS10 district is consistent with the Subarea 12 Plan’s Residential Low Medium (RLM) policy calling for residential development within a density range of two to four dwelling units per acre. It is also consistent with surrounding zoning districts in the area. This portion of the parcel does not have public road frontage, but access should be provided from the existing residential developments to the north and south. This rezoning provides “a contiguous pattern of development” that the subarea plan calls for in this area to encourage delivery of public facilities and services.”

IX. PRELIMINARY SUBDIVISION PLATS

7. **2004S-074U-14**
Pennington Bend Chase
Map 062, Parcels 46, 47
Subarea 14 (1996)
District 15 (Loring)

A request for preliminary plat approval to create a 14 cluster-lot subdivision, located abutting the east margin of Pennington Bend Road, approximately 2,500 feet north of McGavock Pike (5.6 acres), classified within the R15 district, requested by David Shearon, owner and Dale and Associates, engineer.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-074U-14 to April 8, 2004. (8-0)

8. **2003S-222U-10**
Sunnybrook Lane Subdivision
Map 130-07 Parcel 96, 97 & 98
Map 130-08, 3
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary plat approval for 5 lots abutting the northeast corner of Trimble Road and Sunnybrook Lane (3.96 acres), classified within the R20 and RS20 districts, requested by Richard Bacon, owner, Dale & Associates, surveyor.

Staff Recommendation - *Approve with conditions* and approval of lot comparability waiver.

APPLICANT REQUEST

Preliminary Plat Request to subdivide 4 lots on 3.99 acres into 5 single-family lots. The property is located abutting the northeast corner of Sunnybrook Drive and Trimble Road.

ZONING

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

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.

SUBDIVISION DETAILS - The plat proposes five lots ranging from approximately 25,000 to 42,000 square feet. Three of the lots front on Sunnybrook Drive with the other two fronting Trimble Road. The plan also shows two existing buildings, which are duplex units, to be removed. This new plan does not propose a cul-de-sac.

History - On October 23, 2003, the Commission disapproved a four-lot subdivision on a cul-de-sac on parcels 97, 98, and 99. The Commission found that the proposed lot layout was not consistent with the Subarea 10 Plan in terms of infill development that was not consistent with the surrounding neighborhood.

Lot Comparability (Sub. Regs. 2-4.7) - The lots fronting Sunnybrook Drive passed comparability on lot frontage and square footage. The lots on Trimble Road passed comparability on lot frontage, but not on square footage. The average lot size along Trimble Road is approximately 30,000 square feet and the proposed lot sizes are 24,545 square feet and 25,320 square feet.

Although the lots on Trimble Road do not pass the comparability analysis for lot size, staff recommends approval of a lot comparability waiver because the proposed subdivision is consistent with the Residential Low (RL) land use policy intended for residential densities at or below two dwelling units per acre. The two lots proposed on Trimble Road total 1.14 acres, which is consistent with the policy. The proposed lot layout is also consistent with the Subarea 10 language requiring infill development to be consistent with the existing character of the neighborhood.

Sidewalks - According to Section 2-6.1B of the Subdivision Regulations, sidewalks are not required since the lots are zoned for 20,000 square foot lots and the lots proposed are over that square footage.

PUBLIC WORKS - No exceptions taken.

STORMWATER - The applicant submitted a request for an appeal to the Stormwater Management Board to be relieved from the water quality concept in open space requirement. The variance was granted with conditions by the Stormwater Management Board on March 11, 2004. The appeal case number, 2004-48, would need to be referenced on the plat prior to final plat approval, as well as any additional notes requested as per the appeal letter.

CONDITIONS

1. Prior to final plat approval, a revised preliminary plat must be submitted with the appeal case number noted for the water quality in open space and any additional notes requested as per the appeal letter.

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

Resolution No. 2004 –108

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-222U-10 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to final plat approval, a revised preliminary plat must be submitted with the appeal case number noted for the water quality in open space and any additional notes requested as per the appeal letter.”

X. FINAL PLATS

9. **2004S-073U-10**
O.H. Mason
Map 117-07, Parcel 20
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to subdivide one lot into two lots with a sidewalk variance, located abutting the north margin of Lombardy Avenue, approximately 400 feet east of Hillsboro Place (.81 acres), classified within the RS10 district, requested by David and Carolyn Brandon, owners and Campbell, McRae and Associates, surveyor.

Staff Recommendation - *Approve with conditions* and a sidewalk variance

APPLICANT REQUEST

Final Plat - Create 2 lots from 1 lot, located on Lombardy Avenue, approximately 400 feet east of Hillsboro Place (0.81 acres), classified within the RS10 zoning district.

ZONING

RS10 District - RS10 district, requires a minimum lot size of 10,000 square feet and is intended for single-family dwellings at an overall density of 3.7 dwelling units per acre.

SUBDIVISION DETAILS - The Stormwater Management Committee has granted an appeal to allow the grading permit to be obtained after recordation of this plat and reduced stormwater quality measures to be utilized.

Lot comparability was applied and both lots passed. The minimum area allowed by comparability is 14,625 square feet and the minimum frontage is 88.7 feet. Both lots are in excess of 17,000 square feet and have a frontage of 101.7 feet.

SIDEWALK VARIANCE - The applicant has requested a sidewalk variance to preserve at least 7 specimen quality trees that would be lost by requiring a sidewalk, curb and gutter in this location.

Staff recommends approval of the sidewalk variance. Approve the sidewalk and lot comparability variances. A section of sidewalk approximately 101 feet in length will require major reconstruction of the roadway by construction of a curb and gutter system for a relatively short section of sidewalk in a midblock location, which is inconsistent with good planning and design.

TRAFFIC ENGINEER’S FINDINGS - No exception taken.

CONDITIONS

1. Lot 1 needs to be labeled as lot 205.
2. The applicant must obtain the approval of the Water and Sewer Department prior to final plat recordation.

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

Resolution No. 2004 –109

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2004S-073U-10 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Lot 1 needs to be labeled as lot 205.
2. The applicant must obtain the approval of the Water and Sewer Department prior to final plat recordation.”

10. **2003S-288U-12**
Providence Park (formerly Woodland Hills)
Phase I Section 2, revision
Subarea 12 (1997)
District 26 (Adkins)

A request for final plat approval to revise 2 lots with a sidewalk variance on one side of Reisha Drive, east of Donna Kay Drive, classified within the R10 District, requested by Nashville Area Habitat for Humanity, owner, Anderson-Delk & Assoc., Inc., surveyor.

Staff Recommendation - *Approve with conditions* and a sidewalk variance

APPLICANT REQUEST

Final Plat - Revise 2 lots of a previously recorded subdivision plat to include a sidewalk variance.

The applicant has encountered difficulty in connecting to an existing section of Reisha Drive. Due to topographic changes between the existing development along Donna Kay Drive and the new Providence Park, a retaining wall must be installed. With the installation of the retaining wall on one side, there is not enough area to place a sidewalk on both sides of the new Reisha Drive due to steep topography.

The applicant has proposed to construct a sidewalk on the southern side of Reisha Drive to extend 110 feet off-site to the intersection of Donna Kay Drive. As previously proposed, the sidewalk was located on both sides of Reisha Drive but stopped approximately 110 feet short of Donna Kay Drive. The grass strip will need to be reduced in width in the vicinity of the retaining wall.

Staff recommends approval of the sidewalk variance along approximately 120 feet of Reisha Drive due to severe topography and a lack of space needed to construct a retaining wall on both sides of the street. Staff recommends a condition to construct the sidewalk off-site to Donna Kay Drive to allow for interconnected sidewalk system. The applicant is constructing approximately the same distance of sidewalk and placing it continuously from one intersection to the next.

PUBLIC WORKS - Approve with conditions listed below.

CONDITIONS

1. Any work, (i.e. construction of retaining walls) within the existing right-of-way requires a permit from Public Works utility section. New construction plans reflecting the above changes will need to be submitted to Public Works for approval.

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

Resolution No. 2004 –110

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-288U-12 is **APPROVED WITH CONDITONS. (8-0)**”

Conditions of Approval:

1. Any work, (i.e. construction of retaining walls) within the existing right-of-way requires a permit from Public Works utility section. New construction plans reflecting the above changes will need to be submitted to Public Works for approval.”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

11. **71-71-U-13**
Antioch Shopping Center
Map 148-110A, Parcels 1-16
Map 148, Parcels 156, 178
Subarea 13 (2003)
District 28 (Alexander)

A request to cancel the Commercial Planned Unit Development located abutting the north margin of Richards Road at Antioch Pike, classified CL, (3.92 acres), requested by Azimtech Engineering for Marshall Karr, part owner.

Staff Recommendation - Approve with conditions

DETAILS OF REQUEST

History - On August 3, 1971, Metro Council approved a preliminary PUD plan to allow for the development of a 19,748-square foot convenience, retail sales, & services center along with a restaurant on the corner of Cummings Park Drive and Richards Road, and a fuel service station on the corner of Antioch Pike and Richards Road. The plan was amended in 1973 to change the restaurant use to a post office. Since then the plan has been revised several times to make minor changes – and most recently to allow for a car wash and retail facility where the post office was located.

To date, the shopping center remains open and fully utilized. The car wash is still operating, but the fuel station has since closed and remained vacant. The owner of the shopping center is requesting that the entire PUD be cancelled. He has duly notified the other property owners within the PUD to inform them of the requested cancellation, as per the Metro Planning Commission rules and procedures.

Proposed Plan-No proposed plan was submitted since the applicant wants to remove the PUD overlay. Based on staff plan review, it does not appear that canceling the PUD would create any non-conformities with the current bulk standards. The car wash facility will be required to relocate some parking spaces that straddle the shopping center/car wash property line, but it appears that the car wash site has the ability to accommodate the relocated parking.

METRO PUBLIC WORKS’ COMMENTS - No Exception Taken

CONDITIONS

1. Prior to third reading at Council, the applicant shall submit to the Planning Commission a revised final plat, for the shopping center portion only, which will act to dedicate the agreed-upon “Dedicated Conservation Greenway Public Access Trail Easement Area” along Mill Creek.

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

Resolution No. 2004 –111

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 71-71-U-13 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to third reading at Council, the applicant shall submit to the Planning Commission a revised final plat, for the shopping center portion only, which will act to dedicate the agreed-upon “Dedicated Conservation Greenway Public Access Trail Easement Area” along Mill Creek.”

12. **98-73-G-02**
Hickory Hill Commercial
Map 40, Parcel 209, 36
Subarea 2 (1995)
District 3 (Hughes)

A request to revise a portion of the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development located abutting the north margin of Old Hickory Boulevard west of Hickory Hills Boulevard, classified OR20, (7.18 acres) to permit a 3,850 addition to an existing bus maintenance facility and a 23,500 square foot office distribution facility, replacing an undeveloped 59,224 square foot undeveloped hotel and restaurant, requested by Barge Waggoner and Sumner and Cannon for Corporate Investors Partnership II, owners.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Revise Preliminary & Final PUD - This request is to revise a portion of the preliminary Planned Unit Development and for final PUD approval for the Hickory Hills Commercial PUD to 1) allow for the expansion of the Prevost bus maintenance facility, and 2) to allow for the development of an MTA distribution center. The entire PUD property is located north of Old Hickory Boulevard, adjacent to I-24.

PLAN DETAILS - There are two plans associated with this request since the request encompasses two different sites within the same PUD. The bus maintenance facility plan proposes the expansion of an existing parking lot. This new lot will accommodate cars as well as new parking for buses. The second plan proposes a new distribution facility for the Metropolitan Transit Authority (MTA). This distribution site faces Westcap Road, which is a small frontage road adjacent to the I-24 entrance ramp from Old Hickory Boulevard.

The Council-approved PUD allows for the development of 16,500 square feet of bus maintenance on the Prevost site, and allows for 59,224 square feet of Office / Distribution on the MTA site. The expansion of the Prevost site by 3,850 square feet does not trigger an amendment to the PUD before Metro Council. The MTA (Office / Distribution) site actually proposes only 23,500 square feet – which is a reduction of 35,724 square feet.

METRO PUBLIC WORKS' COMMENTS - No exceptions taken

CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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 –112

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 98-73-G-02 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. 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.
2. 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.
3. 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.

4. 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.”

13. **126-78-U-14**
Lakeshore Estates
Map 85-1-A, Parcel 20
Subarea 14 (1996)
District 15 (Loring)

A request to revise the preliminary plan of the existing Residential Planned Unit Development located abutting the south margin of Fernbrook Lane east of McGavock Pike, classified R15, (8.50 acres), to permit the development of a four-story, 48,000-square foot, 58-bed assisted living facility, replacing a 33,500-square foot, 80-bed, facility approved for this phase, requested by Dale and Associates for Donelson Church of Christ, owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revise Preliminary - Request for a revision to the preliminary Planned Unit Development to allow for the development of a 48,000-square foot, 58-bed, assisted living facility in phase 2 of the PUD. The property is located along the south side of Fernbrook Lane, approximately one-half mile east of McGavock Pike.

PLAN DETAILS - The plan proposes one new building (48,000 square feet) that will contain a 58-bed assisted living facility. The revision to the PUD is to phase 2 & 3 of the Council-approved plan. The Council-approved plan allows for the development of an assisted living facility, in three phases, for a total of 106,500 square feet and 220 beds. Specifically, phase 2 allowed for 80 beds and 33,500 square feet of floor area. This revision reduces the number of beds by 22 but increases the square footage by 14,500 square feet. Phase 3 has been appropriately revised to account for the phase 2 increases and reductions.

Currently, phase 1 is the only portion of the assisted-living facility that has been completed. This phase provides 50 beds and 40,000 square feet of gross floor area.

METRO PUBLIC WORKS' COMMENTS - No exceptions taken. More detailed comments regarding traffic impacts will be generated at the request for final PUD approval.

CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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*

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 126-78-U-14 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. 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.
2. 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.
3. 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.
4. 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.”

XII. MANDATORY REFERRALS

- 14. 2004M-019U-10**
Love Circle alley accept/abandon
Map 104-06, Parcels 114 and 141
Subarea 10 (1994)
District 18 (Hausser)

A request to accept an alley for public maintenance, abandon a segment of unbuilt alley, and execute a quitclaim deed for Metro's interest in an adjacent parcel, adjacent to 3429 Love Circle, 275 feet east of Acklen Avenue, requested by Metro Government.

Staff Recommendation - *Approve* subject to Metro Legal confirmation that quitclaim is a legal mechanism for Metro to transfer property to a private owner.

APPLICANT REQUEST - Accept an alley for public maintenance, abandon a segment of unbuilt alley, and execute a quitclaim deed for Metro's interest in an adjacent parcel, adjacent to 3429 Love Circle, 275 feet east of Acklen Avenue, requested by Metro Government.

DEPARTMENT AND AGENCY COMMENTS - Love Circle provides public access to the park and other improvements in the vicinity of Love Circle. A portion of the alley was dedicated and constructed, another portion was also dedicated but never constructed. The parcel of property adjacent to Parcel 114 has been maintained for many years by the owners of Parcel 114.

Metro desires to accept and maintain the paved portions of the alley, abandon the un-built section and quitclaim the unused portion of Parcel 141 to the owners of Parcel 114. Staff supports the request to clarify ownership and maintenance requirements.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Emergency Communications Center, NES, Water Services, and Codes Administration. No other responding departments or agencies take exception.

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

Resolution No. 2004 –114

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-020G-06 is **APPROVED. (8-0)**”

15. **2004M-020G-06**
Rename Sec. Of Old Harding Pike
Map 155-12, Adjacent to various parcels
Subarea 6 (2003)
District 35 (Tygard)

A request to rename a section of Old Harding Pike to Learning Lane, and to rename a section of an unnamed right-of-way. "Old Harding Pike" between Collins Road and the unnamed right-of-way, and between Highway 100 and Old Harding Pike, requested by Metro Public Works.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an aerial encroachment by Summit Medical Center at 5655 Frist Boulevard to install a fiber optic cable from Summit Medical Center to Summit Medical Office Building attaching to six utility poles along the northwest edge of Old Hickory Blvd. and crossing the entrance ramp to I-40 at the traffic light and intersection, by Jeff Whitehorn, applicant for Summit Medical Center.

Staff supports this request as the applicant has submitted a complete application, complied with the requirements for a current license agreement and certificate of insurance that exceeds the minimum amounts. All notice requirements have been met and staff has received no negative response.

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

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

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –115

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-022G-14 is **APPROVED. (8-0)**"

XIII. OTHER BUSINESS

16. Executive Director Reports
17. Legislative Update

XIV. ADJOURNMENT

The meeting was adjourned at 5:25 p.m.



Chairman

Secretary