

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2023-1968

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2023-1968 as follows:

I. By amending Section 4 as follows:

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. The construction of the bridge from Coley Davis Road to the subject site is a requirement of the first phase of development. The bridge shall have two vehicular travel lanes and a 10' wide multi-use path.
2. The Harpeth River Greenway extension from the current terminus of the Morton Mill – Northern Segment across the railroad and along the Harpeth River to the existing pedestrian bridge is a required improvement for this project. The final design of the greenway extension shall be coordinated with Metro Parks, Planning and CSX. This greenway shall be constructed prior to the issuance of any building permits for the apartments.
3. The developer shall construct the greenway connection from the proposed Harpeth River Greenway extension through the development site to the adjoining Metro Parks property to the west of the development site. This greenway shall be constructed prior to the issuance of any use and occupancy permits for the apartments.
- 3 4. Coley Davis Road shall be raised out of the 500-year floodplain and improved to the cross-section required by NDOT with the first phase of development. The cross-section East of the proposed bridge access shall include a 10' two-way multi-use path along the South side of the road, a 2' buffer with vertical delineators along the travel lane side of the road and contain adequate travel lanes. Due to the constraints of the Harpeth River and the I-40 TDOT Access Control Fence, a modified cross-section may be required West of the proposed bridge access. This modified cross-section shall contain a multi-use path & buffer, along with adequate travel lanes. The final dimensions of the modified cross-section are to be determined at Final SP. The boundaries of the multi-use path are to be determined at Final SP and shall make meaningful connections to existing pedestrian infrastructure on Coley Davis Rd while creating a functional network. At a minimum the applicant shall extend the multi-use path to the West and connect to the existing sidewalk on along the frontage of the Harpeth Springs Village, which may require additional sidewalk to provide an adequate transition. All guardrail and/or handrail installation along Coley Davis Rd shall follow all TDOT standards.
5. There shall be a west bound left turn lane constructed on Coley Davis Road at the intersection of the proposed bridge and Coley Davis Road. Such turn lane shall meet all NDOT requirements. The width of the multi-use path on Coley Davis Road may be reduced to accommodate the turn lane if deemed necessary by NDOT.
- 4 6. Comply with all conditions and requirements of Metro reviewing agencies.
- 5 7. Parking shall meet the requirements of the Zoning Code. If a reduction is sought, a parking study must be prepared and approved by NDOT and Planning.
- 6 8. With the final site plan submittal, elevations consistent with those included in the final site plan shall be submitted for review and approval.
- 7 9. Add the following note to the corrected set: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.

- 8 10. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association
- 9 11. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
- 40 12. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
- 44 13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
14. Coley Davis Road shall have two-way traffic maintained on it during all phases of construction. No permits for lane closures below two lanes shall be issued for Coley Davis Road.
15. The developer shall work with NDOT to limit construction traffic on Morton Mill Road during the grading and bridge construction phases of development. Once the new bridge into the property from Coley Davis Road is completed to a usable condition, all construction traffic shall be limited to Coley Davis Road and no construction traffic shall use Morton Mill Road. All construction traffic related to the construction of the apartment buildings and all subsequent phases of development shall be limited to Coley Davis Road and not use Morton Mill Road.
16. No construction vehicles are permitted on Morton Mill Road outside the hours of 7:30am and 6:30pm, Monday through Saturday. If a vehicle is observed by a Metropolitan Government official or documented in a manner deemed sufficient to the Codes Department, a two-day stop work order shall be issued upon confirmation of the violation. A construction vehicle shall be defined as any vehicle associated with construction, including personal vehicles belonging to construction workers.
17. The developer shall work with NDOT to install temporary traffic calming measures along Morton Mill Road at the developer's expense during the period that Morton Mill Road is used for construction access to the development site. Such traffic calming measures shall include, but not be limited to, speed cushions.
18. The developer shall work with NDOT to complete a pre-construction survey of Morton Mill Road prior to the approval of a grading permit and a post-construction survey of Morton Mill Road following the completion of the bridge into the property from Coley Davis Road to a usable condition. The developer shall be responsible for repairing any damage caused by construction traffic on Morton Mill Road based on those surveys prior to the issuance of any building permit related to the construction of the apartment buildings. Additionally, the developer shall submit a guarantee, such as a bond or letter of credit to NDOT, at a time and in an amount determined necessary by NDOT, to cover the cost of such repairs should the developer fail to adequately repair the road.

INTRODUCED BY:

Dave Rosenberg
Member of Council