

SUBSTITUTE ORDINANCE NO. BL2023-1712

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from IR, R6 and RM40 to SP on properties located at 2404, 2500, and 2518 W Heiman Street and W Heiman Street (unnumbered), approximately 198 feet east of W H Davis Drive, (11.68 acres), to permit ~~180 multi-family~~ 150 detached multi-family residential units and 4 attached multi-family residential units, all of which is described herein (Proposal No. 2022SP-062-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from IR, R6 and RM40 to SP on properties located at 2404, 2500, and 2518 W Heiman Street and W Heiman Street (unnumbered), approximately 198 feet east of W H Davis Drive, (11.68 acres), to permit ~~180 multi-family~~ 150 detached multi-family residential units and 4 attached multi-family residential units, being Property Parcel Nos. 033, 034, 035, 036 as designated on Map 081-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 081 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of ~~180~~ 154 residential units. Short term rental property, owner occupied and short-term rental property, not-owner occupied shall be prohibited.

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

1. A greenway easement shall be provided and shown on the final site plan. Final location and dimensions of the greenway easement shall be determined with any final site plan review and shall be approved by Metro Greenways.
2. 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.
3. Comply with all conditions and requirements of Metro reviewing agencies.
4. The developer shall use commercially reasonable best efforts to negotiate and obtain easements from Tennessee State University and/or the Metropolitan Development and Housing Agency for the purpose of extending the new road shown on the attached Exhibit 1 to Ed Temple Boulevard. Further, upon securing said easements, the developer agrees to participate in the construction of said road extension.

5. The final SP plan shall include an additional five foot (5') setback for the units along W. Heiman Street, and a reduction of three units along W. Heiman Street from what is shown on the preliminary SP plan.
6. The developer shall work with the Metro Parks Department to rebuild the restroom facilities at Fisk Park that were destroyed in the March 2020 tornado at the developer's expense.
7. Construction traffic shall be restricted to entering the site via Ed Temple Blvd. and W. Heiman Street. There shall be no construction traffic on Heiman Street, east of the railroad tracks, 26th Avenue N., or 21st Avenue N.
8. The developer and contractors shall utilize on-site and/or private off-site parking areas for construction workers during the entire construction process; public streets or other public property shall not be used for construction parking.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A-NS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 9. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Introduced By:

Brandon Taylor
Member of Council

2022SP-062-001
2404 -2518 WEST HEIMAN STREET
Map 081, Parcel(s) 033-036
Subarea 08, North Nashville
District 21 (Brandon Taylor)
Application fee paid by: TIMOTHY MORRIS

A request to rezone from IR, R6 and RM40 to SP on properties located at 2404, 2500, and 2518 W Heiman Street and W Heiman Street (unnumbered), approximately 198 feet east of W H Davis Drive, (11.68 acres), to permit ~~180 multi-family~~ 150 detached multi-family residential units and 4 attached multi-family residential units, requested by Dale & Associates, applicant; FMBC Investments, LLC, owner

