

SUBSTITUTE ORDINANCE NO. BL2021-810

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 RS10 to SP zoning for properties located at 301 Ben Allen Road and Ben Allen Road (unnumbered), to permit 245 multi-family residential units, all of which is described herein (Proposal No. 2021SP-020-001).

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 RS10 to SP zoning for properties located at 301 Ben Allen Road and Ben Allen Road (unnumbered), to permit 245 multi-family residential units, being Property Parcel Nos. 017, 084 as designated on Map 061-00 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 061 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 245 multi-family residential units. Short Term Rental Property (STRP) owner-occupied and 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. The entire trail shall be located within a dedicated public access easement.
2. The primary trail shall be constructed prior to approval of Use and Occupancy permits.
3. Submit a detailed grading plan with the submittal of the final site plan for review and approval by staff. Grading plans shall minimize disturbance of existing slopes and shall minimize the use of retaining walls.
4. At final SP, the applicant shall be required to provide an exact breakdown of the number of units and number of bedrooms so that parking and other requirements can be accurately reviewed.
5. Final architectural elevations shall include pitched roofs for all residential buildings. The maximum height measured to the eave is 4 stories in 48 feet. The maximum overall height measured to the roof ridge is 4 stories in 68 feet.
6. Elevations for all building types consistent with the Preliminary SP, including bulk, height, and all architectural standards outlined on the Preliminary SP shall be provided with submittal of the final SP for review and approval by staff. Individual buildings shall be designed in a manner to work with existing topography and minimize grading.

7. On the corrected copy, update this standard to reflect the Trail Oriented Development Special Policy: Care should be taken to reduce the disturbance or removal of recommended mature canopy trees on the Urban Forestry Recommended and Prohibited Tree and Shrub List that are 12 inches or greater in diameter. Development within this supplemental policy area will voluntarily exceed the Metro Zoning Code 17.24.100 tree density requirements by at least 20 percent.
8. All private drives, access, and open spaces shall include public access easements, which shall be included on the final site plan. Prior to final site plan approval, provide easement documentation.
9. Comply with all conditions and requirements of Metro reviewing agencies.
10. The final site plan shall depict the 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.
11. 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.
12. 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 Homeowners' Association.
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 of any building permits.
14. Note 3 under "SP Design Standard Notes" shall be deleted and replaced with "EIFS, vinyl siding, and untreated wood shall be restricted from any façade that faces a public right-of-way, private drive, public or private open space areas, or parcels not included within the development area. No more than 5% of the total façade area of any structure within the development shall be made up of EIFS, vinyl siding, and/or untreated wood."
15. All building material restrictions and requirements shall be authorized by BL2021-888.

Section ~~4~~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 ~~5~~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 ~~6~~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 RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section ~~7~~8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Nancy VanReece
Member of Council