

SUBSTITUTE ORDINANCE NO. BL2024-317

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 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit 46 40 multi-family residential units, all of which is described herein (Proposal No. 2024SP-006-001).

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 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit 46 40 multi-family residential units, being Property Parcel Nos. 034, 035, 049 as designated on Map 070-02 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 070 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 46 40 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. With the final site plan submittal applicant shall submit a proposed phasing plan to show how access will be provided to the existing residence at Map: 070-02 Parcel: 33 throughout the construction period.
2. Setbacks shown on page three of the plan set are considered a part of the survey document but are not to be used in place of the setbacks shown on the cover sheet.
3. On the corrected copy, update maximum height to "3 stories within 45 feet." Maximum height shall apply to all units across the site.
4. Height shall be measured from average elevation (average of four most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch or to the top of the parapet.
5. No master permit/HPR shall be recorded prior to final SP approval.
6. Final plat may be required prior to permitting.
7. Comply with all conditions and requirements of Metro reviewing agencies.

8. 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. 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.
10. 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.
11. The developer shall construct a sidewalk extending northeast along the east side of Buena Vista Pike from the north property line of the development to the intersection of Buena Vista Pike and Stokers Lane and a crosswalk crossing Stokers Lane on the eastern side of the intersection at a cost not to exceed \$54,000. If construction costs for the sidewalk and crosswalk exceed \$54,000, the developer may make a payment in lieu of construction of \$54,000 to NDOT to be used for pedestrian improvements in the general area of the development.

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 zoning district. 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:

Kyonzté Toombs
Member of Council

2024SP-006-001
BUENA VISTA PIKE
Map 070-02, Parcel(s) 034-035, 049
Subarea 03, Bordeaux – Whites Creek – Haynes Trinity
District 02 (Kyonzté Toombs)
Application fee paid by: Roberto Gutierrez

A request to rezone from RS10 to SP zoning for properties located at 2840 and 2842 Buena Vista Pike, approximately 58 feet east of Mike Shields Court, (3.53 acres) to permit 46 40 multi-family residential units, requested by SWS Engineering, applicant; Mickey Marston, Vickie Morris, Rickie & Barry Morris and R Squared Construction, LLC, owners

