

SUBSTITUTE ORDINANCE NO. BL2022-1556

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 MUI-A to SP zoning for properties located at 1401 Church Street and 112, 116, 118, 120, 124, 128, and 132 15th Avenue North (3.85 acres), to permit a mixed use development with nonresidential uses and a maximum of 1,350 multi-family residential units, all of which is described herein (Proposal No. 2022SP-060-001).

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 MUI-A to SP zoning for properties located at 1401 Church Street and 112, 116, 118, 120, 124, 128, and 132 15th Avenue North (3.85 acres), to permit a mixed use development with nonresidential uses and a maximum of 1,350 multi-family residential units, being Property Parcel Nos. 033, 034, 035, 036, 037, 038, 039, 042 as designated on Map 093-09 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 093 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 1,350 multi-family residential units or 1,150 multi-family residential units and 200 hotel rooms, and up to an additional of 75,000 square feet of nonresidential uses. Nonresidential uses shall be all uses permitted by MUI-A and Microbrewery; Tasting room; Manufacturing, Artisan; and Artisan Distillery. Short Term Rental Property (STRP) owner-occupied and not owner-occupied shall be prohibited in the entire development.

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

1. If phased, include a full phasing plan with the first final site plan.
2. Final street cross sections and alignment details along Church Street, 15th Ave. N., Grundy Street, and 14th Ave. N., are to be coordinated with Nashville DOT during final site plan review.
3. All structured parking shall be located below grade except for the area identified on the preliminary SP along a portion of 14th Ave. North, where one level of above grade parking is permitted.
4. Facades for the above grade parking shall be seamlessly integrated into the design and shall include parking garage treatments per the Garage Screening and Base Articulation standards. The materiality and proportions of any above-grade parking screening should be

thoughtfully considered. The façade treatments shall integrate or complement the architectural characteristics of the habitable portion of the building and the surrounding built context. Openings for natural ventilation are permissible when integrated into the façade design. Applicant shall work with staff during final SP review to review final design of parking treatments.

5. The maximum floor plate, maximum height, and minimum separation distance of the tower elements shall be per the preliminary SP.
6. Pedestrian entries and street-level interaction shall be demonstrated with the final site plan architectural elevations consistent with the preliminary SP.
7. On the corrected copy, update the permitted uses language per Condition #1.
8. On the corrected copy, update the primary entrance standard of Building Standards on page 12: Building facades fronting a street shall provide a minimum of one principal entrance. Along 14th Ave. N., the area identified within the Phase 1 boundary of the preliminary SP is exempted.
9. Approval of mandatory referral shall be required by Metro Council for abandonment of existing rights-of-way prior to permitting.
10. Approval of mandatory referral shall be required by Metro Council for any encroachments proposed within public right-of-way prior to permitting.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. With the submittal of the final site plan, provide architectural elevations complying with all architectural standards outlined on the preliminary SP for review and approval.
13. 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.
14. 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.
15. 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 Property Owners' Association.
16. 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.

Section 45. 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 56. 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 67. 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 MUI-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 78. 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 89. 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:

Freddie O'Connell
Member of Council