



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2024-221 **Name:**

Type: Bill (Ordinance) **Status:** Passed

File created: 1/26/2024 **In control:** Planning and Zoning Committee

On agenda: 4/16/2024 **Final action:** 4/16/2024

Title: 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 CS and RS10 to SP zoning for properties located at 3525, 3533, 3537, and 3539 Dickerson Pike, Dickerson Pike (unnumbered), and Due West Avenue North (unnumbered), approximately 970 feet south of the intersection of Dickerson Pike and Due West Ave. N., (36.92 acres), to permit a mixed use development with 22,000 square feet of non-residential uses and 525 multi-family residential units, all of which is described herein (Proposal No. 2022SP-077-001).

Sponsors: Sean Parker, Emily Benedict

Indexes:

Code sections:

Attachments: 1. 2022SP-077-001_sketch, 2. 2022SP-077-001_OwnerList, 3. 2022SP-077-001 Plans

Date	Ver.	Action By	Action	Result
4/26/2024	1	Metropolitan Council	effective	
4/18/2024	1	Mayor	approved	
4/16/2024	1	Metropolitan Council	passed on third reading	
4/15/2024	1	Planning and Zoning Committee	approved	
4/2/2024	1	Metropolitan Council	passed on second reading	
4/2/2024	1	Metropolitan Council	public hearing	
3/7/2024	1	Metropolitan Council	deferred	
2/9/2024	1	Metropolitan Council	advertised	
2/6/2024	1	Metropolitan Council	passed on first reading	
1/30/2024	1	Metropolitan Council	filed	
12/14/2023	1	Planning Commission	approved with conditions, disapproved without	Pass

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 CS and RS10 to SP zoning for properties located at 3525, 3533, 3537, and 3539 Dickerson Pike, Dickerson Pike (unnumbered), and Due West Avenue North (unnumbered), approximately 970 feet south of the intersection of Dickerson Pike and Due West Ave. N., (36.92 acres), to permit a mixed use development with 22,000 square feet of non-residential uses and 525 multi-family residential units, all of which is described herein (Proposal No. 2022SP-077-001).

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 CS and RS10 to SP zoning for properties located at 3525, 3533, 3537, and 3539 Dickerson Pike, Dickerson Pike (unnumbered), and Due West Avenue North (unnumbered), approximately 970 feet south of the intersection of Dickerson Pike and Due West Ave. N., (36.92 acres), to permit a mixed use development with 22,000 square feet of non-residential uses and 525 multi-family residential units, being various Property Parcels Nos.as designated on various Maps 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 050 and Map 051 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 all uses in the MUL-A-NS zoning district and other nonresidential uses specified on the preliminary SP plan and 525 multi-family residential units. Short-term rental property, owner-occupied and non-owner occupied, shall be prohibited in the entire development. Nonresidential uses (other than daycare and gardening, non-commercial) shall be limited to the portion of the site located within the T3 CM policy area.

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

1. Development parameters shall not exceed the limits of disturbance identified on sheet C2.0 of the preliminary SP. On corrected copy, revise designated zone boundaries to place the entirety of disturbed area in the residential and mixed use zones.
2. A detailed tree inventory and tree preservation plan shall be required with the Final SP.
3. On corrected copy, revise note 6 under Sidewalks and Trails on sheet L1.00 to the following: Trails outside the identified limits of disturbance shall be constructed of natural materials. Trails and other uses permitted in the conservation zone shall not disturb existing slopes or trees identified for preservation.
4. Internal sidewalks shall be constructed as shown in the preliminary SP. The applicant shall work with NDOT and Planning staff during Final SP review on means of filling in gaps in internal sidewalks where possible and other alternative means of promoting walkability within the development. The applicant shall work with NDOT and Planning staff prior to Final SP approval on appropriate and safe pedestrian street crossing measure(s) at the termination of the sidewalk on the south side of the private street. Signage, street markings, and/or other measures may be required.
5. On corrected copy, revise landscape note on sheet L1.00 to indicate that landscaping shall be provided per Metro Zoning Code.
6. Maximum building height shall not exceed that of elevations included in the preliminary SP. Revise maximum building height measurement standard for residential zone on sheet L1.00A to the following: Height shall be measured from the average elevation (average of 4 most exterior corners) at the finished grade (final ground elevation) to the midpoint of the primary roof pitch (the vertical distance from eave to midpoint) or to the top of the parapet for a flat roof.
7. Parking calculations shall be reviewed with final SP. Uses may necessitate revision of the submitted shared parking study.
8. Comply with all conditions and requirements of Metro reviewing agencies.
9. 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
10. 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 any 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 any 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 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.

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 MUL-A-NS for non-residential areas and RM20-NS zoning district for residential areas 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.