Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	BL2021-939	**Name:**	
Type:	Bill (Ordinance)	**Status:**	Passed
File created:	9/24/2021	**In control:**	Metropolitan Council
On agenda:	11/16/2021	**Final action:**	11/16/2021
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 R10 to SP zoning for properties located at 2826, 2830, 2832 A, 2836 and 2842 Lebanon Pike, approximately 600 feet east of Donelson Pike and located within the Downtown Donelson Urban Design Overlay District (8.3 acres), to permit 108 multi-family residential units, all of which is described herein (Proposal No. 2021SP-036-001).		
Sponsors:	Jeff Syracuse		
Indexes:			
Code sections:			
Attachments:	1. BL2021-939 Plans, 2. BL2021-939 Sketch		

Date	Ver.	Action By	Action	Result
11/26/2021	1	Metropolitan Council	effective	
11/17/2021	1	Mayor	approved	
11/16/2021	1	Metropolitan Council	passed on third reading	
11/15/2021	1	Planning and Zoning Committee	approved	
11/2/2021	1	Metropolitan Council	public hearing	
11/2/2021	1	Metropolitan Council	passed on second reading	
10/8/2021	1	Metropolitan Council	advertised	
10/5/2021	1	Metropolitan Council	passed on first reading	
9/28/2021	1	Metropolitan Council	filed	
9/9/2021	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 R10 to SP zoning for properties located at 2826, 2830, 2832 A, 2836 and 2842 Lebanon Pike, approximately 600 feet east of Donelson Pike and located within the Downtown Donelson Urban Design Overlay District (8.3 acres), to permit 108 multi-family residential units, all of which is described herein (Proposal No. 2021SP-036-001).

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 R10 to SP zoning for properties located at 2826, 2830, 2832 A, 2836 and 2842

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Lebanon Pike, approximately 600 feet east of Donelson Pike and located within the Downtown Donelson Urban Design Overlay District (8.3 acres), to permit 108 multi-family residential units, being Property Parcel No. 043 as designated on Map 096-01 and Property Parcel Number 001-003, 071 as designated on Map 096-02 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 096 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 108 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 maximum height of the front facades of all buildings shall be 3 stories in 45 feet. Building facades oriented to Lebanon Pike shall be considered the front facades.
2. On the corrected copy, Building 3 shall be angled to block views of the 4th story from the front of the site.
3. Construction of Building 2 shall be required with the first phase of development.
4. On the final site plan, landscaping and TDU Requirements shall be provided per the Metro Zoning Ordinance and per the Downtown Donelson UDO.
5. On the final site plan, include connection from pedestrian path to the internal sidewalk network north of Building 5.
6. Additional screening shall be provided around the detention areas fronting Lebanon Pike.
7. Lebanon Pike shall be improved per the Major and Collector Street Plan (MCSP) requirements.
8. No individual retaining wall shall exceed a maximum height of 10 feet. Appropriate screening of retaining walls shall be reviewed by Planning staff with the final SP.
9. On the corrected copy, correct the building label identifications on sheets A3.0 and A4.0.
10. 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.
11. The applicant shall continue to coordinate with the adjacent property (APN # 09602000400) and the developer/owner of the associated SP (2021SP-025-001) on final design of the coordinated vehicular and pedestrian access, which shall be provided with the final site plan. Prior to final site plan approval, provide documentation of recorded cross access easements.
12. The pedestrian path shall be designed in a manner to minimize disturbance to existing tree canopy that is identified to be preserved.
13. Comply with all conditions and requirements of Metro reviewing agencies.
14. 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.
15. 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.
16. 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.
17. 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.

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18. 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.
19. On the corrected copy, update Note 12.c. as follows: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, or a material substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP, as authorized by BL2021-940.

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 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 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.