



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2021-931      **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 IR and OR20 to SP zoning on properties located at 701 41st Ave N, 4105 Clifton Avenue and Clifton Avenue (unnumbered), 4018 Indiana Avenue, and 4020 Indiana Avenue, approximately 475 feet west of 40th Ave N, (5.11 acres), to permit 112 multifamily residential units, all of which is described herein (Proposal No. 2021SP-004-001).

**Sponsors:** Brandon Taylor

**Indexes:**

**Code sections:**

**Attachments:** 1. BL2021-931 Plan, 2. BL2021-931 Sketch, 3. Substitute BL2021-931

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	
11/16/2021	1	Metropolitan Council	substituted	
11/15/2021	1	Planning and Zoning Committee	approved with a substitute	
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	
8/26/2021	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 IR and OR20 to SP zoning on properties located at ~~704~~ 701 41st Ave N, 4105 Clifton Avenue and Clifton Avenue (unnumbered), 4018 Indiana Avenue, and 4020 Indiana Avenue, approximately 475 feet west of 40th Ave N, (5.11 acres), to permit 112 multifamily residential units, all of which is described herein (Proposal No. 2021SP-004-001).

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 IR and OR20 to SP zoning on properties located at ~~704~~ 701 41st Ave N, 4105 Clifton Avenue and Clifton Avenue (unnumbered), 4018 Indiana Avenue, and 4020 Indiana Avenue, approximately 475 feet west of 40th Ave N, (5.11 acres), to permit 112 multifamily residential units, being Property Parcel Nos. 189, 190, 191, 192, 207, 208 as designated on Map 091-12 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 091 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 112 multi-family residential units. Short term rental property, owner occupied short term rental property, 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, reorient units which front onto the side of adjacent units.
2. The stacked units which are oriented perpendicular to 41st avenue should be reoriented to front onto 41st avenue.
3. With the final site plan, reorient the stacked units in the south western portion of the site to front Indiana Avenue.
4. Comply with all conditions and recommendations of Metro agencies.
5. A sidewalk which meets the local street standard, a 4' wide grass strip and 5' wide sidewalk, shall be constructed along the southern frontage of parcel 09112020200.
6. 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.
7. 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.
8. On the corrected set, update Note 27 under Standard SP Notes 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 BL2021-932.

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 RM40 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.

2021SP-004-001  
41ST AVENUE  
Map 091-12, Parcel(s) 189-192, 207-208  
Subarea 08, North Nashville  
District 21 (Brandon Taylor)  
Application fee paid by: Toll Bros., Inc

A request to rezone from IR and OR20 to SP zoning on properties located at 704 701 41st Ave N, 4105 Clifton Avenue and Clifton Avenue (unnumbered) 4018 Indiana Avenue, and 4020 Indiana Avenue, approximately 475 feet west of 40th Ave N, (5.11 acres), to permit 112 multifamily residential units, requested by Kimley Horn, applicant; Hoosier Capital, L.P., owner.

