Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	BL2023-1823	**Name:**	
Type:	Bill (Ordinance)	**Status:**	Passed
File created:	3/23/2023	**In control:**	Planning and Zoning Committee
On agenda:	5/16/2023	**Final action:**	5/16/2023
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 amending a Specific Plan for properties located at 272, 288, and 296 Broadmoor Drive, and 329, 341 and 349 Ben Allen Road, west of Ellington Parkway, zoned SP (51.64 acres), to permit a mixed use development with nonresidential uses and 482 multi-family residential units, all of which is described herein (Proposal No. 2017SP-034-003).		
Sponsors:	Nancy VanReece		
Indexes:			
Code sections:			
Attachments:	1. 2017SP-034-003_plans, 2. 2017SP-034-003_sketch		

Date	Ver.	Action By	Action	Result
5/26/2023	1	Metropolitan Council	effective	
5/17/2023	1	Mayor	approved	
5/16/2023	1	Metropolitan Council	passed on third reading	
5/15/2023	1	Planning and Zoning Committee	approved	
5/2/2023	1	Metropolitan Council	public hearing	
5/2/2023	1	Metropolitan Council	passed on second reading	
4/7/2023	1	Metropolitan Council	advertised	
4/4/2023	1	Metropolitan Council	passed on first reading	
3/28/2023	1	Metropolitan Council	filed	
3/9/2023	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 amending a Specific Plan for properties located at 272, 288, and 296 Broadmoor Drive, and 329, 341 and 349 Ben Allen Road, west of Ellington Parkway, zoned SP (51.64 acres), to permit a mixed use development with nonresidential uses and 482 multi-family residential units, all of which is described herein (Proposal No. 2017SP-034-003).

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 amending a Specific Plan for properties located at 272, 288, and 296 Broadmoor Drive, and 329, 341 and

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349 Ben Allen Road, west of Ellington Parkway, zoned SP (51.64 acres), to permit a mixed use development with nonresidential uses and 482 multi-family residential units, being Property Parcel Nos. 013, 015, 018, 073, 085, 100 as designated on Map 061-00 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 061 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 482 multi-family residential units and 86,300 square feet of nonresidential uses. Nonresidential uses shall be as specified on the plan.

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

1. Comply with all conditions of BL2018-1305 as applicable.
2. Comply with all conditions and requirements of Metro reviewing agencies.
3. The primary trail shall be constructed prior to approval of Use and Occupancy permits for any use in first phase.
4. The developer shall work with staff at Final SP for each phase to minimize the visibility of surface parking lots.
5. The developer shall work with staff at Final SP to ensure that buildings orient toward streets and open space to the greatest extent possible.
6. The entire primary trail shall be located within a dedicated public access easement.
7. With the submittal of the final site plan for the first phase, an overall trail plan shall be submitted for review. The plan should include timing of installation of the complete trail.
8. Proposed greenway connection shall be made between the subject SP and the Ben Allen Ridge SP to the south (Case 2021SP-020-001). This connection shall be included for review and approval in the overall trail plan.
9. On the corrected copy, add note to the Land Use Table that nonresidential uses are limited to Phases 1 and 5 within the areas designated as Neighborhood Center on the phasing diagram.
10. On the corrected copy, remove all references to the Senior Living land use category.
11. Submit a detailed grading plan with the submittal of the final site plan for review and approval by staff. Grading plan shall minimize disturbance of existing slopes and shall minimize the use of retaining walls.
12. A six-foot wide sidewalk and six-foot wide planting strip, consistent with the requirements of the Major and Collector Street Plan shall be provided along Broadmoor Drive for the full property frontage.
13. A five foot sidewalk and a four-foot grass strip shall be installed along Ben Allen Road for the full property frontage.
14. An off-site sidewalk six feet in width with a six foot wide planting strip, to Metro sidewalk standards, shall be installed for 650 feet to the west along the southern side of Broadmoor Drive, or as an alternative work with Planning, Stormwater, and Public Works to develop a paved walking path that would utilize the existing pavement width along Broadmoor Drive, with some grading and paving improvements, that would connect Dickerson Pike to Walton Lane.
15. At final SP for each phase the applicant shall be required to provide an exact breakdown of the number of units and number of bedrooms so that parking and other requirements can be accurately reviewed.
16. Elevations for all building types consistent with the bulk and architectural standards in the Preliminary SP shall be provided with the submittal of the Final Site plan for each phase for review and approval by staff. Individual building types shall be designed in a manner to work with existing topography and minimize grading.

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17. At final SP, provide archeological survey consistent with Metro Historic condition.
18. 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.
19. 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 Phase 1: MUL-A, Phase 2, 3, 4: RM15-A, Phase 5: MUL-A zoning district 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.

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