



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2023-1829

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

File created: 3/24/2023 **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 changing from MUL to SP zoning for property located at 4500 Harding Pike, southwest of the corner of White Bridge Pike and Harding Pike (10.57 acres), to permit a mixed-use development, all of which is described herein (Proposal No. 2023SP-018-001).

Sponsors: Kathleen Murphy

Indexes:

Code sections:

Attachments: 1. 2023SP-018-001_sketch, 2. 2023SP-018-001_plans, 3. Amendment A to BL2023-1829, 4. Amendment B to BL2023-1829, 5. Amendment B Exhibit, 6. Amendment C to BL2023-1829

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 as amended	Pass
5/16/2023	1	Metropolitan Council	amended	
5/15/2023	1	Planning and Zoning Committee	approved	
5/2/2023	1	Metropolitan Council	passed on second reading as amended	
5/2/2023	1	Metropolitan Council	amended	
5/2/2023	1	Metropolitan Council	public hearing	
5/2/2023	1	Metropolitan Council	motion to defer failed	Fail
4/7/2023	1	Metropolitan Council	advertised	
4/4/2023	1	Metropolitan Council	passed on first reading	
3/28/2023	1	Metropolitan Council	filed	
3/23/2023	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 MUL to SP zoning for property located at 4500 Harding Pike, southwest of the corner of White Bridge Pike and Harding Pike (10.57 acres), to permit a mixed-use development, all of which is described herein (Proposal No. 2023SP-018-001).

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 MUL to SP zoning for property located at 4500 Harding Pike, southwest of the corner of White Bridge Pike and Harding Pike (10.57 acres), to permit a mixed-use development, being Property Parcel No. 005 as designated on Map 116-03 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 116 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 388 multi-family residential units, 80,000 square feet of commercial space as defined in the plan, and 78 hotel rooms, with a maximum FAR of 1.69 for all uses combined, excluding underground parking. Short term rental properties, owner occupied and short term rental properties, not-owner occupied shall be prohibited in the entirety of the SP.

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

1. Comply with all Metro Parks conditions regarding greenway design and dedication.
2. The creek will be uncovered and buildings in the creek will be demolished as shown on the site plan prior to the issuance of the first Use & Occupancy permit for the site, and the creek will be restored with the greenway dedication complete before the last Use & Occupancy permit is issued
3. Streetscapes and pedestrian ways shall be designed with a thoughtful and cohesive landscape plan, including native materials, with integration to the greenway network.
4. There shall be a direct pedestrian connection between the middle 2 buildings for the sidewalk along the internal drive to the greenway. Pedestrian connections should link plazas, the greenway and interior and exterior walkways.
5. With the final site plan, comply with all WeGo infrastructure requirements.
6. With the final site plan, ROW dedication shall be provided to satisfy the Major and Collector Street Plan.
7. Parking shall be underground or as shown on the site plan.
8. With the final site plan, provide elevations consistent with the imagery provided in the preliminary SP and meeting all architectural standards.
9. All structures shall be designed with high quality materials, as required in the SP, and with elements that, while complementary to one another, present distinctive architectural features and placemaking elements. These should reinforce the design quality of the site and avoid the appearance of a monolithic wall along Harding Pike.
10. The following heights are permitted:
 - a. Maximum height for the westernmost building shall be 5 stories for the portion of the building closest to Harding Pike with the remainder allowed up to 8 stories, at no less than 30 feet set back from the building edge at Harding (or a 1.5:1 set back from the building face). Staff shall review and approve elevations with the final to determine compliance.
 - b. The 2nd building from the west shall be 8 stories with an allowed punctuation of height to permit architectural interest up to 10 stories. Placement of such punctuation shall be finalized at final site plan in consideration of sunlight, street configuration and other factors, but should be proportional to the rest of the building and generally consistent with the height plan. Staff shall review and approve elevations with the final.
 - c. The connector between the 2 westernmost buildings, shall be no more than 1 story and efforts should be made to maximize the tower separation.

- d. The 3rd building from the west shall be thoughtfully sculpted, with a limited maximum of 11 stories as shown in the proposed height plan exhibit on page 3 of the staff report. Staff shall review and approve elevations with the final.
 - e. The easternmost building shall be a maximum of 13 stories and no greater than 220 feet in length fronting Harding. As a significant gateway element, this building should include a high attention to detail and distinctive architecture, as viewed from primary public spaces. Staff shall review and approve elevations with the final plan.
- 11. Comply with all conditions and requirements of Metro reviewing agencies.
 - 12. 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.
 - 13. 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.
 - 14. 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.
 - 15. If blasting is necessary, the final site plan shall include a Site Blasting Plan, consisting of a pre-blast survey of structures on neighboring property (Map 116-3, Parcel 2), a blasting schedule with pre-blast notice, and the placement of no fewer than two (2) seismographs on this neighboring property to record and monitor excavation blasts from commencement to completion of all blasting activity.

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 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.