



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2023-2095

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

File created: 6/22/2023 **In control:** Planning and Zoning Committee

On agenda: 8/15/2023 **Final action:** 8/15/2023

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 CS, MUL-A and RS10 to SP zoning for properties located at 4102 Gallatin Pike, 1103 McAlpine Avenue and McAlpine Avenue (unnumbered), approximately 415 south of Greenland Avenue, and partially within the Gallatin Pike Urban Design Overlay District (2.7 acres), to permit a mixed-use development, requested by Smith Gee Studio, all of which is described herein (Proposal No. 2023SP-047-001).

Sponsors: Emily Benedict

Indexes:

Code sections:

Attachments: 1. 2023SP-047-001_sketch, 2. 2023SP-047-001_plans, 3. Amendment No. 1 to BL2023-2095

Date	Ver.	Action By	Action	Result
9/1/2023	1	Metropolitan Council	effective	
8/28/2023	1	Mayor	approved	
8/15/2023	1	Metropolitan Council	passed on third reading	Pass
8/14/2023	1	Planning and Zoning Committee	approved	
8/1/2023	1	Metropolitan Council	passed on second reading as amended	
8/1/2023	1	Metropolitan Council	amended	
8/1/2023	1	Metropolitan Council	public hearing	
7/7/2023	1	Metropolitan Council	advertised	
7/6/2023	1	Metropolitan Council	passed on first reading	
6/27/2023	1	Metropolitan Council	filed	
6/8/2023	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, MUL-A and RS10 to SP zoning for properties located at 4102 Gallatin Pike, 1103 McAlpine Avenue and McAlpine Avenue (unnumbered), approximately 415 south of Greenland Avenue, and partially within the Gallatin Pike Urban Design Overlay District (2.7 acres), to permit a mixed-use development, requested by Smith Gee Studio, all of which is described herein (Proposal No. 2023SP-047-001).

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, MUL-A and RS10 to SP zoning for properties located at 4102 Gallatin Pike, 1103 McAlpine Avenue and McAlpine Avenue (unnumbered), approximately 415 south of Greenland Avenue, and partially within the Gallatin Pike Urban Design Overlay District (2.7 acres), to permit a mixed-use development, being Property Parcel Nos. 264, 268, 278 as designated on Map 061-11 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 061-11 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 non-residential uses of MUG -A with the exception of hospital, automobile convenience, automobile parking, automobile service, park and ride lot, mobile storage unit, and warehouse. Residential uses are not permitted in District 1. District 2 shall be limited to a maximum of 2 multi-family units and District 3 shall be limited to 36 multi-family dwelling units. Short term rental property, owner occupied and short term rental property, not owner occupied uses are prohibited within the entire development.

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

1. A 20 foot wide alley shall be provided from McAlpine through the project site. The alley will be signed one way from McAlpine north through the site. Traffic will not be permitted to exit from the alley onto McAlpine.
2. If the existing detached unit along McAlpine Avenue is demolished, any new structure shall be similar in bulk and massing and maintain orientation towards McAlpine.
3. At the time of final, the multi-family structures internal to the site shall provide a consistent height transition to the surrounding properties.
4. At the time of final, elevations consistent with the renderings included with the preliminary SP shall be submitted.
5. On the corrected copy, the fallback zoning districts should be updated: Subdistrict 1 is MUL-A, Subdistrict 2 is RS10, and subdistrict 3 is RM20.
6. On the corrected copy, Note # 1 under the bulk standards table shall be removed and replaced with the following language: Height shall be measured from the average elevation at finished grade to the midpoint of the primary roof pitch, if sloped roof, or to the top of the parapet, if structure is built with a flat roof.
7. With the final site plan submittal, a pedestrian connection from the interior of the development shall be provided to McAlpine. The property with frontage along McAlpine shall be developed with a minimum 5 foot wide sidewalk. Sidewalks along Gallatin Pike shall meet the standards of the Major and Collector Street Plan. A pedestrian connection from Gallatin Pike to the internal portion of the site shall be included. Sidewalk connections that provide access to the site from existing rights of way shall be within existing right-of-way or placed in a public access easement.
8. With the submittal of the final site plan, a tree preservation plan shall be submitted, and existing mature trees shall be preserved to the greatest extent practicable.
9. 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.
10. 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.
11. 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.
12. Comply with all conditions and requirements of Metro reviewing

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 MUG-A zoning district for subdistrict 1, the RS10 zoning district for subdistrict 2, and the RM20 zoning district for subdistrict 3 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.