



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2022-1292, **Version:** 1

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 CL to SP zoning for a portion of properties located at 1405, 1407, 1409A Dickerson Pike, approximately 200 feet north of Marie St (3.47 acres), and within the Dickerson Pike Sign Urban Overlay District, to permit all uses within the MUG-A-NS zoning district, all of which is described herein (Proposal No. 2022SP-034-001).

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 CL to SP zoning for a portion of properties located at 1405, 1407, 1409A Dickerson Pike, approximately 200 feet north of Marie St (3.47 acres), and within the Dickerson Pike Sign Urban Overlay District, to permit all uses within the MUG-A-NS zoning district, being Part of Property Parcel Nos. 039, 040, 278 as designated on Map 071-11 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 071 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 those permitted by MUG-A-NS.

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

1. The entire length of the north/south road, from Gatewood Avenue to Marie Street as shown in the Highland Heights Plan, shall be included with the first final site plan submitted, if phased. If not phased, the entire length of the road shall be included with the submission of the final site plan. The developer has the option of pursuing either of the following regarding the construction of the road:
 - a. The right-of-way shall be platted and improvements bonded prior to the issuance of any building permits. If the right-of-way has been platted and bonded with the adjacent developments: 2020SP-051-001 and 2022SP-019-001, then the final site plan shall indicate as such and reference the adjacent cases. No U&Os shall be issued until the roadway is completed.
 - b. The applicant will be required to submit and receive approval for roadway plans in accordance with Nashville DOT standards. The road shall be constructed to Nashville DOT standards and the improved right-of-way platted or dedicated prior to issuance of any U&O permits
2. Access from Gallatin Pike for this development shall be shared per the conditions of 2020SP051-001, unless otherwise approved by Nashville DOT.

3. On the corrected copy, revise note three, "Parking shall be per Metro Code Requirements."
4. On the corrected copy, revise note 9.f. "Height shall be measured per Metro Code."
5. On the corrected copy, revise note 13, the build to zone shall be measured from the right-ofway line, unless an exception from these requirements is made by staff.
6. Comply with all conditions and requirements of Metro reviewing agencies.
7. 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.
8. 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.
9. 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 MUG-A-NS 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.