Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2023-1818, **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 AR2a, CS, and R15 to SP zoning on properties located at 2400 Pennington Bend Road (unnumbered) and McGavock Pike (unnumbered), approximately 61 feet north of Opry Mills Drive, (214.37 acres), to permit a mixed-use development, all of which is described herein (Proposal No. 2022SP-057-001).

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 AR2a, CS, and R15 to SP zoning on properties located at 2400 Pennington Bend Road (unnumbered) and McGavock Pike (unnumbered), approximately 61 feet north of Opry Mills Drive, (214.37 acres), to permit a mixed-use development, being Property Parcel Nos. 035, 036 as designated on Map 062-00 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 062 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 300 multi-family units, a 120 room hotel, agricultural activity, on site agricultural sales, and all other uses of the CA zoning district with the exception of those identified as prohibited uses, as specified on the Specific Plan.

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

1. If the development is phased, with the final phase of the development the applicant shall provide documentation that the minimum open space and tree canopy amounts have been met on the site.
2. On the corrected copy, a B level landscape buffer shall be added to the remaining portion of the northern property line, between the property line and the multi-family structures.
3. On the corrected copy, remove existing label that states the trail is to be maintained by NDOT and replace with "minimum 12 foot wide greenway trail to be maintained by property owner and subject to all Metro Parks requirements."
4. On the corrected copy, update the tree preservation condition to: A minimum of 20% of canopy trees to be retained, unless required by Metro Code to retain a higher percent.
5. Prior to issuance of any permits, comply with all Metro Parks requirements regarding greenway dedication, construction, and maintenance for pathway along Pennington Bend.
6. Greenway easement agreement must be approved by Metro Parks Board and Metro Council prior to

the issuance of building permits.
7. During grading and construction, the applicant will need to meet all state and federal regulations regarding archeological resources. Prior to the approval of the Final SP, a site specific evacuation plan for this development is required.
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 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.
10. 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.
11. Comply with all conditions and requirements of Metro reviewing agencies.

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 CA 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.