Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2023-2091, **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 amending a Specific Plan for property located at 8033 Highway 100, approximately 95 feet west of Temple Road, and within the Highway 100 Urban Design Overlay, zoned SP (9.07 acres), to permit certain uses in MUL-A zoning, add automobile convenience uses, and amend development standards, all of which is described herein (Proposal No. 2022SP-041-002).

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 property located at 8033 Highway 100, approximately 95 feet west of Temple Road, and within the Highway 100 Urban Design Overlay, zoned SP (9.07 acres), to permit certain uses in MUL-A zoning, add automobile convenience uses, and amend development standards, being Property Parcel No. 033 as designated on Map 156-00 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 156 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 the uses as outlined in the amended preliminary SP document

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

1. All conditions of BL2022-1400 shall apply, unless modified by this amendment.
2. The SP shall meet all standards of the UDO, except for the modifications permitted by the Planning Commission.
3. Site shall be limited to one vehicular access point along Highway 100. No vehicular access is permitted to Temple Road. Alignment of the vehicular access shall be coordinated with NDOT.
4. On the corrected copy, the scenic landscape easement shall extend across the entirety of the frontage.
5. On the corrected copy, the amendment page shall be updated to say "Amendment 1" not "Amendment 3."
6. At the time of final site plan, pedestrian and bike infrastructure meeting the intent of the MCSP and goals of Greenways, along Highway 100 and Temple Road shall be determined by Planning, NDOT, and Parks.
7. One final site plan shall be reviewed jointly for the SP and UDO.

8. If a permitted use is indicated as Permitted with Conditions, the final site plan shall indicate compliance with any conditions as outlined in the Zoning Code. If there are conditions in conflict with the UDO, the requirements of the UDO shall govern.
9. Disturbance of the site shall be limited to the extent possible, and a tree preservation plan shall be provided with the final site plan. No clearing of the site shall take place in advance of approval of the final site plan. Applicant shall work to retain as much existing vegetation along Highway 100 as practicable.
10. The shared access easement shall be recorded prior to the issuance of building permits.
11. Comply with all conditions and requirements of Metro reviewing agencies.
12. 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.
13. 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.
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.

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.