



METROPOLITAN COUNCIL

Metro Council Office

**PROPOSED LATE ORDINANCE,
AMENDMENTS AND
SUBSTITUTES FOR
RESOLUTIONS AND
ORDINANCES TO BE FILED
WITH THE METRO CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, DECEMBER 20, 2016**

AMENDMENT NO. _____

TO

RESOLUTION NO. RS2016-482

Mr. President –

I move to amend Resolution No. RS2016-482 as follows:

I. By deleting in its entirety the eighth and final "Whereas" recital which begins "WHEREAS, it is fitting and proper that...", and substituting the following in lieu thereof:

WHEREAS, it is fitting and proper that the Metropolitan Council go on record as requesting that the Metropolitan Board of Public Education consider replacing those buses nearing mandatory replacement age, or otherwise requiring replacement, with buses equipped with seatbelts.

II. By deleting Section 1 in its entirety and substituting the following in lieu thereof:

Section 1. That the Metropolitan County Council hereby goes on record as requesting that the Metropolitan Board of Public Education consider replacing those buses nearing mandatory replacement age, or otherwise requiring replacement, with buses equipped with seatbelts.

INTRODUCED BY:

Russ Pulley
Member of Council

ORDINANCE NO. BL2016-___

An ordinance repealing, in part, Ordinance No. BL2014-688, as amended, to rescind the Metropolitan Council's approval of the Agreement to Lease and Purchase between Metropolitan Government of Nashville and Davidson County, Autumn Assisted Living Partners, Inc., and the Hospital Authority of the Metropolitan Government of Nashville and Davidson County, dated January 10, 2014, regarding the disposition of real property relating to The Knowles Home Assisted Living and Adult Day Services facility; and further repealing Ordinance No. BL2015-1283, as amended, to rescind the Metropolitan Council's approval of the Purchase and Sale Agreement by and between Vision Real Estate Investment Corporation and the Metropolitan Government of Nashville and Davidson County for the sale of approximately 76 acres located at 1010 Camilla Caldwell Lane.

WHEREAS, the Metropolitan Council seeks to repeal, in part, Ordinance No. BL2014-688, as amended (specifically, Section 3 thereof) in order to rescind its approval of the Agreement to Lease and Purchase between Metropolitan Government of Nashville and Davidson County, Autumn Assisted Living Partners, Inc., and the Hospital Authority of the Metropolitan Government of Nashville and Davidson County, dated January 10, 2014, regarding the disposition of real property relating to The Knowles Home Assisted Living and Adult Day Services facility; and

WHEREAS, repealing in part Ordinance No. BL2014-688, as amended, to rescind approval of the above-referenced Agreement to Lease and Purchase, is in the best interests of the citizens of Nashville and Davidson County; and

WHEREAS, the Metropolitan Council further seeks to repeal Ordinance No. BL2015-1283, as amended, in order to rescind its approval of the Purchase and Sale Agreement by and between Vision Real Estate Investment Corporation ("Vision") and the Metropolitan Government of Nashville and Davidson County for the sale of approximately 76 acres to Vision, located at 1010 Camilla Caldwell Lane; and

WHEREAS, repealing Ordinance No. BL2015-1283, as amended, to rescind approval of the above-referenced Purchase and Sale Agreement, is in the best interests of the citizens of Nashville and Davidson County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 3 of Ordinance No. BL2014-688, as amended, is hereby repealed, as it pertains to the Agreement to Lease and Purchase between Metropolitan Government of Nashville and Davidson County, Autumn Assisted Living Partners, Inc., and the Hospital Authority of the Metropolitan Government of Nashville and Davidson County, dated January 10, 2014, regarding the disposition of real property relating to The Knowles Home Assisted Living and Adult Day Services facility, attached as Exhibit D to BL2014-688; and the Metropolitan Council's prior approval thereof is hereby rescinded.

Section 2. That Ordinance No. BL2015-1283, as amended, is hereby repealed as it pertains to the Purchase and Sale Agreement by and between Vision Real Estate Investment Corporation and the Metropolitan Government of Nashville and Davidson County for the sale of approximately 76 acres to

Vision, located at 1010 Camilla Caldwell Lane; and the Metropolitan Council's prior approval thereof is hereby rescinded.

Section 3. That the Metropolitan Clerk is directed to send a copy of this ordinance to Autumn Assisted Living Partners, Inc., 2100 Woodmont Boulevard, Nashville, Tennessee 37215, Attn: Paul Miller, President; and to the Hospital Authority of the Metropolitan Government of Nashville and Davidson County.

Section 4. That this ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Nick Leonardo
Member of Council

Jim Shulman
Member of Council, At-Large

SECOND SUBSTITUTE ORDINANCE NO. BL2016-414

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 R6 to SP zoning for various properties along Elvira Avenue, Maynor Avenue, and Keeling Avenue, approximately 600 feet west of Anderson Place, (4.86 acres), to permit a maximum of 180 residential units, all of which is described herein (Proposal No. 2016SP-087-001).

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 R6 to SP zoning for various properties along Elvira Avenue, Maynor Avenue, and Keeling Avenue, approximately 600 feet west of Anderson Place, (5.82 acres), being Property Parcel Nos. 061-068, 164 as designated on Map 072-05 and Property Parcel No. 046 as designated on Map 072-06 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 attached sketch, which is attached to 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 072 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 up to 180 residential units.

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

1. Uses within this SP shall be limited to those permitted by the RM40-A Zoning District.
2. The total number of units shall not exceed a total 180 units.
3. The maximum FAR shall be 1.0.
4. The maximum ISR shall be 0.75.
5. 5% of all units shall be sold at or below 90% AMI.
6. Residential Units along Elvira Avenue and fronting Maynor Avenue shall be detached single family or attached townhomes not exceeding 6 units per building footprint. All such units shall be limited to parking off of a rear drive and/or rear entry garages.

7. Units along Elvira Avenue and Maynor Avenue shall be limited to a maximum of 3 stories and 45 feet in height. Units interior to the properties shall be limited to a maximum of 4 stories and 60 feet in height.

8. Units along Elvira cannot exceed 2 stories in 35 feet in height at the front setback. A minimum 5 step-back is required, after which a maximum height of 3 stories in 45 feet is allowed.

9. There shall be no driveway or vehicular connection to Maynor Avenue.

10. There shall be a formal public park or greenway located at the terminus of Maynor Avenue partially located within the unused right of way along the existing railway. Said part shall contain a minimum of 10,000 square feet of useable recreation/open space.

11. A walkable greenway shall be constructed connecting Mayor Avenue to the intersection of Elvira and Keeling Avenue. Said greenway to be built to meet ADA standards with enough width for walking and biking

12. A Traffic Access Study shall be completed prior to approval of the final site plan to determine the feasibility of making the intersection of Elvira Avenue and Keeling Avenue a "T" intersection (coinciding with an access to the development) in order to calm traffic, minimize cut thru traffic, and to create an overall safer roadway network. This "T" intersection, if warranted, will be constructed when as directed by the Traffic Access Study.

13. Sidewalks shall be constructed along the entire northern side of Elvira Avenue (minimum 4 foot grass strip and 5 foot sidewalk) from Keeling Avenue to Gallatin Pike if adequate right-of-way is present. If adequate right-of-way is not present, then sidewalks shall only be installed along the site frontage. Sidewalks shall be extended along Keeling Avenue and connect to the existing sidewalk network along the western side of Keeling Avenue.

14. Upon the submittal of a Final SP, a Traffic Study shall be completed to determine street improvements that will be required based upon future traffic flows and improvements based upon safety (street widening)

15. 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 RM40-A zoning district as of the date of the applicable request or application.

16. 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.

17. Public water and sewer construction plans, if required, must be submitted and approved prior to Final SP approval. A water and sewer availability request shall be made prior to Final SP submittal with required capacity fees paid prior to Final Site Plan/SP approval.

18. Federal Compliance All development within the boundaries of this plan meets the requirements of the Americans with Disabilities Act and the Fair Housing Act. ADA: <http://www.ada.gov/> U.S. Justice Dept.:

19. Landscaping and landscape buffers around the site frontage and perimeter shall comply with the Metro Landscape Requirements Chapter 17.24 of the Metro Zoning Code. No buffer shall be less than a standard Class "B" buffer.

20. Units facades will be constructed using 80% masonry/concrete products with vinyl being prohibited.

21. If determined necessary by Traffic Impact Study, a traffic signal shall be installed at the intersection of Dozier Place and E. Trinity Lane.

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 RM40-A 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.

INTRODUCED BY:

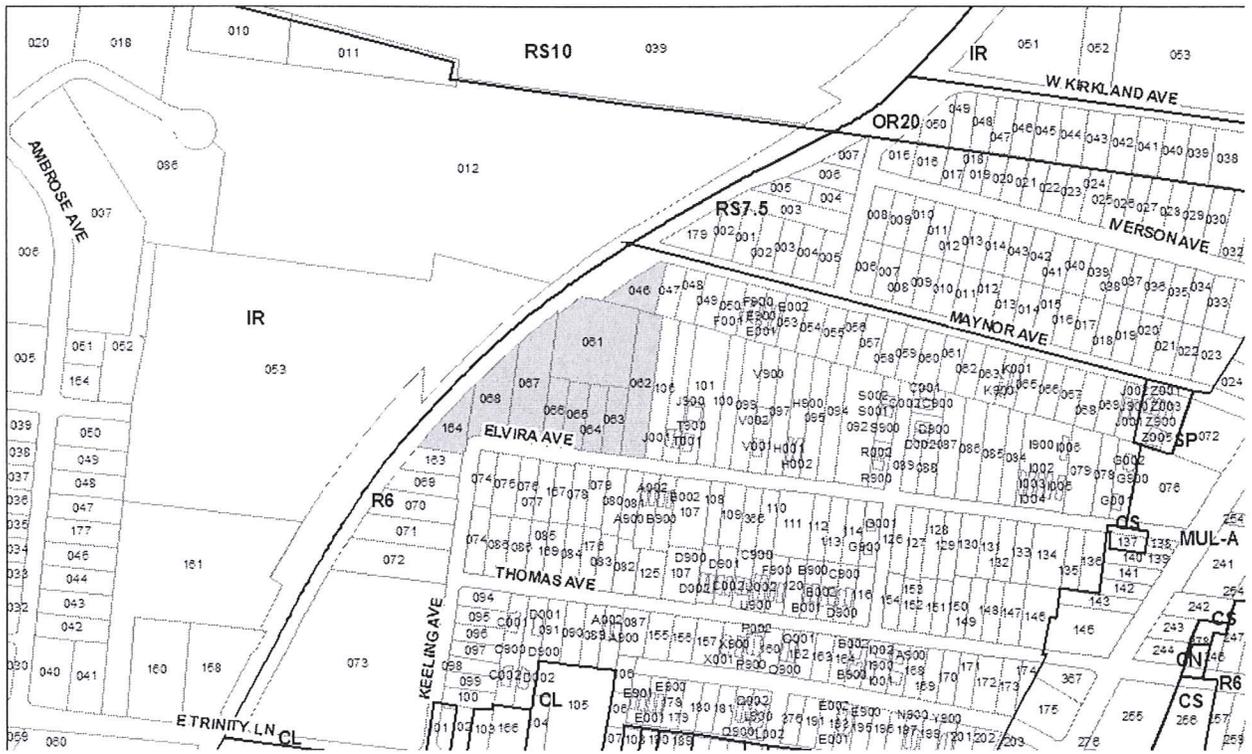
Scott Davis
Member of Council

[View Sketch](#)

[View Site Plan](#)

2016SP-087-001
Map 072-05, Parcel(s) 061-068, 164
Map 072-06, Parcel(s) 046
Subarea 05, East Nashville
District 05 (Scott Davis)

A request to rezone from R6 to SP-R zoning for various properties along Elvira Avenue, Maynor Avenue, and Keeling Avenue, approximately 600 feet west of Anderson Place, (4.86 acres), to permit a maximum of 180 residential units, requested by Councilmember Scott Davis, applicant; various property owners.



APN	Owner	PropAddr	PropCity	PropStat	PropZip
07206004600	COGDILL, WILLIAM L. & THERESA L.	900 MAYNOR AVE	NASHVILLE	TN	37216
07205006100	COGDILL, WILLIAM L. & THERESA L.	909 B ELVIRA AVE	NASHVILLE	TN	37216
07205006200	COGDILL, WILLIAM & THERESA	911 ELVIRA AVE	NASHVILLE	TN	37216
07205006700	LYNCH, SCOTT & RITA F. & JARAANO, JORGE	901 ELVIRA AVE	NASHVILLE	TN	37216
07205006800	LYNCH, SCOTT & RITA F. & TARAANO, JORGE	899 ELVIRA AVE	NASHVILLE	TN	37216
07205006600	DROWN, TIMOTHY A. & MORIARITY, RYAN	903 ELVIRA AVE	NASHVILLE	TN	37216
07205006500	PLR PROPERTIES, LLC	905 ELVIRA AVE	NASHVILLE	TN	37216
07205006400	THOMAS, CHRIS	907 ELVIRA AVE	NASHVILLE	TN	37216
07205016400	SADLER, RONALD L.	0 KEELING AVE	NASHVILLE	TN	37216
07205006300	COGDILL, WILLIAM L. & THERESA L.	909 ELVIRA AVE	NASHVILLE	TN	37216

UNITS	
14	30
FLATS	150
TOTAL	180

PARKING	
SURFACE	178
PAVEMENT	60
TOTAL	238

4.86 ACRES



161213



AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-495

Mr. President –

I move to amend Ordinance No. BL2016-495 as follows:

I. By amending Sections 1, 2 and 3 by deleting the phrase “returned or refunded” as it appears in each such section and substituting therefore the phrase: “returned, refunded or reimbursed” in each section.

INTRODUCED BY:

John Cooper
Member of Council At-Large

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-498

Mr. President –

I move to amend Ordinance No. BL2016-498 as follows:

I. By amending Section 1 by deleting it in its entirety and substituting therefore the following:

Section 1. That subsection A of section 13.20.020 of the Metropolitan Code be amended by adding the following sentence at the end thereof:

A. In no event shall any obstruction or excavation close or occupy any portion of the public right of way for a period in excess of one (1) year without the approval of the metropolitan council by resolution adopted by twenty-one affirmative votes.

II. By amending Section 2 by deleting it in its entirety and substituting therefore the following:

Section 2. That subsection B of section 13.20.030 of the Metropolitan Code be amended by adding the following sentence at the end thereof:

B. No public way shall be closed in excess of one (1) year without the approval of the metropolitan council by resolution adopted by twenty-one affirmative votes.

III. By amending Section 3 by deleting it in its entirety and substituting therefore the following:

Section 3. That subsection E.1 of section 13.20.030 of the Metropolitan Code be amended by deleting it in its entirety and replacing it with the following in lieu thereof:

1. Permits shall be issued for temporary obstructions only. Temporary obstructions may not exceed one (1) year without the approval of the metropolitan council by resolution adopted by twenty-one affirmative votes. Additional or cumulative permits may not be issued if the result would allow for obstructions exceeding one (1) year, unless approved by the metropolitan council by resolution adopted by twenty-one affirmative votes. Permanent obstructions are prohibited. Except as hereinafter provided, the fee for an obstruction permit shall be fifty-five dollars per day per location.

INTRODUCED BY:

Jeremy Elrod
Member of Council

AMENDMENT NO. _____

TO

ORDINANCE NO. BL2016-527

Mr. President –

I move to amend Ordinance No. BL2016-527 as follows:

I. By amending Section 2 by deleting subsection 8.12.110.B.4 in its entirety and substituting therefore the following:

4. The floors of pens shall either be constructed of materials that prevent accumulation of standing water, or shall otherwise be arranged to prevent such accumulation.

INTRODUCED BY:

Mary Carolyn Roberts

Mina Johnson
Members of Council