

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1358

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 ORI-A to SP zoning on property located at 3419 Murphy Road, approximately 100 feet west of West End Avenue, within a Planned Unit Development Overlay District (1.47 acres), to permit a mixed-use development, all of which is described herein (Proposal No. 2018SP-049-001).

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 ORI-A to SP zoning on property located at 3419 Murphy Road, approximately 100 feet west of West End Avenue, within a Planned Unit Development Overlay District (1.47 acres), to permit a mixed-use development, being Property Parcel No. 058 as designated on Map 104-06 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 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 104 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 ~~365,000~~ 360,000 square feet of all uses permitted by the ORI-A zoning district.

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

1. With the Final SP submittal, building materials shall be refined subject to Planning Staff approval. (i.e., lower reflectivity glass and introduction of masonry on the lower floors).

2. Façade treatment of parking structures and mechanical areas shall be reviewed by staff with the submittal of the final site plan. Façade treatments shall be generally consistent with the submitted elevations. Applicant shall work with staff to minimize light bleed from cars utilizing the garage. The façade will be limited to a maximum of 75% glazing, and the glazing reflectivity will be limited to a 30% exterior reflectance for all uses onsite.

~~2.~~ 3. Parking for all uses shall be provided consistent with the requirements of the Metro Zoning Ordinance.

~~3.~~ 4. No building signage is approved with this Preliminary SP. All signage shall comply with the standards of the ORI-A zoning district.

~~4.~~ 5. Prior to submittal of the Final SP, coordinate with Planning and Public Works to identify appropriate bicycle infrastructure improvements for Murphy Road between Bowling Avenue and West End Avenue given the site location and context. Appropriate improvements shall be incorporated into an implementation plan to be submitted with the final. This may include physically protecting the existing bike lanes where feasible, adding bicycle signals at signalized intersections, and improving the bike lanes I-440 ramp crossings.

~~5.~~ 6. Show locations and numbers of required bicycle parking on site plan with Final SP submittal.

~~6.~~ 7. Provide employee lockers, shower facility, and indoor bicycle parking for employees. Show on site plan with Final SP submittal.

~~7.~~ 8. Prior to submittal of Final SP, meet with Planning to develop a Transportation Demand Management (TDM) plan and implementation strategy that includes transportation modal shift goals that reduce number of single occupancy vehicle (SOV) trips to and from the development. TDM plan shall be included with Final SP submittal.

~~8.~~ 9. Comply with all conditions of Metro Public Works and Traffic and Parking.

~~9.~~ 10. 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.~~ 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.

~~11. With the Final SP submittal, building materials shall be refined subject to Planning Staff approval (i.e., lower reflectivity glass and introduction of masonry on the lower floors).~~

12. The Final SP shall reflect extensive landscaping including planting trees and/or tall shrubs on every outdoor amenity area in addition to planned streetscaping.

13. Skyline signage that faces the neighborhood shall be indirectly lit (not internally illuminated) to reduce the level of visible light from a distance.

14. Prior to obtaining a use and occupancy permit, the developer ~~must install curbing along the eastern edge of West End Place (between West End Avenue and Murphy Road) and Park Circle (between Murphy Road and Acklen Park Drive) subject to approval by Metro Public Works. Scope of work to not exceed \$100,000 shall work with Parks and the Greenways for Nashville Nonprofit to make a contribution to improving the tree canopy and the curbing along the greenway in the RWEN.~~

15. Prior to obtaining a use and occupancy permit, the developer must install traffic calming measures along Acklen Avenue and Orleans Drive per the traffic calming petition prepared by KCI and approved by the Metro Traffic Calming Committee.

16. The overall maximum height of the building structure shall be limited to ~~167~~ 155 feet measured from Murphy Road per the Zoning Code, ancillary equipment screening and

architectural features as allowed by the Metropolitan Code will not be counted towards this height limitation.

17. All external lighting will be LED with a CCT of 3,000 K or lower; building and freestanding signs will be downlit or internally illuminated and put on a night circuit, and external lighting will be shielded where possible. Skyline signage on the western face of the building is prohibited and all signage facing the Richland neighborhood will be indirectly lit.

18. The developer shall not close the sidewalks ~~along Murphy Road~~ during construction unless required for public safety pursuant to the City's requirements, in which case the surrounding properties will receive notice.

19. The developer will work with WeGo to encourage participation and the use of Easy Ride passes for employees working in the building.

20. ~~The~~ For the first 12 months of operations, the developer shall include 1-hour 1.5 hours of free parking for retail customers and to be available to existing retail businesses.

21. The developer shall use its best efforts to include 10 percent minority contractor participation for the construction of the project.

22. The developer will pay for, construct and have a traffic signal installed from Murphy Court onto Murphy Road, if approved by the City and State.

23. No short-term rental usage will be permitted within this SP.

24. ~~All blasting on the Property will comply with the State's blasting standards. Developer will comply with the State's blasting requirements, and Developer will exceed the state's blasting requirements by agreeing to pre-blast surveys on buildings that physically front West End Place and 3500 Murphy Road as well as the exterior of the Continental. Prior to blasting, Developer and its blasting consultants will conduct two informational meetings for the RWENA and one meeting for the Continental residences prior to blasting. Developer will provide weekly blasting summaries of the seismic readings and how they compare to the state's requirements.~~

25. Prior to commencement of construction, the Developer will present a construction parking plan to the RWENA Board that includes an off-site parking area.

Section 5. ~~Be it further enacted, elevations for the Project are attached hereto as Exhibit A, and a revised a corrected copy of the preliminary SP reflecting the conditions in this substitute ordinance will be provided to the Council prior to third reading and attached hereto. Any further corrections to the preliminary SP plan which are necessary to incorporate 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 ORI-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:

Ed Kindall

Burkley Allen
Members of Council