

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY

Nashville and Davidson County Tennessee

ARTS CENTER REDEVELOPMENT PLAN

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Preface

This Arts Center Redevelopment Plan is located in Metropolitan Nashville and Davidson County, Tennessee and is undertaken by the Metropolitan Development and Housing Agency, hereinafter referred to as "MDHA", in accordance with and in furtherance of the objectives of The Housing Authorities Law, Tennessee Code Annotated, Sections 13-20-101, et. seq. (the "Housing Authorities Law"). The Metropolitan Council of Nashville and Davidson County has declared the area to be a blighted area within the scope of Section 13-20-201 through 13-20-209, of the Housing Authorities Law.

ARTS CENTER REDEVELOPMENT PLAN
NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

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Exhibit “A”, Boundary Description

B. DESCRIPTION OF PROJECT AREA

The Arts Center Redevelopment Project is located on the western boundary of the Nashville Central Business district. The area is generally bordered on the west and south by 17th Avenue North and Division Street, on the east by the Capitol Mall Redevelopment Project and on the north by Broadway and McGavock Streets. The general physical condition of the area is blighted based on building surveys conducted in conjunction with this Plan, the 1991 Subarea 9 Plan/Center City Plan, and for the Subarea 9 Master Plan Update. The area encompasses about one hundred acres, exclusive of public rights-of-way, and a large portion of the area is vacant or underutilized.

The project area includes a number of historic or landmark properties. Significant local and federal grant funds were utilized to preserve the Union Station Hotel landmark property resulting in employment opportunities for low and moderate income families, elimination of a significant blighted condition and restoration of a historic treasure. Cummins Station, which was a large warehouse, has subsequently been renovated by the private sector for commercial and office space. Work has begun toward stabilizing the dilapidated Train Shed, and the area under the historic structure is being used temporarily for surface parking. Stalled for several years, stabilization and restoration of the Baggage Building is complete.

The U.S. Post Office building on Broadway is being converted to a visual arts center, for which this document is named. The arts center will give new life to this relatively rare example of art deco construction in Nashville and will serve as the catalyst in the redevelopment of this area of downtown.

In order to assure the long term economic viability of these recently restored properties and proposed projects, the Arts Center Redevelopment Plan is proposed as a defined area. In particular, the redevelopment or renovation of the Train Shed, Baggage Building, and U.S. Post Office are key to eliminating blight and supporting the long term economic viability of the western entrance to Nashville's Central Business District. Coordinated redevelopment efforts will provide for parking and access necessary for any new development. The proposed Franklin Street Corridor, a new east-west roadway south of Cummins Station, will provide the impetus for assembling properties for new development and elimination of underutilized land and deteriorated structures on the southern and eastern edges of the Arts Center Redevelopment Project Area.

The Arts Center Redevelopment Plan is consistent with and implements recommendations of the General Plan for Nashville and Davidson County as reflected in the Subarea9/Center City Plan (1991) and the Subarea 9 Masterplan Update (1997). The Subarea 9/Center City Plan promoted the development of an arts center on Broadway in the downtown area, and the Subarea 9 Masterplan Update specifically supported the placement of a visual arts center in the U.S. Post Office Building. The Arts Center Redevelopment Plan promotes the recommended preservation and reuse of the Train Shed, U.S. Post Office, and Cummins Station and the development of a mixed-use, small business and residential area south of Broadway. The Redevelopment Plan is compatible with local plans for street improvements in the area, including the proposed Franklin Street Corridor.

In addition to the core area of the Arts Center Redevelopment Project described in the preceding paragraphs, the Project Area was extended in 1999 to include properties on and in the vicinity of the area known as "Music Row". This additional area abuts the original Arts Center Project Area along the railroad gulch and extends westward to the vicinity of Division Street. This additional area exhibits characteristics of and is a blighted area based on surveys conducted in 1999 by the Metropolitan Development and Housing Agency. Approximately one-third of the structures were classified as substandard, exhibiting characteristics of dilapidation or major deterioration. Inclusion of this area will assist the implementation of the Subarea 10 Plan and the 1997 Music Row Planning and Design Study which recommend revitalization of the commercial corridor along Demonbreun Street now characterized by small tourist shops and surface parking facilities. This area has been impacted by the planned relocation of the Country Music Hall of Fame and the resulting reduction in the number of tourists visiting the area. Inclusion of the additional area will encourage revitalization into a more intensive mixed-use development pattern consistent with that found and developing elsewhere within the Music Row area.

1. BOUNDARIES OF THE PROJECT AREA

The boundaries of the Project Area are shown on Redevelopment Plan (R. P.) Map No. 1, "Project Boundary Map," and are as described in Exhibit "A. "

2. REDEVELOPMENT PLAN OBJECTIVES

The specific provisions and actions incorporated in the Plan have been developed and are necessary to achieve the following objectives:

- a. To establish harmonious land use patterns and provide sites adequate for the planned development of new cultural, commercial, mixed use, and residential uses.
- b. To provide for redevelopment of the Project Area, wherein non-conforming or deleterious land uses and the present subdivision and ownership of land precludes the orderly assemblage and desired changes in the use of land.
- c. To eliminate substandard buildings through acquisition and demolition or through a conservation program for the rehabilitation of existing structures where feasible and compatible with the Land Use Map (R. P. Map No. 2) .
- d. To clear and provide for redevelopment of portions of the Project Area in which a change in type or intensity of land use is necessary. Within these areas it may be required, and is within the objectives of this Plan, that certain buildings, which are not structurally substandard, be acquired and demolished.
- e. To establish standards and guidelines for the redevelopment and continued use of the area which will assure adequate light, air, open-space, off-street parking, and the future stability of the entire area through quality development.
- f. To provide for the relocation of businesses where necessary to accomplish the objectives of the Plan.
- g. To eliminate and prevent the recurrence of blight.

- h. To eliminate vacant and underutilized land by monitoring development and taking actions necessary to encourage effective and desirable uses of land in accordance with the Plan.
- i. To provide for the layout of new streets, pedestrianways, parking facilities and other public improvements necessary to support the redevelopment of the area.
- j. To enhance the historic resources represented by structures in the Project Area including but not limited to the Union Station, Train Shed, Baggage Building, U. S. Post Office, and Cummins Station.
- k. To promote the long term future use of the railroad gulch as a transit or open space corridor, trail, and/or bikeway as future studies and needs may require.
- l. To discourage the proliferation of adult entertainment businesses by not including such establishments in the list of permitted uses in Section C. 2. a of the Land Use Plan.
- m. To promote the long-term use and viability of the area in the Demonbreun Street vicinity, west of interstate 40, in a manner consistent with the growth of the Music Row office market and ancillary uses that support the music industry.
- n. To connect the Music Row vicinity with the Arena Campus and other downtown venues through design and corridor enhancements, promotional events targeting tourists, and compatible land uses along Demonbreun and adjoining streets.

3. PROPOSED REDEVELOPMENT ACTIONS

The ultimate objective of the Redevelopment Plan is to create an environment conducive to the creation of a visual arts center, the long-term economic viability of the Union Station, Train Shed, Baggage Building, and Cummins Station, and the revitalization and redevelopment of the gulch area and the eastern gateway to Music Row. This objective is to be accomplished through the coordinated and planned redevelopment of the area and the elimination of blighting influences posed by dilapidated buildings and structures, and underutilized land, and incompatible uses. The various proposals of the Plan have been adopted to remove the conditions which have created or contributed to the substandard character of improvements in the Project Area and restore the vitality of the area through redevelopment and rehabilitation. The types of actions necessary to achieve this objective are:

- a. The acquisition of land through negotiation, condemnation, or otherwise for public purposes and/or for private infill development, whereby the condition of title, diverse ownership of real property to be assembled, street or lot layouts, or other conditions prevent a proper development of the property in accordance with the Land Use Plan.
- b. The acquisition of land for the purpose of removing, preventing, or reducing blight.
- c. Demolition, clearance and relocation as necessary within the Project Area to achieve the objectives of the Plan.
- d. Closing, vacating, or relocating various streets, alleys, pedestrianways, or utilities.
- e. To provide for and construct improved streets, alleys, public facilities, open spaces, greenways and pedestrianways. In particular, planned improvements to the Demonbreun Street viaduct, the new Franklin Street Corridor and the

provision of additional access roads in and through the area are anticipated or provided for herein.

- f. Negotiation of agreements with developers to undertake redevelopment of property in accordance with the Land Use Plan.
- g. Changes in zoning to be consistent with the Land Use Plan and the *Subarea 9 Masterplan* and any updates thereto. More specifically, such changes would replace the current CF (Core Frame) zoning with a classification providing for a narrower mix of uses consistent with this Redevelopment Plan.

C. LAND USE PLAN

1. LAND USE MAP

The permitted uses of land within the Project Area are as shown on R. P. Map No. 2, "Land Use Map," and as further described in the following sections.

2. LAND USE PROVISIONS AND BUILDING REQUIREMENTS

In order to achieve the objectives of this Redevelopment Plan, the redevelopment and use of land as sold or leased by MDHA and all land designated for potential acquisition on R. P. Map No. 3, "Proposed Land Acquisition Map," whether so acquired or not, will be made subject to all requirements and restrictions specified in this section. All provisions of this section shall likewise apply to parcels not being acquired under provisions of this Plan when the owner of such parcel shall acquire land designated on the "Proposed Land Acquisition Map," R. P. Map No. 3, as an addition to the tract not designated for acquisition. No improvements on such property may be made, extended or enlarged unless the land assembled together and including property not to be acquired shall be in accordance with all controls of this section.

All redevelopment on parcels as sold, leased or under redevelopment agreements through MDHA as well as any improvements in the area subject to the General Design Regulations and Controls in Section C. 2. b. of this Plan must be approved by a Design Review Committee designated by the Executive Director of MDHA. The Board of Commissioners of MDHA may supplement this Plan with rules and standards to assist the design review committee in interpreting this Plan as it relates to appropriate uses, design, color, setbacks, landscaping, parking, ingress and egress and other restrictions in accordance with this section or any future Overlay District enacted as part of the Metropolitan Zoning Code.

- a. **General Land Use Districts:** Within the general land use districts shown on R. P. Map No. 2, "Land Use Map," the following represent objectives for redevelopment in accordance with this Plan:

- 1. ***Mixed Use Arts District:*** The historical and architectural resources represented by the Union Station, Baggage Building, Train Shed, and the U. S. Post Office shall be preserved and enhanced by new development sensitive to its historic presence. The designation of the Train Shed as a National Historic Landmark warrants that every effort be made to renovate and adapt it to a new use compatible with the Union Station in terms

of materials, size, scale, height, proportion, orientation, color and texture. The U. S. Post Office building may continue to offer a retail postal facility, but is recommended to be converted to a center for the visual arts to fully utilize the resource represented by the structure.

The Baggage Building is recommended to be renovated and incorporated to the greatest extent feasible into a use compatible and supportive of the visual arts center, Union Station and any proposed redevelopment of the Train Shed structure or site. It is also appropriate and intended that surface parking and/or parking facilities with appropriate landscaping or street-level screened facades be developed on the block bounded by McGavock and Demonbreun Streets on the north and south and the Train Shed and Ninth Avenue South on the west and east.

Permitted Uses

- General residential
 - Public and private schools and daycare centers
 - Public parks, plazas and playgrounds
 - Cultural center, fine arts center, museum, theater or assembly facilities
 - Offices – business, governmental, professional, medical, arts, publishing, etc.
 - Convenience retail sales and service
 - Hotels
 - Parking
 - Restaurants and other eating or drinking establishments, but not drive-in or drive-through facilities or those with walk up window service
2. **Mixed Use District:** These areas border the core of the arts center and historic properties. It is desirable that buildings and vacant land in these districts be renovated or demolished as appropriate or necessary for new development encompassing uses permitted by this Plan and compatible with the redevelopment of the U. S. Post Office and other historic properties in the District and the provision of new access routes and street corridors. Redevelopment and restoration projects, where they occur in this portion of the District, anticipate the assembly of land into entire blocks or the major portion thereof in order to promote a set of comprehensive yet diverse improvements to the area. The intent is to create an "urban" atmosphere, and new development on Eighth Avenue South and the Franklin Street Corridor should face onto such thoroughfares and have zero or very little front yard setbacks with any parking to be located in the rear.

Permitted Uses

- General residential
- Public and private schools and daycare centers
- Public parks, plazas and playgrounds
- Cultural center, fine arts center, museum, theater or assembly facilities
- Offices – business, governmental, professional, medical, arts, etc.
- General retail sales and services
- Hotels, motels, or other habitation for transient use

- Parking
- Restaurants and other eating or drinking establishments, but not drive-in or drive-through facilities or those with walk up window service
- Funeral homes
- Indoor recreation facilities and commercial amusement
- Club, bar or nightclub, excluding adult entertainment
- Greenways
- Accessory uses customarily incidental to any of the above

Conditional Uses: The following uses may be permitted in Mixed Use District if it is so designed, located and proposed to be compatible with surrounding land uses and operated such that the public health, safety and welfare will be protected and will not adversely affect other property in the area:

- Medical or health care facilities
- Warehousing
- Wholesale sales
- Light manufacturing, including without limitation printing
- Landport

3. ***Mixed Use “Music Row” District:*** This district applies to the area west of Interstate 40. This area has historically served as the entrance to the Music Row area and as such was a hub of tourist activity. Due to economic and land use trends, the area has increasingly shifted its focus away from tourism and towards office development and uses ancillary to the needs of the music industry. It is recommended that the change in focus be encouraged, while to the extent possible physically incorporating the traditional retail/tourism related activities through building design. New multi-storied office development could incorporate first floor retail. It is appropriate that development in the Music Row district, particularly at the street level, promote a pedestrian scale of activity. The intent is to create an atmosphere of excitement and a grand entrance to Music Row. This can be accomplished through building designs that relate to Demonbreun Street and the Owen Bradley Park, as well as pedestrian scale features such as lighting, open spaces, plazas that flow into expanded sidewalks, and attractive landscape treatments.

Permitted Uses

- General residential
- Public and private schools and daycare centers
- Public parks, plazas and playgrounds
- Cultural center, fine arts center, museum, theater or assembly facilities
- Offices – business, governmental, professional, medical, arts, publishing, etc.
- Convenience retail sales and service
- Hotels
- Parking
- Restaurants and other eating or drinking establishments, but not drive-in or drive-through facilities or those with walk up window service

Conditional Uses: The following uses may be permitted in the Mixed Use "Music Row" District if they are designed, located and proposed to be compatible with surrounding land uses and operated such that the public health, safety, and welfare will be protected and will not adversely affect other property in the area:

- Auto sales
- Auto Service and repair

For properties which have frontage on Demonbreun Street there will be no outside storage or display of vehicles and no auto service or repair will be allowed

- b. **General Design Regulations and Controls:** In order to achieve the objectives of the Arts Center Redevelopment Plan, the following design controls and procedural regulations shall apply to all land within the Project Area developed, redeveloped, or improved subsequent to the recording of this Plan in the Register's Office of Davidson County whether or not such land was ever acquired by MDHA.

1) Site Plan

In the development, redevelopment, or improvement of all lots and parcels of land, the buildings and improvements shall be planned and designed as an integral part of the Project Area. A site plan shall be prepared which shows buildings, structures, appurtenances, walls, fences, signs, driveways, parking and service areas, walks, utilities, plantings, grades and elevations and any other facilities which are proposed. Property shall be developed to permit safe entrance and exit from the public right-of-way by pedestrians and vehicles and to minimize the degree of conflict between these two modes of travel. Entrances and exits from new buildings shall be designed to permit direct ingress/egress to public right-of-way by vehicles without requiring backing movements within public right-of-way wherever possible. The site plan shall contain a scale, north arrow, map and parcel number, property address, all property and street lines, all existing easements, the location of all off-site buildings within fifty feet of the site boundaries, and the location and capacity of all existing public utilities unless any or all of these specific requirements are waived by MDHA as unnecessary.

The site plan shall be submitted to MDHA for review and approval, and where the development is to be accomplished in phases, a construction-phasing schedule shall accompany the site plan. Development shall conform to the approved site plan. Approval of a site development plan by MDHA shall not relieve the owner from receiving approvals from other governmental agencies as required by law or regulation.

2) Landscape Plan

Those portions of lots or parcels of land which are not built upon or are not paved for parking or pedestrianways shall be planted in accordance with a landscaping plan and shall be maintained in accordance with such a plan. The detailed planting plan shall be developed based on the approved site plan. The landscaping plan shall show location, size, spacing, species, form and

quality of all existing and proposed materials, and the location of all proposed exterior lighting fixtures, the area to be lighted by each exterior lighting fixture, and the materials and colors of each exterior lighting fixture unless any or all of these specific requirements are waived by MDHA as unnecessary.

3) Exterior Design

Property shall be developed to enhance the overall appearance of the Project Area. Building materials, landscaping and paving materials shall be coordinated to aid in creating a harmonious development. On newly constructed buildings, all of the exposed sides of a structure, (i. e. any building wall not abutting another) shall be treated architecturally with finish materials in character with the main facade of the building. For additions, finishes shall be compatible with the existing building and the exterior materials of buildings on adjacent properties. Similarly, the exterior design and treatment of other facilities (e. g. courts, plazas, terraces, walls, walks, steps, etc.) shall be in character with the building. Elevation drawings shall be submitted to MDHA, which will review and approve them with respect to general design and materials affecting exterior appearances. Elevation drawings shall contain a scale, elevations of all existing structures which are to be retained, elevations of all new additions or new construction, location and description of all signs to be mounted or placed on any structure on the site, and designations of all proposed materials which will be exposed, including color and texture.

4) Environmental Nuisances

To the extent possible, property shall be developed to contain, within the limits of the property, the effects of environmental nuisances created by the operation of commercial businesses. Environmental nuisances included shall be noise, odor, unsightly storage, and other specific environmental nuisances identified by MDHA. The storage of equipment, materials, or goods, in open areas of any lot or parcel of land shall be screened from view by a fence, wall, hedge, plantings, or other appropriate means of screening, provided the storage of such equipment, materials or goods are normal or customarily incidental to the permitted uses. The accumulation of trash, debris, or any noxious materials shall be prohibited.

5) Off-Street Parking

All off-street drives and parking areas shall be surfaced with asphalt or concrete and so constructed as to provide for adequate drainage. Surface parking shall be appropriately landscaped, and parking garages shall have ground level business establishments or be designed or screened on the first level to be sensitive to historic structures in the area.

6) Signs

The sign regulations found in Metropolitan Zoning Code, Section 17.37, as may be amended from time to time, shall govern the use of signs of all parcels subject to the Downtown Code and located in the Redevelopment District. For parcels not subject to the Downtown Code, the signage guidelines adopted by the Board of Commissioners of the Metropolitan Development and Housing Agency shall control all signage on the parcel. Provided however, the foregoing or

any other provision of the redevelopment plan to the contrary notwithstanding, billboards shall not be permitted within the boundaries of the redevelopment district.

7) Off-Street Loading and Unloading

A service area with adequate off-street loading and unloading space to accommodate pick-up and/or delivery of goods or mail by truck, removal of waste materials, delivery of fuel, and other servicing functions required for buildings and structures shall be provided for all uses. The service area shall not encroach upon any space provided for off-street automobile parking, but maneuvering space may be shared. MDHA shall determine if the service area is adequate for the off-street loading and unloading requirements of the particular use and building proposed. Wherever feasible and practicable, a service area may serve a group of buildings on the same lot or adjacent lots. These requirements are in addition to and do not supersede zoning or other regulations pertaining to loading areas.

8) Height Restriction

On any land designated as Mixed Use-Arts District on R. P. Map No. 2, the maximum height of any structures shall not exceed the highest point on the clock tower of Union Station, exclusive of any statuary or other decorative ornamentation on top of the tower. This restriction shall not apply to the Mixed Use "Music Row" District.

9) Construction Approvals

No parking area or parking facilities, no building or other structure or improvement (including signs and loading docks and ramps) shall be erected, placed, enlarged, or altered until the construction plans and specifications showing the location of the facilities, improvements, and structures on the land have been approved by MDHA, as to compliance with the restrictions set out herein and also as to the sufficiency of landscaping and the adequacy and location of parking facilities.

10) Temporary Structures and Interim or Alternate Uses

Temporary structures used in connection with construction on any lot or street within the Project Area shall be permitted, with the approval of MDHA, for periods of up to six months, unless extended by MDHA. On property acquired by MDHA but not yet developed, MDHA may establish such interim uses as it deems desirable and in the public interest consistent with local zoning code requirements.

11) Historic Preservation

MDHA may consider additional guidelines generally consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Structures in reviewing new developments where such development may impact an abutting historic property or any addition to the floor area of buildings either listed on the National Register of Historic Places or deemed eligible for listing on the National Register by the Metropolitan Historical Commission (MHC) ; however,

such guidelines shall not be determinative in approving or disapproving a redevelopment project. New structures may not imitate past architectural styles and their design shall be compatible with historic buildings in materials, size, scale, proportion, height, orientation, color and texture. Contemporary design must be compatible with the character and setting of the historic buildings. Skywalk connections that may be contemplated as a means of integrating any of the historic structures in this area shall be discouraged.

In order to give consideration to the preservation of historic buildings and compatibility of new development with the setting of historic structures, the Executive Director of MDHA, in any design review affecting properties or the setting of properties designated by the MHC as listed on the National Register of Historic Places or potentially eligible for inclusion in the National Register shall include on the Design Review Committee, a representative of the MHC, a private citizen or expert selected by MDHA from among three persons nominated by the MHC, and one or more representatives who are either property owners or business operators in the Arts Center Redevelopment Plan and who shall have no direct interest in the proposed development under review. Notwithstanding, the Design Review Committee may receive and weigh the comments of any interested party as to the significance of historic buildings or settings and suggested mitigation or documentation activities if any proposed development will result in alteration or demolition of such buildings or alteration of their setting in relation to existing surroundings.

12) Demolition

No permit for the demolition of any structure listed, or eligible for listing on the National Register of Historic Places, nor any structure contributing to a National Register Historic District, shall be issued, except as otherwise provided for herein, unless it is determined by MDHA that the building is not economically feasible for renovation. No demolition permit on such a structure shall be issued until after a minimum of ninety (90) days following receipt of a demolition request, unless the health and safety of the community is determined by MDHA to be in jeopardy.

In administering the demolition permit process, the minimum ninety (90) day waiting period shall begin as of the date the permit is applied for at the Metropolitan Department of Codes Administration. Not more than ten (10) days after MDHA receives notice of the application for a demolition permit, MDHA shall notify in writing the Metropolitan Historical Commission, the Metropolitan Planning Commission, and any other parties registering with MDHA in writing that they wish to receive such notices, that a demolition request is pending. The MDHA Design Review Committee shall hold a public hearing on the demolition request not less than forty-five (45) days before the end of the waiting period. At least twenty (20) days prior to the public hearing, MDHA shall notify in writing the Metropolitan Historical Commission, the Metropolitan Planning Commission, and Historic Nashville, Inc. and place a notice of said public hearing in a local newspaper of general circulation. Also, at least twenty (20) days before the public hearing, the owner of the property shall provide to MDHA and MDHA shall provide to the public on request the following information:

- an estimate of the cost of the proposed demolition;

- a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;
- the estimated market value of the property both in its current condition, and after completion of the proposed demolition;
- an estimate as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- the amount paid for the property, date of purchase, and the party from whom the property was purchased, and any terms of financing between the seller and buyer;
- if the property is income-producing, the annual gross income from the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- the remaining balance on any mortgage and annual debt service during the same period;
- all appraisals obtained within the previous two years;
- any listings of the property for sale or rent, price asked, and offers received within the previous two years;
- the assessed value of the property according to the two most recent assessments;
- real estate taxes for the previous two years;
- the form of ownership or operation of the property;
- any other information as may be reasonably requested by MDHA in the individual circumstance so as to determine if the property does yield or may yield a reasonable return to the owners.

Within fifteen (15) days after the Public Hearing and not less than thirty (30) days from the end of the waiting period, MDHA shall issue a written finding as to whether the demolition permit is to be issued and the reasons for its decision.

The ninety (90) day period shall not be required in instances where the health and safety of the community are in immediate jeopardy as determined by MDHA in its sole discretion. In making this determination, MDHA shall consider evidence presented by the Metropolitan Department of Codes Administration or the Metropolitan Department of Health as well as independent architectural or engineering assessments from experts recommended by the Metropolitan Historical Commission as to the safety or health issues involved.

13) Process for Appeal from Action taken by MDHA Design Review Committee.

In order to insure due process for an applicant whose plans for development, redevelopment, or signage, are disapproved by the MDHA Design Review Committee, the Executive Director of MDHA shall appoint an Administrative Appeals Board, consisting of three members of MDHA management. This Board will hear appeals associated with any/all action taken by MDHA's Design Review Committee in the enforcement of provisions of this Redevelopment Plan. Permittee may appeal a decision of the Design Review Committee to the Administrative Appeals Board within three (3) days after notification of Design Review Committee action. If Permittee requests a hearing, MDHA shall convene a meeting of the Administrative Appeals Board which shall hear evidence and make a determination (by majority vote of those voting) as to whether the appropriate decision had been reached by the Design Review Committee.

In the case of violations of the Redevelopment Plan restrictions, MDHA shall notify the Permittee and or the owner of record of the alleged violation ("Violation Notice") . If the Permittee/Owner disputes the alleged violation, such party may within three (3) days after receipt of the Violation Notice, request a hearing by the Administrative Appeals Board. MDHA shall convene a meeting of the Administrative Appeals Board, which shall hear evidence and make a determination (by majority vote of those voting) as to whether Redevelopment Plan restrictions have been violated by Permittee/Owner. If the violation has not been remedied within three (3) days after the later of (i) Permittee/Owner's receipt of the Violation Notice, or, (ii) the date the Administrative Appeals Board issues its written determination that a violation has occurred (the "Appeals Board Determination") , MDHA may send the Violation Notice or the Appeals Board Determination (as the case may be) to the Zoning Administrator who shall be authorized to revoke the Permit. In addition, MDHA and/or the Zoning Administrator and/or the Metropolitan Legal Department shall be entitled to immediate injunctive and other equitable or legal relief to enforce restrictions of the Redevelopment Plan, including pursuing all remedies available at law or in equity, including without limitation those that are provided by the Metropolitan Code of Laws.

c. Duration of Land Use Controls

The provisions of the Plan, specifying the land uses for the Project Area and the requirements and restrictions with respect thereto, shall commence upon approval of the Plan by the governing body of the Metropolitan Government of Nashville and Davidson County and shall continue in effect until December 31, 2040.

D. LAND ACQUISITION

1. PROPERTY DESIGNATED FOR ACQUISITION

Property designated for acquisition is identified on the "Proposed Land Acquisition Map," R. P. Map No. 3. Acquisition may be necessary to provide for the redevelopment of vacant and underutilized land; to eliminate structures which, because of poor initial construction, inadequate maintenance, obsolescence or other conditions, are not suitable for rehabilitation; to eliminate non-conforming land uses which are detrimental to the area or the redevelopment of land; to provide for the replatting of land and the development or adjustment of streets, alleys and pedestrianways; and to assemble suitable tracts for disposition. It is not intended that all acquisition parcels are to be acquired at the time of approval of this Plan, but as funds are available and the private market would support redevelopment.

2. CONDITIONS BY WHICH LAND MAY BE EXEMPTED FROM ACQUISITION

Certain properties or portions thereof designated for acquisition may be exempted from acquisition as provided herein. Exemption may be made if it will not require a change in the Land Use Map or plans for street or utility improvements; the exemption and/or permitted continuation of a non-conforming or a detrimental

use by MDHA will not adversely affect the use and/or disposition of adjoining parcels acquired or to be acquired or the redevelopment project as a whole; and the owner of any such parcel agrees to eliminate any non-conforming use on the parcel as may be requested by MDHA, to rehabilitate all structures on the parcel, use the land and structure in accordance with the provisions of this Plan for its duration, acquire such land as deemed necessary by MDHA to conform to current local zoning and codes requirements, and/or sell any portions of the tract as deemed necessary by MDHA for street right-of-way or other purposes. Any such exemption shall be made conditional until the owner has complied with all of the requirements of a contractual agreement to be executed by and between the owner and MDHA.

3. CONDITIONS BY WHICH LAND NOT DESIGNATED FOR ACQUISITION MAY BE ACQUIRED

In order to achieve the objectives of the Plan, it may be necessary, and MDHA is authorized, to acquire certain properties in the Project Area in addition to those designated on R. P. Map No. 3, "Proposed Land Acquisition Map. " Additional parcels may be acquired at the request of the owner; or for such valid public purposes as to provide for necessary adjustments in utility easements or street, alley or pedestrian rights-of-way; to provide for the redevelopment of abandoned railroad rights-of-way; to eliminate dilapidated or deteriorated structures which may be found to exist following subsequent surveys of interior conditions where the owner of the property shall have been notified and accorded a reasonable time, in no case less than ninety (90) days from the date of notice; to bring the structure into compliance with applicable building and housing codes; to provide clear and marketable title for vacant or abandoned properties; to eliminate any non-conforming uses in conflict with the permitted uses listed in Section C. 2. a. of this Plan or the "Zoning Regulations of the Metropolitan Government of Nashville and Davidson County;" if the owner of any said property refuses to comply or reach written agreement with MDHA to abide by the design guidelines of Section C. 2. b. of this Plan in the development of or planning of any improvements to be made; or to eliminate buildings which may encroach upon existing or planned rights-of-way whether they be totally or only partially located within the Project Area.

E. REDEVELOPERS OBLIGATION AND LAND USE CONTROLS

A "redeveloper" is an entity selected by MDHA to enter into a specific development agreement for the redevelopment of one or more parcels of land within the Project Area. MDHA, in disposing of the land in the Project Area to be redeveloped, will, in its contract and deed or other instruments of conveyance, include such terms and conditions as in the judgment of MDHA will be necessary or advisable to ensure redevelopment of the Project Area and its use thereafter, in accordance with this Plan, and to prevent recurrence of the condition of blight or inappropriate land uses in this area. Such provisions will be contained in such contracts, deeds or other instruments of conveyance irrespective of whether they duplicate, in whole or in part,

requirements of existing or proposed zoning ordinances or other local laws, ordinances or regulations with respect to the Project Area, so that such obligations may operate independently of such zoning or other laws, ordinances or regulations. In all instances, the improvements in the Project Area will be made in accordance with the applicable Metropolitan Zoning Code provisions and regulations; building, electrical, plumbing and other local codes and ordinances; the requirements of this Redevelopment Plan; and such other requirements as may be set forth in the contracts between MDHA and the redevelopers.

Any contract or agreement for disposal of Project Area land by sale, lease or retention, as well as, the deed or deeds to the land, shall contain a covenant that the redeveloper and its successors and assigns shall not discriminate upon the basis of race, color, creed, sex, marital status, or national origin in the sale, lease, or rental, or in the use or occupancy of the property or any improvements erected or to be erected thereon. It is intended by this Plan that MDHA is beneficiary of all such covenants and obligations and that it shall be entitled to represent the interests and to act on behalf of the community in enforcing any covenants and obligations as to the redevelopment and continued uses of the Project Area in accordance with the Plan. Such contracts, deeds, or other instruments of conveyance, in addition to including such other terms and conditions as MDHA may find desirable in order to implement and effectuate the objectives of this Plan, will obligate the purchasers of land in the Project Area and their successors in interest to:

1. Devote the parcels owned by them to, and only to, uses and controls specified in this Plan;
2. Diligently pursue the construction of the improvements as provided in a development agreement, and to begin and complete such improvements within a reasonable time as provided by the contract;
3. Make no changes, additions or alterations in such improvements after completion of their construction that are not approved by MDHA as being in conformity with this Plan, or as it may be changed or amended; and
4. Not reassign contract rights, resell or otherwise transfer the land or any part thereof or interests therein purchased by them prior to the completion of the improvements thereon without the approval of MDHA and except in cases satisfactory with MDHA, and not to speculate in or with respect to such land.

F. RELOCATION ASSISTANCE

The MDHA has established plans and procedures and shall provide assistance to individuals and businesses permanently or temporarily displaced by its actions in acquiring land for implementation of this Plan. Assistance will be offered in accordance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, or other applicable federal, State or local laws and regulations that may be in effect at the time even though no State or federal funds may be involved with a particular project. No residents are expected to be relocated as a part of this Plan. Since many of the planned developments incorporated in this Plan are to occur on vacant land or through the renovation of existing unused or underutilized structures, it is expected that relocation of businesses will be minimal. Business relocations that

do occur will be handled in accordance with MDHA's relocation policies and procedures, which reflect federal, State, and local legislation.

G. TAX INCREMENT

Private and public investment continues to strengthen the downtown core. Since the opening of the Music City Center in 2013, the SoBro area of downtown has begun to experience significant transformation. Guided by the SoBro Master Plan that formed a vision for the neighborhoods south of Broadway, several new redevelopment projects are planned for the area. Additionally, heightened speculation for the redevelopment of the Methodist publishing site has spurred additional investment.

Although most of these projects today are developed without the need for financial assistance, aging infrastructure in the Arts Center Redevelopment District needs to be addressed. With this new growth comes a greater demand to accommodate supportive infrastructure, such as public parking, to compliment new development both currently underway and anticipated. Wider sidewalks and streetscape improvements including trees and other landscape improvements are coming at a cost of the elimination of on-street parking. Preservation of historic structures can equal or exceed the cost of new construction. Unforeseen environmental issues inside structures and under the ground can leave blighted properties undeveloped for years. The availability of Tax Increment Financing can mitigate these costs associated with ne redevelopment while encouraging sustainable development appropriate for our city's urban core.

The total amount of bonded or other indebtedness to be incurred may not exceed \$60 million with a final maturity on or before December 31, 2040, provided that the principal amount of any debt refunded or refinanced shall not be counted in computing such total. Upon retirement of all bonds, loans, or other indebtedness incurred and payable from tax increment funds or at such time as moneys on deposit in the tax increment fund or funds are sufficient for such purpose, all property taxes resulting from the incremental development of the Project shall be retained by the Metropolitan Government. Activities or improvements eligible for tax increment financing shall include planning, engineering and legal expenses; administrative costs; land acquisition; relocation; site clearance; and streets, pedestrian-ways, utilities, public open spaces, parking garages, and other uses as allowed under State law, or other structures or public improvements necessary for carrying out the Arts Center Redevelopment Plan.

H. PROCEDURE FOR AMENDING THE PLAN

Prior to the sale of any Project Area land or the execution of a contract for such a sale, this Plan may be modified, changed or amended by MDHA, with the subsequent approval of the Metropolitan Council. After part or all of the project land has been disposed of by MDHA, the Plan, including the provisions specifying the land uses for the Project Area and the requirements and restrictions with respect thereto, may be modified, changed or amended by the MDHA with the subsequent approval by the Metropolitan Council; provided, however, that in no event will the provisions of this Plan be modified in any manner which will adversely affect any as yet not fully developed land in the Project Area that has been sold or leased by MDHA, or as to which a

sales contract has been entered into by MDHA, except with the written consent of the then owners of such land or of the parties to such contract, or their successors in interest.

I. SEVERABILITY

The invalidation of any one or more of the foregoing provisions of this Redevelopment Plan or Ordinance as approved by the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County or any part thereof by judgment of any Court of competent jurisdiction shall not in any way affect the validity of any other of such provisions of the Plan but the same shall remain in full force and effect.

J. 2019 PLAN AMENDMENTS

1. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2019-1645 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."
2. Periodic assessment of activities and improvements eligible for tax increment financing:
 - i. Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment shall be completed no later than June 30, 2022. After the first assessment, subsequent assessments may be requested no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.
 - ii. Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.
 - iii. It shall be a New Loan Termination Event if any of the following occur: (a) the first assessment is not complete by June 30, 2022; or (b) any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

3. Metropolitan Council or MDHA may initiate a Plan amendment: Subject to all other conditions and requirements set forth in Section H of the Plan, either the Metropolitan Council or MDHA may initiate a modification, change, or amendment to the Plan subject to the subsequent approval of the other. If the Metropolitan Council initiates a modification, change, or amendment, the approval of MDHA must be obtained before the third reading of the ordinance adopting such modification, change, or amendment.

II MAPS

R.P. Map 1, Boundary Map

(Maps found in attachment to BL2009-436, was difficult to get maps to look right in word after converting them from pdf)

R.P. Map 2, Land Use Map

R.P. Map 3, Acquisition Map

III EXHIBIT "A"

ARTS CENTER REDEVELOPMENT PLAN

PROJECT BOUNDARY DESCRIPTION

LEGAL DESCRIPTION

Being a tract of land in Metropolitan Nashville and Davidson County, Tennessee as shown on Project Boundary Map No. 1 and generally described as follows:

Beginning at a point at the southwest corner of Broadway at 9th Avenue South, then south-southeast approximately 745 feet along the west margin of 9th Avenue South to the south margin of Demonbreun Street; then approximately 411 feet east-northeast along the south margin of Demonbreun Street to the southwest corner of 8th Avenue South to the northwest corner of 8th Avenue South and (Old) Division Street; then west approximately 315 feet along the north margin of (Old) Divisions Street to the west margin of 9th Avenue South; then west approximately 460 feet along the rear property lines of property fronting Division Street to the west margin of Overton Street; then south approximately 145 feet along the west margin of Overton Street; then south approximately 115 feet along the west margin of 11th Avenue/Industrial Boulevard/12th Avenue; then south approximately 115 feet along the west margin of 11th Avenue/Industrial Boulevard/12th Avenue to the northeast right-of-way of Interstate 40; then west approximately 2,005 feet across Interstate 40 along the Avenue South; then north approximately 160 feet along the east margin of 17th Avenue South to the southeast corner of 17th Avenue North and Demonbreun Street; then northwest approximately 460 feet along the southeast margin of Alley No. 236; then northeast approximately 400 feet along the southeast margin of Alley No. 236 to the west margin of 16th Avenue South; then southeast approximately 215 feet to the southwest corner of McGavock Street and 16th Avenue South; then northeast approximately 2180 feet along the south margin of McGavock Street across Interstate 40 to the southwest corner of 11th Avenue and McGavock Street; then northwest approximately 370 feet along the east margin of 11th Avenue to the southeast corner of Broadway and 11th Avenue; then northeast approximately 830 feet along the south margin of Broadway to the point of beginning.

April 14, 2009