

## **ORDINANCE NO. BL2002-1033**

### **An ordinance approving Amendment No. 6 to the Capitol Mall Redevelopment Project Plan.**

WHEREAS, by Ordinance No. 77-716, the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County, Tennessee approved the "Capitol Boulevard Extension, Bicentennial Park and Housing Development Plan"; and

WHEREAS, by Ordinance No. 82-845, the Metropolitan Council approved the "Capitol Mall Redevelopment Project Plan" which revised the boundaries and superseded the text, maps, and exhibits of the original "Capitol Boulevard Extension, Bicentennial Park and Housing Development Plan" previously approved by Ordinance No. 77-716; and

WHEREAS, by Ordinance No. 87-1695, as amended, the Metropolitan Council approved Amendment No. 1 to the "Capitol Mall Redevelopment Project Plan"; and

WHEREAS, by Ordinance No. 91-1567, the Metropolitan Council approved Amendment No. 2 to the "Capitol Mall Redevelopment Project Plan"; and

WHEREAS, by Ordinance No. 93-774, the Metropolitan Council approved Amendment No. 3 to the "Capitol Mall Redevelopment Project Plan"; and

WHEREAS, by Ordinance No. 97-755, the Metropolitan Council approved Amendment No. 4 to the "Capitol Mall Redevelopment Project Plan"; and

WHEREAS, by Ordinance No. 98-1187, the Metropolitan Council approved Amendment No. 5 to the "Capitol Mall Redevelopment Project Plan"; and

WHEREAS, there has been prepared and referred to the Metropolitan Council for review and approval Amendment No. 6 to the "Capitol Mall Redevelopment Project Plan" consisting of certain changes in the text and maps of the redevelopment plan; and

WHEREAS, said Amendment to the aforesaid redevelopment plan has been approved by the Board of Commissioners of the Metropolitan Development and Housing Agency; and

WHEREAS, the Metropolitan Council has held a public hearing and has carefully considered and reviewed the proposed amendment to the redevelopment plan.

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

Section 1. That the "Plan" is amended by replacing the "PREFACE" of the Plan with the following:

This Capitol Mall 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

Section 2. That the findings and determinations relative to the "Capitol Mall Redevelopment Plan" approved by Ordinance No. 77-716 as the "Capitol Boulevard Extension, Bicentennial Park and Housing Development Plan," amended by Ordinance No. 82-845 to become the "Capitol Mall Redevelopment Project Plan" and subsequently amended by Ordinance No. 87-1695, Ordinance No. 91-1567, Ordinance No. 93-774, Ordinance No. 98-1187, are hereby reaffirmed and redetermined. That it is hereby found and determined that the redevelopment area defined by the Plan entitled "Capitol Mall Redevelopment Plan," dated April 2, 2002, is a blighted area as defined in and in accordance with Sections 13-20-201 through 13-20-209, of the Housing Authorities Law; that conditions existing therein are detrimental to the safety, health, morals or welfare of the

people of Nashville and Davidson County, that said area or such portions thereof as deemed necessary for acquisition by the Metropolitan Development and Housing Agency by negotiation, condemnation or otherwise, as provided by any applicable provision of the Housing Authorities Law, and so designated pursuant to the Plan, or any amendment or amendments thereto, should be so acquired by the Metropolitan Development and Housing Agency; and such blighting conditions eliminated.

Section 3. That the Plan is a Redevelopment Plan pursuant to Sections 13-20-202 and 13-20-203 of the Housing Authorities Law.

Section 4. That Section C.2.b., Regulations and Controls of the "Capitol Mall Redevelopment Plan" is hereby deleted in its entirety and replaced by a new Section C.2.b., Regulations and Controls, attached hereto as Exhibit 1, and dated April 2, 2002.

Section 5. That Section C.2.c. General Regulations and Controls is hereby amended by replacing the existing C.2.c. (6) Signs with a new C.2.c. (6) Signs, attached hereto as Exhibit 2, and dated April 2, 2002.

Section 6. That Section C.2.c. General Regulations and Controls is hereby amended by adding, as C.2.c. (10) Process For Appeal from Action Taken by MDHA Design Review Committee, attached hereto as Exhibit 3, and dated April 2, 2002.

Section 7. That Section C.2.d. Period of Duration of These Provisions, is hereby replaced with a new Section C.2.d. attached as Exhibit 4, and dated April 2, 2002.

Section 8. That the existing "Boundary Description (As Amended)", captioned Exhibit A, is hereby replaced with a new "Boundary Description (As Amended)", dated April 2, 2002, and attached hereto as Exhibit 5.

Section 9. That the Capitol Mall Redevelopment Plan is hereby amended by replacing Section F, Tax Increment, with a substitution Section F dated April 2, 2002, attached hereto as Exhibit 6, and made a part of this ordinance.

Section 10. That the "Capitol Mall Redevelopment Plan" is hereby amended by substituting R.P. Maps 1, 2, and 3, defining Boundary, Land Use, and Acquisition, respectively, for all earlier referenced R.P. Maps. R.P. Map 1, dated April 2, 2002, shall be construed to incorporate any reference in the Plan to R.P. Map 1, 1A, 1B, 1C, and 1D. R.P. Map 2, dated April 2, 2002, shall be construed to incorporate any reference in the Plan to R.P. Map 2, 2A, 2B, 2C, 2D, and 2E. R.P. Map 3, dated April 2, 2002, shall be construed to incorporate any reference in the Plan to R.P. Map 3, 3A, 3B, 3C, 3D, and 3E.

Section 11. That this Ordinance take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

## **Exhibit 1**

### **Capitol Mall Redevelopment Plan**

#### **Section C.2.b. Regulations and Controls**

(1) Tract 25

Intent: To redevelop this tract to provide for an underground parking structure, with park/plaza space above.

Principal Use: Parking, public use, retail/commercial/office, and public art.

Design Objectives: Judicious consideration should be given to the presence and architectural/historical importance of the Metropolitan Courthouse and the Stahlman Building on either side of Tracts 25 and 26. New construction should be compatible with these structures in terms of materials, size, scale, setback, color and texture.

Vehicle Access: Restricted.

(2) Tract 26

Intent: To redevelop this tract to provide for an underground parking structure, with park/plaza space above.

Principal Use: Parking, public use, retail/commercial/office, and public art.

Design Objectives: Judicious consideration should be given to the presence and architectural/historical importance of the Metropolitan Courthouse and the Stahlman Building on either side of Tracts 25 and 26. New construction should be compatible with these structures in terms of materials, size, scale, setback, color and texture.

Vehicle Access: Restricted.

(3) Tract 32A

Intent: To redevelop portions of this tract to provide for parking, public use, and plaza area, commercial/office, hotel, residential, arts/institutional and/or retail space in new or rehabilitated structures.

Principal Use: Public park or plaza areas together with possible expansion of public uses in connection with the adjacent Ben West Public Library building, and/or commercial/office, hotel, residential, arts/institutional and/or retail use.

Design Objectives: Consideration should be given to the appearance of this parcel as a gateway to downtown along Church Street.

Vehicle Access: Restricted.

(4) Tract 33A

Intent: To redevelop portions of this tract to provide for commercial/office, parking, hotel, residential, arts/institutional/public and/or retail space in rehabilitated structures.

Principal Uses: Commercial office/retail, parking, and consumer services. Where opportunities permit, residential use and arts/institutional/public related uses attracting pedestrian traffic and twenty-four hour use of Church Street should be encouraged.

Design Objectives: Judicious consideration should be given to the preservation and renovation of existing historical buildings on the tract. The development of any properties on the Church Street frontage should incorporate street level retail space where MDHA considers it feasible from design or long-term market perspectives.

Vehicle Access: Restricted.

(5) Tract 34A

Intent: To redevelop portions of this tract to provide for parking, commercial/office, hotel, residential, arts/institutional/public, and/or retail space in new or rehabilitated structures.

Principal Uses: Commercial office/retail and consumer services. Where opportunities permit, residential use, parking and arts/institutional/public related uses attracting pedestrian traffic and twenty-four hour use of Church Street should be encouraged.

Design Objectives: The design of new or rehabilitated properties on this block should be undertaken to enhance the pedestrian environment of Church Street and Capitol Boulevard. The development of any properties on the Church Street frontage should incorporate or preserve street level retail space where MDHA considers it feasible from design or long-term market perspectives.

Vehicle Access: Restricted.

(6) Tract 38A

Intent: To redevelop the portion of this tract facing Church Street to provide for a public park/plaza area. To redevelop the remainder of Tract 38 for commercial/office, parking, residential, arts/institutional/public and/or retail space in new or rehabilitated structures.

Principal Use: Public park/plaza, commercial office/retail, parking, hotel and consumer services. Where opportunities permit, residential use and arts/institutional/public or park/plaza related uses attracting pedestrian traffic and twenty-four hour use of Church Street should be encouraged.

Design Objectives: A park or plaza area should be developed to enhance the pedestrian environment of Church Street and Capitol Boulevard. New development on the remainder of Tract 38 should be compatible with the existing historical structures in terms of materials, size, scale, setback, color and texture.

Vehicle Access: Restricted.

(7) Tract 39A

Intent: To redevelop portions of this tract to provide for commercial/office, parking, residential, arts/institutional/public and/or retail space in new or rehabilitated structures.

Principal Uses: Commercial office/retail, parking, and consumer services. Where opportunities permit, residential use and arts/institutional/public or park/plaza related uses attracting pedestrian traffic and twenty-four hour use of Church Street should be encouraged.

Design Objectives: Judicious consideration should be given to the preservation and renovation of existing historical buildings on the tract. The development of any properties on the Church Street frontage should incorporate street level retail space where MDHA considers it feasible from design or long-term market perspectives. New construction should be compatible with the adjacent Fifth Avenue National Register Historic District in terms of materials, size, scale, height, proportion, orientation, setback, color and texture.

Vehicle Access: Restricted.

(8) Tract 45

Intent: To redevelop portions of this tract to provide for commercial/office, parking, residential, arts/institutional/public and/or retail space in new or rehabilitated structures.

Principal Use: Commercial/office/retail, parking and consumer services. Where opportunities permit, residential use and arts/institutional/public or park/plaza related uses attracting pedestrian traffic and twenty-four hour use of Church Street should be encouraged.

Design Objectives: Judicious consideration should be given to the preservation and renovation of existing historical buildings on the tract. New construction should be compatible with the adjacent Fifth Avenue National Register Historic District in terms of materials, size, scale, height, proportion, orientation, setback, color and texture.

Vehicle Access: Restricted.

(9) Tract 46

Intent: To redevelop portions of this tract to provide for commercial/office, residential, arts/institutional/public retail space in new or rehabilitated structures.

Principal Use: Commercial/office/retail, parking and consumer services. Where opportunities permit, residential use and arts/institutional/public or park/plaza related uses attracting pedestrian traffic and twenty-four hour use of Church Street should be encouraged.

Design Objectives: Judicious consideration should be given to the preservation and renovation of existing historical buildings on the tract. New construction should be compatible with them in terms of materials, size, scale, height, proportion, orientation, setback, color and texture. The development of any properties on the Church Street frontage should incorporate street level retail space where MDHA considers it feasible from design or long-term market perspectives.

Vehicle Access: Restricted.

(10) Tract 51

Intent: To redevelop portions of this tract to provide for commercial/office, parking, residential, public use, arts/institutional and/or retail space in new or rehabilitated structures.

Principal Use: Commercial/office, residential, retail, parking, and consumer services.

Design Objectives: Judicious consideration should be given to the preservation and renovation of existing historical buildings on the tract. Any new development should be compatible with adjacent structures in terms of materials, size, scale, height, proportion, orientation, setback, color and texture.

(11) Tract 52

Intent: To redevelop this tract to provide for commercial/office, parking, residential, public use, arts/institutional and/or retail space in new structures.

Principal Use: Commercial/office, residential, retail, parking, and consumer services.

Design Objectives: Any new development should be compatible with adjacent structures in terms of materials, size, scale, height, proportion, orientation, setback, color and texture.

(12) Tract 53

Intent: To redevelop portions of this tract to provide for commercial/office, parking, residential, public use, institutional and/or retail space in new or rehabilitated structures.

Principal Use: Commercial/office, residential, retail, parking, and consumer services.

Design Objectives: Judicious consideration should be given to the preservation and renovation of existing historical buildings on the tract. Any new development should be compatible with adjacent structures in terms of materials, size, scale, height, proportion, orientation, setback, color and texture.

(13) Tract 59

Intent: To redevelop portions of this tract to provide for commercial/office, parking, residential, public use, arts/institutional and/or retail space in new or rehabilitated structures.

Principal Use: Commercial/office, residential, retail, parking, and consumer services.

Design Objectives: Judicious consideration should be given to the preservation and renovation of existing historical buildings on the tract. Any new development should be compatible with those structures in terms of materials, size, scale, height, proportion, orientation, setback, color and texture.

(14) Tract 60A

Intent: To redevelop portions of this tract to provide for commercial/office, residential, parking, arts/institutional/public and/or retail space in new or rehabilitated structures.

Principal Uses: Commercial office, hotel, residential and/or arts/institutional/public or park/plaza related uses attracting pedestrian traffic and twenty-four hour use of Church Street should be encouraged.

Design Objectives: Judicious consideration should be given to the preservation and renovation of existing historical buildings on the tract. New construction should be compatible with the adjacent L & C Tower in terms of material, size, scale, height, proportion, orientation, setback, color and texture and supportive of the economic health of the adjacent Printer's Alley Historic District on the adjacent block.

Vehicle Access: Restricted.

(15) Tract 61A

Intent: To redevelop portions of this tract to provide for commercial/office, residential, public use, arts/institutional and/or retail space in new or rehabilitated structures.

Principal Use: Commercial office/retail, consumer services, and parking and religious services related to the activities of the Downtown Presbyterian Church located on this block. Where opportunities permit, residential use and public open space or institutional/arts related uses should be encouraged.

Design Objectives: Judicious consideration should be given to the presence and architectural/historical importance of the Downtown Presbyterian Church and the L & C Tower in providing for setbacks, height, bulk, and architectural detail of proposed developments on this block. Design and functional relationships of new facilities should consider the impacts on these key structures located on the block. The design and development of any office facilities on Church Street should incorporate street level retail space where MDHA considers it feasible from design or long-term market perspectives.

Vehicle Access: Restricted.

(16) Track 62A (all of block 62)

Intent: To redevelop portions of this tract to provide for commercial/office, residential, arts/institutional and/or retail space in new or rehabilitated structures.

Principal Use: Commercial office/retail, hotel, consumer services, and parking and religious services related to the activities of two existing churches on the block. Where opportunities permit, residential use and public open space or institutional/arts related uses should be encouraged. It is anticipated that uses connected with the churches such as day care or other services provided for the convenience of the public may be developed.

Design Objectives: Judicious considerations should be given to the existence of church properties on the block and to the Downtown Presbyterian Church in providing for setbacks, height, bulk, and architectural detail of proposed developments on this block. Design and functional relationships of new facilities should consider impacts on churches located on the block. The design and development of any office facilities on Church Street should incorporate street level retail space where MDHA considers it feasible from design or long-term market perspectives.

Vehicle Access: Not restricted.

(17) Tract 63A (all of Block 63) (*Amendment No. 5 - Ord #O98-1187, 6/2/98*)

Intent: To construct a public library development with related public and private uses.

Principal Use: Public library, arts/entertainment, cultural/educational uses, residential, park/plaza, parking and a combination of retail and food shops and offices, and personal service businesses.

Design Objectives: The development of this area should be planned and designed as an entity with the existing Metro Parking Garage.

(18) Tract 64A (all of Block 64)

Intent: To redevelop this tract to include a commercial/retail structure on air rights over garage parking as an integral part of the development to occur on Tracts 62A and 63A. Tracts 62A, 63A, and 64A will be connected by aerial linkages spanning the intervening streets.

Principal Use: Parking and a combination of retail shops, department stores and offices that provide for the convenience and service of the ultimate consumer, such as banks, the sale of food drugs, wearing apparel, household supplies, theaters, etc., restaurants and other eating and drinking establishments, but not drive-in facilities; and personal service businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair, newsstands, tailoring, laundry, dry cleaning and pressing shops, etc., identification signs visible from the exterior of the building be permitted.

Design Objectives: The redevelopment of this tract should be planned and designed as an entity with the development of Tracts 62A and 63A. Consideration should be given where feasible to the integration of existing retail facilities not needed for the mall into the design of the planned retail facility.

Vehicle Access: Access to the site may be permitted from Commerce, Sixth Avenue, North and Seventh Avenue, North.

(19) Tract 72A (portions of Block 72) and Tract 73A (all of Block 73) and existing Sixth Avenue North right-of-way between Commerce Street and Broadway.

Intent: To develop a multi-purpose convention center and hotel complex complete with meeting rooms, exhibit areas and service areas such as restaurants, small retail shops, newsstands, etc., for the convenience of the ultimate user. Development should include integrally designed pedestrian crossings or overpasses connecting with Tracts 63A and 82A. Portions of these tracts bordering on Commerce Street are reserved for the widening of Commerce Street. Sixth Avenue, North between Tracts 72A and 73A is to be closed.

Principal Uses: Convention Center, for meetings and exhibitions, and hotel.

Accessory Uses: Accessory uses incidental to the principal uses, such as offices for the use of businesses and professions, retail businesses for the convenience and service of the ultimate consumer, parking, offices to accommodate the convention center management staff, truck unloading area, and access roads and ramps.

Design Objectives: The redevelopment of this tract should be planned and designed with judicious consideration for its architectural relationship to adjacent blocks and should complement the entire Capital Mall Redevelopment Area.

Vehicle Access: Access to the site may be permitted from Commerce Street, Seventh Avenue North, Broadway and Opry Place.

(20) Tract 74A

Intent: To develop a mixed use development to include a public plaza or pedestrian way integrated by orientation or aerial linkage with development to occur on Tracts 75A and 76A.

Principal Uses: Entertainment, commercial/retail, residential, office, parking, museums, and public spaces. Office uses are permitted only on the parcels abutting Broadway. No new office uses will be permitted elsewhere on Tract 74A as a principal use. Any new tower developments constructed on Tract 74A will be limited to hotel or other commercial/retail activities other than office use, except for offices incidental and accessory to the principal hotel or other commercial/retail activity. In no event shall the incidental office space in such a tower development exceed more that twenty (20) percent of the total floor area of the structure.

Design Objectives: The Ryman Auditorium should be renovated as a museum or other appropriate use and be incorporated into the development of this block, which will include public park, plaza or pedestrian mall space. The development is envisaged to consist of a mixture of low-rise buildings, ranging up to twelve stories, all carefully integrated with tower developments, which may range up to forty-seven stories. The tallest structures shall be built on Commerce Street with the scale diminishing toward Broadway. Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. In addition to preserving the Ryman Auditorium, historically significant buildings on Broadway will be preserved and integrated into the development and any deteriorating facades will be repaired and upgraded. New construction behind the buildings fronting on Broadway or on Broadway itself will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District, but any new structures should not imitate past architectural styles. Care should be taken in the design of new development on this block to promote the economic revitalization of the Broadway Historic District.

Vehicle Access: Not restricted.

(21) Tract 75A

Intent: To develop a mixed-use development to include a public plaza or pedestrian ways integrated by orientation or aerial linkage with development to occur on Tracts 74A and 76A.

Principal Uses: Entertainment, commercial/retail, residential, office, parking, museums, and public spaces. No more than one new office building or tower development which includes office uses shall be constructed on Tract 75A.

Design Objectives: The redevelopment of this tract should be planned and designed as an entity with the development of Tracts 74A and 76A. The development is envisaged to consist of a mixture of low-rise garden style buildings, ranging up to twelve stories, all carefully integrated with tower developments, which may range up to forty-seven stories. The tallest structures shall be built on Commerce Street with the scale diminishing toward Broadway. Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. Historically significant buildings on Broadway will be preserved and integrated into the development and any deteriorating facades will be repaired and upgraded. New construction behind the buildings fronting on Broadway or on Broadway itself will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District, but any new structures should not imitate past architectural styles. Care should be taken in the design of new development on this block to promote the economic revitalization of the Broadway Historic District through pedestrian linkages to Broadway and through improved pedestrian and service access along the rear of buildings fronting on Broadway.

Vehicle Access: Not restricted.

(22) Tract 76A

Intent: To develop a mixed-use development linked with development to occur on Tracts 74A and 75A.

Principal Uses: Entertainment, commercial/retail, residential, office, parking, and public spaces.

Design Objectives: The redevelopment of this tract should be planned and designed as an entity with the development of Tracts 74A and 75A. The development is envisaged to consist of a mixture of low-rise garden style buildings ranging from three to twelve stories. That portion of Tract 76A designated on R.P. Map No. 2A as "Pedestrian/Service Mall" is to be dedicated for permanent plaza, park, or open space. Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. Historically significant buildings on Broadway will be preserved and integrated into the development and any deteriorating facades will be repaired and upgraded. New construction behind the buildings fronting on Second Avenue and Broadway or on Broadway itself will be compatible with the earlier buildings in material, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway and Second Avenue Historic districts but any new structures should not imitate past architectural styles. Care should be taken in the design



of new development on this block to promote the economic revitalization of the Broadway and Second Avenue Historic Districts.

Vehicle Access: Not restricted.

(23) Tract 81A (portions of Block 81)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: New construction behind the buildings fronting on Broadway will be compatible with the buildings in the Broadway National Register Historic District in materials, size, scale, height, proportion, orientation, setback, color and texture. Contemporary design must be compatible with the character of the Broadway District, but any new structures should not imitate past architectural styles. Care should be taken in the design of the new development on this block to promote the economic revitalization of the Broadway National Register Historic District.

Vehicle Access: Not restricted.

(24) Tract 82A (Includes all of Block 82)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex or expansion of the Nashville Convention Center.

Principal Use: Arena, convention center, and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, and 100A. Special considerations should be devoted to such items as landscaping, lighting, aesthetics, safety and security. The tract should be connected to the convention center on tract 73A by a tunnel or other structure protected from the weather

Vehicle Access: Not restricted.

(25) Tract 91A (portions of Block 91)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Uses: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 92A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(26) Tract 92A (all of Block 92)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(27) Tract 93A (all of Block 93)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 92A, 94A, 95A, 96A, 97A, 98A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(28) Tract 94A (all of Block 94)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 92A, 93A, 95A, 96A, 97A, 98A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(29) Tract 95A (all of Block 95)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 92A, 93A, 94A, 96A, 97A, 98A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(30) Tract 96A (all of Block 96)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 92A, 93A, 94A, 95A, 97A, 98A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(31) Tract 97A (all of Block 97)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 92A, 93A, 94A, 95A, 96A, 98A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(32) Tract 98A (all of Block 98)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(33) Tract 99A (all of Block 99)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 99A, and 100A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(34) Tract 100A (all of Block 100)

Intent: To provide land for an arena or activities associated with or supportive of a multi-purpose arena facility or complex.

Principal Use: Arena and/or parking, hotel, or public or private facilities, businesses, or services designed to promote or be compatible with arts, culture, sports, or convention facilities.

Design Objectives: The redevelopment of this block should be planned and designed as an entity with the development of Tracts 81A, 82A, 91A, 92A, 93A, 94A, 95A, 96A, 98A, and 99A. Special consideration should be devoted to such items as landscaping, lighting, aesthetics, safety and security.

Vehicle Access: Not restricted.

(35) Tract 101 (*Amendment No. 4 - Ord #O97-755, 6/3/97 – As Exhibit A-1*)

Intent: To provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible non-residential uses. Living areas are integrated with working and shopping areas to encourage the reduction of travel needs and parking requirements. Strong pedestrian linkages are encouraged. The preservation of existing buildings that contribute to the historical or architectural character of the district is also encouraged.

Principal Use: Residential mixed with compatible non-residential use, including office, retail shops, entertainment, restaurants and other eating and drinking establishments, but not drive-in facilities; and personal service businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair, dry cleaning and pressing shops, etc.

Design Objectives: Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.

(36) Tract 102 (*Amendment No. 4 - Ord #O97-755, 6/3/97 – As Exhibit A-1*)

Intent: To provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible non-residential uses. Living areas are integrated with working and shopping areas to encourage the reduction of travel needs and parking requirements. Strong pedestrian linkages are encouraged. The preservation of existing buildings that contribute the historical or architectural character of the district is also encouraged.

Principal Use: High intensity residential mixed with compatible non-residential use, including office, retail shops, entertainment, restaurants and other eating and drinking establishments, but not drive-in facilities; and personal service businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair dry cleaning and pressing shops, etc.

Design Objectives: Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should no imitate past architectural styles.

(37) Tract 103 (*Amendment No. 4 - Ord #O97-755, 6/3/97 – As Exhibit A-1*)

Intent: To provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible non-residential uses. Living areas are integrated with working and shopping areas to encourage the reduction of travel needs and parking requirements. Strong pedestrian linkages are encouraged. The preservation of existing buildings that contribute the historical or architectural character of the district is also encouraged.

Principal Use: High intensity residential mixed with compatible non-residential use, including office, retail shops, entertainment, restaurants and other eating and drinking establishments, but not drive-in facilities; and personal service businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair dry cleaning and pressing shops, etc.

Design Objectives: Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.

(38) Tract 104 (*Amendment No. 4 - Ord #O97-755, 6/3/97 – As Exhibit A-1*)

Intent: To provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible non-residential uses. Living areas are integrated with working and shopping areas to encourage the reduction of travel needs and parking requirements. Strong pedestrian linkages are encouraged. The preservation of existing buildings that contribute the historical or architectural character of the district is also encouraged.

Principal Use: High intensity residential mixed with compatible non-residential use, including office, retail shops, entertainment, restaurants and other eating and drinking establishments, but not drive-in facilities; and personal service businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair dry cleaning and pressing shops, etc.

Design Objectives: Façade guidelines of the Market and Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.

April 2, 2002

**Exhibit 2**  
**Capitol Mall Redevelopment Plan**  
**Section C.2.c. General Regulations and Controls**

(6) Signs

“Signs shall be limited to on-premise signs, related to the use of business conducted on the same site, and to incidental signs of a clearly general nature such as, to portray time, temperature, or announcements of activities taking place at the location. An on-premise sign is further defined as a sign that advertises or attracts attention to a specific event, activity, establishment, commodity, product, service, or entertainment which is conducted, sold, distributed, or offered on the same premises as the sign. No billboards or general advertising signs will be permitted.

Signs shall be further limited as follows:

- Freestanding identification for all properties shall be limited to one sign for each principal use on each street on which the use has frontage. Such signs shall not exceed twenty-five (25) square feet each in size.

All signs will be subject to review and approval of the MDHA, and will be permitted only when designed and placed in harmony with the improvements upon the building site and surrounding development. MDHA approval of any and all sign permits shall be conditioned upon Permittee's continued compliance with the restrictions contained in the Redevelopment Plan.”

April 2, 2002

**Exhibit 3**

**Capitol Mall Redevelopment Plan**  
**Section C.2.c. General Regulations and Controls**

(10) Process For Appeal from Action Taken by MDHA Design Review Committee

"In order to ensure 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 the 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 of 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".

April 2, 2002

**Exhibit 4**  
**CAPITOL MALL REDEVELOPMENT PROJECT PLAN**  
**C.2.d. Period of Duration of These Provisions**

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 to be in effect until December 31, 2030.

April 2, 2002

**Exhibit 5**  
**Capitol Mall Redevelopment Project Plan**  
**BOUNDARY DESCRIPTION**  
**(As Amended)**

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 the point of intersection of the northwesterly line of Church Street and the northeasterly line of Eighth Avenue North: thence, with the northeasterly line of Eighth Avenue northwardly to the northeast corner 8<sup>th</sup> Avenue North and Union Street; thence northeasterly with the northern line of Union Street to the northwest corner of 3<sup>rd</sup> Avenue North and Union Street; thence northwardly with the western margin of 3<sup>rd</sup> Avenue North to the northwest corner of 3<sup>rd</sup> Avenue North and Deaderick Street; thence eastwardly with the northern right-of-way of Deaderick Street to the northeast corner of the right-of-way of Deaderick and 1<sup>st</sup>

Avenue North; thence southeastwardly with the eastern right-of-way of 1<sup>st</sup> Avenue N. to the southeast corner of the intersection of 1<sup>st</sup> Avenue N. and Church Street; thence westwardly with the southern margin of Church Street to the eastern property line of Parcel 93-6-2-1; thence southerly with the eastern property line of Parcel 93-6-2-1 to the northern property line of Parcel 93-6-2-30; thence eastwardly with the northern property line of Parcel 93-6-2-30 to the western right-of-way of Second Avenue North; thence southerly with the eastern right of way of Second Avenue North to the intersection of Commerce Street; thence westwardly with the northerly right of way of Commerce Street approximately 115 feet to a point; said point being an extension of the northeasterly line of Alley No. 11; thence, crossing Commerce Street (as widened) southeastwardly approximately 100 feet to the point of intersection with the northeasterly line of Alley No. 11; thence, with the northeasterly line of Alley No. 11 southeastwardly approximately 410 feet to a point being the property line between Parcel Nos. 93-6-2-44 and 93-6-2-47; thence, with the property line between Parcel Nos. 93-6-2-44 and 93-6-2-47 northeastwardly approximately 120 feet to a point lying on the centerline of Second Avenue North; thence, southeastwardly with said centerline to its intersection with the centerline of Broadway; thence, northeasterly approximately 215 feet to the intersection of First Avenue South; thence, southeastwardly approximately 150 feet to the intersection of an Alley; thence, southwestwardly approximately 215 feet with the Alley to the intersection of Second Avenue South; thence, northwestwardly approximately 60 feet to the intersection of an Alley; thence, southwestwardly with the Alley approximately 69 feet to a point of intersection with the northeasterly property line of Parcel No. 93-6-4-46; thence, with the northeasterly property line of Parcel No. 93-6-4-46 southeastwardly approximately 70 feet to the southeast corner of Parcel No. 93-6-4-46; thence, with the southerly property line of Parcel Nos. 93-6-4-46, 45, 43, 42 and 41 approximately 150 feet to the intersection of Third Avenue South; thence, southeastwardly with Third Avenue South approximately 20 feet to the intersection of the southern property line of Parcel No. 93-6-4-29 extended; thence, with the southern property line of Parcel Nos. 93-6-4-29, 24, 23, 22, 21, 20, 19, 18, 17, 15 approximately 350 feet to the intersection of Fourth Avenue South; thence, southeastwardly with the centerline of Fourth Avenue South approximately 1,900 feet to the southeasterly line of Peabody Street, if extended to the centerline of Fourth Avenue South; thence, southwestwardly with the southeasterly line of Peabody Street approximately 1,320 feet to a point, said point being an extension of the southeasterly line of Peabody Street with the intersection of the southwesterly line of Seventh Avenue South, if extended; thence, northwestwardly with the southwesterly line of Seventh Avenue South approximately 1,400 feet to a point being the southeasterly line of Alley No. 73, if extended; thence, crossing Seventh Avenue South northeastwardly to the southeasterly line of Alley No. 73 and in a northeastwardly direction along the southeasterly line of Alley No. 73 approximately 375 feet to a point of intersection with the southwesterly line of Sixth Avenue South; thence, with the southwesterly line of Sixth Avenue South, northwestwardly approximately 600 feet to a point of intersection with the southeasterly line of Broadway; thence, with the southeasterly line of Broadway southwestwardly approximately 125 feet to a point which is the extension of the southwesterly line of Alley No. 57; thence, with the southwesterly line of Alley No. 57 and its extension northwestwardly approximately 300 feet to a point being the southeasterly property line of Parcel No. 93-6-3-27; thence, with the southeasterly property line of Parcel No. 93-6-3-27 southwestwardly approximately 170 feet to the northeasterly line of Seventh Avenue North; thence, with the northeasterly line of Seventh Avenue northwestwardly approximately 73 feet to the point of intersection with the northwesterly line of Alley No. 63 northeastwardly approximately 168 feet to the southwesterly line of Alley No. 57; thence, with the southwesterly line of Alley No. 57 northwestwardly approximately 91 feet to a point being the southeasterly property line of Parcel No. 93-6-3-24; thence, with the southeasterly property line of Parcel No. 93-6-3-24 and its extension southwestwardly approximately 228 feet to a point in the southwesterly line of Seventh Avenue North; thence, with the southwesterly line of Seventh Avenue North northwestwardly approximately 115 feet to the point of intersection with the southeasterly line of Commerce Street (as widened); thence, with the southeasterly line of Commerce Street (as widened) southwestwardly approximately 332 feet to the point of intersection with the northeasterly line of Eighth Avenue North; thence, with the northeasterly line of Eighth Avenue North northwestwardly approximately 625 feet to the point of intersection with the northwesterly line of Church Street, being the point of beginning.

April 2, 2002

**Exhibit 6**  
**Capitol Mall Redevelopment Project Plan**  
**F. Tax Increment Financing**

With the approval by the Metropolitan Council of Ordinance 77-716, tax increment financing was approved for the undertaking and carrying out of approved redevelopment projects with the increment from designated urban renewal parcels. Ordinance 82-845 reaffirmed the tax increment funding provision and extended it to

include properties within the amended boundaries of the Capitol Mall Redevelopment Project. Ordinance 87-1695 expanded the boundaries of the plan to include the Ryman Center mixed use development and provided for a tax increment component to this project. In 1991, the Plan was amended to provide for the BellSouth development, and again in 1993, to expand the boundaries for development of the Arena and peripheral properties, and to increase the tax increment cap to \$65 million. In 1997, the Plan was amended to adjust the boundary along Broadway between First and Fifth Avenues and to increase the tax increment cap to \$80 million, and in 1998, an amendment to the Plan provided for construction of the new Public Library on Church Street.

The Capitol Mall Redevelopment Project is currently being implemented. The designated tax increment parcels within its boundaries are generating in excess of \$7 million in tax increment for 2001. This increment is being used to fund nearly \$56 million in debt or direct expenses for redevelopment. These redevelopment expenses have generated nearly \$350 million in new private property values just on these designated parcels. Some of these developments include the BellSouth Building, the Marriott Courtyard, the renovation of the Castner Knott building, the Commerce Center Building, the Hilton Suites Hotel, the Cumberland Apartments, the restoration of the Bennie Dillon Building, and several small projects.

The increase of the tax increment cap by \$15 million would provide a total of \$39 million in TIF capacity for the remainder of the term of the district. Based on historical results, this would facilitate additional private investment on designated tax increment parcels of nearly \$275 million, bringing the total of new development anticipated over the life of the project to approximately \$600 million.

New private investment in the redevelopment district has not been restricted to the designated tax increment parcels. As TIF has stimulated the development of new office and residential properties, numerous restaurant, retail, entertainment, financial and service facilities have appeared to cater to the new markets. A conservative estimate of private investment in such ancillary facilities is \$100 million. All of the new taxes being generated by these investments are retained by the Metropolitan Government.

There are currently seven authorized redevelopment areas with tax increment authorities in Nashville, including the Capitol Mall Redevelopment Plan. The total tax increment generated in 2001 in all seven districts was about \$7.7 million, which represents only 1.5% of Metro's total property tax collection for this year. This percentage has remained unchanged since 1994 when the completion of the BellSouth tower substantially increased the amount of tax increment. The present increment stream is expected to be sufficient to retire existing debt and commitments. In addition to the tax increment generated by development, the project will also continue to generate substantial sales tax and other revenues to the benefit of the Metropolitan Government. In the area included in the Plan as part of this amendment, development is unlikely to occur or might be substantially delayed due to title problems or the diversity of ownership of properties. The activities of MDHA can remedy these problems and provide for new development and increased tax revenues to the Metropolitan Government. Therefore, the Metropolitan Government, as the taxing agency within the Project Area, has not and will not be negatively impacted by this tax increment financing provision.

The estimated total cost of public investment in MDHA-affiliated projects is approximately \$420.7 million from beginning to end of the project. Existing and anticipated sources of revenue to finance the undertaking, including the estimated amount from tax increment backed bonds or other indebtedness are:

Federal Grants	\$ 9,750,000
Bonds Backed by Hotel/Motel Tax	39,500,000
Bonds Backed by Revenues from Parking Facilities	15,000,000
Tax Increment	95,000,000
Urban Renewal Land Sale Funds	1,500,000
Bonds for Parking Facility Construction	12,000,000
General Obligation Bonds for Other Capital Improvements	247,950,000

Of the above amounts, only \$27 million constitutes new obligations.



Federal grants consisted of the \$9.75 million UDAG for the Convention Center/Office project. Bonds backed by the hotel/motel tax were used in connection with the Convention Center. Additional revenue bonds to be backed by parking revenues have been proposed, possibly for use in constructing a garage. General obligation bonds have been used in the development of the downtown Arena, the construction of the deck over the Church Street Garage, and for the Library built on that deck. Tax increment financing has been used in connection with public purposes identified in the construction of the BellSouth Development, the Ryman Auditorium renovation project, the Marriott Courtyard, the Castner Knott building, The Cumberland, the Bennie Dillon building, the Hilton Suites Hotel, the Commerce Center building, and several smaller development projects. Tax increment financing was used for land acquisition for arena/convention facilities and for the new main library on Church Street. Additional tax increment financing is expected to be used for improvements to assist in the revitalization of areas north of Church Street and the periphery of the Arena.

The estimated amount of total public bonded indebtedness for MDHA-affiliated projects from beginning to end of the project is \$420.7 million. The amount of bonds or other indebtedness backed by the tax increment shall not exceed \$95 million. The final maturity date on any bonded or other indebtedness backed by the tax increment from eligible properties shall be on or before December 31, 2030. 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, pedestrianways; 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 Capitol Mall Redevelopment Project, or other adopted and approved redevelopment plans.

Sponsored by: Ludye Wallace, Carolyn Baldwin Tucker

[View Capital Mall Boundary Map 2002](#)

[View Capital Mall Land Use Map 2002](#)

[View Capital Mall Acquisition Map 2002](#)

LEGISLATIVE HISTORY	
Introduced:	April 2, 2002
Passed First Reading:	April 2, 2002
Referred to:	Planning Commission - Approved 7-0 (4/11/02) Federal Grants Review Committee Planning & Zoning Committee
Passed Second Reading:	May 21, 2002
Passed Third Reading:	June 4, 2002
Approved:	June 6, 2002
By:	