

ORDINANCE NO. 099-1647

An ordinance approving Amendment No. 1 to the East Bank Redevelopment Plan.

WHEREAS, by Ordinance No. O96-163, the Metropolitan Council of the Metropolitan Government of Nashville and Davidson County, Tennessee approved the "East Bank Redevelopment Plan;" and

WHEREAS, an amendment to the "East Bank Redevelopment Plan" (herein referred to as the "Plan") consisting of certain changes to the text, boundaries, and maps of the Plan prepared for and adopted by the Board of Commissioners of the Metropolitan Development and Housing Agency has been filed with and referred to the Metropolitan Council of Nashville and Davidson County, Tennessee (herein referred to as the "Governing Body,") for review and approval; and

WHEREAS, the Metropolitan Development and Housing Agency has examined the area proposed for inclusion in the redevelopment project and determined that it is a blighted area with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use, or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community and that such conditions should be eliminated in the public interest and the members of this Governing Body have been duly apprised and are aware of these conditions; and

WHEREAS, the members of the Governing Body have held a public hearing and carefully considered and reviewed the proposed amendment to the Plan, including the relocation of businesses that may be displaced;

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

SECTION 1. That the findings and determinations relative to the "East Bank Redevelopment Plan" are hereby reaffirmed and redetermined. That it is hereby found and determined that the redevelopment area defined by the Plan entitled "East Bank Redevelopment Plan" dated April 13, 1999, is a blighted area as defined in and in accordance with Sections 13-20-201 through 13-20-216, Tennessee Code Annotated; 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 Tennessee Code Annotated 13-20-104 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 2. That the "East Bank Redevelopment Plan" is amended by adding a second paragraph to "Section B, Description of Project Area" which is attached hereto and made a part of this Ordinance.

SECTION 3. That "Section C.2.a, Permitted Uses" of the "East Bank Redevelopment Plan" is amended by adding "Institutions," "Office," "Education," and "Transportation, Communication and Utilities" as general categories of use and by eliminating the phrase "street, pedestrianways and greenways" as it qualifies the types of "Public Use" contemplated.

SECTION 4. That the "East Bank Redevelopment Plan" is amended by adding "Sections C.2.b.(4), C.2.b.(5), C.2.b.(6), C.2.b.(7), C.2.b.(8), and C.2.b.(9), Specific Principal and Accessory Uses" which are dated April 13, 1999 and attached hereto and made a part of this Ordinance.

SECTION 5. That "Section C.2.c.(8), General Design Regulations and Controls" is amended by replacing the existing Section C.2.c.(8) with a new Section C.2.c.(8) which is dated April 13, 1999 and attached hereto and made a part of this Ordinance.

SECTION 6. That the "East Bank Redevelopment Plan" is amended by adding "Section C.2.c.(11), Process for Appeal" which is dated April 13, 1999 and attached hereto and made a part of this Ordinance.

SECTION 7. That "Exhibit A" to the "East Bank Redevelopment Plan" is hereby replaced by a new "Exhibit A", dated April 13, 1999, depicting a revised boundary description, and attached hereto and made a part of this Ordinance.

SECTION 8. That the "East Bank Redevelopment Plan" is amended by adding three maps, R.P. Maps 1A, 2A, and 3A all dated April 13, 1999, which pertain to the area added to the East Bank Project and are attached hereto and made a part of this Ordinance. Any reference in the Plan text to R. P. Map 1 shall be construed to include R. P. Map 1A, any reference to R. P. Map 2 shall be construed to include R. P. Map 2A, and any reference to R. P. Map 3 shall be construed to include R. P. Map 3A.

SECTION 9. That it is hereby found and determined that the additional area to be incorporated into the "East Bank Redevelopment Plan" by this amendment is a blighted area as defined in and in accordance with Tennessee Code Annotated Sections 13-20-201 through 13-20-216; 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 Tennessee Code Annotated 13-20-104 and 13-20-202 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 blight and slum conditions should be eliminated.

SECTION 10. That this Ordinance take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored By: Eileen Beehan, Frank Harrison & Don Majors

EAST BANK REDEVELOPMENT PLAN

B. DESCRIPTION OF PROJECT AREA (added paragraph)

In addition to the core area of the East Bank Redevelopment Project described in the preceding paragraph, the Project Area was extended in 1999 to include properties on and in the vicinity of Main Street and Woodland Street. This additional area abuts the original East Bank Project Area along Interstate 65 and extends eastward to the Five Points Redevelopment Project boundary in the vicinity of South 10th Street. This additional area exhibits characteristics of and is a blighted area based on surveys conducted in 1998 by the Metropolitan Development and Housing Agency. Over 40% 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 5 Plan which recommends revitalization of the commercial strip along Main Street now characterized by obsolete or marginal development and economically distressed conditions. Inclusion of the additional area will encourage revitalization of Main Street in a manner consistent with and benefiting from the completion of the new public stadium and other private projects in the original East Bank Project Area.

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C.2.b. Specific Principal and Accessory Uses

(4) Tracts 29-32, 37

Intent: To redevelop this deteriorated commercial strip by encouraging the establishment of new and viable businesses suitable to a major thoroughfare and adjacent neighborhoods.

Principal Use: Institutional, Commercial/Retail, Office, Residential, Hotel, and Public uses and accessory uses customary thereto.

Conditional Use: Auto repair and service are permitted on Main Street where otherwise permitted by the Metropolitan Zoning Ordinance to the extent that the outdoor storage of junked vehicles is avoided or eliminated. Light Manufacturing and Warehousing are permitted on Main Street where otherwise permitted or

permitted with conditions by the Metropolitan Zoning Ordinance if it is determined by MDHA that such development will be so designed, located, and operated such that the public health, safety, and welfare will be protected; it will not adversely affect other property in the area with traffic, loading, and unloading, or outdoor storage of materials or equipment; and it will not impede the proper development of other parcels of property in accordance with this Plan.

Design Objectives: Development on this block should be carried out in a manner designed to improve the appearance of the streetscape along Main Street between South 5th Street and South 10th Street. Trees and other landscaping, preferably in accordance with a comprehensive streetscape improvement plan, should be encouraged. Outdoor storage of materials or equipment should be screened or buffered from Main Street. New development should not be allowed which obscures or detracts from the view of the State Capitol building from Main Street. Restoration and improvement to the setting of the structure at 931 Main Street which may be worthy of an historic designation is encouraged.

(5) Tracts 33,39,43

Intent: To redevelop portions of this tract for activities suitable in proximity to the interstate and adjacent stadium and providing a buffer between the interstate and residential areas to the east.

Principal Use: Commercial/Retail, Office, Education, Hotel, Parking, Public, Institution, and Transportation/Communication/Utility uses and accessory uses customary thereto.

Design Objectives: Any new development occurring on this block should reflect the character and setting of the adjacent historic neighborhood and properties. New structures should not imitate past architectural styles and should be compatible with historic buildings in the selection of materials, size, scale, proportion, height, orientation, color and texture.

(6) Tracts 34-36,38

Intent: To redevelop this deteriorated commercial strip by encouraging the establishment of new and viable businesses on Main Street frontage and development of less intensity and suitable to adjacent residential areas on the Woodland Street frontage.

Principal Use: Institutional, Commercial/Retail, Office, Residential, Hotel, and Public uses and accessory uses customary thereto. Liquor stores are not permitted on the Woodland Street frontage.

Conditional Use: Parking. Auto repair and service are permitted on Main Street where otherwise permitted by the Metropolitan Zoning Ordinance to the extent that the outdoor storage of junked vehicles is avoided or eliminated. Auto repair and service uses are not permitted that would front onto Woodland Street or side streets. Light Manufacturing and Warehousing are permitted on Main Street where otherwise permitted or permitted with conditions by the Metropolitan Zoning Ordinance if it is determined by MDHA that such development will be so designed, located, and operated such that the public health, safety, and welfare will be protected; it will not adversely affect other property in the area with traffic, loading and unloading, or outdoor storage of materials or equipment; it will not be designed so as to place heavy truck traffic onto Woodland Street; and it will not impede the proper development of other parcels of property in accordance with this Plan.

Design Objectives: Development on this block should be carried out in a manner designed to improve the appearance of the streetscape along Main Street between South 5th Street and South 10th Street. Trees and other landscaping, preferably in accordance with a comprehensive streetscape improvement plan, should be encouraged. Outdoor storage of materials or equipment is discouraged and should be buffered and screened from view. New development should not be allowed which obscures or detracts from the view of the State Capitol building from Main Street. Development on these tracts should not be permitted which would result in the Woodland Street frontage exhibiting characteristics of a back door or back alley. Development on the Woodland Street frontage should reflect its setting in proximity to historic residential areas and not imitate past architectural styles. Development on Woodland Street should be compatible with historic buildings in the selection of materials, size, scale, proportion, height, orientation, color and texture.

(7) Tract 40

Intent: To maintain this tract for use by religious institutions with adequate landscaped parking to prevent traffic congestion in adjacent residential areas.

Principal Use: Institutions and accessory uses customary thereto.

Alternate Use: In the event that the current use of this block ceases in the future, it may be developed for Residential or Public Use.

Design Objectives: Any new development occurring on this block should reflect the character and setting of the adjacent historic neighborhood and properties. New structures should not imitate past architectural styles and should be compatible with historic buildings in the selection of materials, size, scale, proportion, height, orientation, color and texture.

(8) Tract 41

Intent: To maintain this tract for use as a playground park serving the community and neighboring residential areas.

Principal Use: Public Uses and accessory uses customary thereto.

Alternate Use: Residential.

Design Objectives: Improvements to this park should be compatible with and supportive of the goal of supporting neighboring historic neighborhoods.

(9) Tract 42

Intent: To redevelop properties on Woodland Street with uses compatible with and contributing to the setting of adjacent historic residential areas.

Principal Use: Institutional, Commercial/Retail, Office, Residential, and Public uses and accessory uses customary thereto. Liquor stores and auto repair and services are not permitted on the Woodland Street frontage.

Design Objectives: Outdoor storage of vehicles, materials or equipment is not permitted. Development on the Woodland Street frontage should reflect its setting in proximity to historic residential areas and not imitate past architectural styles. Development on Woodland Street be compatible with historic buildings in the selection of materials, size, scale, proportion, height, orientation, color and texture.

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C.2.c. General Design Regulations and Controls

(8) Signs

Signs shall be limited to on-premise signs, related to the use or 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 shall be permitted.

Signs on Woodland Street east of South Fifth Street 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 by MDHA and will be permitted only when designed and placed in scale and 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 these restrictions.

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C.2.c. General Design Regulations and Controls

(11) Process for Appeal

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 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 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.

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EXHIBIT A

EAST BANK REDEVELOPMENT PLAN PROJECT BOUNDARY DESCRIPTION

LEGAL DESCRIPTION (As Amended)

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

Beginning at the point of the east river bank of the Cumberland River and the northwesterly line of Main Street; thence, with the northwesterly line of Main Street northeastwardly approximately 4,300 feet, to the northeast corner of Main Street and North Fifth; thence northeastwardly approximately 400 feet to a point; thence easterly approximately 700 feet to the easterly line of North Sixth Street; thence southerly approximately 200 feet to the northeast corner of an alley; thence easterly with said alley approximately 3,250 to the intersection of Finn Street; thence at an angle southeasterly 65 feet, more or less, to the northwesterly corner of parcel 278 (Map 82-12); thence easterly and across an alley and along the property line of parcel 5 (Map 83-9) to a point; thence at an angle, northeasterly approximately 65 feet, across North Tenth Street to the northwest margin of Parcel 3 (Map 83-9); thence northeasterly approximately 100 feet; thence southerly approximately 215 feet, to southerly margin of Gallatin Pike; thence westerly on a curve approximately 300 feet, to the northeast margin of parcel 194 (Map 83-9), thence southerly approximately 175 feet, across an alley; thence westerly approximately 130 feet, to the northwesterly margin of Parcel 197 (Map 83-9); thence southerly approximately 200 feet, to the southerly line of Woodland Street; thence westerly approximately 900 feet, to the intersection of McFerrin Avenue; thence northwesterly with the easterly line of McFerrin Ave. approximately 200 feet, to a point at the intersection of McFerrin Avenue and an alley; thence westerly approximately 500 feet, to the intersection of South Ninth Street and an alley; thence southerly approximately 210 feet, to a point at the

intersection of South Ninth Street and Woodland Street; thence easterly approximately 180 feet, on Woodland Street to a point; thence southerly approximately 200 feet, along the easterly margin of Parcel 80 (Map 82-16) to the centerline of an alley; thence westerly approximately 850 feet, to the intersection of South Eighth Street; thence southerly approximately 200 feet, to the intersection of South Eighth Street and Russell Street; thence westerly with the centerline of Russell Street; approximately 2,000 feet, to the intersection of South Fifth Street; thence southerly approximately 405 feet, to the centerline of South Fifth Street and Fatherland Street; thence westerly along centerline of Fatherland Street, approximately 400 feet, to the westerly margin of South Fourth Street; thence northerly along said margin approximately 375 feet, to a point which becomes the easterly right-of-way of Interstate Highway 65, and continuing northerly an additional 375 feet, more or less, to the southerly margin of Woodland Street; thence westerly approximately 650 feet, to the intersection of the southwesterly right-of-way line of I-65 and I-24 and Interstate Drive; thence, with the southwesterly right of way line of I-65 and I-24 southeastwardly approximately 1,900 feet to the point of intersection with the southeasterly line of Sylvan Street; thence, with the southeasterly line of Sylvan Street southwestwardly approximately 650 feet to the point of intersection with the northeasterly line of South Second Street; thence, with the northeasterly line of South Second Street southeastwardly approximately 200 feet to the property line of parcel 93-7-10, extended; thence, southwestwardly approximately 500 feet with the southeasterly property line of parcel 93-7-10 to the intersection of the southwestwardly property line of parcel 93-7-10 and South First Street; thence, with the northeasterly line of South First Street southeastwardly approximately 70 feet to the point of intersection with the southwesterly property line of parcel 93-7-48, extended; thence, with the southeasterly property line of parcel 93-7-48 southwestwardly approximately 240 feet to the point of intersection with the southwestwardly line of the Louisville and Nashville Railroad; thence, with the southwestwardly line of the Louisville and Nashville Railroad, northwestwardly approximately 250 feet to the point of intersection with the southeasterly property line of parcel 93-7-22; thence, with the southeasterly line of property parcel 93-7-22 southwestwardly approximately 310 feet to the point of intersection with the northeasterly bank of the Cumberland River; thence, with the northeasterly river bank of the Cumberland River as it meanders northwestwardly approximately 3,100 feet to the point of intersection with the southeasterly line of Main Street, being the point of beginning.

April 13, 1999

LEGISLATIVE HISTORY	
Introduced:	April 20, 1999
Passed First Reading:	April 20, 1999
Referred to:	Planning Commission - Approved 8-0 (4/29/99) Federal Grants Review Committee Planning & Zoning Committee
Passed Second Reading:	May 18, 1999
Passed Third Reading:	June 1, 1999
Approved:	June 2, 1999
By:	