



METROPOLITAN COUNCIL

Metro Council Office

**REVISED PACKET
PROPOSED AMENDMENTS,
SUBSTITUTES, AND LATE FILED
LEGISLATION FOR RESOLUTIONS
AND ORDINANCES ON FILE
WITH THE METRO CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, MAY 17, 2016**



METROPOLITAN COUNCIL

Member of Council

Colby Sledge

Metro Councilman District 17
614 Moore Avenue Drive • Nashville, TN 37203
Telephone 615-812-2157 • colby.sledge@nashville.gov

May 16, 2016

TO: Vice Mayor David Briley & Members of Metro Council

FROM: Colby Sledge
Councilmember, District 17

RE: **Suspension of the Rule 11**

I plan to introduce a late resolution approving an agreement between Metro Government and the U.S. of America for a two day use of the property comply known as the Tennessee State Fairground for military training operations by the 160th Special Operations Aviation Regiment (SOAR).

A copy of the resolution is on the reverse side of this memo. This resolution is being submitted as an emergency late item this evening due to the training operations beginning in June and there is not another meeting prior to June 1.

I am, therefore, asking your support as I request a suspension of Rule 11 to allow the resolution to be introduced this evening. Further, I respectfully request your favorable consideration.

CS/rh

RESOLUTION NO. _____

A resolution approving an Agreement between The Metropolitan Government of Nashville and Davidson County and the United States of America for a two-day use of the property commonly known as the Tennessee State Fairgrounds for military training operations by the 160th Special Operations Aviation Regiment (SOAR).

WHEREAS, The Metropolitan Government of Nashville and Davidson County and the United States of America both desire a well prepared and trained Department of the Army; and,

WHEREAS, The Metropolitan Government of Nashville and Davidson County is the owner of real property commonly known as the Tennessee State Fairgrounds (hereinafter the "Fairgrounds"); and,

WHEREAS, The Metropolitan Government of Nashville and Davidson County has created the Metropolitan Board of Fair Commissioners to operate the Fairgrounds under MCL§ 6.11.601; and,

WHEREAS, the United States of America's Department of the Army wishes to use the Fairgrounds for airborne and airmobile operations training of the 160th Special Operations Aviation Regiment (SOAR) on June 6-7, 2016; and,

WHEREAS, there is a contract between the United States of America and the Metropolitan Board of Fair Commissioners which states in part that the United States of America will provide a 14-day notice before conducting operations on the Fairgrounds, will not use live ammunition, and will be liable for any damage caused to the Fairgrounds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON CONTY:

Section 1. That the Agreement by and between the Metropolitan Board of Fair Commissioners and the United States Government for a two-day use of the Tennessee State Fairgrounds for the training operations of the 160th Special Operations Aviation Regiment (SOAR) is hereby approved by the Metropolitan Government, and the Metropolitan Board of Fair Commissioners is hereby authorized to execute the Agreement.

Section 2. That this Resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

Ken Sanders, Interim Director
The Tennessee State Fairgrounds

Members of Council

APPROVED AS TO AVAILABILITY
OF FUNDS:

Talia Lomax-O'dneal, Director
Department of Finance
APPROVED AS TO FORM AND
LEGALITY:

Assistant Metropolitan Attorney

**DEPARTMENT OF THE ARMY
LOUISVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059
ACCESS AGREEMENT
FOR TRAINING OPERATIONS**

FOR AN IN CONSIDERATION of the desire to assist the United States of America in its military efforts, the undersigned, hereinafter called "**Owner**", grants to the United States of America, hereinafter called "**Government**", access to conduct military training operations on the property owned by **Nashville, TN Fairgrounds**, located at 625 Smith Avenue, Nashville, Tennessee 37204 as shown on the attached Exhibit "A".

1. The Owner grants to the Government the right to enter upon the land described above for the period beginning 06-June-2016 and ending 07-June-2016 in order that the 160th Special Operations Aviation Regiment (SOAR), Fort Campbell, Kentucky may conduct training operations at this location.

2. If any action of the Government's employees or agents in the exercise of this Access Agreement results in damage to the real property, the Government will, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

3. The Owner shall not be responsible or liable for injuries to persons or damage to property when such injuries or damages are caused by or result from the Government's use of the premises under the terms of this agreement and are not due to negligence of the Owner.

4. It is understood that the Owner does not grant the right to use timber or any other products of the land and does not grant the right to enter with or use tanks or live ammunition on the land.

5. Training will be limited to **MH-6 and MH-60 airborne/airmobile operations involving the air movement via fixed or rotary wing aircraft into an objective area to include logistic support for execution of a tactical, operational, or strategic mission.** Any other type of training will be coordinated with the Owner on a case by case basis.

6. Prior to any such entry, use or occupancy, the Government shall notify the Owner at least 14 days prior to any use. Direct notification by the USASOC, 160th Special Operations Aviation Regiment (Airborne), Fort Campbell, Kentucky is authorized. The Owner has the right to refuse such entry and use of occupancy, if such refusal is reasonable and made in good faith.

7. Property of the Government placed upon the land will be removed within a reasonable time after each use.

8. The Owner agrees to notify the District Engineer, U.S. Army Corps of Engineers, Real Estate Division, P.O. Box 59, Louisville, KY 40201-0059, as soon as possible if any damages or losses result from the training operations conducted under this agreement.

9. The Owner or the Government may cancel this agreement at any time by giving at least 14 days notice in writing to the other party.

10. Any modification of the terms of this license shall be in writing signed by a duly authorized representative of each party.

If to Owner: **Nashville Fairground, Attn: Interim Director Ken Sanders, PO box 40208 Nashville, TN 37204, kenneth.sanders@nashville.gov, (615) 862-8980.**

If to the Government: (USASOC, ATTN: 160TH Special Operations Aviation Regiment (Airborne), Bldg 7277 Night Stalker Way, Fort Campbell, KY 42223

AND

District Engineer, U.S. Army Corps of Engineers, ATTN: Real Estate Division (RM 137) P.O. Box 59, Louisville, Kentucky 40202-0059

WITNESS MY HAND AND SEAL this _____ day of _____ 20__.

UNITED STATES OF AMERICA

Jackie L. Preston
Chief, Military Branch

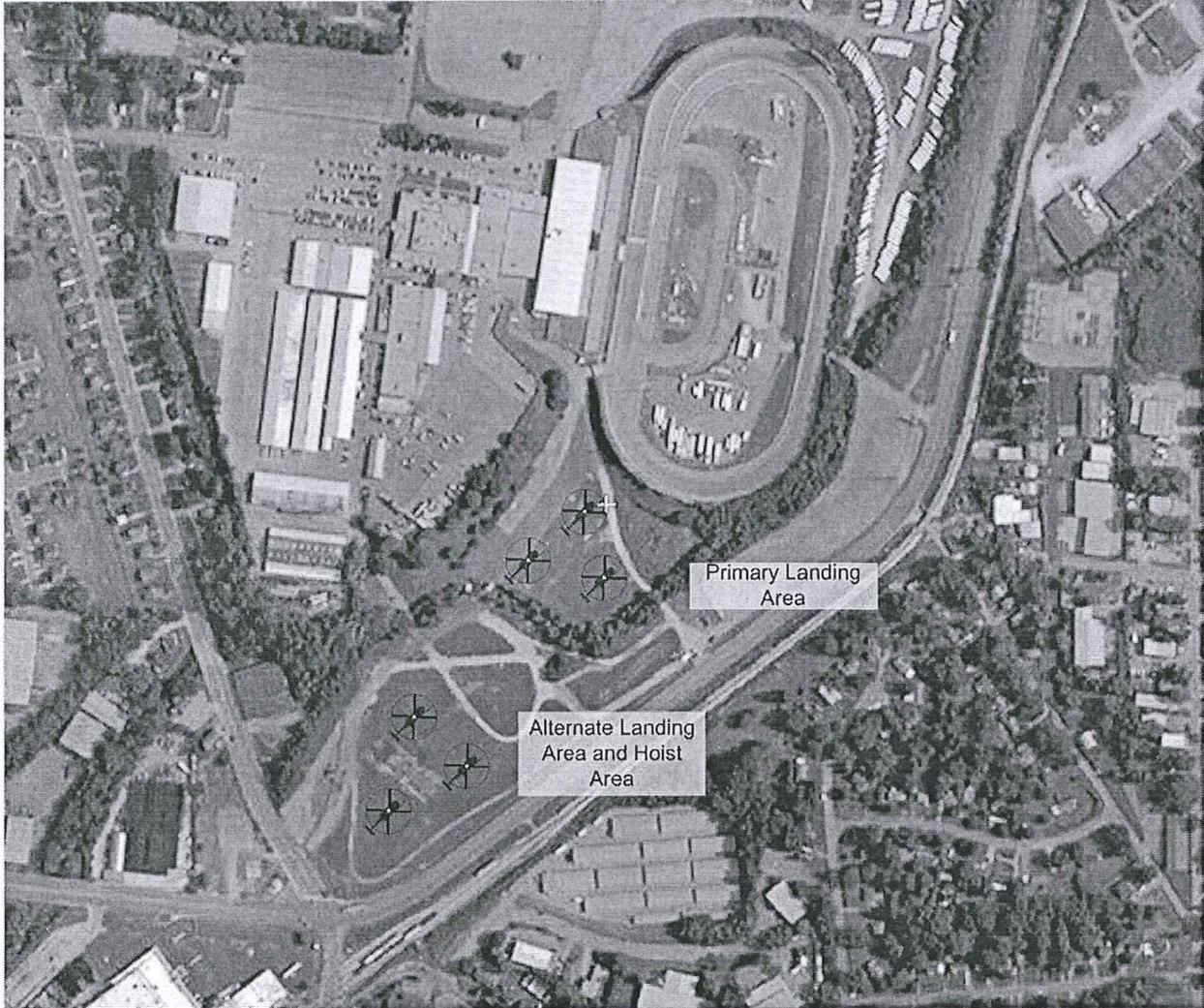
THIS AGREEMENT is also executed by the Owner this _____ day of _____ 20__.

PROPERTY OWNER

By: _____
(Print Name)

By: _____
(Signature)

Title: _____



CERTIFICATE OF AUTHORITY

I, _____ certify that I am the _____
(Name of clerk or appropriate official) (Title)

of the _____ that _____
(Name of Organization) (Name of Officer Signing Agreement)

who signed the foregoing instrument on behalf of the grantee, was then

_____ of _____
(Office Held) (Name of Organization)

I further certify that the said officer was acting within the scope of powers delegated

to this officer by the governing body of the corporation in executing said

instrument.

(Signature of clerk or appropriate official)

(Date)

AMENDMENT NO. _____

TO

RESOLUTION NO. RS2016-233

Mr. President –

I move to amend Resolution No. RS2016-233 as follows:

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

Section 3. The proceeds from the sale of said parcel(s) of property shall be credited to the Barnes Fund for Affordable Housing established pursuant to Substitute Ordinance No. BL2013-487.

INTRODUCED BY:

Colby Sledge
Member of Council

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF PUBLIC WORKS
750 SOUTH FIFTH STREET
NASHVILLE, TENNESSEE 37206

May 12, 2016

TO: Vice Mayor David Briley & Members of Metro Council

FROM: Mark Macy 
Acting Director, Metro Public Works

RE: **Suspension of the Rule 11
For Korean Veterans Blvd and 7th Ave S Quitclaim Deed Bill**

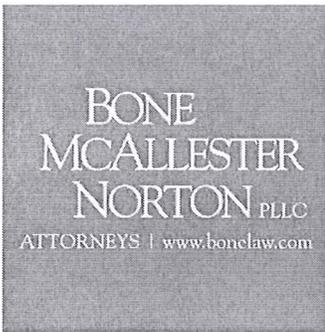
Public Works is requesting to introduce a late ordinance for the approval of the Director of Public Property to execute a quitclaim deed for any property interest that Metro may have in a portion of the right-of-way of Korean Veterans Blvd and 7th Ave S, and accepting consideration for the same in the amount of \$21,000 (Proposal No. 2016M-013AB-001). A copy of the ordinance is attached hereto.

This ordinance is being submitted as an emergency late item this evening so that Mainline KVB, LLC can meet critical deadlines under their financing agreements. Attached is a letter dated May 11, 2016 explaining the urgency of this request. The applicant has been working through TDOT's Excess Land Process.

There is not another Council meeting prior to the deadlines. I am, therefore, asking your support as I request a suspension of Rule 11 to allow the ordinance to be introduced this evening. Further, I respectfully request your favorable consideration.

MM/lt

CC: Chris Raybeck – Bone, McAllester, Norton, PLLC
Council Member Freddie O'Connell
Steve Berry – Metro Public Property



Chris Raybeck
(615) 238-6300 Phone
(615) 238-6301 Fax
craybeck@bonelaw.com

May 11, 2016

Metropolitan-Nashville Public Works
Attention: Mr. Mark Macy
mark.macy@nashville.gov

Via Email Only

Re: Excess Land Transfer—KVB and 7th Avenue South—Request #6049 by Mainland KVB, LLC (“Mainland KVB”)

Dear Mr. Macy:

We represent Mainland KVB. In connection with Mainland KVB’s request that the bill relative to the above-described excess land transfer request be filed for first reading on at the Council’s May 17, 2016, I write to provide you with Mainland KVB’s justification for requesting the late filing.

TDOT had approved the transfer to Mainland KVB some time ago and, obviously, TDOT needed to run its process first. Along the way, and in connection with Mainland KVB’s overall loan for the site, Mainland KVB had agreed with its lender that the subject property would be part of the lender’s collateral package – and the timing of adding the subject property is of particular import because Mainland KVB has paid for the property (all funds were sent to TDOT, as directed). We do not believe that Mainland KVB has delayed, and the additional couple or few weeks difference between meetings makes a meaningful difference relative to lender expectations, construction scheduling, and the like.

Thank you, and please let me know if you have any questions.

Sincerely,

Chris Raybeck

cc: Ms. Tara Ladd (via e-mail)
Mainland KVB (via e-mail)

Ordinance No. _____

An ordinance authorizing the Director of Public Property Administration to execute a quitclaim deed for any property interests the Metropolitan Government may have in a portion of the right-of-way of Korean Veterans Boulevard and 7th Avenue South, and accepting consideration for same in the amount of \$21,000.00 (Proposal No. 2016M-013AB-001).

Whereas, the portion of the right-of-way at Korean Veterans Boulevard and 7th Avenue South was acquired by the Tennessee Department of Transportation in the name of the Metropolitan Government of Nashville and Davidson County for Federal Project STP-M/HPP-5333(3) and State Project 19LPM-F2-062, using 80 percent state funds and 20 percent local funds; and,

Whereas, the Department of Transportation's Excess Land Committee has recently evaluated a request to purchase the portion of the property in question and concluded that the property is surplus to highway needs and approved the requested conveyance; and,

Whereas, through the Department of Transportation's Excess Land process it was determined, and the State and buyer agreed, that the fair value of this property amounts to One Hundred Five Thousand Dollars and no/100 dollars (\$105,000.00); and,

Whereas, Mainland KVB, LLC, the buyer, has tendered the value to the State and the Metropolitan Government to acquire the property; and,

Whereas, the Metropolitan Government does not have any future use for this property for any public purpose; and,

Whereas, the State is requesting that the Metropolitan Government quitclaim any interest it may have in the property; and,

Whereas, it was further determined through the Department of Transportation's Excess Land process that the Metropolitan Government's share of the total amount of the consideration to be paid by in exchange for the quitclaim would consist of Twenty One Thousand Dollars (\$21,000.00) as the tract was acquired with 80 percent state funds and 20 percent local funds; and,

Whereas, it is in the parties' best mutual interests to cooperate in quitclaiming the property to the buyer and to accept and fairly divide the consideration being tendered for that conveyance.

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

Section 1. That the Director of Public Property Administration is authorized to execute quitclaim deed attached hereto as Exhibit A and referenced herein conveying such interests as the Metropolitan Government may have in the areas described therein, further shown in a sketch

attached hereto as Exhibit B, and to close on the transaction in exchange for the payment of Twenty One Thousand Dollars (\$21,000.00).

Section 2. That the Metropolitan Government is hereby authorized to accept its share of the consideration received for quitclaiming any rights in may have in the properties referenced in the quitclaim, in the amount of Twenty One Thousand Dollars (\$21,000.00).

Section 3. That this Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

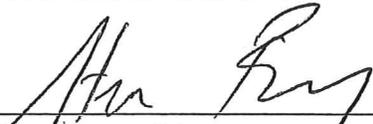
SPONSORED BY:



Mark Macy, Interim Director
Department of Public Works

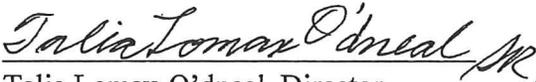
RECOMMENDED BY:

Member(s) of Council



Steve Berry, Director
Public Property Administration

APPROVED AS TO AVAILABILITY
OF FUNDS:



Talia Lomax-O'dneal, Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:



Assistant Metropolitan Attorney

This instrument prepared by:
State of Tennessee
Department of Transportation
Legal Office
Region III – 6601 Centennial Blvd.
Nashville, TN 37243

Federal Project No. STP-M/HPP-5333(3)
State Project No. 19PLM-F2-062
Tract 15
Davidson County
Excess Land
Inventory No. 6049

QUITCLAIM DEED

<u>ADDRESS OF NEW OWNER:</u>	<u>REAL TAX RESPONSIBILITY:</u>	<u>MAP/PARCEL:</u>
Mainland KVB, LLC 118 16 th Ave. South, Suite 230 Nashville, TN 37203	New Owner	Formerly part of 093 10 0 075.00

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of ONE HUNDRED FIVE THOUSAND DOLLARS AND NO/100 (\$105,000.00), cash in hand paid, the receipt of which is hereby acknowledged, the **METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE**, hereby Quitclaims unto **MAINLAND KVB, LLC**, a Tennessee limited liability company, its heirs and assigns, all its right, title and interest in and to the following described real estate located in Davidson County, Tennessee, shown as Part of Tract 15 on the attached Exhibit A, incorporated herein by reference, together with any improvements and fixtures thereon and all easements, privileges, and appurtenances belonging thereto, and being more particularly described as follows:

LAND IN THE 19TH COUNCILMANIC DISTRICT OF NASHVILLE, DAVIDSON COUNTY, TENNESSEE, BEING PORTIONS OF EXCESS RIGHT-OF-WAY ADJOINING KOREAN VETERANS BOULEVARD AND SEVENTH AVENUE SOUTH AS SHOWN ON STATE OF TENNESSEE RIGHT-OF-WAY PLAN 19PLM-F2-062, SHEET 4, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH BACK OF SIDEWALK FOR SAID KOREAN VETERANS BOULEVARD AND THE WEST RIGHT-OF-WAY OF SEVENTH AVENUE SOUTH; THENCE ALONG SAID SEVENTH AVENUE SOUTH S 26° 46' 37" E, 12.31 FEET; THENCE LEAVING SAID SEVENTH AVENUE S 62° 43' 46" W, 155.38 FEET TO THE EAST SIDE OF A FORMER 10' ALLEY; THENCE ALONG SAID ALLEY, HAVING A RADIUS OF 150 FEET, A DISTANCE OF 1.26 FEET TO THE SAID SOUTH BACK OF SIDEWALK OF KOREAN VETERANS BOULEVARD; THENCE ALONG SAID SIDEWALK N 58° 39' 24" E, 155.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 1051 SQUARE FEET, MORE OR LESS.

This conveyance is made and accepted subject to the following conditions which will be binding upon the Grantee, its heirs and assigns, and shall run with the land in perpetuity. Said conditions are as follows:

- (1) no person, on the grounds of sex, handicap, race, color, religion, age, or national origin shall be excluded from participation in, be denied the benefits

of, or be otherwise subjected to discrimination in the use of any public accommodations which may be constructed on the above described land;

- (2) that in connection with the construction of any improvements on said lands and the furnishings of services thereon, no discrimination shall be practiced and in the selection of employees and contractors, by contractors in the selection and retention of first-tier subcontractors and by first-tier subcontractors in the selection of the retention of second-tier subcontractors;
- (3) that such discrimination shall not be practiced against the public in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed or operated on the above described land;
- (4) that the Grantee comply with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, Title 49, Code of Federal Regulations, Part 27, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; and 23 U.S.C., Section 324;
- (5) that this conveyance is subject to any interest a utility may have in the placement and maintenance of existing utility facilities located on the property; and
- (6) No junkyards, as defined in 23 U.S.C., Section 136 shall hereafter be established or maintained on land released as excess to highway needs. No signs, billboards, outdoor advertising structures or advertisement of any kind as provided for in 23 U.S.C., Section 131 shall be hereafter erected, displayed, placed or maintained upon or within the land released, except that signs may be erected and maintained to advertise the sale, hire or lease of the property, or the principal activities conducted on the land upon which the signs are located.

REFERENCE: The legal description contained herein was prepared by Patrick Coode and Company, LLC, 144 Spring Valley Road, Nashville, Tennessee 37214. The above-described property is a portion of the property described in Project No. STP-M/HPP-5333(3) / 19PLM-F2-062, the plans for said project being on file on the 13th floor of the James K. Polk Building, 505 Deaderick St., Nashville, TN 37243-0360.

Being a portion of the property acquired by Grantor as of record in Instrument 20110722-0056283 in the Register's Office for Davidson County, Tennessee.

WITNESS MY/OUR HAND(S) this ____ day of _____, 20__.

**METROPOLITAN GOVERNMENT OF NASHVILLE AND
DAVIDSON COUNTY, TENNESSEE**

BY: _____

Steve Berry, Director of Public Property

Federal Project No. STP-M/HPP-5333(3)
State Project No. 19PLM-F2-062
Davidson County
Tract 15

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STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, a Notary Public, in and for said County and State, STEVE BERRY, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Director of Public Property of the Metropolitan Government of Nashville and Davidson County, Tennessee, and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Metropolitan Government of Nashville and Davidson County, Tennessee by himself as such Director of Public Property.

WITNESS my hand and official seal at office in Nashville, Tennessee, this ____ day of _____, 20 ____.

NOTARY PUBLIC

My Commission Expires:

STATE OF TENNESSEE
COUNTY OF _____

I (or we) hereby offering this instrument for recording within the meaning of the Statutes of the State of Tennessee, under T.C.A. Section 67-4-409, swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$_____, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

AFFIANT

SWORN to and SUBSCRIBED before me this ____ day of _____, 20 ____.

NOTARY PUBLIC

My Commission Expires:

NOTES:

1. THIS SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF A CATEGORY 1. URBAN AND SUBDIVISION LAND SURVEY, AS PER THE STANDARDS OF PRACTICE, AS REVISED AND ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS, STATE OF TENNESSEE, (EFFECTIVE JANUARY 4, 1992)
2. THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS GREATER THAN 1:15000 OR DOES NOT EXCEED 1/10 OF A FOOT OF POSITION ERROR AT ANY CORNER.
3. BEARING SYSTEM DERIVED FROM STATE RIGHT OF WAY PLANS.
4. NUMBERS SHOWN THUS (00) PERTAIN TO DAVIDSON COUNTY PROPERTY TAX MAP NUMBER 93-10.
5. PROPERTY SUBJECT TO ANY AND ALL FINDINGS OF A CURRENT AND ACCURATE TITLE SEARCH. NO TITLE REPORT FURNISHED TO SURVEYOR PRIOR TO SURVEY.
6. IN TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENT ACT". THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNER(S), NO LESS THAN (3) NOR MORE THAN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY HAZARD OR CONFLICT. TENNESSEE ONE CALL 1-800-351-1111 * UTILITIES NOT CHECKED.

PROPERTY SURVEY

FOR

MAINLAND ACQUISITIONS, LLC

SHOWING

PART OF THE PROPERTY SHOWN AS TRACT 15
 STATE RIGHT OF WAY PLAN # 19LPLM-F2-062
 SHEET 4
 PART OF A CLOSED ALLEY
 AND A PART OF 7TH AVENUE SOUTH

LOCATED

413 7TH AVENUE SOUTH
 NASHVILLE, TENNESSEE 37203
 DATE: MAY 28, 2015

© 2015 PATRICK COODE

FILE NO. 215-024-4

LEGEND

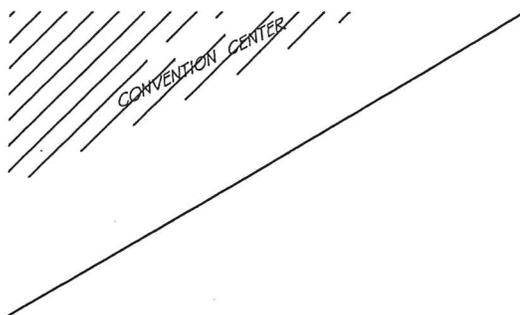
————— PROPERTY LINE			
● ^{IP}	IRON PIN (OLD)	⊙	GAS METER
○ ^{SET IP}	IRON PIN (NEW)	⊗	WATER VALVE
⊕ ^{FH}	FIRE HYDRANT	⊖	MAN HOLE
⊗ ^{PP}	POWER POLE	□	DROP INLET

SCALE 1"=30'



PATRICK COODE AND COMPANY, LLC

144 SPRING VALLEY ROAD
 NASHVILLE, TENNESSEE 37214
 PH: 615-974-1814 / FX: 615-739-6484
 EMAIL: PSCOODE@COMCAST.NET



SURVEYOR'S CERTIFICATE

WE HEREBY STATE THAT THIS SURVEY HAS BEEN MADE USING THE DEEDS OF RECORD, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE; AND IS ACCURATE TO THE BEST OF OUR KNOWLEDGE, INFORMATION, BELIEF AND OUR PROFESSIONAL OPINION.

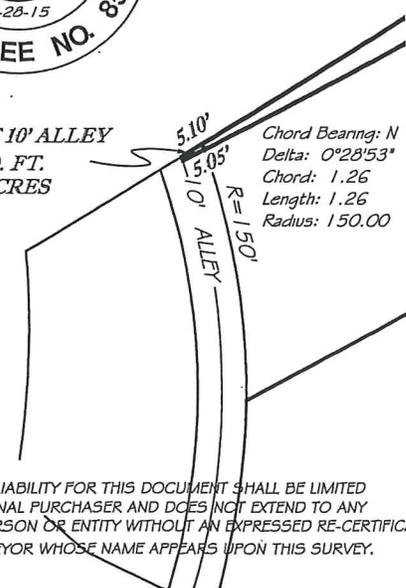
SIGNED: PATRICK COODE AND COMPANY, LLC

BY:



PART OF 10' ALLEY
 5.4 SQ. FT.
 0.00 ACRES

(ROUND-ABOUT)



Chord Bearing: N
 Delta: 0°28'53"
 Chord: 1.26
 Length: 1.26
 Radius: 150.00

SURVEYORS LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT AN EXPRESSED RE-CERTIFICATE BY THE SURVEYOR WHOSE NAME APPEARS UPON THIS SURVEY.

**KOREAN VETERANS
BOULEVARD**

P.O.B.

N 58°39'24" E
24.95'

328.1 SQ. FT.
0.01 ACRES
(CLOSED R/W)

N 26°55'15" W 62.13'

(182)

12.31' (15)
S 26°46'33.7" E
24.87'

N 26°46'05" W 80.16'

7TH AVENUE SOUTH
(TO BE CLOSED)

F.H.

IRON PIN

SUBWAY

(182)

S 65°13'40" W

PART OF TRACT 15
1052 SQ. FT.
0.02 ACRES

S 3°39'24" E 155.72'

S 62°43'46" W 155.38'

6'47" W

(36)

(45)

(183)

BECK BUILDING

BLDG. COR.

ORIGINAL TOI

D-16-07061

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF PUBLIC WORKS
750 SOUTH FIFTH STREET
NASHVILLE, TENNESSEE 37206

May 12, 2016

TO: Vice Mayor David Briley & Members of Metro Council

FROM: Mark Macy 
Acting Director, Metro Public Works

RE: **Suspension of the Rule 11
For NP Hospitality Aerial and Underground Encroachments
Bill**

Public Works is requesting to introduce a late ordinance for the approval of the NP Hospitality Aerial and Underground Encroachments (Proposal No. 2016M-016EN-001). A copy of the ordinance is attached hereto.

This ordinance is being submitted as an emergency late item this evening so that NP Hospitality can meet critical deadlines under their financing agreements. Attached is a letter dated May 11, 2016 explaining the urgency of this request.

There is not another Council meeting prior to the deadlines. I am, therefore, asking your support as I request a suspension of Rule 11 to allow the ordinance to be introduced this evening. Further, I respectfully request your favorable consideration.

MM/lt

CC: Will Triplett – NP Hospitality
Council Member Freddie O'Connell

ORDINANCE NO. _____

An Ordinance authorizing NP 5th, LLC to install, construct and maintain underground and aerial encroachments in the right of way located at the southeast corner of Korean Veterans Blvd and 5th Avenue South (Proposal No. 2016M-016EN-001).

WHEREAS, NP 5th, LLC plans to install, construct and maintain underground and aerial encroachments comprised of including 6 tree grates, 3 light poles, 2 bike racks, sidewalk seating, transformer vault access, a total of 11 canopies of various dimensions, a total of 14 accent light fixtures and 2 property identification 30' high by 6' wide flag signs at southeast corner of Korean Veterans Blvd and 5th Avenue South; and

WHEREAS, NP 5th, LLC has agreed to indemnify and hold The Metropolitan Government of Nashville and Davidson County harmless of any and all claims for damages of every nature and kind resulting from or arising from the installation of said encroachments under proposal No. 2016M-016EN-001; and

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

Section 1. That subject to the requirements, limitations and conditions contained herein and in the attached License Agreement, NP 5th, LLC is hereby granted the privilege to construct and maintain said encroachments in accordance with the plans which are on file in the office of the Director of Public Works, and which are more particularly described by lines, words and figures on the attached sketches which are attached hereto and made a part of this Ordinance.

Section 2. That the authority granted hereby for the construction, installation, operation and maintenance of said encroachments shall not be construed as a surrender by the Metropolitan Government of its rights or power to pass resolutions or ordinances regulating the use of its streets, or the right of the Metropolitan Government through its legislative body, in the interest of public necessity and convenience to order the relocation of said facilities at the expense of NP 5th, LLC.

Section 3. That plans and specifications for said encroachments under proposal No. 2016M-016EN-001 shall be submitted to the Director of Public Works of The Metropolitan Government of Nashville and Davidson County for approval before any work is begun and all work, material, and other details of said installation shall be approved by the Director of Public Works prior to its use by NP 5th, LLC.

Section 4. That construction and maintenance of said encroachments shall be under the direction, supervision and control of the Director of Public Works, and its installation, when completed, must be approved by said Director.

Section 5. That this Ordinance confers upon NP 5th, LLC a privilege and not a franchise, and the Mayor and the Metropolitan Council herein expressly reserve the right to repeal this ordinance, whenever, in their judgment, a repeal may be demanded by public welfare, and such repeal shall confer no liability on The Metropolitan Government of Nashville and Davidson County, its successors and assigns, by reason of said repeal. In the event of such repeal by Metropolitan Government, Nashville Convention Center, its successors and assigns, shall remove said encroachment at their own expense.

Section 6. NP 5th, LLC, its successors and assigns, shall pay all cost incident to the construction, installation, operation and maintenance of said encroachments and shall save and hold The Metropolitan Government of Nashville and Davidson County harmless from all suits, costs, claims, damages or judgments in any way connected with the construction, installation, operation and maintenance of said encroachments and shall not claim, set up or plead, as a defense, in the event of joint liability, with or without suit, that it and the Metropolitan Government were joint wrongdoers. NP 5th, LLC, its successors and assigns, shall be responsible for the expense, if any, of repairing and returning right-of-way to the condition, which it was in prior to the installation of said encroachments and for any street closure.

Section 7. That the authority granted to NP 5th, LLC as herein described, shall not in any way interfere with the rights of the Metropolitan Government, its agents, servants, and/or contractors and utility companies, operating under franchise from the Metropolitan Government to enter, construct, operate, maintain, repair, rebuild, enlarge, and patrol its now existing or future utilities, including drainage facilities, together with their appurtenances, and to do any and all things necessary and incidental thereto.

Section 8. NP 5th, LLC shall and is hereby required to furnish The Metropolitan Government of Nashville and Davidson County a certificate of public liability insurance, naming The Metropolitan Government as an insured party, of at least two million (\$2,000,000) dollars aggregate, for the payment of any judgment had on any claim, of whatever nature, made for actions or causes of action arising out of, or connected with, the construction of installation of said aerial encroachment. Said certificate of insurance shall be filed with the Metropolitan Clerk and the Department of Public Works prior to the granting of a permit, and the insurance required herein shall not be canceled without the insurance company or companies first giving thirty (30) days written notice to The Metropolitan Government of Nashville and Davidson County.

Section 9. That said construction shall be carefully guarded and protected, and shall be completed promptly, so as to cause the least inconvenience to the public. The acceptance by NP 5th, LLC of all provisions of this Ordinance shall be determined by the beginning of work.

Section 10. The authority granted pursuant to this Ordinance shall not become effective until the certificate of insurance, as required in Section 8, has been posted with the Department of Public Works.

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

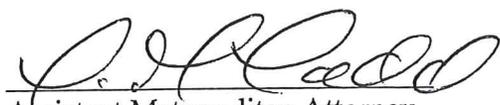
RECOMMENDED BY:



Mark Macy, Interim Director
Department of Public Works

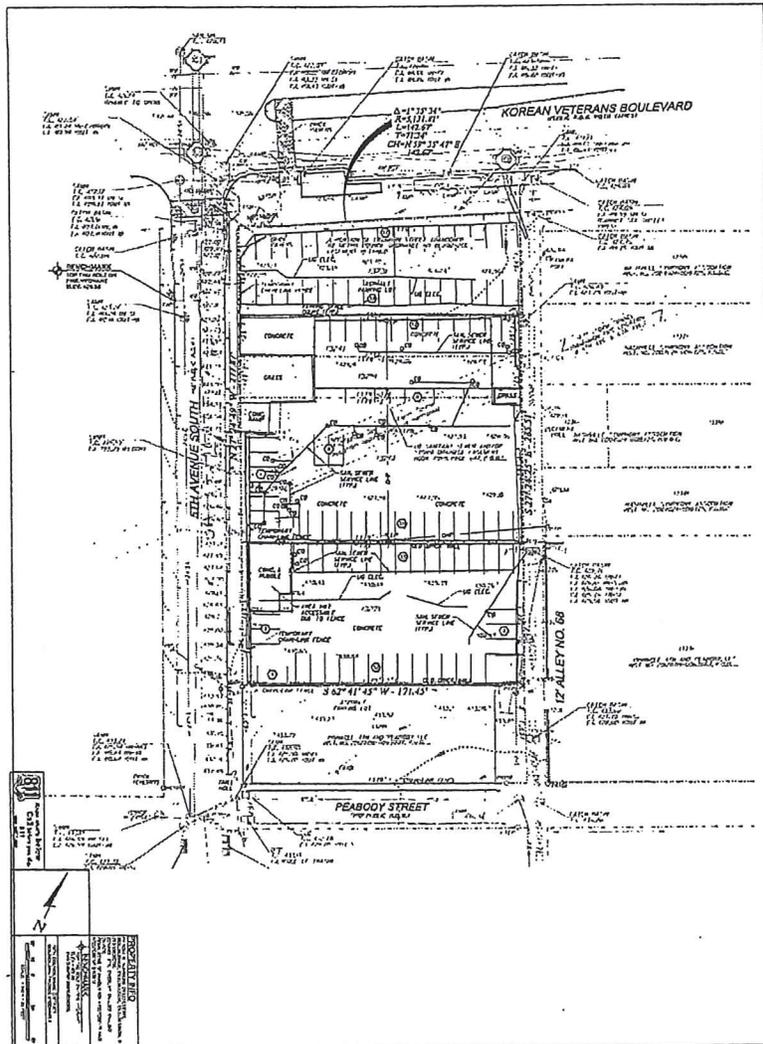
INTRODUCED BY:

APPROVED AS TO FORM
AND LEGALITY:



Assistant Metropolitan Attorney

Proposal No. 2016M-016EN-001



THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

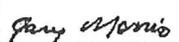
PRODUCER USI Insurance Svc CL Savannah 7 E Congress Street, Suite 1002 Savannah, GA 31401	CONTACT NAME: Theresa Pierce
	PHONE (A/C, No, Ext): 912 436-0720 FAX (A/C, No): E-MAIL ADDRESS: Theresa.Pierce@USI.Biz
INSURED NP 5th, LLC North Point Hospitality Group, Inc 3405 Piedmont Road, Ste 175 Atlanta, GA 30305	INSURER(S) AFFORDING COVERAGE NAIC #
	INSURER A: Cincinnati Insurance Company 10677
	INSURER B: Great American Insurance Compan 16691
	INSURER C: Key Risk Insurance Company 10885
	INSURER D:
	INSURER E:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	x	x	INN0006216	08/16/2015	08/16/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 Liquor Lia \$1,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS	x	x	INN0006216	08/16/2015	08/16/2016	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	UMBRELLA LIAB EXCESS LIAB <input checked="" type="checkbox"/> OCCUR CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$10000			SUMB151712	08/16/2015	08/16/2016	EACH OCCURRENCE \$25,000,000 AGGREGATE \$25,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		x	900000006558115	08/16/2015	08/16/2016	<input checked="" type="checkbox"/> NO STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 The Metropolitan Government of Nashville & Davidson County is hereby recognized as Certificate Holder and Additional Insured ATIMA.

CERTIFICATE HOLDER The Metropolitan Government of Nashville & Davidson County Metro Legal & Claims c/o Ins. and Safety Division 222 3rd Ave N.#501 Nashville, TN 37201	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



5/11/2016

David Briley
Vice Mayor and President
David.briley@nashville.gov

Freddie O'Connell
District 19 Council Member
Freddie.oconnell@nashville.gov

Messrs. Briley and O'Connell,

North Point Hospitality Group is requesting your assistance related to the proposed Marriott Tri-Brand Hotel at 5th Ave. South and Korean Veterans Boulevard in Nashville, TN. The Metropolitan Planning Commission has recommended approval by the Metropolitan Council of the enclosed aerial and underground encroachments (Mandatory Referral #2016M-016EN-001). The bill is currently being drafted by Public Works and will be sent to Metro Legal this week. Will you assist with introducing the Mandatory Referral to Metropolitan Council as a late bill? The inclusion of this bill on the agenda for the upcoming Council Meeting on May 17th is critical in order for the project to meet certain deadlines under our financing agreements.

Thank you,

A handwritten signature in black ink, appearing to read 'Whip Triplett', with a long horizontal line extending to the right.

Whip Triplett
Executive Vice President
North Point Hospitality

Cc: Mark Macy, Public Works
Billy Davis, Public Works
Jay Patel, North Point Hospitality
Buck Lindsay, Lindsay Pope Architects



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

May 5, 2016

To: Mark Macy, Public Works

**Re: NP Hospitality Aerial and Underground Encroachments
Planning Commission Mandatory Referral #2016M-016EN-001
Council District #19 – Freddie O’Connell, Council Member**

On behalf of the Metropolitan Planning Commission, the following item, referred to the Commission as required by the Metro Charter, has been recommended for *approval* to the Metropolitan Council:

A request to allow various aerial and underground encroachments comprised of sidewalk improvements including 6 tree grates, 3 light poles, and 2 bike racks; transformer vault access; a total of 11 canopies of various dimensions; a total of 14 accent light fixtures and 2 property identification 30’ high by 6’ wide flag signs for property located at the southeast corner of Korean Veterans Boulevard and 5th Avenue South, requested by Winford Lindsay Architect, applicant; NP 5th, LLC, owner.

The relevant Metro agencies (Metro Parks, Metro Public Works, Metro Water Services, Metro Emergency Communications, the Nashville Electric Service, Metro Finance – Public Property and the Metro Historical Commission) have reviewed the proposal and concur in the recommendation for approval. This request must be approved by the Metro Council to become effective. A sketch showing the location of the request is attached to this letter.

Conditions that apply to this approval: None

This recommendation for approval is given as set forth in the Metropolitan Planning Commission Rules and Procedures. If you have any questions about this matter, please contact Peggy Deaner at peggy.deaner@nashville.gov or 615-862-7148.

Sincerely,

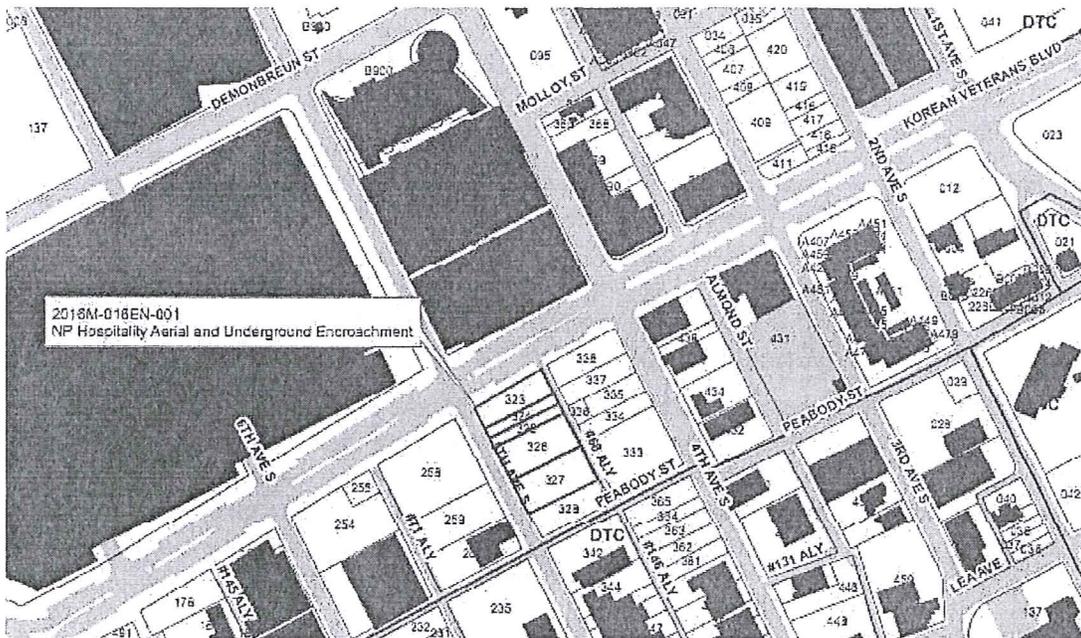
A handwritten signature in cursive script, appearing to read "Robert Leeman".

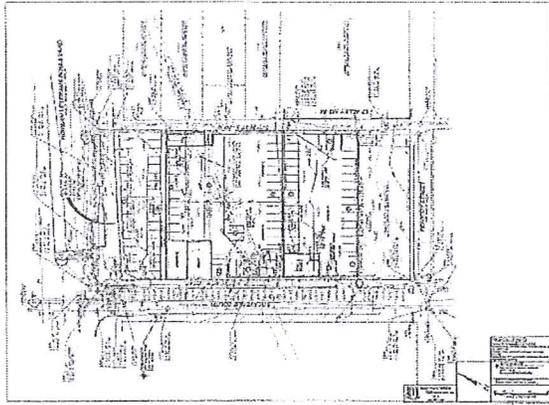
Robert Leeman, AICP
Deputy Director
Metro Planning Department

cc: Metro Clerk, Shannon Hall

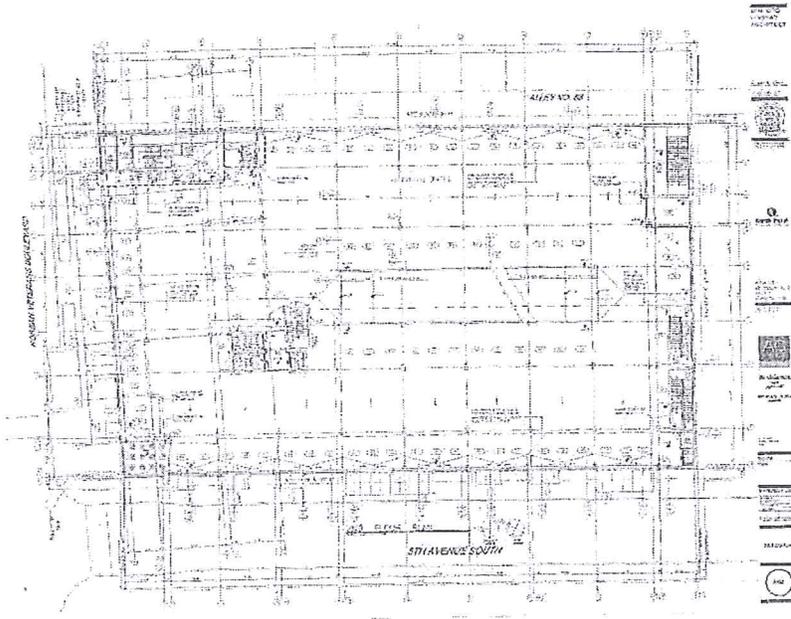
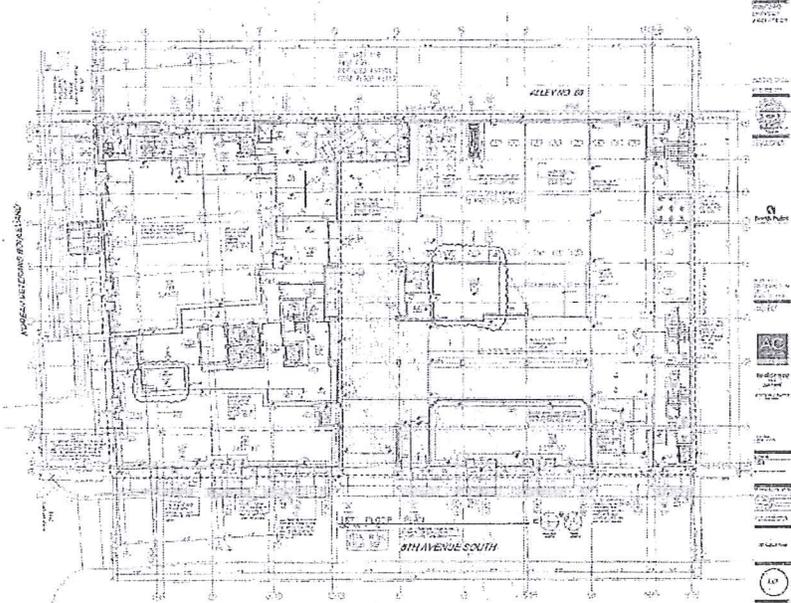
Re: NP Hospitality Aerial and Underground Encroachments
Planning Commission Mandatory Referral #2016M-016EN-001
Council District #19 – Freddie O’Connell, Council Member

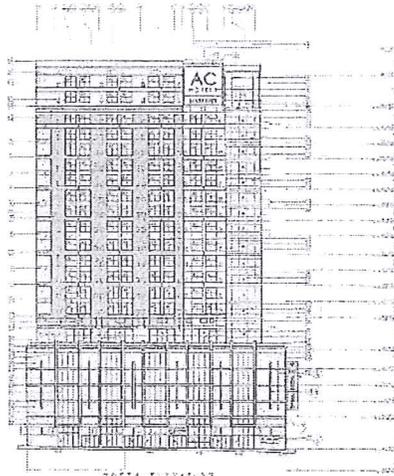
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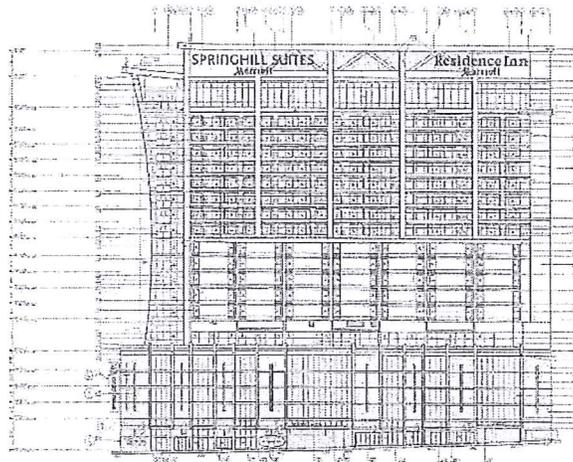


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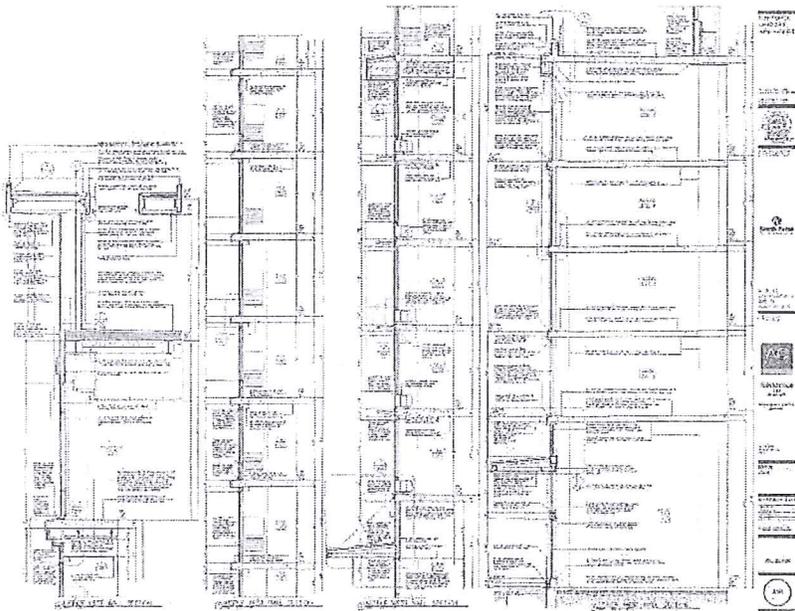
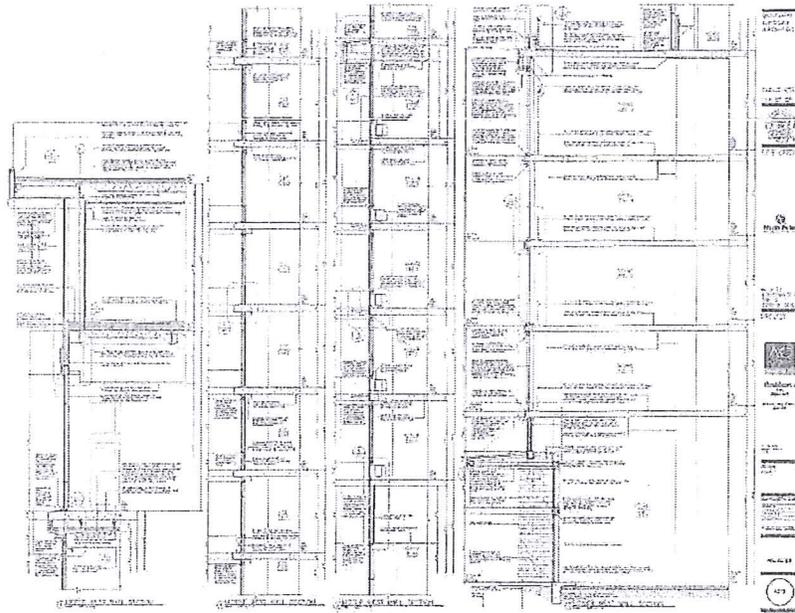


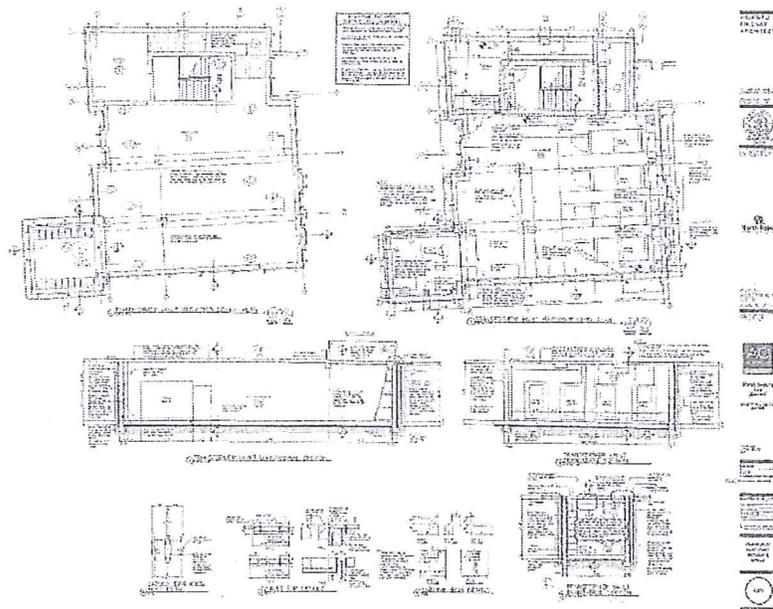
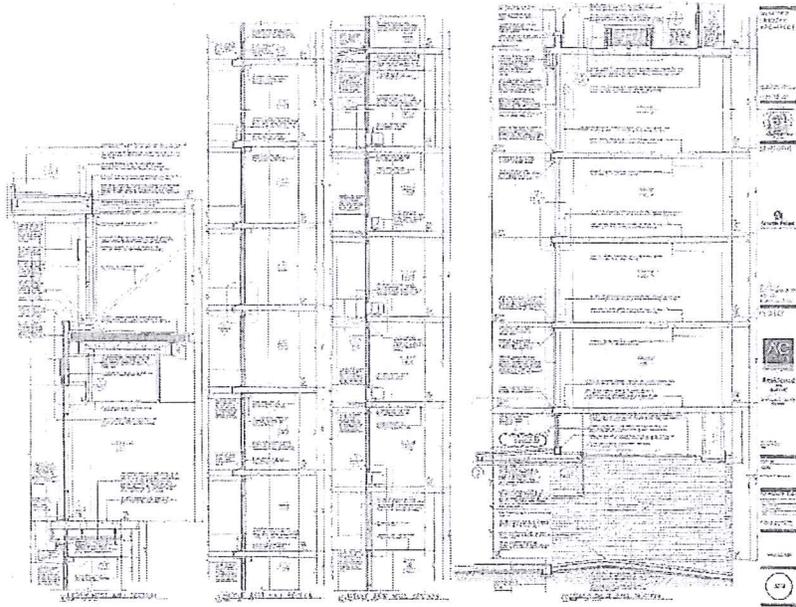
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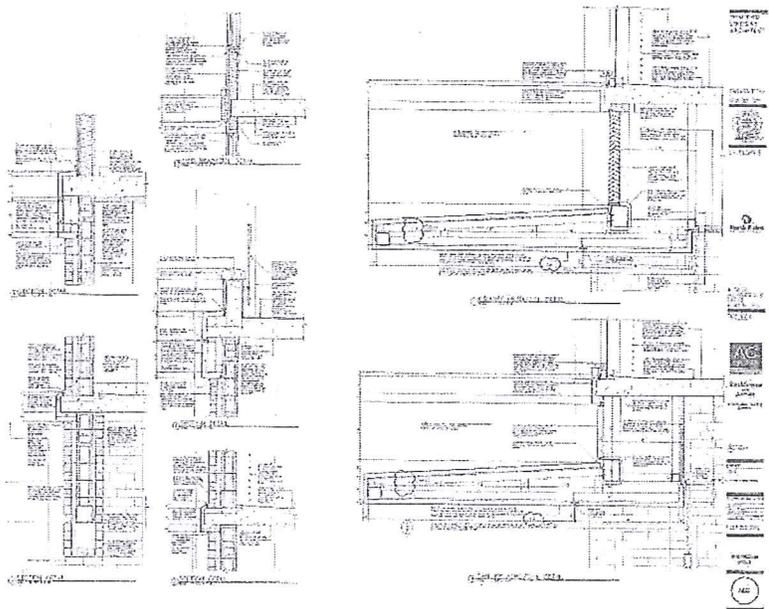
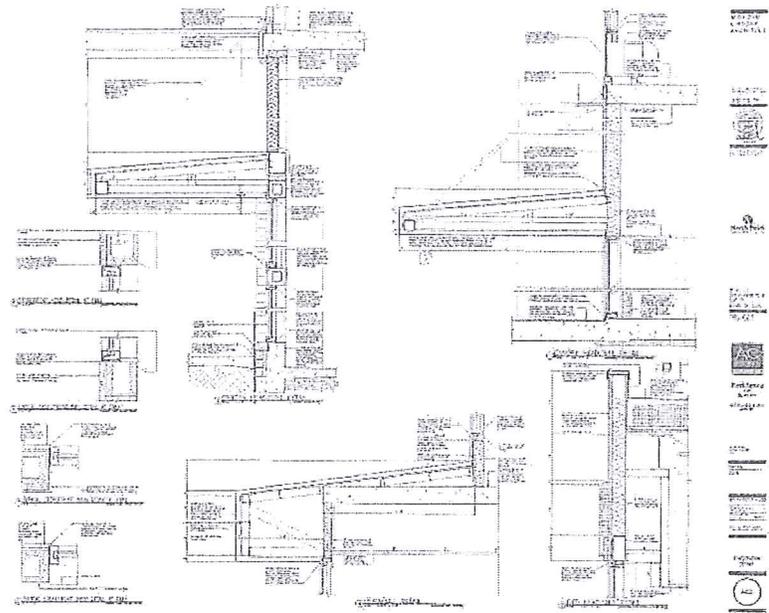


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METROPOLITAN COUNCIL

Member of Council

Scott Davis
District 5 Councilman

206 Queen Avenue • Nashville, Tennessee 37207
615 554-9730

May 16, 2016

TO: Vice Mayor David Briley & Members of Council

FROM: Scott Davis
Councilman, District 5

RE: **BL2016-173**

On May 16, I plan to introduce a substitute to ordinance BL2016-173. The original ordinance BL2016-173 was approved by the Planning Commission with conditions, and disapproved without said conditions. This Substitute would modify what was previously presented to the Planning Commission, most notably altering the minimum nonresidential use percentage from sixty percent (60%) to twenty percent (20%). As a result, the Planning Department staff would now recommend disapproval, and the Substitute Ordinance must therefore be treated as a disapproved matter requiring a two-thirds majority of the Council for passage. (Charter, §18.02)

Additionally, the Substitute Ordinance may permit a significant increase in the number of dwelling units (from the 445 currently permitted), based upon an increase in the floor area ration (FAR) to 3. However, I have added a cap of 1,000 units to the Substitute. I have also included deed restrictions for this legislation.

Thank you for your consideration and cooperation concerning this request.

Sincerely,

Scott Davis
Councilman, District 5

SD/rh
Attachments

SUBSTITUTE ORDINANCE NO. BL2016-173

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from IR to SP zoning for properties located at 2034 and 2037 Pittway Drive and Oakwood Avenue (unnumbered), approximately 1,400 feet north of East Trinity Lane (20.61 acres), to permit a mixed-use development, all of which is described herein (Proposal No. 2016SP-016-001).

WHEREAS, Nashville and Davidson County has observed significant cost appreciation and housing turnover within central areas of the city; and

WHEREAS, an estimated 24% of homeowners and 46% of renters in Nashville are cost-burdened; and

WHEREAS, the phenomenon of cost appreciation and housing turnover can lead to the displacement of cost-burdened households and subsequent gentrification; and

WHEREAS, 29% of all home sales in Nashville and Davidson County in 2015 were affordable to a buyer earning 80% of the average median income (AMI) for a 2.5 person household; and

WHEREAS, much of the housing that is affordable to buyers earning 80% AMI is outside of central areas of Nashville, with poor access to public transit, services, and employment; and

WHEREAS, the development proposed herein is located adjacent to public transit, services, and employers; and

WHEREAS, developer Dale & Associates has voluntarily requested the opportunity to provide affordable and/or workforce housing at this site; and

WHEREAS, developer Dale & Associates has declared its intent and commitment to construct affordable and/or workforce housing at this site, as indicated in the Declaration of Covenants and Restrictions attached hereto as Exhibit A, and to prepare and execute a binding deed restriction to this effect.

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from IR to SP zoning for properties located at 2034 and 2037 Pittway Drive and Oakwood Avenue (unnumbered), approximately 1,400 feet north of East Trinity Lane (20.61 acres), to permit a mixed-use development, being Property Parcel Nos. 002, 021, 023, 024, 026 as designated on Map 072-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning

Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 072 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to those permitted under the MUG-A zoning district.

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

1. Height is limited to two stories and 35 feet along the northern property boundary and along Oakwood Avenue. No structure can exceed five stories.
2. No more than 20% of the total floor area shall be used for non-residential uses.
3. Non-residential uses shall be prohibited fronting Oakwood Avenue.
4. A standard class 'D' landscape buffer yard is required along the entire northern property line.
5. Sidewalks on Oakwood Avenue are required to be improved with a 5' planting strip and a 6' sidewalk.
6. Along Oakwood Avenue vehicular access is limited to two access points.
7. Building façades fronting a street shall provide direct pedestrian entrances for a minimum of 50% of the ground floor units along each street frontage and a minimum of 25% glazing.
8. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers or egress windows.
9. EIFS, vinyl siding and untreated wood shall be prohibited.
10. A raised foundation of 18"-36" is required along all public streets.
11. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
13. No more than one thousand (1,000) residential dwelling units shall be developed on the property.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the

standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

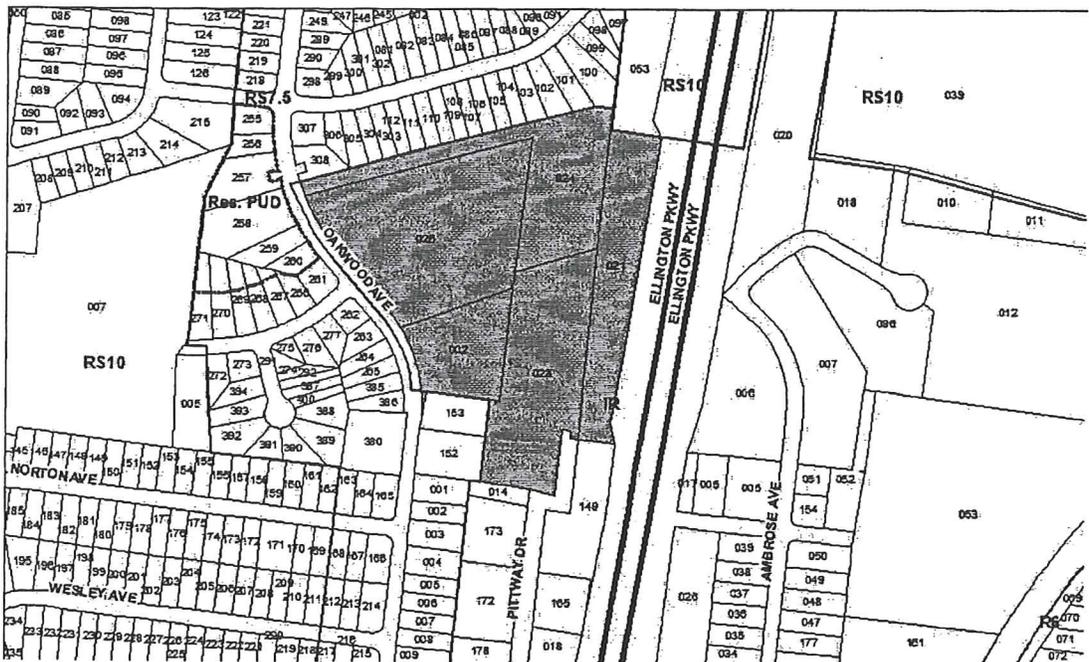
Scott Davis
Member of Council

[View Sketch](#)

[View Site Plan](#)

2016SP-016-001
OAKWOOD AVENUE SP
Map 072, Parcel(s) 002, 021, 023, 024, 026
Subarea 05, East Nashville
District 05 (S. Davis)

A request to rezone from IR to SP zoning for properties located at 2034 and 2037 Pittway Drive and Oakwood Avenue (unnumbered), approximately 1,400 feet north of East Trinity Lane (20.61 acres), to permit a mixed-use development, requested by Dale & Associates, applicant; Robert and Patricia Johnson, owners.



Oakwood Avenue Specific Plan (SP)

Development Summary	
SP Name	Oakwood Avenue Specific Plan
SP Number	2016SP-016-001
Council District	05
Map & Parcel	Map 072, Parcel(s) 002, 021, 023, 024, 026

Site Data Table	
Site Data	20.61
Existing Zoning	IR
Proposed Zoning	SP-MU
Allowable Land Uses	Commercial, Office & Residential

Specific Plan (SP) Standards

1. Uses within this SP shall be limited to those permitted under the MUG-A zoning district.
2. Height is limited to two stories and 35 feet along the northern property boundary and along Oakwood Avenue. No structure can exceed five stories.
3. At least 60% of the total floor area shall be used for non- residential uses.
4. Non- residential uses shall be prohibited fronting Oakwood Avenue.
5. A standard class 'D' landscape buffer yard is required along the entire northern property line.
6. Sidewalks on Oakwood Avenue are required to be improved with a 5' planting strip and a 6' sidewalk.
7. Along Oakwood Avenue vehicular access is limited to two access points.
8. Building façades fronting a street shall provide direct pedestrian entrances for a minimum of 50% of the ground floor units along each street frontage and a minimum of 25% glazing.
9. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers or egress windows.
10. EIFS, vinyl siding and untreated wood shall be prohibited.
11. A raised foundation of 18"-36" is required along all public streets.
12. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
13. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

General Plan Consistency Note

The proposed Specific Plan is located within the East Nashville Community Plan (Subarea 05). The proposed SP is located in the following policy area:

- District Employment Center (D EC)

An urban form with improved pedestrian facilities is consistent with policy in this location.



Proposed Site Standards

DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration of Covenants and Restrictions is made this 3rd day of May, 2016 by Ahmed three LLC, a Tennessee Limited Liability Cooperation (hereinafter known as ("Owner") Owner is the fee simple owner of the following described property (the "Property") in Davidson County, Tennessee to wit:

See SUBSTITUTE ORDINANCE NO. BL2016-173

As a possible consideration of receipt of affordable housing assistance funds, workforce development funds, infrastructure assistance, and or work force housing funds from the Metro Government, the Project Owner, for itself and all successors to the property, agrees that:

1. OCCUPANCY BY MEDIUM AND OR LOW-INCOME PERSONS

Thirty percent (30%) of the properties units must remain as housing for medium to low-income persons, with 90% of such units maintained for the use of occupancy only by individual households with adjusted gross incomes at or below eighty percent (80%) of said median income, and 3 units will be for individuals with adjusted gross income of fifty percent (50%) or below average median income for a period of 15 years from the date of the recording of this deed.

Submitted
Scott Davis
May 3, 2016

2. SALE OR REFINANCING OF PROPERTY

The Metro Government, who's mailing address is 1 Public Square, Suite 204, P.O. Box 196300, Nashville, TN 37209, is to be given notice of any sale, refinancing, or change in the ownership of the Project occurring prior to the end of the Retention Period;

Approval of a sale or refinancing of the Project prior to the end of the Affordability Period must be obtained from the Metro Government unless the Project continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism incorporating the income eligibility and affordability restrictions committed to in this program (as stated above) for the duration of the Retention Period.

3. TERMINATION. The income-eligibility and affordability restrictions applicable to the Project terminate after any foreclosure.

IN TESTIMONY WHEREOF, witness the hands of the parties on this the 3rd day of May 2016

Ahmed Three LLC *Salma Ahmed*
By: *[Signature]*
Its: *Manager*

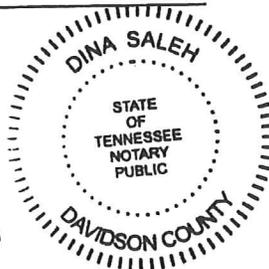
STATE OF TENNESSEE
COUNTY OF DAVISON

Before me Dina Saleh, a Notary Public of the State and County of aforesaid, personally appeared Salma Ahmed, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself to be The Principle of Ahmed three LLC, the within named bargainer, a Limited Liability Company and that as such Salma Ahmed being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the Limited Liability Company by herself as Principle.

WITNESS my hand and official seal at Nashville, Davidson County, Tennessee, this 3

Day of May 2016

[Signature]
my commission exp: ~~1/1/18~~ 3/3/20
[Signature]



AMENDMENT NO. _____

TO

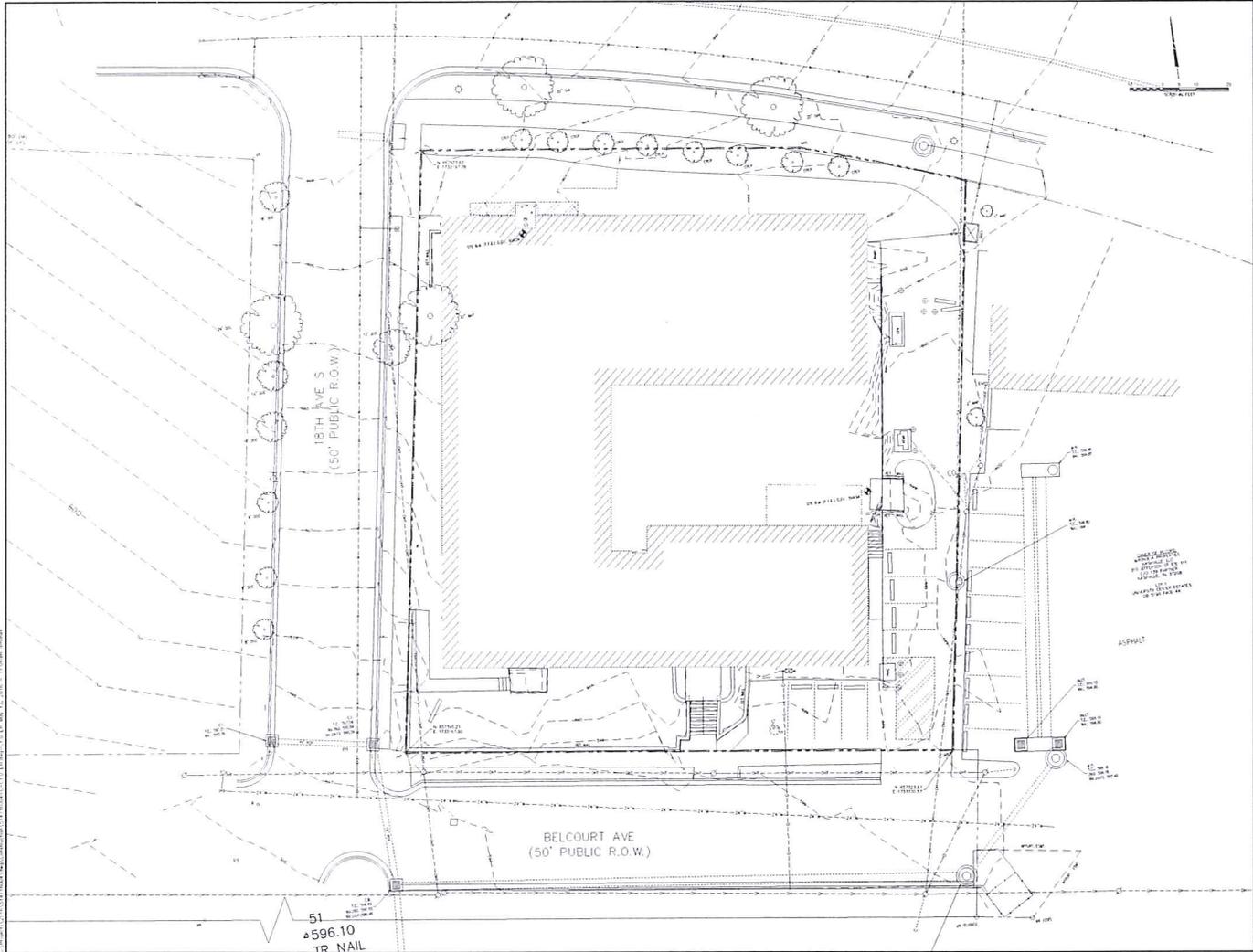
ORDINANCE NO. BL2016-196

Mr. President –

I move to amend Ordinance No. BL2014-196 by amending Section 1 to substitute the plan referenced with the attached plan.

INTRODUCED BY:

Burkley Allen
Member of Council



Design Development
1710 Belcourt Apartments
NASHVILLE, TENNESSEE

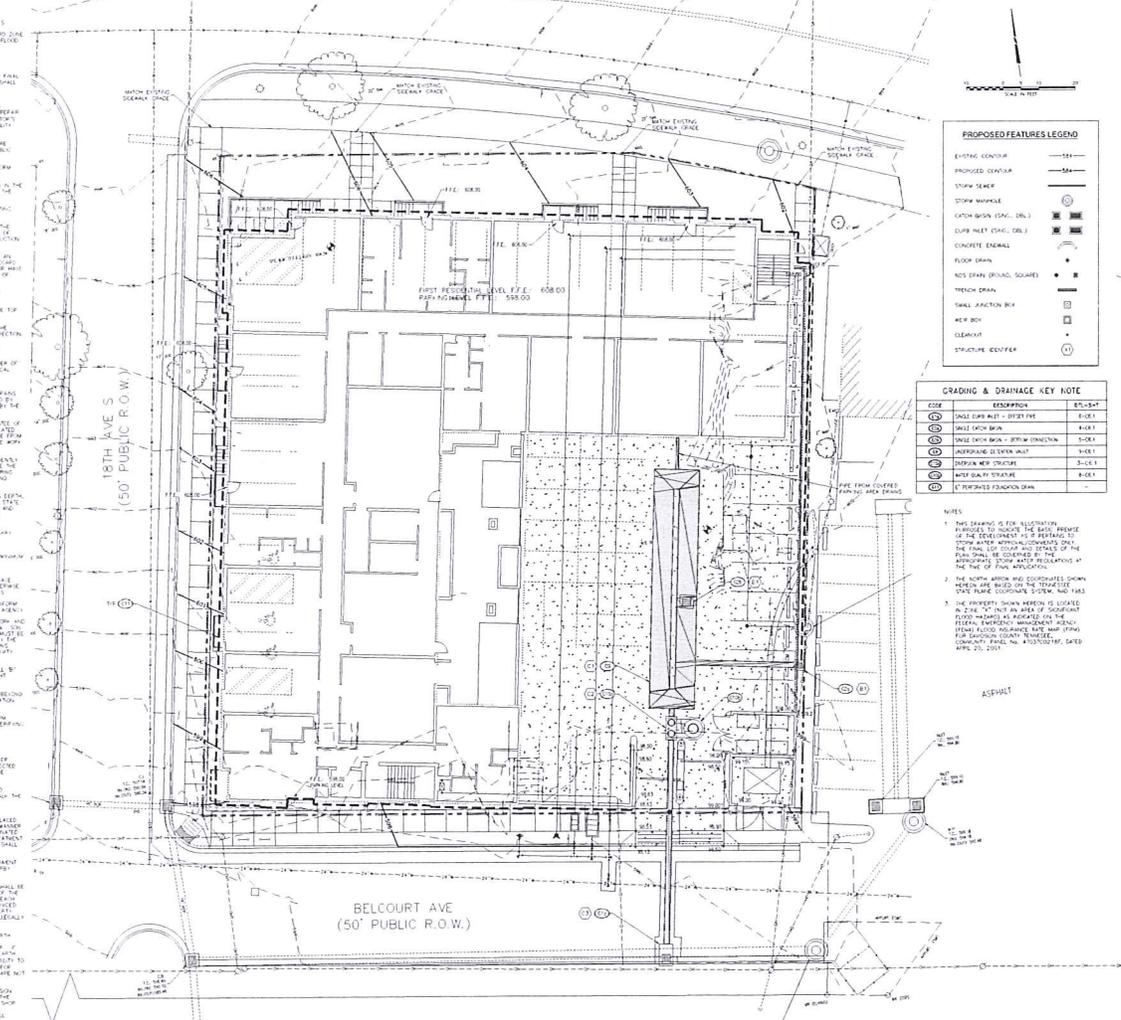


NO.	REVISION
04-20-18	17101804

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EXISTING
CONDITIONS

SITE GRADING & EROSION CONTROL NOTES

1. THE DISTURBED AREA FOR THIS PROJECT IS APPROXIMATELY 600 SQUARE FEET.
2. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A DESIGN FLOOD HAZARD ZONE AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY, TENNESSEE, AND AN EFFECTIVE DATE OF DECEMBER 15, 2011.
3. CONSTRUCT SLOPES BEFORE BEGINS GRADING OPERATIONS.
4. MAINTAIN AND PROTECT ALL EXISTING TREES AS FAR AS POSSIBLE. AFTER FINAL GRADING IS COMPLETED, PROTECT EXISTING TREES WITH PROTECTIVE BARRIERS AND MULCH. TREES WITHIN THE PROTECTIVE BARRIERS SHALL BE PROTECTED BY THE CONTRACTOR.
5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING UTILITIES AND SHALL NOT UNLESS OTHERWISE NOTED TAKE CARE TO PROTECT EXISTING UTILITIES FROM DAMAGE AND DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED TO ORIGINAL CONDITION. COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANIES.
6. PROVIDE TEMPORARY CONSTRUCTION ACCESS AT THE POINTS WHERE CONSTRUCTION ACCESS IS REQUIRED. PROVIDE ACCESS TO THE PUBLIC RIGHT-OF-WAY FREE OF TRAFFIC HAZARD AND SLOPE.
7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PAVED AND UNPAVED AREAS TO REMAIN AS SHOWN ON THE RECORD PLANS.
8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING AND PROPOSED DRAINAGE SYSTEMS TO REMAIN AS SHOWN ON THE RECORD PLANS AND TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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19. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND PROPOSED DRAINAGE SYSTEMS TO REMAIN AS SHOWN ON THE RECORD PLANS AND TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
20. IN NO CASE SHALL SLOPE BE LESS THAN 2% UNLESS OTHERWISE NOTED ON THE RECORD PLANS.
21. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND PROPOSED DRAINAGE SYSTEMS TO REMAIN AS SHOWN ON THE RECORD PLANS AND TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
22. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND PROPOSED DRAINAGE SYSTEMS TO REMAIN AS SHOWN ON THE RECORD PLANS AND TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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40. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND PROPOSED DRAINAGE SYSTEMS TO REMAIN AS SHOWN ON THE RECORD PLANS AND TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.



PROPOSED FEATURES LEGEND

EXISTING CONTOUR	---
PROPOSED CONTOUR	---
EXISTING GRADE	---
PROPOSED GRADE	---
EXISTING SEWER	---
PROPOSED SEWER	---
EXISTING DRAIN	---
PROPOSED DRAIN	---
EXISTING CURB	---
PROPOSED CURB	---
EXISTING DRIVEWAY	---
PROPOSED DRIVEWAY	---
EXISTING SIDEWALK	---
PROPOSED SIDEWALK	---
EXISTING PAVEMENT	---
PROPOSED PAVEMENT	---
EXISTING ASPHALT	---
PROPOSED ASPHALT	---
EXISTING CONCRET	---
PROPOSED CONCRET	---
EXISTING BRICK	---
PROPOSED BRICK	---
EXISTING STONE	---
PROPOSED STONE	---
EXISTING METAL	---
PROPOSED METAL	---
EXISTING WOOD	---
PROPOSED WOOD	---
EXISTING OTHER	---
PROPOSED OTHER	---

GRADING & DRAINAGE KEY NOTE

CODE	DESCRIPTION	REV. DATE
1	EXISTING CONTOUR	1-01-11
2	PROPOSED CONTOUR	1-01-11
3	EXISTING GRADE	1-01-11
4	PROPOSED GRADE	1-01-11
5	EXISTING SEWER	1-01-11
6	PROPOSED SEWER	1-01-11
7	EXISTING DRAIN	1-01-11
8	PROPOSED DRAIN	1-01-11
9	EXISTING CURB	1-01-11
10	PROPOSED CURB	1-01-11
11	EXISTING DRIVEWAY	1-01-11
12	PROPOSED DRIVEWAY	1-01-11
13	EXISTING SIDEWALK	1-01-11
14	PROPOSED SIDEWALK	1-01-11
15	EXISTING PAVEMENT	1-01-11
16	PROPOSED PAVEMENT	1-01-11
17	EXISTING ASPHALT	1-01-11
18	PROPOSED ASPHALT	1-01-11
19	EXISTING CONCRET	1-01-11
20	PROPOSED CONCRET	1-01-11
21	EXISTING BRICK	1-01-11
22	PROPOSED BRICK	1-01-11
23	EXISTING STONE	1-01-11
24	PROPOSED STONE	1-01-11
25	EXISTING METAL	1-01-11
26	PROPOSED METAL	1-01-11
27	EXISTING WOOD	1-01-11
28	PROPOSED WOOD	1-01-11
29	EXISTING OTHER	1-01-11
30	PROPOSED OTHER	1-01-11

NOTES

1. THIS DRAWING IS FOR INFORMATION PURPOSES ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE NORTH ARROW AND COORDINATE SYSTEM ARE SHOWN ON THE DRAWING. THE CONTRACTOR SHALL MAINTAIN THE EXISTING AND PROPOSED DRAINAGE SYSTEMS TO REMAIN AS SHOWN ON THE RECORD PLANS AND TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
3. THE PROPERTY OWNER AGREES TO MAINTAIN THE EXISTING AND PROPOSED DRAINAGE SYSTEMS TO REMAIN AS SHOWN ON THE RECORD PLANS AND TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

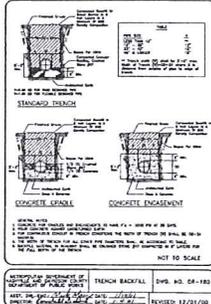
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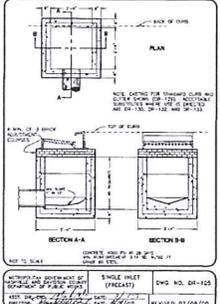
C4.0
GRADING AND DRAINAGE

<p>1 TRENCH REPAIR IN PUBLIC STREETS NO SCALE</p> <p>GENERAL NOTES: 1. REPAIR TO EXISTING SURFACE SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>2 CONCRETE DRIVE RAMP NO SCALE</p> <p>GENERAL NOTES: 1. CONCRETE DRIVE RAMP SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>3 CONCRETE PAVEMENT NO SCALE</p> <p>GENERAL NOTES: 1. CONCRETE PAVEMENT SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>4 CONCRETE CURB AND GUTTER NO SCALE</p> <p>GENERAL NOTES: 1. CONCRETE CURB AND GUTTER SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>5 CONCRETE MEDIAN NO SCALE</p> <p>GENERAL NOTES: 1. CONCRETE MEDIAN SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>6 PRECAST CONCRETE WHEELSTOP NO SCALE</p> <p>GENERAL NOTES: 1. PRECAST CONCRETE WHEELSTOP SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>
<p>7 PUBLIC SIDEWALK NO SCALE</p> <p>GENERAL NOTES: 1. PUBLIC SIDEWALK SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>8 ACCESSIBLE RAMP - FLARED NO SCALE</p> <p>GENERAL NOTES: 1. ACCESSIBLE RAMP - FLARED SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>9 SIDEWALKS NO SCALE</p> <p>GENERAL NOTES: 1. SIDEWALKS SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>10 PAVEMENT AND SIDEWALK JOINTS NO SCALE</p> <p>GENERAL NOTES: 1. PAVEMENT AND SIDEWALK JOINTS SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>11 DETECTABLE WARNING NO SCALE</p> <p>GENERAL NOTES: 1. DETECTABLE WARNING SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>12 STEEL PIPE BOLLARD NO SCALE</p> <p>GENERAL NOTES: 1. STEEL PIPE BOLLARD SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>
<p>13 CONCRETE RETAINING WALL NO SCALE</p> <p>GENERAL NOTES: 1. CONCRETE RETAINING WALL SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>	<p>14 RETAINING WALL RAILING INSTALLATION NO SCALE</p> <p>GENERAL NOTES: 1. RETAINING WALL RAILING INSTALLATION SHALL BE TO ORIGINAL FINISH OR BETTER. 2. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 3. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 4. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER. 5. ALL REPAIRS SHALL BE TO ORIGINAL FINISH OR BETTER.</p> <p>APPROVED FOR CONSTRUCTION BY: [Signature] DATE: [Date]</p>				

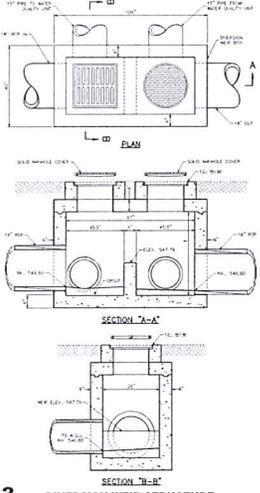




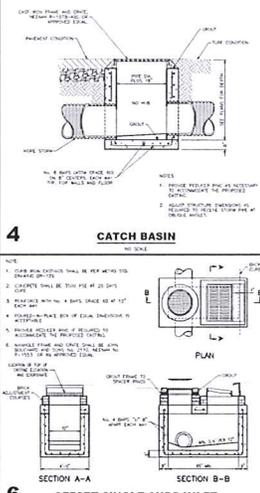
1 PIPE TRENCH
NO SCALE



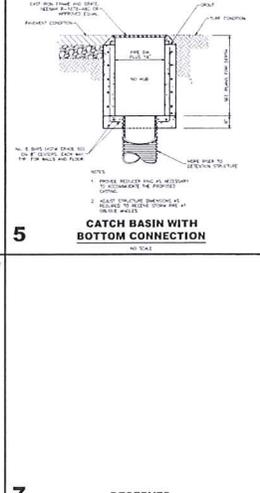
2 SINGLE CURB INLET
NO SCALE



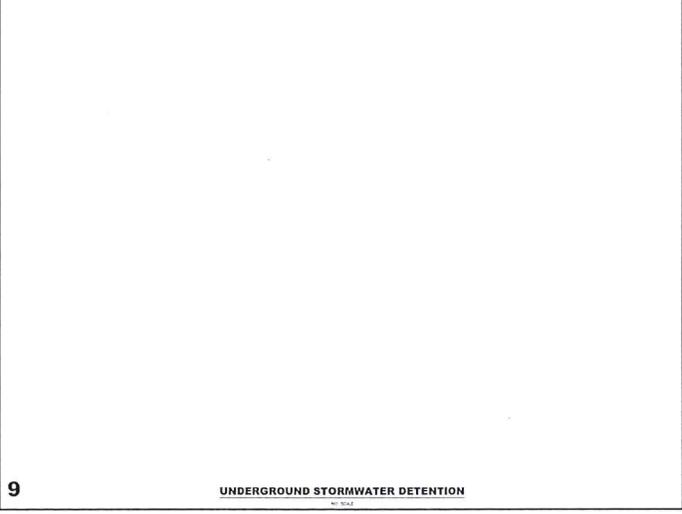
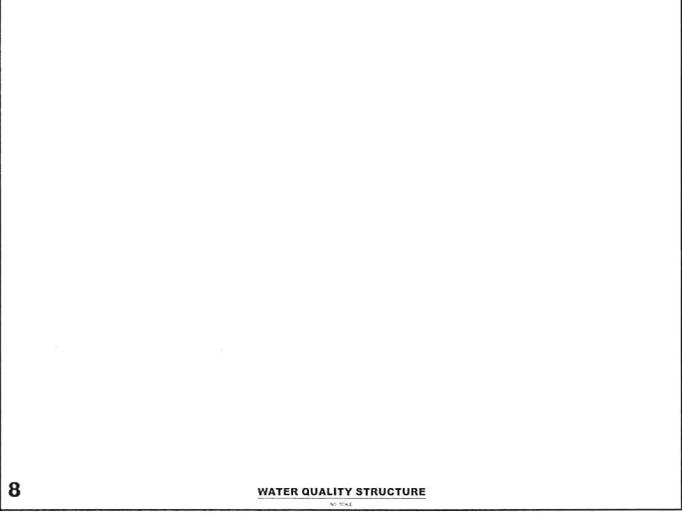
3 DIVERSION WEIR STRUCTURE
NO SCALE



6 OFFSET SINGLE CURB INLET
NO SCALE



7 RESERVED
NO SCALE

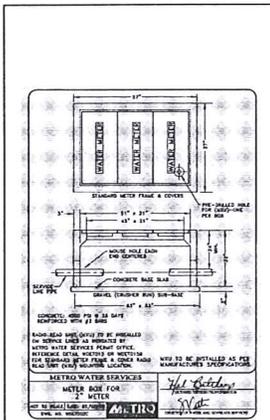


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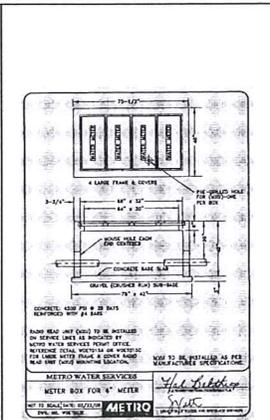


DATE	REVISION
04.20.15	STAFFORD

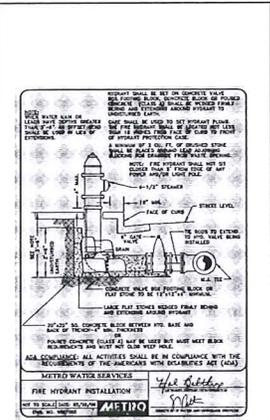
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SITE DETAILS



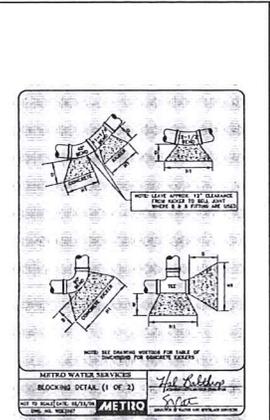
1 2" WATER METER



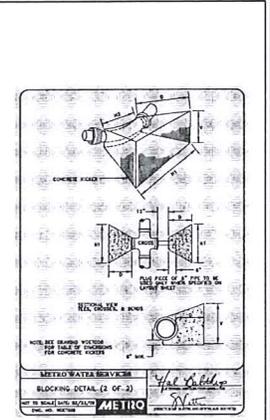
2 4" WATER METER



3 FIRE HYDRANT INSTALLATION



4 THRUST BLOCKING



5 THRUST BLOCKING

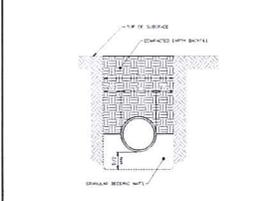
TABLE OF DIMENSIONS FOR CONCRETE KICKERS

PIPE SIZE	1/2"	3/4"	1"	1 1/4"	1 1/2"	2"	2 1/2"	3"	3 1/2"	4"	4 1/2"	5"	6"	8"	10"	12"
MINIMUM WIDTH	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"
MINIMUM DEPTH	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"	12"

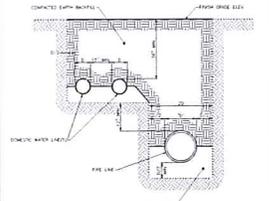
NOTE: ALL DIMENSIONS ARE IN INCHES. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL ACTIVITIES SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE UNDERGROUND UTILITIES ACT (UUA).

METRO WATER SERVICES

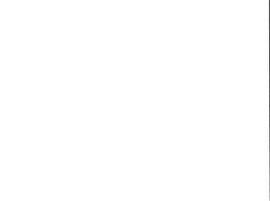
6 THRUST BLOCKING DIMENSIONS



7 WATER OR SEWER PIPE TRENCH



8 MULTI WATER PIPE TRENCH



9 RESERVED



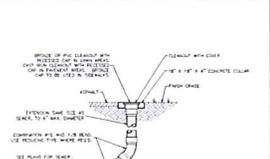
10 RESERVED



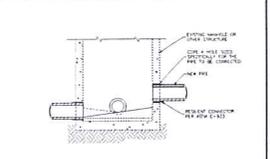
11 RESERVED



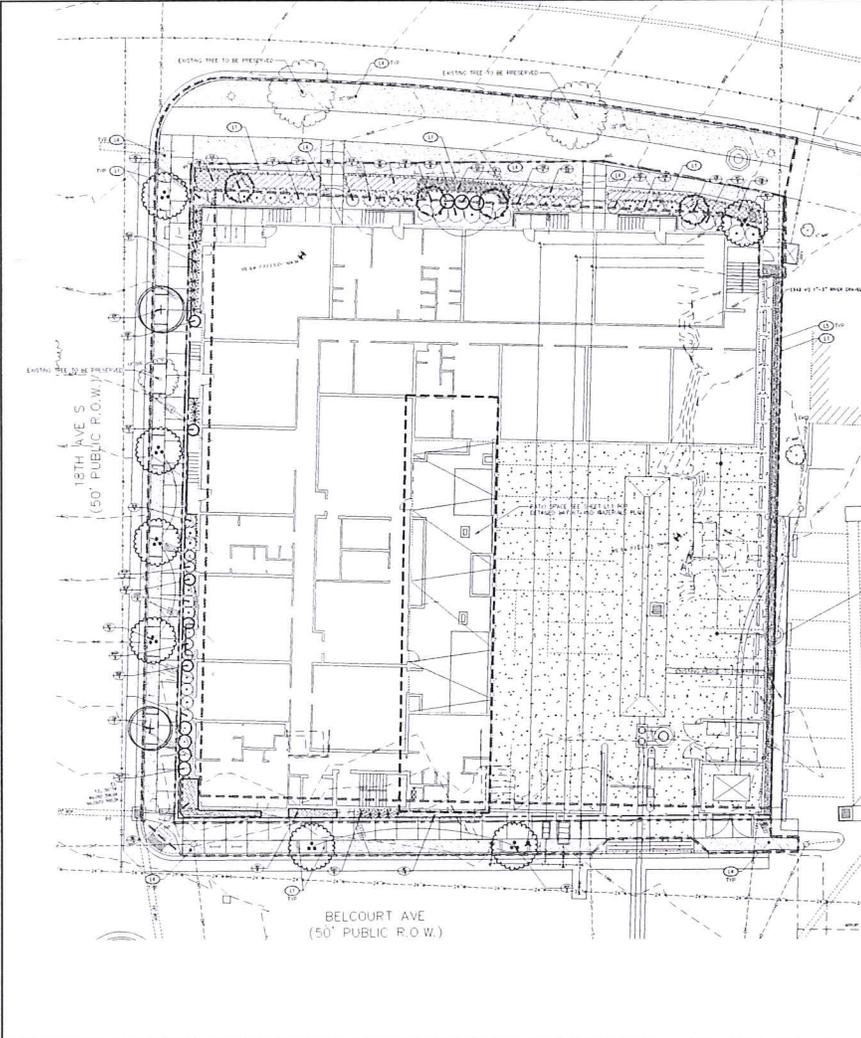
12 RESERVED



13 CLEANOUTS



14 CORED CONNECTION TO EXISTING STRUCTURE



LANDSCAPE DATA

PROJECT: 1710 BELCOURT APTS.
 CLIENT: AN S&ME COMPANY
 DATE: 08/22/18
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS

SITE TREE DENSITY CALCULATIONS

ADJACENT TO PARKING	0.27 AC
ADJACENT TO DRIVE	0.21 AC
ADJACENT TO SIDEWALK	0.21 AC
ADJACENT TO DRIVE	0.21 AC
TOTAL ADJACENT AREAS	0.90 AC
TOTAL ADJACENT PERCENTAGE	18.75%
TOTAL SITE AREA	4.80 AC
TOTAL ADJACENT PERCENTAGE	18.75%
TOTAL ADJACENT PERCENTAGE	18.75%

LEGEND

- EXISTING TREE
- PROPOSED PLANTING
- PROPOSED IRRIGATION
- PROPOSED GROUND COVER
- PROPOSED DRIVE
- PROPOSED SIDEWALK
- PROPOSED DRIVE

LANDSCAPE KEYNOTES

CODE	DESCRIPTION	SEE SHEET #
1	PLANTING BED LIMITS	SEE SHEET # 1
2	IRRIGATION LINES	SEE SHEET # 1
3	AREA TO BE SEEDED	SEE SHEET # 1
4	AREA TO BE SEEDED	SEE SHEET # 1
5	AREA TO BE SEEDED	SEE SHEET # 1
6	AREA TO BE SEEDED	SEE SHEET # 1

GROUNDCOVER SCHEDULE

SYMBOL	DESCRIPTION	AREA
1	GRASS	1.2 AC
2	GRASS	1.2 AC
3	GRASS	1.2 AC

PLANT SCHEDULE

SYMBOL	DESCRIPTION	QTY	SIZE	SPACING	REMARKS
1	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
2	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
3	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
4	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
5	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
6	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
7	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
8	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
9	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
10	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
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13	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
14	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
15	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
16	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
17	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
18	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
19	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
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22	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
23	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
24	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
25	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
26	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
27	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
28	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
29	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT
30	BRANCHING PLANT	10	12"	12"	BRANCHING PLANT

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Design Development
 1710 Belcourt Apartments
 NASHVILLE, TENNESSEE

DATE: 08/22/18
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS

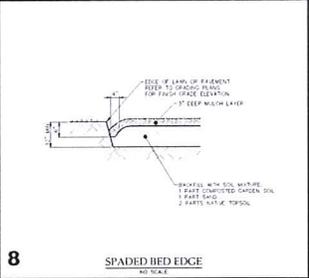
L1.0
 LANDSCAPE PLAN

PLANTING NOTES

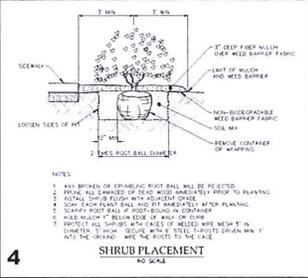
1. SEE INFORMATION WAS TAKEN FROM A SURVEY PREPARED BY LANDSCAPE ARCHITECT. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE EXISTING CONDITIONS AND THE CONTRACTOR SHALL NOT BE HELD RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF THAT INFORMATION SHOWING MEASUREMENTS OF ANY KIND OR OF ANYTHING NOT SHOWN THEREON.
2. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO CONFORM ALL MATERIAL QUANTITIES TO THE BEST OF HIS KNOWLEDGE. THE QUANTITIES SHOWN ON THE PLANS SHALL TAKE PRECEDENCE OVER THE MATERIAL QUANTITIES REPRESENTED THEREON.
3. NO SUBSTITUTIONS AS TO TYPE, SIZE OR GRADE OF PLANT MATERIALS SPECIFIED ON THIS PLAN MAY BE MADE WITHOUT THE APPROVAL OF THE OWNER'S REPRESENTATIVE.
4. THE CONTRACTOR IS TO VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN. REPAIR ANY DAMAGE ACCORDING TO LOCAL STANDARDS AND COOPERATE WITH THE UTILITY COMPANY. ALL CONDUITS SHALL BE THE PROPERTY OF THE UTILITY COMPANY.
5. ALL PLANTING BEES TO BE PLANTED TRANSDUCER MONITORING SHALL BE INSTALLED TO A DEPTH UNLESS OTHERWISE INDICATED ON THE PLANS.
6. NAME THE PLANTING TO BE SHOWN PER PLANTING BEETS.
7. DIMENSIONS LISTED FOR HEIGHT, SPACING AND PLANT SPACING SHALL BE MEASURED TO THE CENTER OF THE PLANT. THE CENTER POINT OF THE PLANT SHALL BE MEASURED TO THE CENTER OF THE PLANT.
8. PRE-EMMENT PROTECTION SHALL BE APPLIED TO ALL PLANTING BEES IMMEDIATELY PRIOR TO PLACEMENT OF MULCH FOR TREE PROTECTION.
9. ALL EXISTING TREES TO BE REMOVED SHALL BE REMOVED AND PLANTED IN A SUFFICIENTLY NEARBY LOCATION.
10. NO EXISTING OR PLANNED PLANTING SHALL BE LEFT OPEN UNPROTECTED.
11. THE LANDSCAPE CONTRACTOR SHALL OBTAIN ANY NECESSARY PERMITS, LICENSES, ETC. AND SHALL OBTAIN ALL NECESSARY PERMITS AND LICENSES FROM THE APPLICABLE AGENCIES, LOCAL, STATE AND FEDERAL, BEFORE THE COMMENCEMENT OF THE PROJECT.
12. ALL PLANT MATERIALS TO BE PLANTED SHALL BE PLANTED WITH THE APPROPRIATE SPACING FOR MATURE GROWTH AND TO COMPLY WITH THE APPLICABLE STANDARDS FOR MATURE PLANT SIZE AND QUALITY.
13. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND PLANTING MATERIAL OF AN EXTERIOR KNOWLEDGE.
14. ALL PLANTS SHALL BE PLANTED WITH A WELL-DRAINING AND WELL-AERATED GROWING MEDIUM. ALL PLANTS SHALL BE PLANTED WITH A WELL-DRAINING AND WELL-AERATED GROWING MEDIUM. ALL PLANTS SHALL BE PLANTED WITH A WELL-DRAINING AND WELL-AERATED GROWING MEDIUM.
15. MEASUREMENT OF PLANT HEIGHT SHALL BE MEASURED FROM THE TOP OF THE PLANT TO THE TOP OF THE PLANT. MEASUREMENT OF PLANT HEIGHT SHALL BE MEASURED FROM THE TOP OF THE PLANT TO THE TOP OF THE PLANT.
16. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND PLANTING MATERIAL OF AN EXTERIOR KNOWLEDGE.
17. IT IS THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO VERIFY THAT EACH PLANTING BEE IS PLANTED WITH A WELL-DRAINING AND WELL-AERATED GROWING MEDIUM. ALL PLANTS SHALL BE PLANTED WITH A WELL-DRAINING AND WELL-AERATED GROWING MEDIUM. ALL PLANTS SHALL BE PLANTED WITH A WELL-DRAINING AND WELL-AERATED GROWING MEDIUM.
18. SHOULD THE LANDSCAPE CONTRACTOR ENCOUNTER UNDESIRABLE SURFACE OR OTHER UNDESIRABLE CONDITIONS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY PRIOR TO THE COMMENCEMENT OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND PLANTING MATERIAL OF AN EXTERIOR KNOWLEDGE.
19. NO MATERIAL SHALL BE PLANTED BEFORE FINISH GRADING HAS BEEN COMPLETED.
20. EXISTING TREES TO BE PRESERVED SHALL BE PROTECTED BEFORE BEING REMOVED. PROTECTION SHALL BE INSTALLED WITH THE TREE PROTECTION NOTES AND DETAILS ON THE LANDSCAPE PLAN.
21. SELECTIVE CLEARING CONSISTING OF REMOVAL OF TREES, SHALLOWS UNDER 14" DEPTH AND UNDER 10" DIAMETER SHALL BE PERFORMED IN TREE PROTECTION AREAS INTERNAL TO THE PROJECT AND NOTED ON PLANS.
22. PLANTS IDENTIFIED IN ALTERNATE AREAS ARE TO BE SEPARATED.
23. ALL BEES ARE TO BE PLANTED TO A DEPTH OF 1" WITH THE ADDITION OF 1/2" OF MULCH. MULCH SHALL BE PLANTED WITH A WELL-DRAINING AND WELL-AERATED GROWING MEDIUM. ALL PLANTS SHALL BE PLANTED WITH A WELL-DRAINING AND WELL-AERATED GROWING MEDIUM.
24. CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT WHEN THE PLANT MATERIALS ARE AVAILABLE FOR JOB OR FOR THE WORK BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

IRRIGATION NOTES

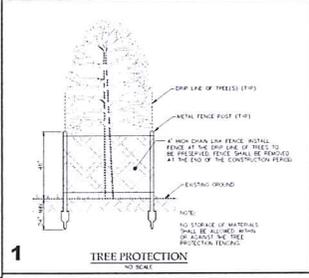
1. LANDSCAPE CONTRACTOR TO PROVIDE IRRIGATION SYSTEM ON A DESIGN-BUILD BASIS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, LICENSES, ETC. AND SHALL OBTAIN ALL NECESSARY PERMITS AND LICENSES FROM THE APPLICABLE AGENCIES, LOCAL, STATE AND FEDERAL, BEFORE THE COMMENCEMENT OF THE PROJECT.
2. CONTRACTOR TO OBTAIN NECESSARY PERMITS AND LICENSES TO OBTAIN SYSTEM PRIOR TO INSTALLATION.
3. IRRIGATION SYSTEM SHALL BE MANUFACTURED BY EITHER TYPICAL OR STANDARD. IRRIGATION CONTRACTOR SHALL BE TWO INCHES IN DIAMETER. IRRIGATION CONTRACTOR SHALL BE TWO INCHES IN DIAMETER.
4. MAIN LINE TO BE CLASS 200 PVC PIPE. LATERAL LINES TO BE CLASS 100 PVC.
5. IRRIGATION SYSTEM SHALL BE OPERATIONAL BEFORE PLANTING MATERIALS MAY BE INSTALLED IN PLANTING BEETS.
6. IRRIGATION SYSTEM SHALL BE OPERATIONAL BEFORE PLANTING MATERIALS MAY BE INSTALLED IN PLANTING BEETS.
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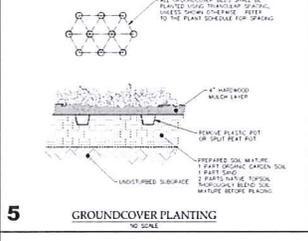
8 SPADED BED EDGE
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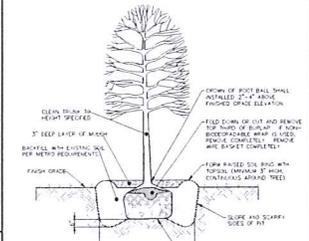
4 SHRUB PLACEMENT
NO SCALE



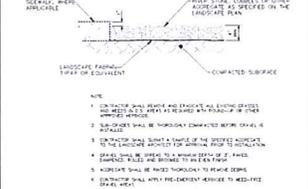
1 TREE PROTECTION
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5 GROUNDCOVER PLANTING
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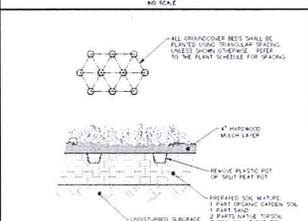
2 TREE PLANTING METRO NASHVILLE
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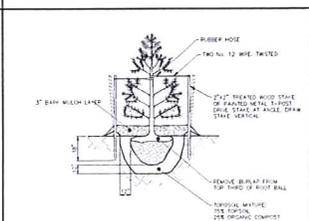
6 GRAVEL MULCH BED
NO SCALE



3 CONIFER PLANTING/STAKING
NO SCALE



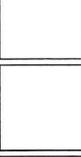
7 GROUNDCOVER PLANTING
NO SCALE



3 CONIFER PLANTING/STAKING
NO SCALE



Design Development
1710 Belmont Apartments
NASHVILLE, TENNESSEE



DATE	REVISION

L2.0
LANDSCAPE NOTES DETAILS

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1 LANDSCAPE PLAN



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NASHVILLE, TN



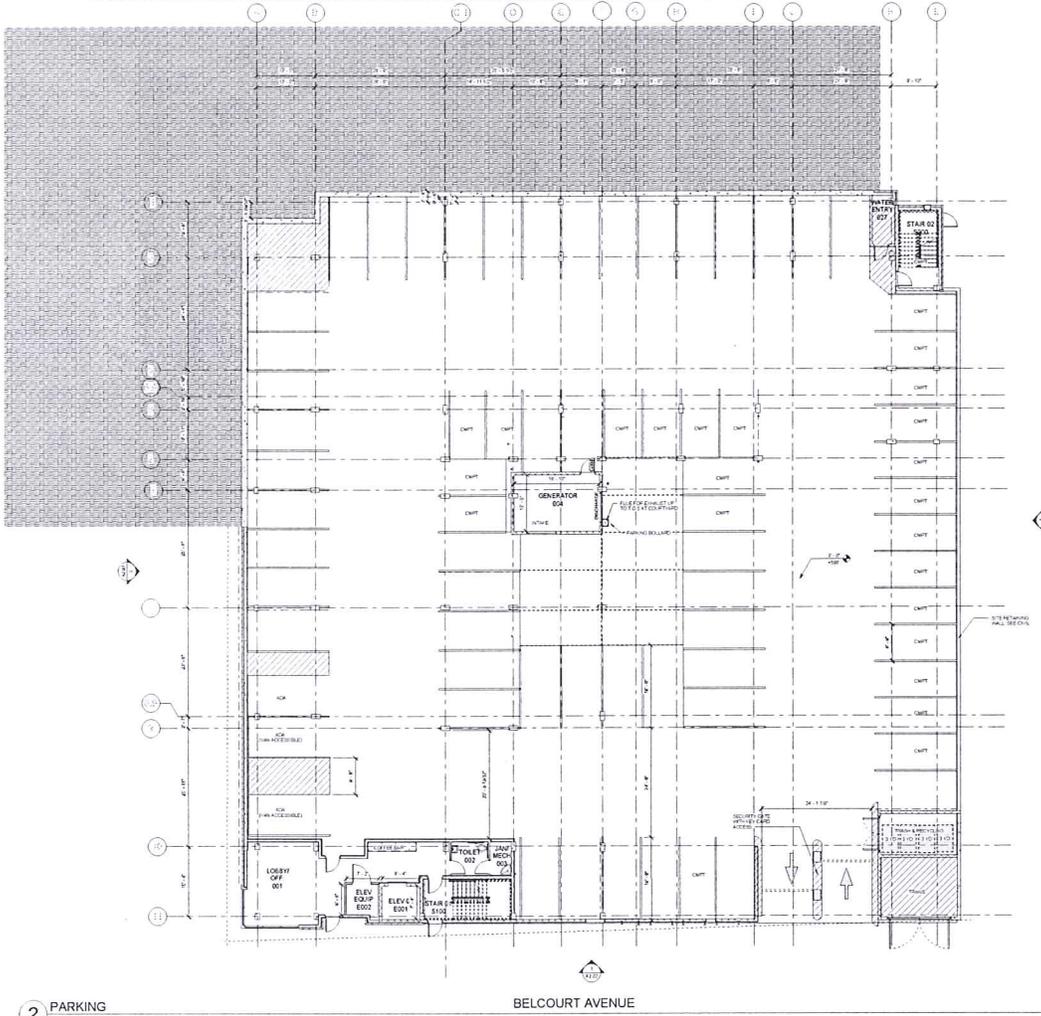
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REVISIONS	
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LANDSCAPE PLAN
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NASHVILLE, TN
2018 MAY 15

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REVISIONS
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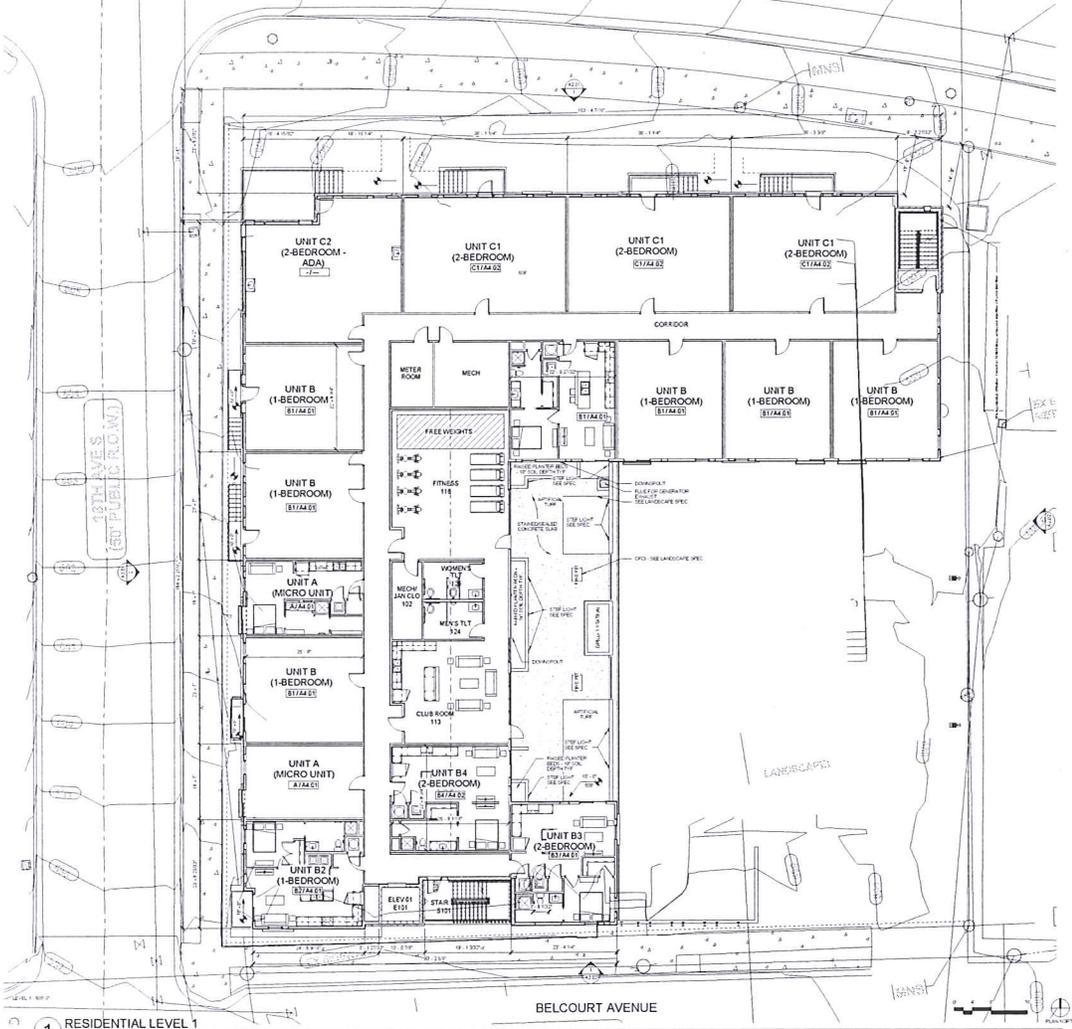


NOTE: PLEASE SEE LIFE SAFETY PLANS FOR FIRE WALL RATINGS AND LOCATIONS

GENERAL NOTES	
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100% DESIGN DEVELOPMENT

REVISIONS	
DATE	BY



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GENERAL NOTES	
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FIRST FLOOR PLAN - RESIDENTIAL
A1.01
 E1710-01
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2 WEST ELEVATION - ALONG 18TH AVENUE



1 NORTH ELEVATION - ALONG WEDGEWOOD

FINISH KEYNOTES:

1. FIBER OPTIC CABLE, STAINLESS STEEL, BRASS AND ALUMINUM	3. GRANITE FINISH - OVER STONE EXTERIOR FINISH
2. FIBER OPTIC CABLE, STAINLESS STEEL, BRASS AND ALUMINUM	4. GRANITE FINISH - OVER STONE EXTERIOR FINISH
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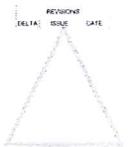
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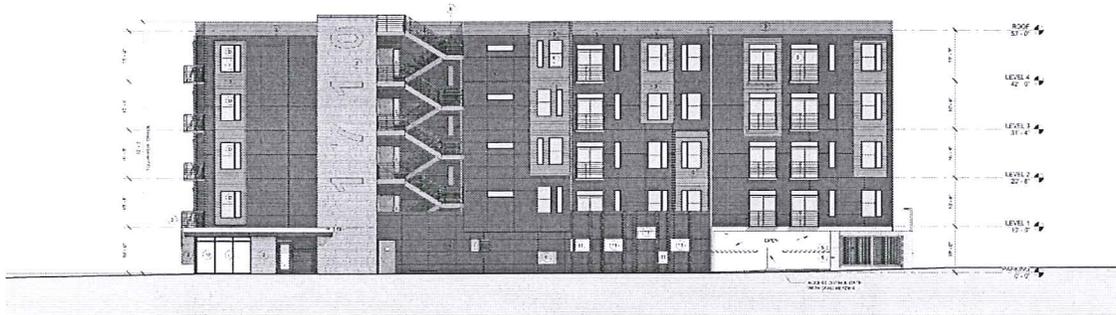


1710 BELCOURT AVENUE
 NORTH & WEST ELEVATIONS
A2.01
 08/21/2020
 08/21/2020

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2 EAST ELEVATION



1 SOUTH ELEVATION - ALONG BELCOURT AVENUE

FINISH KEYNOTES:

1. POLYURETHANE FINISH WITH STAINLESS STEEL PANELS WITH PERFORATION	7. POLYURETHANE FINISH WITH STAINLESS STEEL PANELS WITH PERFORATION
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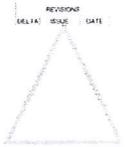
REGISTERED ARCHITECTS
 1710 BELCOURT AVENUE, SUITE 100
 NASHVILLE, TN 37203
 615.259.1710

1710 APARTMENTS

1710 BELCOURT AVENUE
 NASHVILLE, TN



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1 PERSPECTIVE - WEDGEWOOD & 18TH


EOA
ARCHITECTS
humanizing design

EOA ARCHITECTS PLLC
1000 BROADWAY
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615.252.4500
WWW.EOA-ARCHITECTS.COM

1710
APARTMENTS

1710 BELCOURT AVENUE
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 **GBT REALTY**
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P1
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NASHVILLE, TN



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REVISIONS		
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1 PERSPECTIVE - 18th & BELCOURT

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1 PERSPECTIVE - AERIAL AT WEDGEWOOD & 18th



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615 NINA DRIVE
NASHVILLE, TENNESSEE 37214
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615.252.7445
WWW.EOA-ARCHITECTS.COM

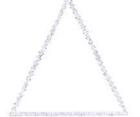
**1710
APARTMENTS**

1710 BELCOURT AVENUE
NASHVILLE, TN



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REVISIONS
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1 PERSPECTIVE FROM SOUTHEAST



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NASHVILLE, TN



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SUBSTITUTE ORDINANCE NO. BL2016-204

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS5 and SP to SP zoning for properties located at 206 Vaughn Street and 900, 901, 902, 903, and 908 Meridian Street and 219, 307, and 309 Cleveland Street, north of Cleveland Street (3.23 acres), to permit a mixed use development, all of which is described herein (Proposal No. 2016SP-024-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RS5 and SP to SP zoning for properties located at 206 Vaughn Street and 900, 901, 902, 903, and 908 Meridian Street and 219, 307, and 309 Cleveland Street, north of Cleveland Street (3.23 acres), to permit a mixed use development, being Property Parcel Nos. 218, 227, 228, 229, 231, 415, 416, 417, 551 as designated on Map 082-03 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and Metropolitan Clerk's Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 082 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited as follows: Subdistrict A: up to 20 multi-family residential dwelling units; restaurant, retail, office; Subdistrict B: up to 50 multi-family residential dwelling units; restaurant, bed and breakfast inn, hotel, community education, office, retail. All proposed uses are to be within the existing buildings; Subdistrict C: restaurant, bed and breakfast inn, office. All proposed uses are to be within the existing building; Subdistrict D: Accessory uses for principle uses located within Subdistrict C including food and beverage storage, food and beverage production, ancillary office, laundry, and storage of goods and furnishings. In addition, a maximum of two restaurants shall be permitted at any one time within the SP; a maximum of 1 bed and breakfast inn with up to 6 rooms within Subdistrict C and a

maximum of 1 hotel with up to 35 rooms within Subdistrict B shall be permitted within the SP at any one time.

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

1. On the corrected preliminary SP plan, remove the parking table provided on the Regulating Plan (sheet 5). Add a note indicating the parking shall be as per the Metro Zoning Ordinance.
2. The proposed new construction closest to the historic buildings shall be decreased in size to provide a transition to the historic buildings. The applicant shall continue to work with the Metro Historic Zoning Commission to determine appropriate heights. Finalized elevations shall be provided with the submittal of the final site plan.
3. Along Cleveland Street, where no historic rock wall is located, provide sidewalks and grass strip consistent with the requirements of the Major and Collector Street Plan (minimum 4 foot grass strip; 8 foot sidewalk).
4. A mandatory referral is required for the proposed alley closures. The mandatory referral shall be approved prior to issuance of any building permits.
5. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Section 5. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Scott Davis

2016SP-024-001
MCGAVOCK HOUSE SP
Map 082-03, Parcel(s) 218, 227-229, 231, 415-417, 551
Subarea 05, East Nashville
District 05 (S. Davis)

A request to rezone from RS5 and SP to SP zoning for properties located at 206 Vaughn Street and 900, 901, 902, 903, and 908 Meridian Street and 219, 307, and 309 Cleveland Street, north of Cleveland Street (3.23 acres), to permit a mixed use development, requested by Hastings Architecture, applicant; Trinii Enterprises, LLC, Betty Jo Saxon, and Ray of Hope Community Church, owners.



SUBSTITUTE ORDINANCE NO. BL2016-222

An ordinance to amend various sections of chapter 8.04 of the Metropolitan Code of Laws related to rabies vaccinations for dogs.

WHEREAS, Metro Code of Laws chapter 8.04 requires owners of dogs to vaccinate their pets for rabies; and

WHEREAS, Metro Code of Laws section 8.04.040(A) currently provides that all licenses issued for dog owners shall be valid for twelve (12) months and shall expire on the last day of the month issued of the following year, as authorized under Tennessee Code Annotated §§ 68-8-104 and 68-8-105; and

WHEREAS, Tennessee Code Annotated §§ 68-8-102, 68-8-103 and 68-8-112 require that dogs and cats be administered rabies vaccinations meeting the standards prescribed by both the U.S. Department of Agriculture and the Tennessee Department of Health at a minimum frequency recommended by the *Compendium of Animal Rabies Prevention and Control* published by the Association of State Public Health Veterinarians. This Compendium currently provides, in Part II B, for rabies vaccines of a minimum of three (3) years' duration of immunity – a duration regarded as providing the most effective method of increasing the proportion of immunized dogs and cats in any population; and

WHEREAS, the *Compendium of Animal Rabies Prevention and Control* of the Association of State Public Health Veterinarians further provides that “[t]here are no laboratory or epidemiologic data to support the annual or biennial administration of 3-year vaccines after completion of the initial vaccine series (*i.e.*, the initial vaccination and 1-year booster vaccination)”, and whereas the American Animal Hospital Association makes the same recommendation; and

WHEREAS, in recognition of the availability of a three-year vaccine, the current requirement for annual re-vaccinations for purposes of license renewal imposes unnecessary costs and inconvenience upon dog owners. A three-year immunity period should instead provide for renewal of licenses by mail in the second and third years of such vaccination.

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

Section 1. That Chapter 8.04 of the Metropolitan Code is hereby amended by deleting the last sentence at the end of section 8.04.020.

Section 2. That Chapter 8.04 of the Metropolitan Code is hereby amended by deleting section 8.04.030 in its entirety and substituting in lieu thereof the following:

“It shall be the duty of the veterinarian, duly licensed by the state board of veterinary medical examiners and approved by the board of health, to administer such a vaccination and to perform the vaccination in such a manner as meets applicable legal standards. These standards shall apply to any vaccination clinics operated or sponsored by the department of health. The health department shall offer a low-cost rabies vaccine clinic

or clinics at least annually. The availability of the clinic or clinics shall be publicized in a manner determined by the Director to be most effective in reaching the greatest number of pet owners in Davidson County."

Section 3. That Chapter 8.04 of the Metropolitan Code is hereby amended by deleting subsection 8.04.040(A) in its entirety and substituting in lieu thereof the following:

"Any person owning, keeping or harboring on the premises where they reside, any dog six months of age or over, shall pay to the chief medical director a license fee in accordance with the current fee schedule established by Section 8.04.130(A). The fee shall be established by the board of health, and any adjustment thereof shall be authorized by passage of a resolution by the Council.

Section 4. That Chapter 8.04 of the Metropolitan Code is hereby amended by deleting section 8.04.060 in its entirety and substituting in lieu thereof the following:

It shall be the duty of the chief medical director to collect the license fees under this chapter. The director shall record the information specified by law. Unless such certificate of vaccination is exhibited at the time request is made for a license, the chief medical director shall issue no license. On receipt of the payment of the license fee, the chief medical director shall issue to the person paying the same a receipt to be furnished by the metropolitan government, showing the name of the owner of the dog or kennel on which such license fee is paid, the date and amount of such payment, the license tag number issued for each dog and the date of vaccination of such dog, and shall deliver to the owner a license tag bearing the serial number and the year through which the license fee is paid."

Section 5. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Director of the Metro Public Health Department and to each member of the Board of Health.

Section 6. This Ordinance shall take effect on Jan. 1, 2017, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Erica Gilmore
Member of Council

SUBSTITUTE ORDINANCE NO. BL2016-234

An ordinance amending various sections of Chapter 10.56 of the Metropolitan Code of Laws to allow additional information requirements under section 10.56.020.A.1, and to add Metropolitan Zoning Code compliance to the provisions of section 10.56.020H.

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

Section 1. That Chapter 10.56 of the Metropolitan Code of Laws shall be and the same is hereby amended by deleting Section 10.56.020.A in its entirety and substituting in lieu thereof the following new Section 10.56.020.A:

10.56.020 - Construction permits.

A. 1. It is unlawful for any person to install, erect, construct, reconstruct, alter, or add to, or cause to be installed, erected, constructed, reconstructed, altered or added to, any fuel-burning equipment, incinerator, process equipment, control device, or any equipment pertaining thereto, or any stack or chimney connected therewith, or to make or cause to be made any alteration or repairs which increases the amount of any air contaminant emitted by such source or which results in the emission of any air contaminant not previously emitted until application for a construction permit has been filed with the metropolitan health department and plans and specifications applicable to the work have been submitted to the director and a construction permit issued by him for such construction, installations, alterations or repairs. Applications for a construction permit shall be filed in duplicate in the offices of the director on forms adopted by the director and supplied by the metropolitan health department along with a copy of plans and specifications. The director shall not grant a construction permit to any source which does not comply with the provisions of the New Source Review Regulations as adopted by the board. If the director determines, on the basis of information available to him, that such source does, or in all likelihood will, operate in violation of this chapter, or that the source will operate so as to prevent attainment or maintenance of any national ambient air quality standard, he shall either impose conditions on the face of the construction permit that in his opinion will promote compliance with this chapter, and/or attainment and maintenance of any national ambient air quality standard, or he shall deny the application for the construction permit. At the request of the director, the applicant shall provide information necessary for the director to make the determination of whether the source does, or in all likelihood will, operate in violation of this chapter, or whether the source will operate so as to prevent attainment or maintenance of any national ambient air quality standard. For a major source, such information required may include a source impact analysis and air quality analysis as set out in regulations adopted by the Board. This section shall not apply to fuel-burning equipment used exclusively for heating less than three dwelling units, or to gas, or fuel oil equipment of five hundred thousand BTU input or less or to internal combustion engines.

2. In addition to any other remedies available on account of the issuance of an order prohibiting construction, installation, or establishment of any fuel-burning equipment, incinerator, process equipment, or control devices, and prior to invoking any such remedies, the person aggrieved thereby shall, upon request in accordance

with the provisions of this chapter and the rules and regulations adopted by the board be entitled to a hearing. Such hearing shall be conducted pursuant to the contested cases provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, Part 3 (T.C.A. § 4-5-301 et seq.).

3. The absence or failure to issue a rule, regulation or order pursuant to this section shall not relieve any person from compliance with any emission control requirements or with any other provision of law.

Section 2. That Chapter 10.56 of the Metropolitan Code of Laws shall be and the same is hereby amended by deleting Section 10.56.020.H in its entirety and substituting in lieu thereof the following new Section 10.56.020.H:

H. No new source shall be granted a construction permit unless the new source complies with the Metropolitan Zoning Code for the use of the property on which the new source is to be constructed. The receipt of a construction permit from the Metropolitan Health Department shall not be construed to indicate approval of the strength or safety of any equipment or to indicate compliance with the requirements of the Building Code of Metropolitan Nashville and Davidson County or any other ordinance thereof. Neither shall it relieve anyone from the responsibility to comply fully with the applicable provisions of this Code, nor any other requirement(s) imposed by statute, rule or regulation of the Metropolitan Government of Nashville and Davidson County, Tennessee, the State of Tennessee or the United States Government.

Section 3. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Fabian Bedne
Member of Council

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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BILL PRIDEMORE
Councilman, District 9

May 16, 2016

TO: Vice Mayor David Briley & Members of Metro Council

FROM: Bill Pridemore
Councilmember, District 9

RE: **Suspension of the Rule 11**

I plan to introduce a late ordinance adopting the 2016-2017 through 2021-2022 Capital Improvements Budget for the Metro Government as the official Capital Improvements Budget for fiscal year 2016-2017.

A copy of the ordinance is on the reverse side of this memo. This ordinance is being submitted as an emergency late item this evening due to the Capital Improvements budget, by Charter, has to be filed by May 15. This will allow the ordinance to track timely through the legislative process.

I am, therefore, asking your support as I request a suspension of Rule 11 to allow the ordinance to be introduced this evening. Further, I respectfully request your favorable consideration.

BP/rh

ORDINANCE NO. BL2016- 252

An ordinance adopting the 2016-2017 through 2021-2022 Capital Improvements Budget for The Metropolitan Government of Nashville and Davidson County as the official Capital Improvements Budget of The Metropolitan Government of Nashville and Davidson County for Fiscal Year 2016-2017.

WHEREAS, Section 6.13 of the Charter of The Metropolitan Government of Nashville and Davidson County provides for the preparation and establishment of a capital improvements budget for the Metropolitan Government including a program of proposed capital expenditures for the ensuing fiscal year and the next five fiscal years thereafter; and,

WHEREAS, the various departments, boards, commissions and agencies of the Metropolitan Government have submitted their capital improvement project requests; and,

WHEREAS, the Metropolitan Planning Commission, in accordance with Section 11.504(k) of the Metropolitan Charter, has reviewed the capital improvement project requests and, upon evaluating the overall needs of the community, has recommended to the Mayor a Capital Improvements Budget for fiscal year 2016-2017 including a program of proposed expenditures for the ensuing five (5) years; and,

WHEREAS, the Mayor and the Director of Finance have reviewed the capital improvement project requests and recommended program of proposed expenditures and have established a priority of undertaking and financing the capital improvement projects; and,

WHEREAS, it is determined that this Capital Improvements Budget and Program represents an appropriate evaluation of the needs of The Metropolitan Government of Nashville and Davidson County and a systematic and orderly framework within which to provide for them; and,

WHEREAS, these findings and recommendations have been bound into a report entitled, "2016-2017 to 2021-2022 Capital Improvements Budget"; and,

WHEREAS, two (2) copies of said report are on file in the office of the Metropolitan Clerk.

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

Section 1. That the recommended program contained in the 2016-2017 to 2021-2022 Capital Improvements Budget is hereby adopted as the official Capital Improvements Budget of The Metropolitan Government of Nashville and Davidson County for fiscal year 2016-2017.

Section 2. That there shall be no authorization for expenditure of funds for the construction of any building, structure, work, or improvement, unless such project is included in and in conformance with the adopted 2016-2017 to 2021-2022 Capital Improvements Budget, except to meet a public emergency threatening the lives, health, or property of the inhabitants, when passed by two-thirds vote of the membership of Council.

Section 3. That no fund shall be encumbered nor expended for a capital improvements project unless such project is included in and in conformance with the adopted 2016-2017 to 2021-2022 Capital Improvements Budget.

Section 4. That this Capital Improvements Budget may be amended by resolution at any time during the year to add a capital improvements project to the 2016-2017 to 2021-2022 Capital Improvements Budget, when adopted by two-thirds vote of the membership of the Council.

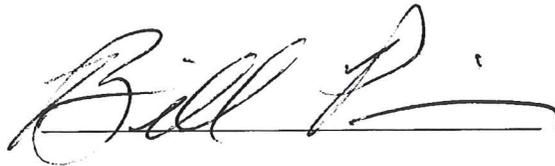
Section 5. That this ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it, but that the Capital Improvements Budget and Program of The Metropolitan Government of Nashville and Davidson County for fiscal year 2016-2017 shall not take effect until July 1, 2016.

APPROVED AS TO FINANCIAL
MATTERS:



Talia Lomax-O'dneal,
Director of Finance

INTRODUCED BY:



APPROVED AS TO FORM AND
LEGALITY:



Jon Cooper
Director of Law

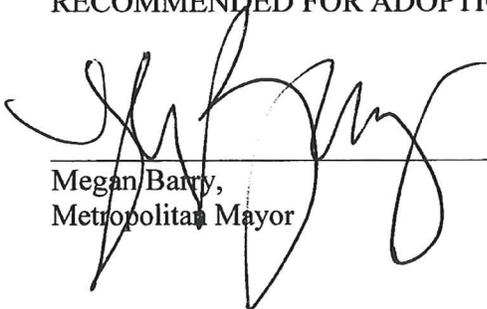
Members of Council

RECOMMENDED FOR ADOPTION:



Doug Sloan, Executive Director
Metropolitan Planning Commission

RECOMMENDED FOR ADOPTION:



Megan Barry,
Metropolitan Mayor

Electronic Signature Page

(Attach to Legislation Pursuant to Rule 8 of the Council Rules of Procedure)

A handwritten signature in black ink that reads "Burkley Allen". The signature is written in a cursive style with a large initial 'B' and 'A'.

Burkley Allen
Councilmember, District 18