



# **Metropolitan Council**

**PROPOSED AMENDMENTS PACKET  
FOR THE COUNCIL MEETING OF  
THURSDAY, JULY 6, 2023**

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AMENDMENT NO. 1  
TO  
ORDINANCE NO. BL2023-1891

Mr. President –

I move to amend Ordinance No. BL2023-1891 as follows:

Amend Section 1(B) by deleting and replacing it as follows:

B. The Arts Center Plan is amended by adding a new section J that states as follows:

J. 2023 Plan Amendments

1. Upon the effective date of BL2023-1891, notwithstanding anything to the contrary in the Plan, the authority to approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan is terminated. Such termination does not terminate the Plan or have any impact on any tax increment financing approved prior to such termination. In the event of conflict between this section J(1) and any other provision of the Plan, this section J(1) shall prevail.

~~1. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2023-1891 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."~~

~~2. Periodic assessment of activities and improvements eligible for tax increment financing:~~

~~\_\_\_\_\_ (i) Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment was completed in August 2022. Future assessments shall occur no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.~~

~~\_\_\_\_\_ (ii) Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.~~

~~\_\_\_\_\_ (iii) It shall be a New Loan Termination Event if any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination~~

~~Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.~~

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

SPONSORED BY:

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Bob Mendes  
Member of Council

AMENDMENT NO. 2  
TO  
ORDINANCE NO. BL2023-1891

Mr. President –

I move to amend Ordinance No. BL2023-1891 as follows:

1. Amend Section 2 by deleting and replacing it as follows:

A. The Bordeaux Plan is amended by adding a new section J that states as follows:

J. 2023 Plan Amendments

1. Upon the effective date of BL2023-1891, notwithstanding anything to the contrary in the Plan, the activities and improvements that are eligible for tax increment financing in the Plan shall be limited to affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. In the event of conflict between this section J(1) and any other provision of the Plan, this section J(1) shall prevail.

24. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2023-1891 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."

32. Periodic assessment of activities and improvements eligible for tax increment financing:

(i) Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment was completed in August 2022. Future assessments shall occur no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.

(ii) Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.

(iii) It shall be a New Loan Termination Event if any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

~~43.~~ Metropolitan Council or MDHA may initiate a Plan amendment: Subject to all other conditions and requirements set forth in Section H of the Plan, either the Metropolitan Council or MDHA may initiate a modification, change, or amendment to the Plan subject to the subsequent approval of the other. If the Metropolitan Council initiates a modification, change, or amendment, the approval of MDHA must be obtained before the third reading of the ordinance adopting such modification, change, or amendment.

2. Amend Section 3 by deleting and replacing it as follows:

A. The Cayce Place Plan is amended by adding a new section J that states as follows:

J. 2023 Plan Amendments

1. Upon the effective date of BL2023-1891, notwithstanding anything to the contrary in the Plan, the activities and improvements that are eligible for tax increment financing in the Plan shall be limited to affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. In the event of conflict between this section J(1) and any other provision of the Plan, this section J(1) shall prevail.

24. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2023-1891 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."

32. Periodic assessment of activities and improvements eligible for tax increment financing:

(i) Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment was completed in August 2022. Future assessments shall occur no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.

(ii) Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.

(iii) It shall be a New Loan Termination Event if any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

~~43.~~ Metropolitan Council or MDHA may initiate a Plan amendment: Subject to all other conditions and requirements set forth in Section H of the Plan, either the Metropolitan Council or MDHA may initiate a modification, change, or amendment to the Plan subject to the subsequent approval of the other. If the Metropolitan Council initiates a modification, change, or amendment, the approval of MDHA must be obtained before the third reading of the ordinance adopting such modification, change, or amendment.

3. Amend Section 4 by deleting and replacing it as follows:

A. The Central State Plan is amended by adding a new section J that states as follows:

J. 2023 Plan Amendments

1. Upon the effective date of BL2023-1891, notwithstanding anything to the contrary in the Plan, the activities and improvements that are eligible for tax increment financing in the Plan shall be limited to affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. In the event of conflict between this section J(1) and any other provision of the Plan, this section J(1) shall prevail.

~~24.~~ Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2023-1891 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."

~~32.~~ Periodic assessment of activities and improvements eligible for tax increment financing:

(i) Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax

increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment was completed in August 2022. Future assessments shall occur no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.

(ii) Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.

(iii) It shall be a New Loan Termination Event if any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

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

4. Amend Section 5(B) by deleting and replacing it as follows:

B. The Jefferson Street Plan is amended by adding a new section J that states as follows:

J. 2023 Plan Amendments

1. Upon the effective date of BL2023-1891, notwithstanding anything to the contrary in the Plan, the activities and improvements that are eligible for tax increment financing in the Plan shall be limited to affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. In the event of conflict between this section J(1) and any other provision of the Plan, this section J(1) shall prevail.

24. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2023-1891 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."



32. Periodic assessment of activities and improvements eligible for tax increment financing:

(i) Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment was completed in August 2022. Future assessments shall occur no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.

(ii) Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.

(iii) It shall be a New Loan Termination Event if any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

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

5. Amend Section 6(B) by deleting and replacing it as follows:

B. The Phillips-Jackson Plan is amended by adding a new section J that states as follows:

J. 2023 Plan Amendments

1. Upon the effective date of BL2023-1891, notwithstanding anything to the contrary in the Plan, the activities and improvements that are eligible for tax increment financing in the Plan shall be limited to affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. In the event of conflict between this section J(1) and any other provision of the Plan, this section J(1) shall prevail.

24. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2023-1891 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."

32. Periodic assessment of activities and improvements eligible for tax increment financing:

(i) Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment was completed in August 2022. Future assessments shall occur no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.

(ii) Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.

(iii) It shall be a New Loan Termination Event any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

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

6. Amend Section 7(C) by deleting and replacing it as follows:

C. The Rutledge Hill Plan is amended by adding a new section J that states as follows:

J. 2023 Plan Amendments

1. Upon the effective date of BL2023-1891, notwithstanding anything to the contrary in the Plan, the activities and improvements that are eligible for tax

increment financing in the Plan shall be limited to affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. In the event of conflict between this section J(1) and any other provision of the Plan, this section J(1) shall prevail.

24. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2023-1891 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."

32. Periodic assessment of activities and improvements eligible for tax increment financing:

(i) Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment was completed in August 2022. Future assessments shall occur no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.

(ii) Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.

(iii) It shall be a New Loan Termination Event if any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

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

7. Amend Section 8 by deleting and replacing it as follows:

A. The Skyline Plan is amended by adding a new section J that states as follows:

J. 2023 Plan Amendments

1. Upon the effective date of BL2023-1891, notwithstanding anything to the contrary in the Plan, the activities and improvements that are eligible for tax increment financing in the Plan shall be limited to affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. In the event of conflict between this section J(1) and any other provision of the Plan, this section J(1) shall prevail.

24. Portion of tax increment used: Notwithstanding anything to the contrary in the Plan, for all bonded or other indebtedness approved by MDHA under the Plan after the effective date of BL2023-1891 that is to be paid using tax increment funds, the portion of tax increment funds that may be used to pay the indebtedness shall not be greater than seventy-five percent (75%); provided however: (a) that MDHA shall be entitled to increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA; and (b) nothing herein shall be interpreted as overriding or nullifying the requirements of Chapter 5.06 of the Metropolitan Code of Laws entitled "Tax Increment Financing."

32. Periodic assessment of activities and improvements eligible for tax increment financing:

(i) Notwithstanding anything to the contrary in the Plan, there shall be a mandatory periodic assessment of the activities and improvements eligible for tax increment financing under the Plan. An assessment may be requested by MDHA or the Metropolitan Council. The first such assessment was completed in August 2022. Future assessments shall occur no earlier than seven (7) years after the previous assessment, provided however that each subsequent assessment must be completed within ten (10) years after the previous assessment.

(ii) Each assessment shall include a review of the impact and goals of the Plan. For an assessment to be considered complete, MDHA and the Metropolitan Council must agree on the activities and improvements that are eligible for tax increment financing under the Plan. The Council's agreement shall be indicated by the passage of a resolution approved by a majority of the members to which the Council is entitled.

(iii) It shall be a New Loan Termination Event if any subsequent assessment is not complete within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA shall not approve any additional bonded or other indebtedness to be paid by tax increment funds under the Plan. The occurrence of a New Loan Termination Event does not terminate the Plan or have any impact on any tax increment financing approved prior to the New Loan Termination Event.

43. Metropolitan Council or MDHA may initiate a Plan amendment: Subject to all other conditions and requirements set forth in Section H of the Plan, either the Metropolitan Council or MDHA may initiate a modification, change, or amendment to the Plan subject to the subsequent approval of the other. If the Metropolitan

Council initiates a modification, change, or amendment, the approval of MDHA must be obtained before the third reading of the ordinance adopting such modification, change, or amendment.

SPONSORED BY:

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Bob Mendes  
Member of Council

AMENDMENT NO. 3  
TO  
ORDINANCE NO. BL2023-1891

Mr. President –

I move that Ordinance No. BL2023-1891 be amended by amending Section 8 by adding the following new appropriately designated Subsection as follows:

- \_\_\_ The Skyline Plan is amended by adding “Grocery Store” under Permitted Uses in Sections C.2.a(1) and C.2.a(2) of the plan.

SPONSORED BY:

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Sean Parker  
Member of Council

AMENDMENT NO. 4  
TO  
ORDINANCE NO. BL2023-1891

Mr. President –

I move that Ordinance No. BL2023-1891 be amended by amending Section 8 by adding the following new appropriated designated Subsection as follows:

- \_\_\_ The Skyline Plan is amended by adding “Short Term Rental Owner Occupied” and “Short Term Rental Non Owner Occupied” under Prohibited Uses in Sections C.2.a(1) and C.2.a(2) of the plan.

SPONSORED BY:

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Sean Parker  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2023-1919

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2023-1919 as follows:

I. By amending Section 3 as follows:

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of 609,700 square feet of warehousing, light manufacturing, general office land uses, and other non-residential land uses as specified on the plan. The other non-residential land uses shall be limited to a maximum of 150,000 square feet. Buildings 1 and 2, as identified on the preliminary SP plan, shall be limited to the general office land uses and other non-residential land uses as specified on the plan. Warehousing and light manufacturing uses shall not be permitted in buildings 1 and 2. Alternative financial services, beer and cigarette market, and liquor sales uses shall be prohibited.

II. By amending Section 4 as follows:

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

1. Up to 50,000 square feet of building area is allowed to be up to 3 stories in 95 feet; such height shall be limited to buildings 3 and 4 as identified on the preliminary SP plan. The remainder of building area, above 50,000 square feet, is limited to a maximum height of 70 feet.
2. Buildings 1 and 2 shall have their primary front façade address Whites Creek Pike. The area between buildings 1 and 2 and between those buildings and Whites Creek Pike shall be designed to be pedestrian friendly and feature activated public green spaces.
3. The facades of buildings 1 and 2 shall be proportionally divided using architectural elements including windows and entries in conjunction with porches, arcades, and awnings. Any wall or surface over 30 feet in length shall include at least once change in plane. Facades facing pedestrian areas shall have at least 70% glazing (including windows and doors) on the ground floor. Upper floors shall have a minimum of 40% and a maximum of 60% glazing.
4. There shall be no parking located between the front facades of buildings 1 and 2 and Whites Creek Pike. All parking for buildings 1 and 2 shall be located to the side or rear of the buildings.
5. The portion of the parking area around buildings 1 and 2 shall be paved with a permeable material.
6. A minimum of 30% of the total roof area of the development shall utilize vegetated roofing.
- ~~27.~~ An easement shall be recorded for the planned Metro Greenways on the remainder of parcel 05900006500, consistent with the draft easement and exhibit that has been coordinated with Metro Parks and Metro Legal, prior to the SP final site plan approval.
- ~~38.~~ The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.



- 4 9. The final site plan shall label all internal driveways as “Private Driveways”. A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association.
- 5 10. 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.
- 6 11. Comply with all conditions and requirements of Metro reviewing agencies.

INTRODUCED BY:

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Kyonzte Toombs  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2023-1939

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2023-1939 as follows:

I. By adding the following recitals:

WHEREAS, the developer engaged KCI Technologies, Inc. to prepare a traffic impact study for their proposed development at this site; and

WHEREAS, the traffic impact study completed by KCI Technologies, Inc. made several recommendations to mitigate the impact the proposed development will have on traffic in the area; and

WHEREAS, these recommendations include having two points of ingress and egress into the development, working with NDOT and TDOT to optimize the signal timing at the intersection of Old Hickory Boulevard and Dickerson Pike, and adding crosswalks across Hunters Lane and Nesbitt Drive at those roads' intersection with Dickerson Pike; and

WHEREAS, the developer will fully implement these recommendations.

INTRODUCED BY:

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Jennifer Gamble  
Member of Council

AMENDMENT NO. \_\_\_\_  
TO  
ORDINANCE NO. BL2023-1951

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2023-1951 as follows:

I. By amending Section 4, by amending Condition 1 as follows:

1. The applicant shall either provide a sidewalk connection from the development site to Gallatin Pike via Liberty Lane or shall contribute towards this sidewalk construction not to exceed \$75,000. The off-site sidewalk conditions or contribution shall be coordinated in conjunction with NDOT and Planning with the final site plan application.

INTRODUCED BY:

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Zach Young  
Member of Council

AMENDMENT NO. 1  
TO  
ORDINANCE NO. BL2023-1968

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2023-1968 as follows:

I. By amending Section 4 as follows:

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

1. The construction of the bridge from Coley Davis Road to the subject site is a requirement of the first phase of development. The bridge shall have two vehicular travel lanes and a 10' wide multi-use path.
2. The Harpeth River Greenway extension from the current terminus of the Morton Mill – Northern Segment across the railroad and along the Harpeth River to the existing pedestrian bridge is a required improvement for this project. The final design of the greenway extension shall be coordinated with Metro Parks, Planning and CSX. This greenway shall be constructed prior to the issuance of any building permits for the apartments.
3. The developer shall construct the greenway connection from the proposed Harpeth River Greenway extension through the development site to the adjoining Metro Parks property to the west of the development site. This greenway shall be constructed prior to the issuance of any use and occupancy permits for the apartments.
- 3 4. Coley Davis Road shall be raised out of the 500-year floodplain and improved to the cross-section required by NDOT with the first phase of development. The cross-section East of the proposed bridge access shall include a 10' two-way multi-use path along the South side of the road, a 2' buffer with vertical delineators along the travel lane side of the road and contain adequate travel lanes. Due to the constraints of the Harpeth River and the I-40 TDOT Access Control Fence, a modified cross-section may be required West of the proposed bridge access. This modified cross-section shall contain a multi-use path & buffer, along with adequate travel lanes. The final dimensions of the modified cross-section are to be determined at Final SP. The boundaries of the multi-use path are to be determined at Final SP and shall make meaningful connections to existing pedestrian infrastructure on Coley Davis Rd while creating a functional network. At a minimum the applicant shall extend the multi-use path to the West and connect to the existing sidewalk on along the frontage of the Harpeth Springs Village, which may require additional sidewalk to provide an adequate transition. All guardrail and/or handrail installation along Coley Davis Rd shall follow all TDOT standards.
5. There shall be a west bound left turn lane constructed on Coley Davis Road at the intersection of the proposed bridge and Coley Davis Road. Such turn lane shall meet all NDOT requirements. The width of the multi-use path on Coley Davis Road may be reduced to accommodate the turn lane if deemed necessary by NDOT.
- 4 6. Comply with all conditions and requirements of Metro reviewing agencies.
- 5 7. Parking shall meet the requirements of the Zoning Code. If a reduction is sought, a parking study must be prepared and approved by NDOT and Planning.
- 6 8. With the final site plan submittal, elevations consistent with those included in the final site plan shall be submitted for review and approval.

- 7 9. Add the following note to the corrected set: Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.
- 8 10. The final site plan shall label all internal driveways as “Private Driveways”. A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner’s Association
- 9 11. The final site plan shall depict any required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
- 10 12. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
- 11 13. 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.
- 12 14. Coley Davis Road shall have two-way traffic maintained on it during all phases of construction. No permits for lane closures below two lanes shall be issued for Coley Davis Road.
- 13 15. The developer shall work with NDOT to limit construction traffic on Morton Mill Road during the grading and bridge construction phases of development. Once the new bridge into the property from Coley Davis Road is completed to a usable condition, all construction traffic shall be limited to Coley Davis Road and no construction traffic shall use Morton Mill Road. All construction traffic related to the construction of the apartment buildings and all subsequent phases of development shall be limited to Coley Davis Road and not use Morton Mill Road.
- 14 16. No construction vehicles are permitted on Morton Mill Road outside the hours of 7:30am and 6:30pm, Monday through Saturday. If a vehicle is observed by a Metropolitan Government official or documented in a manner deemed sufficient to the Codes Department, a two-day stop work order shall be issued upon confirmation of the violation. A construction vehicle shall be defined as any vehicle associated with construction, including personal vehicles belonging to construction workers.
- 15 17. The developer shall work with NDOT to install temporary traffic calming measures along Morton Mill Road at the developer’s expense during the period that Morton Mill Road is used for construction access to the development site. Such traffic calming measures shall include, but not be limited to, speed cushions.
- 16 18. The developer shall work with NDOT to complete a pre-construction survey of Morton Mill Road prior to the approval of a grading permit and a post-construction survey of Morton Mill Road following the completion of the bridge into the property from Coley Davis Road to a usable condition. The developer shall be responsible for repairing any damage caused by construction traffic on Morton Mill Road based on those surveys prior to the issuance of any building permit related to the construction of the apartment buildings. Additionally, the developer shall submit a guarantee, such as a bond or letter of credit to NDOT, at a time and in an amount determined necessary by NDOT, to cover the cost of such repairs should the developer fail to adequately repair the road.

INTRODUCED BY:

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Dave Rosenberg  
Member of Council

AMENDMENT NO. 2  
TO  
ORDINANCE NO. BL2023-1968

Mr. President –

I hereby move to amend Substitute Ordinance No. BL2023-1968 as follows:

I. By amending Section 4 to add the following subsequently numbered condition:

. Prior to the issuance of any permits related to the development, the developer and Metro Parks shall establish clear title to all property, including easements, necessary for completion of the bridge, construction/emergency access, and greenway connection.

INTRODUCED BY:

\_\_\_\_\_  
Sharon Hurt  
Member of Council

SUBSTITUTE ORDINANCE NO. BL2023-1976

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 rezone from R10 to SP zoning for properties located at Peeples Court (unnumbered) and Gallatin Pike (unnumbered), approximately 170 feet north of Vietnam Veterans Boulevard (89.05 acres), to permit a maximum of ~~356~~ 445 multi-family residential units, all of which is described herein (Proposal No. 2023SP-027-001).

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 R10 to SP zoning for properties located at Peeples Court (unnumbered) and Gallatin Pike (unnumbered), approximately 170 feet north of Vietnam Veterans Boulevard (89.05 acres), to permit a maximum of ~~356~~ 445 multi-family residential units, being Property Parcel Nos. 060, 081, 133, 134, 135 as designated on Map 026-00 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 attached sketch, which is attached to 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 026 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to a maximum of ~~356~~ 445 multi-family units. Short term rental property, owner occupied and short term rental property, not owner occupied shall be prohibited

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

1. The applicant shall either provide a sidewalk connection from the development site to Gallatin Pike via Liberty Lane or shall contribute towards this sidewalk construction not to exceed \$100,000. The off-site sidewalk conditions or contribution shall be coordinated in conjunction with NDOT with the final site plan application.
2. Prior to the approval of the final site plan, the emergency access agreement shall be recorded, or a second access point shall be established.
3. Provide an updated copy of the plan reflecting that the maximum number of units is ~~356~~ 445 units.
4. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
5. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.

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.
7. Comply with all conditions and requirements of Metro reviewing agencies.

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 RM4 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 9. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

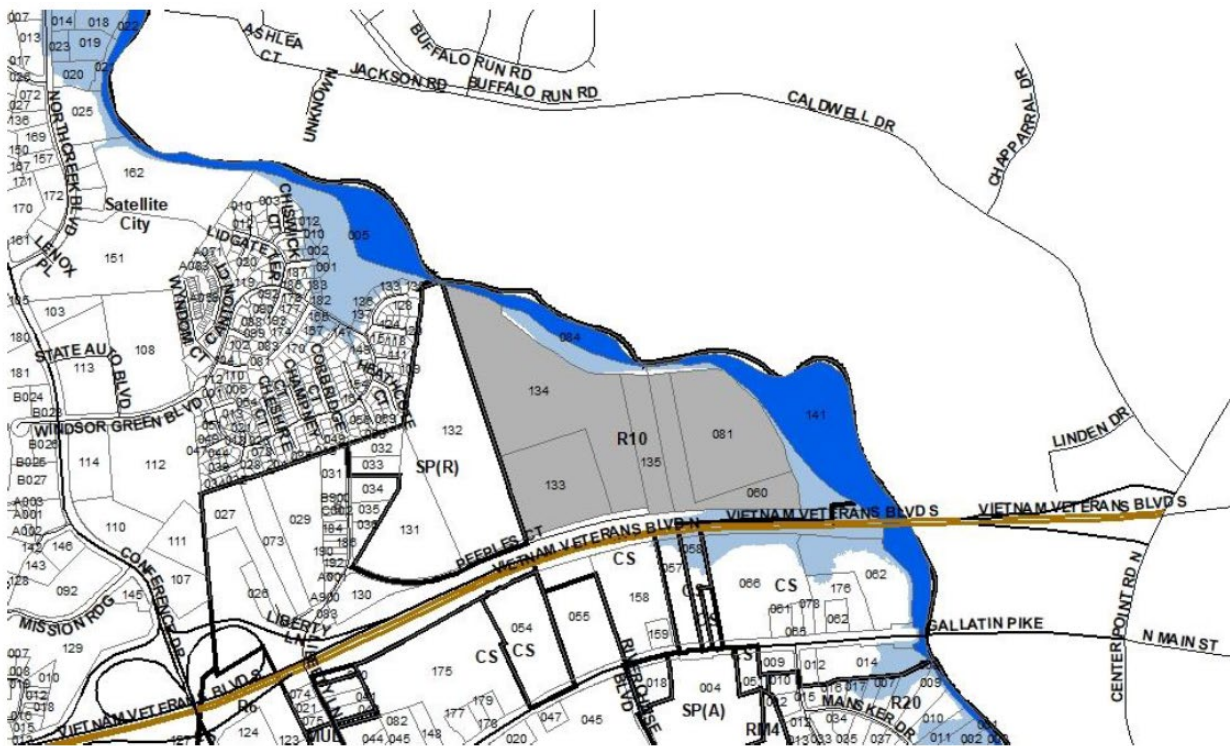
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Zach Young  
Member of Council



2023SP-027-001  
PEEPLES COURT SP  
Map 026, Parcel(s) 060, 081, 133-135  
Subarea 04, Madison  
District 10 (Zach Young)  
Application fee paid by: Nashville Real estate Partners LLC

A request to rezone from R10 to SP zoning for properties located at Peeples Court (unnumbered) and Gallatin Pike (unnumbered), approximately 170 feet north of Vietnam Veterans Boulevard (89.05 acres), to permit a maximum of ~~356~~ 445 multi-family residential units, requested by Catalyst Design Group, applicant; Yanique Diskin, TR., Randy Lynn Scruggs (Estate of) & Gary E. Scruggs (Estate of), owners.



SUBSTITUTE ORDINANCE NO. BL2023-1977

An ordinance to authorize building material restrictions and requirements for BL2023-1976, a proposed Specific Plan Zoning District located at Peeples Court (unnumbered) and Gallatin Pike (unnumbered), approximately 170 feet north of Vietnam Veterans Boulevard (89.05 acres), to permit a maximum of ~~356~~ 445 multi-family residential units, all of which is described herein (Proposal No. 2023SP-027-001). **THE PROPOSED ORDINANCE REQUIRES CERTAIN MATERIALS TO BE RESTRICTED IN THE CONSTRUCTION OF BUILDINGS.**

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

Section 1. That the following building material restrictions and requirements as a part of BL2023-1976, a proposed Specific Plan Zoning District located at Peeples Court (unnumbered) and Gallatin Pike (unnumbered), approximately 170 feet north of Vietnam Veterans Boulevard (89.05 acres) are hereby authorized:

- Building facades shall be constructed of brick, brick veneer, stone, cast stone, cementitious siding, and glass, or materials substantially similar in form and function, unless otherwise approved on detailed building elevations included with the preliminary SP.

Section 2. 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:

\_\_\_\_\_  
Zach Young  
Member of Council

SUBSTITUTE RESOLUTION NO. RS2023-2187

A resolution urging the Mayor's Office, the Metro Health Department, ~~Metro Homeless Impact Division~~ Office of Homeless Services, ~~and Metro Social Services~~, and the Metro Codes Department to evaluate housing pods purchased with COVID-19 Epidemiology and Laboratory Capacity (ELC) grant funds and create an action plan for their use.

WHEREAS, the Metropolitan Council has accepted an Epidemiology & Laboratory Capacity ("ELC") grant from the Tennessee Department of Health, pursuant to Resolution No. RS2020-508; and

WHEREAS, the ELC grant is used to prepared for, respond to, and recover from COVID-19; and

WHEREAS, the State of Tennessee has procured housing pods as a capital purchase for housing outside of COVID sheltering, an allowable use under ELC grant guidance; and

WHEREAS, it is estimated that the pods cost \$1.2M; and

WHEREAS, some pods were allocated to the Nashville Rescue Mission, while the remaining pods were put into storage and never used; and

WHEREAS, Davidson County residents have questions as to why the pods have not been widely used to shelter homeless Nashvillians; and

WHEREAS, on February 3, 2023, the Metro Health Department received guidance from the Tennessee Department of Health that using the pods for sheltering outside of COVID-19 recovery could be allowable under the ELC grant since funding was specifically earmarked for the homeless population; and

WHEREAS, at a June 6, 2023 meeting with the State of Tennessee Fire Marshal's Office it was determined that if a licensed engineer would certify that the pods meet Metro's current code standards, then Metro may use these pods for temporary housing initiatives; and

WHEREAS, if used for shelter, Metro Nashville would need to ensure that COVID-19 guidelines set for shelters/congregate living facilities are followed, the shelters are placed at least 10 feet apart, and that the shelters could be secured; and

WHEREAS, it is fitting and proper that the Metro Council request that housing pods purchased with ELC grant funds be evaluated and a plan be developed to use the housing pods, rather than have them remain in storage, considering their cost and the demonstrated community need.

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

Section 1. That the Metropolitan Council hereby goes on record as requesting that representatives from the Mayor's Office, the Metro Health Department, ~~Metro Homeless Impact Division~~ Office of Homeless Services, ~~and Metro Social Services~~, and the Metro Codes Department evaluate the housing pods purchased with COVID-19 Epidemiology and Laboratory Capacity grant funds and create an action plan to activate the housing pods for sheltering the homeless population in Davidson County.

Section 2. That the ~~action plan is shared with the Metro Council by August 1, 2023~~recommended action plan be shared with the Homelessness Planning Council and the Metro Council no later than October 17, 2023.

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

SPONSORED BY:

\_\_\_\_\_  
Erin Evans  
Member of Council

AMENDMENT NO. 1  
TO  
RESOLUTION NO. RS2023-2201

Mr. President –

I move to amend Resolution No. RS2023-2201 by deleting Section 2 and replacing it as follows:

Section 2: ~~Priorities~~ The activities and improvements that are eligible for tax increment financing in all Redevelopment Districts except for Arts Center shall be limited to are for affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. For clarity, there shall be no additional bonded or other indebtedness to be paid by tax increment funds in the Arts Center redevelopment plan; provided however that this prohibition shall not have any impact on any tax increment financing approved prior to the passage of this resolution.

SPONSORED BY:

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Bob Mendes  
Member of Council

AMENDMENT NO. 2  
TO  
RESOLUTION NO. RS2023-2201

Mr. President –

I move to amend Resolution No. RS2023-2201 by amending Section 2 as follows:

Section 2: Priorities in all Redevelopment Districts are for affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. For the purposes of this resolution, “affordable housing” means housing that, on an annual basis, costs thirty percent (30%) or less than the estimated median household income for households earning sixty percent (60%) to one hundred twenty percent (120%) of the area median income for the Nashville-Davidson County metropolitan statistical area as determined by the United States department of housing and urban development, adjusted for family size.

SPONSORED BY:

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Kyonzte Toombs  
Member of Council

AMENDMENT NO. 3  
TO  
RESOLUTION NO. RS2023-2201

Mr. President –

I move to amend Resolution No. RS2023-2201 by amending Section 2 as follows:

Section 2: Priorities in all Redevelopment Districts are for affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, ~~and~~—historic preservation, and grocery stores.

SPONSORED BY:

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Sean Parker  
Member of Council

AMENDMENT NO. 4  
TO  
RESOLUTION NO. RS2023-2201

Mr. President –

I move to amend Resolution No. RS2023-2201 by amending Section 2 as follows:

Section 2: Priorities in all Redevelopment Districts are for affordable housing related infrastructure, transit, greenways, pedestrian-ways, infrastructure, and historic preservation. In the Skyline Redevelopment District, grocery store is a top priority.

SPONSORED BY:

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Sean Parker  
Member of Council



SUBSTITUTE ORDINANCE NO. BL2023-2102

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 AR2A and RS15 to ~~HR~~ SP zoning for properties located at 4520 Ashland City Highway and Cato Road (unnumbered), approximately 825 feet east of Amy Lynn Drive (27.58 acres), all of which is described herein (Proposal No. 2023Z-052PR-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 AR2A and RS15 to ~~HR~~ SP zoning for properties located at 4520 Ashland City Highway and Cato Road (unnumbered), approximately 825 feet east of Amy Lynn Drive (27.58 acres), being Property Parcel Nos. 040 and 200 as designated on Map 058 and Property Parcel No. 012.01 as designated on Map 068 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 attached sketch, which is attached to 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 Maps 058 and 068 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 on parcel 06800001201 shall be limited to the warehouse use. The uses on parcels 05800004000 and 05800020000 shall be limited to religious institution and single family uses.

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

1. Comply with all conditions and requirements of Metro Reviewing Agencies.
2. 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.
3. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
4. 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 of any building permits.
5. The storage of chemicals shall be prohibited in any warehouse use within the SP boundary.
6. All traffic from parcel 06800001201 shall be routed to Ashland City Hwy.
7. A Standard Type D-3 Landscape Buffer Yard that is be a minimum of 30 feet wide shall be provided on parcel 06800001201.
8. Where possible, existing trees shall be retained and protected during construction.
9. All recommendations from the Traffic Impact Study for this project by Burch Transportation dated 5/19/23 shall be implemented.

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, parcels 05800004000 and 05800020000 shall be subject to the standards, regulations and requirements of the RS15 zoning district, and parcel 06800001201 shall be subject to the standards, regulations and requirements of the IR zoning district as of the date of the applicable request or application.

Section 3 8. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

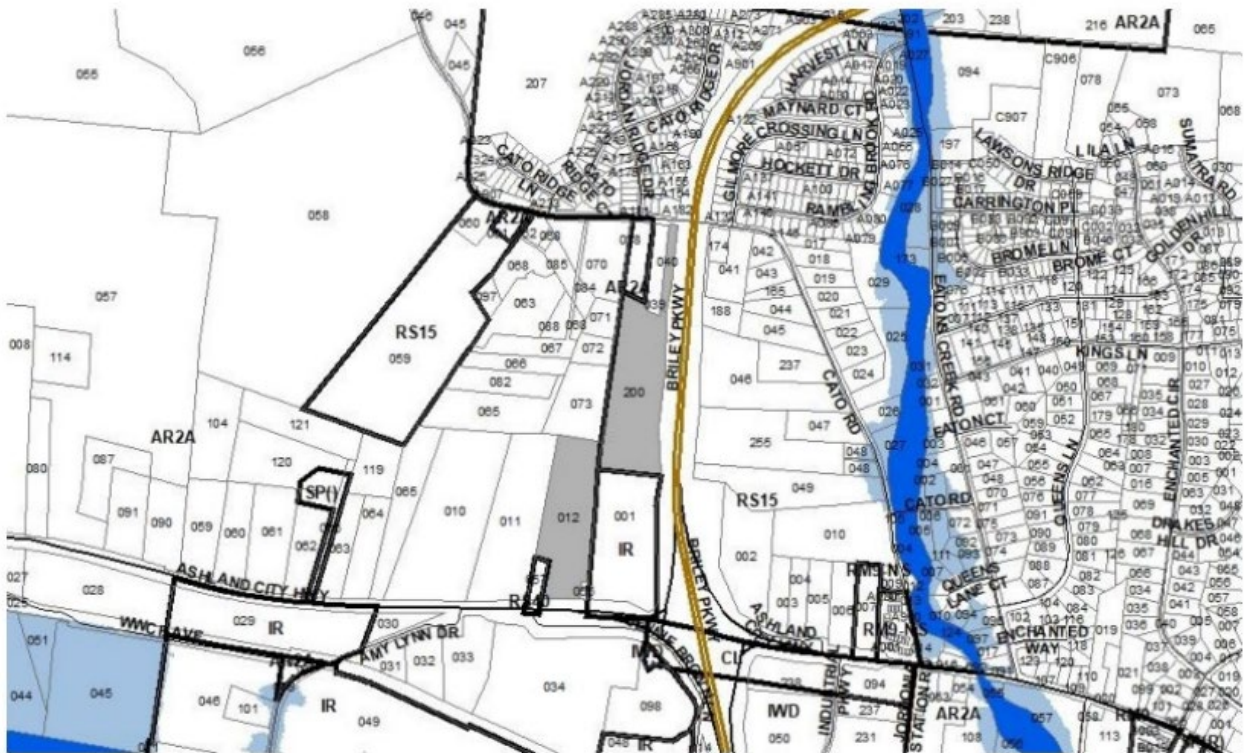
Section 4 9. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

\_\_\_\_\_  
Burkley Allen  
Member of Council

2023Z-052PR-001  
Map 058, Parcel(s) 040, 200  
Map 068, Parcel(s) 012.01  
Subarea 03, Bordeaux – Whites Creek – Haynes Trinity  
District 01 (Hall)  
Application fee paid by: Ryan Moses

A request to rezone from AR2A and RS15 to IR SP zoning for properties located at 4520 Ashland City Highway and Cato Road (unnumbered), approximately 825 feet east of Amy Lynn Drive (27.58 acres), requested by Thomas & Hutton, applicant, Eskimo Ashland and Church of the Living God, The Pillar and Ground of Truth, Trustees, owners



ORDINANCE NO. \_\_\_\_\_

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 cancelling a portion of a Planned Unit Development located at Hamilton Church Road (unnumbered), approximately 335 feet east of S Shore Drive (32.71 acres), zoned R15, all of which is described herein (Proposal No. 88P-054-001).

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 cancelling a portion of a Planned Unit Development located at Hamilton Church Road (unnumbered), approximately 335 feet east of S Shore Drive (32.71 acres), zoned R15, being Property Parcel No. 011 as designated on Map 165-00 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 attached sketch, which is attached to 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 165 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. The Metropolitan Clerk is directed to publish a notice announcing such change in a newspaper of general circulation within five days following final passage.

Section 4. This Ordinance shall take effect upon publication of above said notice announcing such change in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

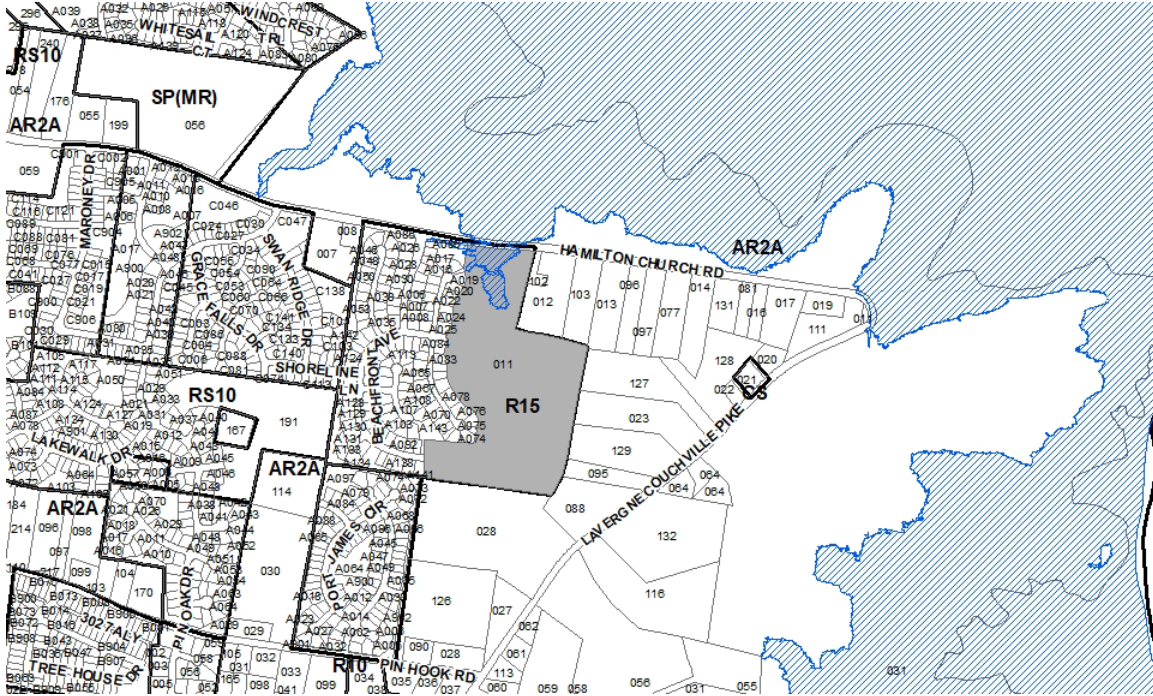
INTRODUCED BY:

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Antionette Lee  
Kathleen Murphy  
Members of Council

88P-054-001  
HAMILTON CHURCH PUD CANCEL  
Map 165, Parcel(s) 011  
Subarea 13, Antioch - Priest Lake  
District 33 (Antoinette Lee)  
Application fee paid by: Dr Chris Pardue

A request to cancel a portion of a Planned Unit Development located at Hamilton Church Road (unnumbered), approximately 335 feet east of S Shore Drive (32.71 acres), zoned R15, requested by Dale & Associates, applicant; Pardue Family Hamilton Church Road Partners, owner



AMENDMENT NO. 1  
TO  
ORDINANCE NO. BL2023-1869

Mr. President –

I hereby move to amend Ordinance No. BL2023-1869 by amending proposed Section 6.77.030 by adding a new subsection C, as follows:

- C. Any findings which reduce the number of entertainment transportation vehicle service providers and vehicles as required by the public convenience and necessity must be approved by resolution of the metropolitan council prior to being implemented by the MTLC. If the metropolitan council does not approve the findings, the MTLC shall review the findings and make a new submission to the council for approval.

INTRODUCED BY:

\_\_\_\_\_  
Russ Pulley  
Member of Council

AMENDMENT NO.   2    
TO  
ORDINANCE NO. BL2023-1869

Mr. President –

I hereby move to amend Ordinance No. BL2023-1869 as follows:

I. By amending Section 1, proposed Metropolitan Code of Laws Section 6.77.030, Subsection B, as follows:

B. In making the above findings, the MTLC shall, at a minimum, take into consideration the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need, or so great as to be exceeding the public need and unnecessarily adding to traffic congestion; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTLC in its rules. However, the MTLC shall not take into consideration an entertainment transportation vehicle already in operation if the vehicle has forward-facing seating for all passengers, requires passengers to be seated while the vehicle is moving, travels a fixed route, and does not permit passengers to consume beer, ale, wine, or other alcoholic beverages.

II. By amending Section 2, proposed Metropolitan Code of Laws Section 6.77.060, Subsection C, as follows:

C. If the MTLC has made a finding that the number of entertainment transportation vehicles already in operation immediately prior to the annual meeting, is so great as to be exceeding the public need and adding to traffic congestion, the MTLC shall determine what lower number would meet the public need. All renewing and new applicants, except those meeting the provisions of subsection E, shall be placed on notice that at the annual meeting they must show cause why their application for a new certificate, a renewal, or for the addition of vehicles to their fleet should be among the new number determined to be adequate to meet, and not exceed, the public need. It, accordingly, may not be possible to renew every certificate and/or vehicle that was permitted in the preceding year. In the event the number of permits is reduced and any existing permits are not renewed at the annual meeting, such non-renewed permitted vehicles may continue operating for 100 days from the date of the non-renewal. In determining which applications will be granted, the MTLC may take into consideration the following non-exclusive factors, among any other criteria they see fit to adopt in their regulations. Whether the applicant for a new or renewed certificate has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTLC;
2. Violated any provision of this code or other ordinances of the metropolitan government or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services,

including but not limited to, violations for excessive noise or alcoholic beverage open containers;

3. Failed to pay assessments or taxes due to the metropolitan government; or

4. Made a misrepresentation or false statement when obtaining or renewing a certificate or additional permits, or transferring a certificate.

II. By amending Section 2, proposed Metropolitan Code of Laws Section 6.77.060 by adding a new Subsection E as follows:

E. Any entertainment transportation vehicle already in operation which has forward-facing seating for all passengers, requires passengers to be seated while the vehicle is moving, travels a fixed route, and does not permit passengers to consume beer, ale, wine, or other alcoholic beverages and is otherwise operating in compliance with all applicable regulations shall not be subject to the reduction described in Subsection C.

SPONSORED BY:

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Russ Pulley  
Member of Council



AMENDMENT NO. 1  
TO  
ORDINANCE NO. BL2023-1990

Mr. President –

I move to amend Section 1 of Ordinance No. BL2023-1990 as follows:

I. By amending Section 2.106.030(i) as follows:

(i) Members of the board shall:

- (1) Respect an individual's, including a police officer's, right to privacy, and maintain confidentiality of records;
- (2) Maintain the confidentiality of ~~internal-affairs-unit~~ police department office of professional accountability files, personnel files, and other files, records, or recordings received pertaining to their membership on the board;
- (3) Excuse themselves from participating in the review of any complaint in which they have a personal, professional, or financial conflict of interest; and
- (4) Conduct themselves in a manner that ensures public confidence in the fairness, impartiality, and integrity of the board, and refrain from making any inappropriate or prejudicial comments regarding any matter being reviewed by the board or which may be reasonably expected to be reviewed by the board.

II. By amending Section 2.106.040(d) as follows:

(d) The Board shall prepare annually a budget for the coming fiscal year, and shall submit such budget to the mayor in accordance with Article 6 of the Metropolitan Charter. Subject to annual appropriation in the operating budget, the board may employ staff as may be necessary to carry out the purposes of the board to be managed by the executive director. The salaries and benefits of board staff shall be as fixed in the pay plan adopted pursuant to Article 12 of the Metropolitan Charter.

III. By amending Section 2.106.050 as follows:

- (a) The executive director shall accept written, sworn complaints from members of the public regarding misconduct of metropolitan police officers and shall forward these complaints to the head of the ~~police department internal-affairs-unit~~ police department office of professional accountability within three (3) business days of their receipt. Upon receipt of any such complaint, the ~~police department internal-affairs-unit~~ police department office of professional accountability shall immediately undertake an investigation of the allegations pursuant to the standard operating procedures of the police department. The executive director

may also accept unsworn or anonymous complaints, and if accepted, refer the complaints to the ~~police department internal affairs unit~~ police department office of professional accountability for investigation.

- (b) Upon notification by the head of the ~~internal affairs unit~~ police department office of professional accountability that an investigation of an allegation of police misconduct is closed, whether such investigation was prompted by a complaint received by the executive director or otherwise, the executive director shall review the ~~internal affairs unit~~ police department office of professional accountability file or the referral action form and determine whether the investigation is complete.
  - (1) If the executive director finds that the investigation is complete, then the executive director shall file a report with the board at its next regularly scheduled meeting that contains a copy of the ~~internal affairs unit~~ police department office of professional accountability case, summary, or referral action form, and any documentation of disciplinary action pertaining to the case.
  - (2) If the executive director finds that the investigation is not complete, then the executive director shall notify the board, at its next regularly scheduled meeting, that, in the executive director's opinion, additional investigation or additional time may be required for the investigation to be complete.
- (c) At each regularly scheduled board meeting, the executive director shall file a report with the board that details the resolution of unsworn or anonymous complaints that the executive director has been able to resolve without an investigation by the ~~internal affairs unit~~ police department office of professional accountability.
- (d) The executive director may request legal services and advice from the department of law. If the director of law determines that the provision of legal services and advice would constitute a conflict of interest, the director of law shall so advise the executive director. The executive director may then request the director of law to provide outside counsel for such legal services and advice.
- (e) The executive director shall:
  - (1) Ensure the proper recording of the minutes of the board;
  - (2) Maintain proper records and files pertaining to board business;
  - (3) Receive and record all exhibits, petitions, documents, or other materials presented to the board in support of or in opposition to a question before the board;
  - (4) Comply with state law and local ordinances regarding notice of meetings;
  - (5) Provide complainants with information about the complaint process;
  - (6) Be a notary public;
  - (7) Compile statistical information regarding complaints of misconduct by police officers as reported to the executive director from a member of the public, reported to the ~~internal affairs unit~~ police department office of professional accountability where the investigation was reviewed by the

- executive director, or which were initiated by the executive director; and
- (8) Include the information compiled under subsection (e)(7) in an annual report to the chief of police, the mayor, and the metropolitan council of the board's activities.

VI. By amending Section 2.106.060(b)(2) as follows:

- (2) Direct the executive director to return the investigation to the ~~internal affairs unit~~ police department office of professional accountability for additional investigation.

V. By amending Section 2.106.060(g) as follows:

- (g) The board shall, at least once a year, compile a comprehensive report of its activities. The report shall contain statistics and summaries of citizen complaints, including a comparison of the board's findings and conclusions with those of the ~~internal affairs unit~~ police department office of professional accountability, along with the actions taken by the chief of police. The board's annual report shall be submitted to the:
- (1) Executive director for inclusion in the executive director's annual report to the chief of police;
  - (2) Mayor;
  - (3) Metropolitan Council;
  - (4) Chairs of the civil justice and criminal justice committees of the house of representatives; and
  - (5) Chair of the judiciary committee of the senate.

VI. By amending Section 2.106.080(a) and (b) as follows:

- (a) The board does not have the authority to issue subpoenas for documents or to compel witness testimony. This limitation does not prohibit the issuance of a subpoena, on behalf of the board, approved by resolution of the metropolitan council ~~pursuant to Section 38-8-312 of the Tennessee Code Annotated,~~ where:
- (1) the subpoena issued by the metropolitan council, on behalf of the board, is issued pursuant to a majority vote of the metropolitan council,
  - (2) is not issued in the form of a blanket authorization, but must specify each document to be produced, and
  - (3) is not issued for documents that are confidential under state or federal law.
- (b) The board and its staff shall not review an investigation:
- (1) Concerning any incident occurring prior to January 1, 2023;
  - (2) Prior to the closure of an investigation by the ~~internal affairs unit~~ police department office of professional accountability or of a criminal investigation;

- (3) While the complainant, the officer(s) complained about, or a witness is actively engaged in pursuing a remedy provided by the rules and regulations of the civil service commission; or
- (4) Where the complainant has initiated, threatened, or given notice of the intent to initiate litigation against the metropolitan government or any of its employees.

VII. By renumbering Section 2.106.080 – Severability as follows:

**2.106.080-090 – Severability**

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unenforceable by a court of competent jurisdiction, such clause or provision and the remainder of this chapter shall remain effective and enforceable to the fullest extent allowed by law, and all clauses and provisions of this chapter are hereby declared to be severable.

SPONSORED BY:

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Jeff Syracuse  
Member of Council

AMENDMENT NO. 2  
TO  
ORDINANCE NO. BL2023-1990

Mr. President –

I move to amend Ordinance No. BL2023-1990 as follows:

Section 2: This ordinance shall take effect from and after ~~its passage~~ October 27, 2023, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

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Delishia Porterfield  
Member of Council

AMENDMENT NO.   1    
TO  
ORDINANCE NO. BL2023-1992

Mr. President –

I move to amend Ordinance No. BL2023-1992 as follows:

Section 1. Section 2.24.230 of the Metropolitan Code of Laws is hereby amended ~~adding the following new subsection A.4. after subsection A.3 by deleting the provisions of the existing subsection A., and substituting in lieu thereof the following as subsection A:~~

- A. No legislation approving the lease of metropolitan government-owned property, where the appraised land value is greater than one million dollars, to a private entity for a lease term of more than five years, including permitted extensions, shall be considered by the metropolitan council on second reading unless and until a publicly-noticed community meeting has been held. The director of public property administration may adjust the one million dollars threshold annually based upon the percentage increase, if any, by which the consumer price index for the most recent calendar year ending before the beginning of such year exceeds the consumer price index for all urban consumers published by the United States Department of Labor for the previous calendar year. Notice of the community meeting shall be posted on the metro website, and the proposed lessee shall be responsible for distributing the notice of the community meeting by U.S. Mail or email at least one week prior to the meeting to neighborhood associations and community organizations registered with the mayor's office of neighborhoods that are located within a one-mile radius of the property to be leased.
1. Notice by mail or e-mail. At least fourteen days prior to the community meeting, the proposed lessee(s) of the subject property shall send written notice to all property owners within one thousand feet and, to identified neighborhood associations and community organizations located within a one-mile radius of the subject property. Neighborhood associations and community organizations shall include associations registered with the mayor's office of neighborhoods or incorporated condominium associations registered by with the metropolitan clerk. Such notice shall be sent by email if the property owner's, neighborhood association, or community organization's email address is known to the council member or lessee. Otherwise, such written notice shall be sent by U.S. Mail. Notice shall include the time, date and place of the required community meeting and of the council meeting at which the legislation is scheduled to be considered on second reading.
  2. Public notice signs shall be posted by the lessee in accordance with the following provisions on the subject property:

- (a) General Requirements. Public notice signs shall be posted on any property subject to the community meeting provisions of this section. Public notice signs shall be installed by the proposed lessee of the property.
  - (b) Display Period. Public notice signs shall be installed on affected properties no less than fourteen days prior to an established community meeting date, and shall be removed by the lessee following conclusion of the council consideration.
  - (c) Number and Placement of Public Notice Signs. Public notice signs shall be posted according to the following standards:
    - i. One sign shall be posted along each three hundred feet of public street frontage.
    - ii. Location. Whenever practical, signs shall be located within ten feet of a public street right-of-way and positioned in a manner to best inform the motoring public without creating a safety hazard.
    - iii. Size and Content. All public notice signs shall be of adequate size and design to be clearly visible and legible to the motoring public. At a minimum, a public notice sign shall specify the time, date and location of the scheduled community meeting and of the council meeting at which the lease is scheduled to be considered by the council on second reading, the general nature of the community meeting, and a phone number for additional information.
3. The council member in whose district the property is located shall coordinate the scheduling of the community meeting required by this section. The meeting shall be held either at a metropolitan government-owned facility, or at a facility selected by the district councilmember. The community meeting may also be held virtually using an online meeting platform if necessary to comply with applicable health orders. A representative from the metropolitan department, board, agency, or commission to whom the property is assigned shall attend the community meeting. If the district council seat is vacant, or if the district councilmember elects not to schedule or is otherwise unable to coordinate the scheduling of the community meeting within 90 days of being requested by the prospective lessor in writing to do so, the vice-mayor shall assign these responsibilities to an at-large council member.
- ~~“4. If a public hearing that includes public comment has been held by a metropolitan government department, board, agency, or commission and the district council member is unable or unwilling to coordinate the scheduling of the community meeting in accordance with subsection A.3. of this section on a date that will permit three readings of an ordinance seeking approval of a lease to~~

~~occur at regularly scheduled Council meetings prior to the expiration of a Council term or that does not unreasonably delay the Council's consideration of the lease, the Metropolitan Council, with a 2/3 affirmative vote of those present and voting, may set a public hearing before the Council in lieu of holding a community meeting otherwise required by this section. Upon adoption of such public hearing motion, notice of the public hearing shall be posted on the nashville.gov website and shall be advertised daily on the Metro Nashville Network or the equivalent thereof. Further, written notice of the public hearing shall be mailed to all property owners within one thousand feet of the property to be leased at least ten days prior to the public hearing."~~

SPONSORED BY:

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Kathleen Murphy  
Zach Young  
Members of Council



AMENDMENT NO. 2  
TO  
ORDINANCE NO. BL2023-1992

Mr. President –

I move to amend Section 1 of Ordinance No. BL2023-1992 as follows:

Section 2.24.230 of the Metropolitan Code of Laws is hereby amended adding the following new subsection A.4. after subsection A.3:

“4. If a public hearing that includes public comment has been held by a metropolitan government department, board, agency, or commission and the Vice Mayor declares that the district council member is unable or unwilling to coordinate the scheduling of the community meeting in accordance with subsection A.3., the legislation seeking approval of the lease shall be set on the agenda of the next regularly scheduled Council meeting. ~~of this section on a date that will permit three readings of an ordinance seeking approval of a lease to occur at regularly scheduled Council meetings prior to the expiration of a Council term or that does not unreasonably delay the Council's consideration of the lease,~~ At such meeting, the Metropolitan Council, with a 2/3 affirmative vote of those present and voting, may set a public hearing before the Council in lieu of ~~holding a the~~ community meeting otherwise required by this section. The legislation seeking approval of the lease shall be not be eligible for final approval by the Council unless the Council has held a public hearing or the community meeting has occurred as required in this section. Upon adoption of such public hearing motion, notice of the public hearing shall be posted on the nashville.gov website and shall be advertised daily on the Metro Nashville Network or the equivalent thereof. Further, written notice of the public hearing shall be mailed to all property owners within one thousand feet of the property to be leased at least ten days prior to the public hearing.”

SPONSORED BY:

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Bob Mendes  
Member of Council

AMENDMENT NO. 3  
TO  
ORDINANCE NO. BL2023-1992

Mr. President –

I move to amend Section 1 of Ordinance No. BL2023-1992 as follows:

Delete the last sentence and replace it as follows:

Further, written notice and signage of the public hearing shall be provided as required in subsections A.1. and A.2. of this section~~mailed to all property owners within one thousand feet of the property to be leased at least ten days prior to the public hearing.~~

SPONSORED BY:

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Bob Mendes  
Member of Council

AMENDMENT NO. 4  
TO  
ORDINANCE NO. BL2023-1992

Mr. President –

I move to amend Section 2 of Ordinance No. BL2023-1992 as follows:

A public hearing held by the Council prior to the effective date of this ordinance is deemed to satisfy the community meeting requirements of Metropolitan Code of Laws § 2.24.230 with respect to a lease that is the subject of that public hearing if conducted in accordance with such section as amended in this ordinance and prior to third reading of an ordinance seeking approval of the lease.

SPONSORED BY:

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Bob Mendes  
Member of Council