

10. 2008SP-006U-06

H2O

Map: 102-00 Parcels: 017, 088

Subarea 6

Council District 20 – Buddy Baker, Council District 35 – Bo Mitchell

A request to rezone from OR20 and MUL to SP-MU zoning for the H2O development located at 6950 Charlotte Pike and Cabot Drive (unnumbered), extending from Charlotte Pike to the Cumberland River (23.93 acres), to permit an urban waterfront district consisting of a mixed-use development containing commercial, office, residential, hotel, boathouses, and various civic spaces with associated parking structures, garages and lots, requested by Town Planning & Urban Design Collaborative LLC, applicant, for SFB Investment Company LLP, owner.

Staff Recommendation: Approve with conditions, subject to approval of the associated Community Plan Policy Amendment.

APPLICANT REQUEST - Preliminary SP

A request to rezone from Office and Residential (OR20) and Mixed Use Limited (MUL) to Specific Plan-Mixed Use (SP-MU) zoning for the H2O development located at 6950 Charlotte Pike and Cabot Drive (unnumbered), extending from Charlotte Pike to the Cumberland River (23.93 acres), to permit an urban waterfront district consisting of a mixed-use development containing commercial, office, residential, hotel, boathouses, and various civic spaces with associated parking structures, garages and lots.

Existing Zoning

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and commercial uses.

BELLEVUE COMMUNITY PLAN

Commercial Mixed Concentration (CMC) CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Existing Special Policy Area

Special Policy Area # 1. Special Policy 1 applies to the CMC area on the north and south sides of Charlotte Pike, west of the I-40 interchange, and along River Road. Some of the topography and floodplain in this area is unsuitable for nonresidential or intensive residential use.

Therefore: Commercial uses in this CMC area should be in smaller scale buildings with a low floor area ratio (0.1 to 0.15). Residential uses in this CMC area should be limited to the middle of the RMH range (15 units per acre) and lower where topographic conditions are severe. Where proposed residential uses border existing single family, a transition should be made within the site so that similar densities and building types will be adjacent to existing development.

Proposed Special Policy Area

Special Policy Area # 1. SECTION I. Applicability. Special Policy 1 applies to the area designated CMC that is on the north and south sides of Charlotte Pike, west of the I-40 interchange and along River Road west of Charlotte Pike. Some of the topography and floodplain in this area is unsuitable for

development. The following policies apply.

SECTION II. Policy For Environmentally Sensitive Areas. The environmentally sensitive portions of this special policy area should be conserved and maintained in their natural state, including the following: 1) areas with slopes of 20 percent or more, and 2) floodways, floodway buffer zones and 100-year floodplain outside of the floodway and floodway buffer zones. While regulations may allow some alteration of the 100-year floodplain outside of the floodway and floodway buffer zone, such alteration is discouraged whenever the development that would otherwise be enabled by such alteration can be clustered on the portion of the site that is not environmentally sensitive. Any development that is allowed in the environmentally sensitive areas should be very low intensity. Grading and other disturbance of these areas should be kept to a minimum.

SECTION III. Policy For Non-environmentally Sensitive Areas. In the portions of this special policy area that are not environmentally sensitive, including regulated sensitive areas that meet requirements to be treated as “developable” areas, development and redevelopment should be based on the standard land use policies for the CMC policy category as described in the document “Land Use Policy Application,” together with the provisions of paragraphs “A” and “B” of this section.

A. Development Character. Development should be moderate to high intensity with urban character and form. Buildings should be a minimum of two (2) stories and may be up to a maximum of six (6) stories, including above-ground parking floors, except as provided in paragraph B. The massing of buildings results in a footprint with moderate to high lot coverage. Development should be pedestrian-friendly with buildings that are regularly spaced and generally built to the sidewalk with minimal space between buildings. Primary pedestrian entrances are oriented to the fronting street. Parking should be provided on-street or on-site in surface lots or in structures. Parking should be primarily behind the building. Limited parking may be allowed beside the building and is designed to cause minimal disruption to the way the buildings frame the street and create a pedestrian friendly environment. The public realm should be distinguished with the consistent and frequent use of lighting and the use of formal landscaping. Blocks should be short and street and pedestrian networks highly connected.

B. Transition. The density of residential development, and the intensity of nonresidential development, at the edges of this special policy area should be comparable to that of the adjacent neighborhood, if developed; or the appropriate scale and massing for the adjacent Land Use Policy, if the adjacent area is undeveloped. Where proposed residential uses border existing single family, a transition should be made within the site so that complementary, but slightly higher densities and building types will be adjacent to the existing development. Maximum height of proposed transitional buildings should not exceed three (3) stories where the adjacent site is developed and the buildings are three (3) stories or less; or, where the adjacent site is undeveloped. Where adjacent buildings exceed three (3) stories, proposed transitional buildings should not exceed the height of the adjacent buildings.

SECTION IV. Implementation. Site-specific zoning—either SP or a UDO or PUD overlay district in combination with appropriate base district zoning—is recommended whenever a zone change is necessary to ensure the intended type and design of development and the provision of any needed infrastructure improvements. Base district zoning changes that increase development potential are not recommended for floodway and floodway buffer areas or large contiguous areas with slopes of 20 percent or more, as described in SECTION II of this special policy.

Consistent with Policy? Yes, with the conditions recommended by staff, the proposed development would be consistent with the proposed policy. The property has steep slopes and floodplain, but the floodplain has been disturbed and falls under Section III of the Special Policy. The proposed development does not include development on the steep slopes, but there are streets within these areas. The proposed buildings are between two to six stories and parking will be primarily accommodated in parking structures with some on-street parking. The development is proposed to be pedestrian-friendly with buildings that are regularly spaced and generally built to the sidewalk with minimal space between buildings. Primary pedestrian entrances are oriented to the fronting street. Section IV of the special policy requires a site plan which is provided through the SP district.

PLAN DETAILS

Site Plan The H20 SP district proposes a compact, walkable, mixed use development with civic, residential, commercial, retail, and hotel uses. This diverse community proposes a range of living, working, shopping and playing opportunities. The development of H2O will be guided by a Regulating Plan and an associated set of development standards.

The plan consists of two documents: the Regulating Plan and the explanatory document. The Regulating Plan is to serve as the zoning code for the property, while the explanatory document provides supporting information and detail for clarification purposes. The Regulating Plan consists of a series of plans, diagrams, street cross sections, code, and definitions.

The plan is based on Smart Growth principles and draws heavily from the Smart Code developed by Duany, Plater-Zybeck & Co. The Code portion of the Regulating Plan has been modified to work with Metro’s Zoning Code. The development is identified as a Transect Zone, T-4 Urban Center which describes pedestrian friendly areas that contain commercial, mixed-use, civic and residential uses.

The 24 acre property is located along the Cumberland River and includes the Davidson Branch and Ewin Branch. This property was previously used as a golf driving range. The proposed development is oriented to the river and proposes to create an urban waterfront district. The development is divided into 11 blocks and is to be developed in four phases. Each block will consist of one or more buildings with a mix of uses. Ground floor retail and restaurant uses will be allowed in all buildings.

Standards The SP standards include uses, setbacks, height, parking, the street network, landscape standards, and signage. Through the building permit process, Metro staff will be responsible for ensuring that the development complies with the adopted SP standards.

Proposed Uses The SP district includes a mix of commercial, office, residential and hotel uses with a total build-out of 1.6 million square feet. Rather than a specific number of square footage for each use, the plan provides the following range for each use:

- Commercial – 10 to 30%
- Office – 5 to 30%
- Residential – 40 to 85%
- Hotel – 0 to 15%

All uses permitted in the Mixed Use Intensive (MUI) zoning district will be permitted within H2O to the same extent as provided in the Zoning Code, including uses permitted with conditions, as special exceptions, or as accessory uses, unless otherwise provided below:

Permitted Uses	Prohibited Uses
Sidyard House	Cottage
Accessory Unit	House
Live-Work Unit	Estate House
Boathouse	High School
Kiosk	Elementary School
Push Cart	Cremation Facility
Bus Shelter	Cemetery
Fountain or Public Art	Warehouse
Passenger Terminal	Temporary Tent
Meeting Hall	Drive -Through Facility
Artisan Light Industrial	Rest Stop
Farmers Market Storage	Roadside Stand
Urban Self Storage	Automobile Service

Setback and Height Setbacks on all sides of the block range from zero to 15 feet. There are requirements for minimum frontage build-out of either 60 or 70% for each block. The SP provides that the buildings shall have articulation at intervals of a minimum of every 250 feet in length. This is interval is too long and staff recommends that the minimum be reduced to every 75 feet in length.

The heights of the buildings for blocks 1, 3, 4, 5, 6 and 7 range from a minimum of four stories and a maximum of six stories. The building heights for blocks 2, 8, 9, 10 and 11 range from two to four stories. At identified key corners and vistas, architectural elements, which are defined as “an element of the building that addresses or responds to a vista termination, axial condition or desired massing such as a tower, a localized symmetrical element, an articulated entrance, bay window, etc.” may exceed the height limit of six stories. The space above six stories may be accessible but must not be habitable.

Access, Street Network and Parking Access is proposed from two points on Cabot Drive and two points on Charlotte Pike. Cabot Drive provides access to the eastern portion of the site and connects to the more dense western portion with two vehicular bridges and one pedestrian bridge. One of the access points from Charlotte Pike is the original driveway access to the golf driving range and is 20 feet in width. This width will unlikely be adequate to accommodate the volume of traffic generated by this proposal. Both this access and the southernmost Cabot Drive access are very close to the access ramp for I-40 and may pose safety issues, particularly for left turning traffic. The fourth access point lines up with Davidson Drive. At this time, this access is an unplatted 50 foot easement across the property at 6962 Charlotte Pike. This property is zoned SP and one condition of the SP is that any redevelopment of the property would include the 50 foot easement to the H20 property to the rear. This access point is to be the main access into the H20 development.

Five thoroughfare types are proposed including a street, drive, bridge, pedestrian square, and square. The right-of-ways range from 28 to 64 feet in width and include one and two way streets. Within the right-of-way, space is allocated to traffic lanes, parking (except on bridges), sidewalks and planting strips. The thoroughfares are designed for speeds of 10, 15 or 20 miles per hour. The pavement widths are narrow, ranging from 18 to 34 feet. The plan calls for all streets to be private and to meet Public Works standards for construction techniques and maintenance.

Parking is provided in parking structures, garages, lots and on street. The parking structures will be lined with retail, office, and/or residential uses. The plan proposes a shared-parking arrangement to take maximum advantage of the mix of uses. As each phase is developed, sufficient parking must be provided to accommodate the proposed uses.

Greenway and Brookmeade Park A greenway is identified along the Cumberland River. The plan identifies the greenway and includes a pedestrian bridge across the Davidson Branch. This Greenway will connect to the existing greenway in the adjacent Brookmeade Park development. The applicant has met with the Parks Department to discuss the interfacing of the development and the park. While the bulk of the property will need to be filled to meet minimum finished floor elevation requirements, at least one building will be built to the park level with pedestrian access to the development via a series of stairways leading up from the park to the property.

Landscaping Where possible, the plan proposes to retain the existing vegetation and to require any species of plants that are added to the site are to be native to the site. Streets are to be tree-lined. A variety of small open spaces such as squares and plazas are identified in the plan which will include landscaping elements. All rooftops are proposed to be green roofs.

Signage The regulating document includes some aspects of the signage requirements. There are a number of types of signs that are to be permitted but these have not been defined. Definitions will provide a regulatory framework for each sign type and must be provided for all permitted sign types. Currently the plan limits the size of external neon signs only. The size limit of 100 square feet must apply to all signs. The plan also permits rooftop signs, which could potentially become oversized without stronger limits. Staff is recommending that all roof signs and any signs that extend above the roof line be prohibited. The plan also permits sandwich board signs which appear to be the only type of ground sign permitted. There needs to be a height and/or square footage limitation for display area of these signs. There is a provision that allows signs with exceptional design, which do not meet the sign standards, to be approved case-by-case by the Planning Commission.

Architectural Standards The explanatory document includes architectural guidelines that will regulate building, landscaping, environmental, and signage design in greater detail than the proposed Regulating Plan through covenants and restrictions. The guidelines provide a thorough set of requirements and suggestions that do not conflict with the regulating plan. Staff finds the regulating plan and code to be sufficient for the review of built form within the SP boundaries.

An Office of Town Planning and Design (OTPD) will be created by the developer and will include a Town Director of Planning and Design. The OTPD will be responsible for design review and ensuring that the development complies with the adopted architectural standards.

Stormwater Variance The applicant requested three variances from the Stormwater Management Committee:

- to allow disturbance of the 75 foot floodway buffer of the Cumberland River;
- to allow disturbance of the 50 foot stream buffers of Davidson Branch and Ewin Branch; and
- to allow an alteration of the floodplain of the Cumberland River, including up to 170,000 cubic yards of uncompensated fill.

On April 3, 2008, the Stormwater Management Committee considered the variance requests and approved with conditions the disturbances to the buffers. The request for uncompensated fill in the floodplain was deferred until a number of items were addressed by the applicant. These included the provision of the following:

- the results of a flood study for Davidson Branch and Ewin Branch;
- a phasing schedule for the project;
- a detailed plan of Phase 1 of the project; and
- a biologist familiar with stream channel relocation on-site for any channel relocation.

In addition the applicant needs to address the impacts based on the latest Corps flood storage analysis of uncompensated fill on the Cumberland River.

Prior to final site plan approval of any phase that requires filling of the floodplain, the applicant must secure the necessary variance for uncompensated fill. Council approval shall be required if meeting the requirements of the variance means the plan layout cannot be built as approved.

Corp of Engineers and TDEC In addition to the variances to the requirements of the Metro Stormwater Management Manual, the applicant will need permission from the Corp of Engineers and the Tennessee Department of Environment and Conservation (TDEC) to fully develop this property as proposed in the plan. The applicant has initiated the process to receive the necessary permission to develop along the Cumberland River, Davidson Branch, Ewin Branch.

Prior to final site plan approval of any phase that falls within the Corp of Engineer or TDEC jurisdiction, the applicant must secure the necessary approvals from these agencies. Council approval shall be required if meeting the requirements of the Corp of Engineers or TDEC means the plan layout cannot be built as approved.

STORMWATER RECOMMENDATIONS - Preliminary SP Approved Except as Noted:

- Add Vicinity Map to plans.
- Add Buffer Note to plans:

(The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)

- Make sure that the water quality provisions set forth within the stormwater appeal is within the concept plan.
- Applicant is to comply with all conditions set forth by the Stormwater Appeals Committee.

URBAN FORESTER RECOMMENDATION Approved

WATER SERVICES RECOMMENDATION

- A sewer pumping station may be required to serve a portion of this proposed development.
- Recommend approval at this preliminary stage

FIRE MARSHAL RECOMMENDATION Approval Pending:

- The turning radius of a fire department access road shall be 25' inside and 50' outside.
- When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with nationally recognized standards.
- All roadways with two way traffic shall be 20 feet in width minimum.
- Access to the property of the planned building group shall be provided by a minimum of two distinctly separate routes, each located as remotely from the other as possible.
- More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
- Provide a Master Water Plan which shows water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.
- More than three stories above grade, Class I standpipe system shall be installed.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
- More than 50 ft (15 m) above grade and containing intermediate stories or balconies, Class I standpipe system shall be installed.
- More than one story below grade, Class I standpipe system shall be installed.
- Print fire hydrant flow data on plans.

NES RECOMMENDATION

- Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
- Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning)
- Developer engineer to provide a drawing of existing easements and proposed easements for the electrical, phone and catv.
- 30-foot easement required adjacent to Cabot Dr and Charlotte Pk
- NES needs to meet with developer/engineer to determine electrical service options
- NES needs any drawings that will cover any road improvements to Charlotte Pk or Cabot Dr that Metro PW might require
- Developer should work with NES on street lighting requirements and locations of future location(s)
- NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules

- NES needs load information for each building type and size. (Required to determine load capacity)
- Draw utilities per TN-One-Call color code on separate layers
- Building and/or building envelopes, existing and proposed contours
- Meter Locations (identify quantity for Multi-units)
- Coordination with NES Energy Services Engineering (phone: 747-3775) must be made to prepare orders for electrical transformers, switch gear, man holes and cable well-in-advance to insure materials are available prior to any construction.

PUBLIC WORKS RECOMMENDATION At the time of the drafting of this staff report, the required Traffic Impact Study was under review by the Public Works staff. Council approval shall be required if meeting the requirements of the Public Works Department means the plan layout cannot be built as approved.

Maximum Uses in Existing Zoning District: OR20 and MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	23.93	0.8	833,912	6831	1024	1013

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	23.93	N/A	124,476	1580	224	219

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	23.93	N/A	712	3405	249	301

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mixed Use Shopping Center(814)	23.93	N/A	216,798	9313	179	542

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Rooms	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel/Motel (310)	23.93	N/A	150	1338	88	87

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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METRO SCHOOL BOARD REPORT

As noted above, there is no specific number of units included in the SP district. The residential portion of the development will be between 40 to 85% of the final development scenario. School capacity calculation was run using a development scenario of 700 units which assumes approximately 65% of the development as residential. Due to the urban nature of this proposed development, the projected student count was generated using the Urban Infill Factor.

Projected student generation 7 Elementary 0 Middle 7 High

Students would attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. All three school have been identified as having capacity by the Metro School Board.

STAFF RECOMMENDATION Staff recommends approval with conditions. With the adoption of Special Policy Area 1, the H20 SP is consistent with the land use policies for this area.

CONDITIONS

1. Uses are limited to all uses permitted in the MUI zoning district unless otherwise provided in Table 10 on page A.18 of the regulating plan.
2. Building shall have articulation at intervals of a minimum of every 75 feet in length.
3. Primary access to the development shall be via the 50 foot easement across 6962 Charlotte Pike.
4. A greenway/conservation easement shall be provided at the time of the subdivision of the property.
5. The sign standards shall meet the following:
 - Definitions for each permitted sign type shall be provided.
 - A size limit of 100 square feet shall apply to all signs.
 - All roof signs and any signs that extend above the roof line shall be prohibited.
 - A height and/or square footage limitation for display area of these sandwich signs shall be provided
 - Signs with exceptional design that do not meeting the sign standards shall be considered on a case-by-case by the Planning Commission.
6. Prior to final site plan approval of any phase that requires filling of the floodplain, the applicant shall secure the necessary variance for uncompensated fill. Council approval shall be required if meeting the requirements of the Metro Stormwater Management Manual means the plan layout cannot be built as approved.
7. Prior to final site plan approval of any phase that falls within the Corp of Engineer or TDEC jurisdiction, the applicant shall secure the necessary approvals from these agencies. Council approval shall be required if meeting the requirements of the Corp of Engineers or TDEC means the plan layout cannot be built as approved.
8. Council approval shall be required if meeting the requirements of the Public Works Department means the plan layout cannot be built as approved.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application.

10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
11. 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.
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. Council approval shall be required if meeting the requirements of the Fire Marshal means the plan layout cannot be built as approved.

Resolution No. RS2008-87

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008CP-01U-06 is **APPROVED. (10-0)**”

Resolution No. RS2008-88

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-006U-06 is **APPROVED WITH CONDITIONS. (10-0)**”

Conditions of Approval:

1. Uses are limited to all uses permitted in the MUI zoning district unless otherwise provided in Table 10 on page A.18 of the regulating plan.
2. Building shall have articulation at intervals of a minimum of every 75 feet in length.
3. Primary access to the development shall be via the 50 foot easement across 6962 Charlotte Pike.
4. A greenway/conservation easement shall be provided at the time of the subdivision of the property.
5. The sign standards shall meet the following:
 - Definitions for each permitted sign type shall be provided.
 - A size limit of 100 square feet shall apply to all signs.
 - All roof signs and any signs that extend above the roof line shall be prohibited.
 - A height and/or square footage limitation for display area of these sandwich signs shall be provided
 - Signs with exceptional design that do not meeting the sign standards shall be considered on a case-by-case by the Planning Commission.

6. Prior to final site plan approval of any phase that requires filling of the floodplain, the applicant shall secure the necessary variance for uncompensated fill. Council approval shall be required if meeting the requirements of the Metro Stormwater Management Manual means the plan layout cannot be built as approved.
7. Prior to final site plan approval of any phase that falls within the Corp of Engineer or TDEC jurisdiction, the applicant shall secure the necessary approvals from these agencies. Council approval shall be required if meeting the requirements of the Corp of Engineers or TDEC means the plan layout cannot be built as approved.
8. Council approval shall be required if meeting the requirements of the Public Works Department means the plan layout cannot be built as approved.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
11. 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.
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. Council approval shall be required if meeting the requirements of the Fire Marshal means the plan layout cannot be built as approved.

The proposed SP district is consistent with the Bellevue Community Plan's area policies."