



Request	DTC Concept Plan and Modifications
Project Name	125 11th Avenue N
Council District	19 – O’Connell
Requested by	Lee Davis, with ESa;
Staff Reviewer	Yoo
Staff Recommendation	<i>Approve with conditions and defer without all conditions.</i>

APPLICANT REQUEST

A request to modify various standards of the DTC for property located at 125 11th Avenue N, (0.79 acres), south of Church Street and within the Mid-Gulch area of the Gulch South Subdistrict of the DTC.

PROJECT OVERVIEW

The project proposes a 26-story mixed-use and residential building consisting of 387 residential units, 17,500 square feet of retail space, 425 parking spaces, and a residential pool/amenity area.

This project is located adjacent to 1111 Church Street, and both projects will share pedestrian access on the Upper Church Street level to a staircase along Comer Alley that allows non-vehicular access between the upper and lower levels of the viaduct.

PLAN DETAILS

The general bounds of the property include Church Street to the north, 11th Avenue North to the east, and Alley #225 to the east. The site contains three street frontages which serve different functions. The Upper Church Street frontage serves as the pedestrian entrance to the residential lobby, as well as ground-floor retail and a round-about driveway (with parking garage access) for vehicle drop-offs. The Lower Church Street frontage contains the loading area and the second parking garage entry. The 11th Avenue North frontage contains pedestrian-accessed retail space, in addition to some back-of-house program at the corner of Lower Church Street.

Alley #225 (Comer Alley) runs through the site, spanning between Grundy Street to Lower Church Street. The 26-story tower is proposed to straddle this alley adjacent to Upper Church Street; approval is required for this encroachment over the alley through the mandatory referral process.

CONCEPT REVIEW

- Is the current site plan on Lower Church Street successfully facilitating effective pedestrian connections, between the proposed staircase, Comer Alley, 11th Avenue North, and the Gulch Greenway?

DTC MODIFICATION REQUEST SUMMARY

1. Step-backs – Church Street

- Required: A step-back of 15’ minimum between the 4th and 8th stories is required for buildings 8 stories or greater along public streets.
- Proposed: Eliminate the step-back requirement along Upper Church Street.



Downtown Code DRC Meeting of 12/2/2021

- Analysis: The DTC requires buildings in the Gulch South subdistrict, that are greater than 8 stories, to have a 15-foot step-back at some point between the 4th and 8th stories. This project proposes to waive the step-back requirement along Upper Church Street, due to the massing configuration of the building. The building has an “L” shape configuration, with the short leg of the “L” set back south from the Church Street frontage by approximately 138’ above the second story (refer to plans of the 2nd Floor and Typical Residential Floor 3-23). Approximately 40% of the Upper Church Street frontage is set back from the ground floor by this significant dimension. The intent of a step-back is to allow light and air to reach the street for the benefit of pedestrians and to define the public realm at a pedestrian-scale. Staff finds that the proposed configuration of the building massing accomplishes the intent of the regulation in a site-specific way.

2. Street Character – Upper Church Street

- Required: Shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of fifty feet.
- Proposed: Eliminate street trees and provide a wider sidewalk to maintain the same right-of-way distance from the road. Provide planters and landscaping adjacent to the building along the right-of-way.
- Analysis: The intent of this regulation is to provide street plantings and greenery to create a welcoming and pleasant streetscape. Given the viaduct condition in this location of Church Street, staff finds that inclusion of planters would be an acceptable alternative solution in place of the street tree requirement, as long as they do not impede on the 12’-0” clear dimension of the pedestrian right-of-way as required by the MCSP.

3. Street Character – Lower Church Street

- Required: Shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of fifty feet.
- Proposed: Eliminate street trees from Lower Church Street due to lack of sunlight exposure below the viaduct.
- Analysis: Due to the low-light condition of Lower Church Street, it is understood that it could be challenging to sustain thriving trees below the viaduct per the standard recommendation. Planning recommends the applicant work with their landscape architect to develop a planting plan with low-light plantings in planters or other potential ideas as an acceptable alternative solution in place of the street tree requirement, as long as elements such as planters do not impede on the clear dimension of the pedestrian right-of-way.

STAFF RECOMMENDATION

The project aligns with the goals and objectives of the Downtown Code. Staff recommends approval with the following conditions and deferral without all conditions:

1. The applicant must apply for and obtain approval of a mandatory referral to encroach over the alley right-of-way, including any and all agreements NDOT deems necessary to allow the proposed alley bridging and functionality.



Downtown Code DRC Meeting of 12/2/2021

2. Prior to final site plan submittal to the Planning Department, the applicant shall submit for review a Traffic Impact Study. The TIS shall be reviewed and approved by NDOT and Planning prior to final site plan approval.
3. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
4. The proposed right-of-way acquisition on 11th Avenue North is conditional to further discussion and approval by WeGo, NDOT, Metro Planning, and any other impacted parties.
5. All overhead lines along the site's frontages shall be buried.
6. Bonus Height must be assessed to determine compliance with the DTC and certified prior to building permit approval.
7. The proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.