

Downtown Code Design Review Committee

Meeting Minutes

April 7, 2022

Members Present: Dickson, Lustig, Porter, Mosley, Yearwood, Moore

Staff Present: Hammer, Brooks, Williams, Leeman, Ventura Dickerson (Legal),

Others Present: Charles Robert Bone, Rob Bratton, Adam Nicholson, Joe Bucher, Brad Slayden, Adam Thompson, Matthew Hamby, Erica Garrison.

Location: 800 2nd Avenue South, Development Services Center Conference Room

I. CASES FOR REVIEW

1) Nashville Yards Parcel 3

2022DTC-013-001

500 Platform Way South

Staff Reviewer: Eric Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

APPLICANT REQUEST

A request to review an updated concept plan within DTC for property located at 500 Platform Way S. (2.6 acres), west of 10th Avenue N. and south of Church Street within the Core Subdistrict of the DTC, and subsequent modifications.

PROJECT OVERVIEW

The project proposes a 43-story office building and a 35-story office building, with ground floor retail, 1,182 structured parking spaces, and 1,001 underground parking spaces. Parcel 3 is part of the larger Yards master plan which includes several parcels and towers, some of which are built, others under construction, and others not yet reviewed.

PLAN DETAILS

The general bounds of the property include Church Street to the north, Platform Way North and 10th Avenue on the east, and CSX right-of-way to the west. Platform Way is an elevated private street positioned directly above 10th Avenue with superstructure supports within the 10th Avenue right-of-way. The proposed plan includes vehicular access on Platform Way South and 10th Avenue, as well as loading on 10th Avenue.

The project proposes two office towers situated on top of a multi-level underground parking deck, with lobbies for both buildings and retail space on the ground floor, which is at the grade of the Church Street viaduct. Both towers have approximately 9 stories of structured parking above the ground floor. This upper-level structured parking is accessed from Platform Way.

The retail spaces face a meandering pedestrian passage, which connects to Church Street and Platform Way and transitions from the higher grade down to the 10th Avenue. grade via an open-air stairway and elevator. There is also an additional stairway adjacent to the intersection of 10th Avenue and Commerce Street.

BACKGROUND

This property was reviewed in 2018 as part of a request for modifications for the overall Yards project. Several modifications were granted for this property, including, among others, clarifying where the ground floor measurements are taken from, waiving street tree requirements underneath Platform Way, and allow active use requirements to be taken from Platform Way and Church Street.

The prior plan included many of the same site features of the currently proposed plan, with a few exceptions. The prior plan included office buildings that were mid-rise in height. The property is within the Core Subdistrict and is entitled to 30 stories of height with the ability to earn unlimited additional entitlements through the Bonus Height Program. The plan has been revised to propose taller buildings, both of which are in line with the height regulations of the Core Subdistrict.

Other changes, like the removal of an additional vehicular access on Church Street from this property, have been made to meet NDOT requirements.

CONCEPT REVIEW

- Does the pedestrian circulation pattern within the site yield a pleasant experience and gracefully traverse the significant grade change?
- Is this master planned project balancing the needs and constraints of individual buildings in relation to the overall plan and surrounding properties?

DTC MODIFICATION REQUEST SUMMARY

1. Structured Parking - Quantity

- Required: The number of stories of structured parking without upper-level habitable liners on all public street frontages and open spaces shall not exceed the number of levels of underground parking.
- Proposed by the applicant: Assess this standard with the entire master plan for Nashville Yards instead of an individual building-by-building basis.
- Analysis: The applicant has requested that staff review the amount of underground parking throughout the various phases of Nashville Yards as a whole rather than individual buildings within the project. The number of overall underground parking spaces is approximately double the number of overall structured parking spaces.

Metro Water Services has confirmed the presence of significant groundwater on the site, which would make additional underground parking levels difficult to achieve and not a best practice. Staff acknowledges this constraint and notes that the screening proposed for the structured parking is high-quality and integrated into the building in a manner that is difficult to distinguish from habitable space.

The DTC standard for limiting structured parking is quantity based and meant to limit the visual impact of structured parking on the pedestrian experience. Due to the groundwater constraint, the high-quality screening methods, the high volume uses on the ground floor including the street frontages and pedestrian passages, and the structured parking ratio of the Nashville Yards project overall, staff recommends approving this requested modification.

As part of the previous review, several modifications were approved by the DTC DRC. These generally included allowing active uses and measurements to be taken from Platform Way, rather than 10th Avenue, allowing the façade to pull back from the build-to zone to accommodate additional pedestrian space, and allowing the street trees to be omitted for viaduct conditions and covered rights-of-way. The prior review also allowed larger access points on 10th Avenue than typically allowed. The site constraints that necessitated those modification requests, like the presence of Platform Way, remain applicable to the property.

STAFF RECOMMENDATION

The project aligns with the goals and objectives of the Downtown Code. The conditions are related to the impacts of the upper-level garage on the constrained signalized intersection at

Church Street and Platform Way. Staff recommends approval with the following conditions and deferral without all conditions:

1. Applicant shall make good-faith efforts to accommodate pedestrian and vehicular access for the project located at 1000-1010 Church Street (the "Project"). Any agreement for access by the Project may include provisions to ensure access for existing users of Platform North is not disrupted, limitations to support residential users, a market-supported contribution for use of Platform North and ongoing maintenance and management expenses. In the event Applicant and the owner of the Project are unable to reach an access agreement, applicant shall work in good faith with the Metro Department of Law and other Metro departments to resolve traffic, circulation, and similar concerns affecting Applicant's property and the Project.
2. The project shall comply with all NDOT requirements on the revised Traffic Impact Study (TIS).
3. NDOT is in the process of completing the review of the traffic impact study associated with this request. Based on the preliminary review, NDOT takes no exception to the current development proposals. Following the completion of the review, additional improvements will likely be required to mitigate the current proposed plan. Additional analysis and mitigations may be required as the various elements of the project are submitted for building permits.

Porter recused from this item. Lustig moved and Mosley seconded to approve the concept plan and modification (5-0-0) with staff conditions and the following additional condition:

4. Planning staff should further review NDOT comments.

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) Nashville Yards Parcel 3 is approved. (5-0-0)

2) Nashville Yards Parcel 9

2022DTC-014-001

901 Commerce Street and 0 9th Avenue S

Staff Reviewer: Eric Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

APPLICANT REQUEST

A request to review an updated concept plan within DTC for property located at 901 Commerce Street and 0 9th Avenue S. (4.76 acres), east of 10th Avenue N. and south of Church Street within the Core Subdistrict of the DTC.

PROJECT OVERVIEW

The project proposes a 12-story mixed-use/office building, 2-story event venue building, and 34-story residential building, and 35-story residential building and 2,066 spaces of underground parking.

PLAN DETAILS

The general bounds of the property include Church Street to the north, Platform Way North and 10th Avenue on the west, Commerce Street to the south, and 9th Avenue to the east. Platform Way is an elevated private street positioned directly above 10th Avenue with superstructure supports within the 10th Avenue right-of-way. The proposed plan includes vehicular access to Commerce Street, 9th Avenue, and 10th Avenue. Loading is to occur from 10th Avenue. A private street is proposed from Platform Way South to 9th Avenue. This new street is proposed to mix

pedestrian and vehicular traffic. All parking is below the grade of Church Street and 9th Avenue South.

The proposal includes two residential towers with lobbies accessed from Commerce Street. These buildings include retail and restaurant space. Additionally, a 12-story mixed-use building with offices, a theater, and departmental retail is proposed on the north side of the site. The building in the center of the site is a music venue with a significant seated capacity. Areas between the buildings are generally pedestrian passageways. Several levels of parking are located below ground on the entire site.

There is a parcel within this block, addressed 901 Church Street, that is reserved for future development. While a garage spanning the entire block is proposed below grade with this submittal, no building has been proposed at this location. This building must be reviewed by the DRC in a separate future application.

BACKGROUND

This property was reviewed in 2019 as part of a request for modifications. Several modifications were granted for this property, including, among others, clarifying where the ground floor measurements are taken from, waiving street tree requirements underneath Platform Way, and allow active use requirements to be taken from Platform Way and Church Street in lieu of 10th Avenue.

The prior plan included many of the same site features of the currently proposed plan, with a few exceptions. The prior plan featured a hotel at the corner of 10th Avenue and Commerce Street; this has been replaced with the western residential tower.

Properties within the Core Subdistrict are entitled to 30 stories of height with the ability to earn unlimited additional entitlements within the confines of the Bonus Height Program. As such, the plan has been revised to propose taller buildings, which are in line with the height regulations of the Core Subdistrict.

Parcel 9 contains two residential towers, and the applicant has agreed to restrict the proposed residential towers to prohibit future conversion of residential units to short-term rentals via a restrictive covenant.

In 2020, a comprehensive signage package was approved by the DTC DRC, including signage for all parcels within the Nashville Yards development site. The package included several signs within Parcel 9, including wall-mounted traditional and digital signage integrated into the building façade. The applicant has agreed to adjust signs to ensure that signage does not wrap corners. As building design progresses, the signage will be updated to reflect these façade changes to generally conform to the previously approved signage package.

As part of the previous review, several modifications were approved by the DTC DRC. These generally included allowing active uses and measurements to be taken from Platform Way, rather than 10th Avenue N., allowing the façade to pull back from the build-to zone to accommodate additional pedestrian space, and allowing the street trees to be omitted for viaduct conditions and covered rights-of-way. The prior review also allowed larger access points on 10th Avenue N. and Platform Way than typically allowed. The site constraints that necessitated those modification requests, like the presence of Platform Way, remain applicable to the property.

CONCEPT REVIEW

- Does the architecture of the theater use balance the requirements of the land use with ground floor activity necessary for creating a positive pedestrian experience in an urban setting?
- Is the pedestrian-vehicle shared private street designed successfully for both modes of transportation?
- How can porte cocheres be designed to avoid disrupting the pedestrian realm?

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 proposed residential use shall not be converted to Short-Term Rental use. This restriction shall be memorialized, consistent with similarly-situated residential developments, by a deed restriction or recorded declaration with language agreed to by the Metro Department of Law.
2. Applicant shall make good-faith efforts to accommodate pedestrian and vehicular access for the project located at 1000-1010 Church Street (the "Project"). Any agreement for access by the Project may include provisions to ensure access for existing users of Platform North is not disrupted, limitations to support residential users, a market-supported contribution for use of Platform North and ongoing maintenance and management expenses. In the event Applicant and the owner of the Project are unable to reach an access agreement, applicant shall work in good faith with the Metro Department of Law and other Metro departments to resolve traffic, circulation, and similar concerns affecting Applicant's property and the Project.
3. The project shall comply with all NDOT requirements on the revised Traffic Impact Study (TIS).
4. NDOT is in the process of completing the review of the traffic impact study associated with this request. Based on the preliminary review, NDOT takes no exception to the current development proposals. Following the completion of the review, additional improvements will likely be required to mitigate the current proposed plan. Additional analysis and mitigations may be required as the various elements of the project are submitted for building permits.

Porter recused from this item. Moore moved and Dickson seconded to approve the concept plan (5-0-0) with staff conditions.

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 2) Nashville Yards Parcel 9 is approved. (5-0-0)

3) 6th and Division Phase 1

2022DTC-021-001

826 6th Avenue S.

Staff Reviewer: Eric Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

APPLICANT REQUEST

A request to review a concept plan within DTC for property located at 826 6th Avenue S. (a portion of 3.89 acres), south of Division Street, west of 6th Avenue South, north of Mulberry Street and east of Vine Street within the Lafayette Subdistrict of the DTC.

PROJECT OVERVIEW

The project proposes a 7-story residential building with ground floor retail at the corner of 6th Avenue and Division Street, as well as a mix of underground and structured parking spaces.

Division Street is a viaduct over Vine Street and the adjacent CSX rail right-of-way, sloping down until its intersection with 6th Avenue South.

PLAN DETAILS

The general bounds of the property include Division Street to the north, 6th Avenue on the east, Mulberry Street to the south, and Vine Street to the west. The proposed plan includes vehicular access on 6th Avenue and Vine Street, as well as loading on Mulberry Street. The site has been proposed to be constructed in two phases, the first phase is the focus of this concept review.

The first phase includes property on the northwestern side of the access driveway, generally fronting Division Street and Vine Street and a portion of Mulberry Street. The building is primarily residential with a ground floor retail space at the corner of 6th Avenue and Division Street. Division Street is physically separated from the site, as the curvilinear viaduct slopes down and only meets the site grade at the intersection of 6th Avenue and Division Street.

The building is primarily comprised of metal panel, fiber cement panel, and brick. This phase is proposed to be built within the allowed building height without use of the Bonus Height Program. The applicant has also stated that the property is intended to be residential-only and has agreed to memorialize that intent via a restrictive covenant.

The second phase of this project has been proposed on the southeastern portion of the parcel. This phase is anticipated to be taller in height than the first phase and a concept plan is expected to be reviewed by the DRC soon.

CONCEPT REVIEW

- Given the topographical challenges and physical separation of the site from the Division Street viaduct, does the project adequately address Division Street?
- How can this phase and future phases of this project address 6th Avenue's role as a gateway into Downtown from Wedgewood-Houston?
- How can the design of this phase and future phases optimize the site's significant exposure and visibility from the interstate and from Fort Negley?

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 proposed residential use shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by the Metro Department of Law.
2. The project shall comply with all NDOT requirements of the Traffic Impact Study (TIS).

Moore moved and Mosley seconded to approve the concept plan (6-0-0) with staff conditions.

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 3) 6th and Division Phase 1 is approved. (6-0-0)

4) 600 4th Avenue North

2022DTC-022-001

600 4th Avenue North

Staff Reviewer: Hazel Ventura

Staff Recommendation: Approve with conditions and defer without all conditions

APPLICANT REQUEST

A request to review and approve the concept plan of the DTC for property located at 600 4th Avenue N, (0.30 acres), 3rd Avenue North to the east, north of Gay Street and within the James Robertson Subdistrict of the DTC.

PROJECT OVERVIEW

The project proposes retrofitting an existing one-story office into residential units. The total square footage is 5,611 square footage and four units are proposed. Each unit has four bedrooms, and a private patio. No exterior expansion is proposed. A small porch roof is being added to the façade that fronts the parking lot.

PLAN DETAILS

The property is enclosed by railroad tracks to the north, 3rd Avenue North to the East, and Gay Street to the south. The site contains one street frontage, the 4th Avenue North, which serves as an entrance to two of the units; one entrance is at the basement level and the other on the first floor. The other two entrances are located on the East side of the building. The property is enclosed by a parking lot to the west.

CONCEPT REVIEW

- Does the proposed redesign of the façade successfully transition the building from office to residential use?

MODIFICATION SUMMARY

1. Stoop Frontages: Minimum ground floor opening along 4th Avenue North

- Required: The minimum ground floor opening is 30% floor to floor.
- Proposed: The percentage of glazing on the first floor is 15%.
- Analysis: The intent of a minimum ground floor glazing percentage is to allow for visual activation along the sidewalk. As the existing building is being repurposed and it is not seeking expansion, the 15% is allowable under DTC Compliance Level 1, which anticipates renovations without a major expansion.

STAFF RECOMMENDATION

The project generally aligns with the goals and objectives of the Downtown Code to create active, attractive streets and streetscapes. Staff recommends approval.

Lustig moved and Moore seconded to approve the concept plan and approve the requested modification (6-0-0).

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 3) 600 4th Avenue North is approved. (6-0-0)

II) Adjournment