

Downtown Code Design Review Committee

Meeting Minutes - February 2, 2023

Members Present: Hastings, Moore, Porter, Yearwood, Lustig
Staff Present: Hammer (Planning), Williams (Planning) Ventura (Planning), Islas (Planning), Fox (Legal), Hattabaugh (NDOT)
Others Present: David Powell, Jon Oelshig, Gene McDonald, Will Smith, Mary McGowan
Location: 800 2nd Avenue South, Development Services Center Conference Room

I. Approval of the January 5, 2023 DTC DRC Minutes

Hastings moved and Lustig seconded to approve the January 5, 2023 meeting minutes. (5-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that the minutes for the January 5, 2023 meeting are approved. (5-0-0)

II. Cases for Review

1) 909 Division Street

2022DTC-041-001

909 Division Street

Staff Reviewer: Hazel Ventura

Staff Recommendation: Approve with conditions and defer without all conditions

Applicant Request

The request for DTC concept plan approval, to modify the build-to zone and the step-back for property located at 909 Division Street, (1.99 acres), between 8th and 12 Avenue South, north of I-65, on the south side of Division Street, and within the Gulch South Subdistrict of the DTC.

Project Overview

The project proposes a 16-story residential building consisting of 481 residential units, 7,300 square feet of retail space, 537 parking spaces, and a pool/amenity area. The project plans to seek six additional stories by use of the Bonus Height Program's following categories: LEED silver certification, LEED ND, and the square footage obtained from the upper-level garage liners.

Plan Details

The property is enclosed by I-65 on the south, a parking lot to the west, and the Fairfield Inn & Suites to the east. The site has only one street frontage. The Division Street frontage serves as the pedestrian entrance to the retail spaces, and vehicles entrances to the parking garage and the loading dock. The retail spaces and residential units are designed along the street's frontage and a secondary tower that extends to the end of the building façade that faces the interstate. The six-level parking garage includes two levels of underground parking and four levels of above grade parking, with the top level of the garage being open aired. The structured parking is positioned towards the rear of the site and while it is not visible from Division Street, it is highly visible from the Interstate.

Concept Review

The proposed building design has strong components. The facade openings and framing of windows create a rhythm and modularity that are unique. The variety of material and texture in the design help create layers within the façade. With components that demonstrate a strong design, planning staff have the following questions:

- Although unlined parking is allowed, is the proposed design for the garage screening and the residential tower perpendicular to Division Street integrated into the overall proposed design?

- Does the garage have a negative, positive, or neutral effect on the public realm? Is the garage screening successfully achieving the goals of the DTC?
 - “Upper level façade treatments / cladding is required on all public street frontages, including any facades visible from Interstates. Façade treatments shall integrate or complement the architectural characteristics of the habitable portion of the building and the surrounding built context. Openings for natural ventilation are permissible when integrated into the façade design. Landscape buffering may be considered as an alternative at appropriate locations, such as Interstate frontages (81).”

Modification Review

1. Build-to Zone – Division Street
 - Required: The building must be built within 0-10 feet of the property line for 80% of lot frontage.
 - Proposed: The building is setback over 10 feet in excess of 20% of the façade along the Division Street frontage. The façade design responds to the curvature of the street.
 - Analysis: The intent of the shallow build-to zone is to create a close relationship between buildings and the public realm, activating the sidewalk corridor. In this instance, the portions of the building that are beyond the build-to zone provide space for outdoor seating, responds to the curvature of the street which creates movement and breaks along the façade fronting Division Street.
2. Step-back requirement
 - Required: The building must be built with a minimum of 15 feet of the property line for 80% of lot frontage.
 - Proposed: The building is setback over 15 feet in excess of 20% of the façade along portions of the Division Street frontage.
 - Analysis: The intent of the shallow build-to zone is to create a close relationship between buildings and the public realm, activating the sidewalk corridor. In this instance, the building’s response to the curvature of the street and designing efficient and functional residential units has caused the setback to be less than 15 feet in a portion of the façade to retain a consistent tower dimension.

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 with the following conditions:

1. Prior to building permit approval, all bonus height actions identified in this application must be approved, including those that require a deed or restrictive covenant.
2. The proposed residential units shall not be converted to a short-term rental use, memorialized by a deed restriction or covenant, as reviewed by Metro Legal.
3. Right-of-Way dedication shall be recorded prior to issuance of any building permits.
4. Eastern access shall be for loading/trash only, no vehicular access. Loading is to occur during off-peak hours.*
5. The Applicant shall install/replace any insufficient pedestrian infrastructure (striping and curb ramps) at 12th & Division, Overton & Division, and 9th & Division. An enhanced cross-walk may be required at the site access/Overton on Division.*
6. Ensure final designs follow the codes and requirements of all metro agencies.*

*denotes a NDOT-recommended condition

Hastings recused himself from this item.

Lustig moved and Moore seconded to approve the concept plan and modifications with Staff conditions and the added conditions 7. The applicant shall work with Staff to achieve satisfactory vegetation screening to the rear, where feasible, prior to building permit approval and 8. Staff to review paint colors on garage prior to building permit approval. (4-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) 909 Division Street is approved. (4-0-0)

IV. Adjournment