

Downtown Code Design Review Committee

Meeting Minutes

January 5, 2023

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

Staff Present: Hammer (Planning), Williams (Planning), Thornton (Planning - Intern), Dickerson (Legal), Hattabaugh (NDOT)

Others Present: Colin Kerr, Nicholas Hofstede, Ron Ensley, Taylor Gray, Nick Benjamin, Matthew Hamby, Brendan Boles, Brad Sladden, Josh Hunter

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

I. Approval of the December 1, 2022 DTC DRC Minutes

Harris moved and Lustig seconded to approve the December 1, 2022 meeting minutes. (6-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that the minutes for the December 1, 2022 meeting are approved. (6-0-0)

II. Cases for Review

1) 601 Lafayette Street

2023DTC-005-001

601 Lafayette Street

Staff Reviewer: Eric Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

Applicant Request

A request to approve a concept plan and recommend approval of an overall height modification for properties located at 601 Lafayette Street, zoned DTC (1.06 acres) and within the Lafayette Subdistrict, to allow a 32-story residential building where 12 stories are permitted by-right, and 16 stories are allowed with bonus height.

Project Overview

This project is located at the southwest intersection of Lafayette Street and Ewing Avenue and includes a mixed-use development consisting of 411 rental units (no STR), 5,715 sf of retail, and 373 parking spaces across three levels of underground parking.

Plan Details

This staff report references drawings supplied by the applicant, dated November 22nd, 2022, saved in Metro Planning staff files, and available to the committee members online at links supplied by Planning staff.

The project site has frontage on Lafayette Street and Ewing Avenue. Lafayette Street is a primary street and Ewing Avenue is a tertiary street. Pedestrian entrances to the residential lobby and amenity spaces are located off Ewing Avenue. The building's underground parking is accessed from an entrance on Ewing Avenue and service and loading are proposed internal to the site.

The site is abutted to the west by an access drive serving City Winery to the south, with the access drive entering the 601 Lafayette site via an existing easement. The proposed building does not have reciprocal rights to this easement and does not propose to utilize it for building functions. A small area of surface parking is proposed on a portion of the property to the south of the structure, shielded in part by an existing building to the immediate south of the site.

Modification Review

1. Overall Height Modification

- Required: 601 Lafayette Street is located within the Lafayette Subdistrict of the Downtown Code, where 12 stories are permitted by-right and up to 16 stories are permitted using the Bonus Height Program.
- Request: 32 stories.

The process for an Overall Height Modification is outlined in the DTC as follows:

- 1) The Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to pursue all appropriate bonuses available in the Bonus Height Program.
- 2) The applicant shall hold a community meeting providing notices to all property owners within 300 feet.
- 3) The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, contribution to the skyline, improvement of the project's relationship to surrounding properties, and improvement to the character of the neighborhood. In some instances, consideration may be given where a project results in implementation of significant community improvements (e.g. quality open space, upgrading public infrastructure, or others determined by the policies of Metro departments) and/or contributes to the implementation of community improvements determined by the policies of Metro departments.

Bonus Height Program: A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report, and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The LEED bonus has been earned by pursuing LEED accreditation for a silver or higher level. Additional bonuses being utilized include Underground Parking, Public Parking, and Pervious Surfaces.

Community Meeting: The applicant held a community meeting on Monday, December 19, 2022 at 6:00 P.M. and sent notices to property owners within 300 feet. Four members of the public, and four people associated with the project, attended the community meeting. The public generally voiced support of the project and questions asked were related to clarifying details of the project. This included questions about the amenity deck orientation, right-of-way programming, and drop-off functions.

Exceptional Design Analysis: The tower of the project features a façade primarily of metal panel, with operational window systems that create a unique texture to the rectangular tower footprint. These systems are critical to the success of the tower design. The base of the project fully activates the street along Lafayette Street and recesses the tower to allow light and air to permeate to the street level.

The tower exhibits exceptionally strong streetscape. NDOT completed the Pie Town Mobility Study in 2022 and it is anticipated that the Major and Collector Street Plan (MCSP) segment will be updated to reflect a 108' right-of-way cross-section, rather than the 96' cross-section presently within the MCSP. The project has anticipated this change and is complying with the 108' cross-section, exceeding the MCSP standard.

Back of house operations will be contained within the site and existing above-ground utility lines will be buried underground. Additionally, the project has committed to financially participating in the design and implementation of a pocket park at 6th Avenue and Lea Avenue. This is an infrastructural improvement recommended directly by the Pie Town Mobility Study published by NDOT in 2022.

2. Step-back

- Required: 15' step-back required between the 4th and 8th story.
- Request: 9'-8" to 113'-6" step-back proposed at 2nd story.
- Analysis: 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, while encouraging a strong street-wall. The project maximizes the allowed floor-to-floor height of the ground level in order to create that street wall and the building's upper levels pull back significantly from the frontage to create a large void where light and air may permeate to the street.

3. Canopy Height

- Required: 4' maximum canopy height
- Request: 17'-8" to 19'-2" canopy height proposed along both frontages
- Analysis: While Staff understands the design intent of the canopy to define and shield the pedestrian realm from the elements, Staff has both aesthetic and practical concerns with the design element. From an aesthetic perspective, it may appear dated and out-of-place with projects on Lafayette that are in compliance with the canopy standard. From a practical standpoint, any permanent encumbrance of right-of-way must receive heightened scrutiny during design review and the mandatory referral process from Metro Council. At a minimum, Staff has requested that the canopy be reduced from 10' -8" to 10' as to not constrain the potential for transit on Lafayette Street, which is anticipated by the Pie Town Mobility Study and will be studied by subsequent efforts including the SoBro Mobility Study and Connect Downtown Study.

NDOT Recommendation

NDOT is awaiting traffic study. This TIS must be submitted, reviewed and finalized prior to NDOT's Traffic approval.

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. Any non-occupiable architectural element encroaching over the Lafayette Street right-of-way, including but not limited to the proposed awning, shall be revised to encroach no more than 10' into the right-of-way.
2. 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.
3. A TIS shall be submitted and reviewed prior to consideration at the Metropolitan Planning Commission.
4. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
5. 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.
6. All overhead lines along the site's frontages shall be buried.
7. 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.
8. Prior to building permit approval, final exterior art design shall be reviewed by Planning staff. Planning staff may require the DTC DRC review of the design, if deemed necessary.
9. Any encroachments shall be reviewed and approved by the Metropolitan Council through the mandatory referral process.

Lustig moved and Moore seconded to approve the concept plan, modifications and recommend approval of an Overall Height Modification to the Metro Planning Commission with Staff conditions and the added conditions that 10. prior to the MPC meeting the applicant shall provide Planning Staff with detail on the proposed water capture from the canopy runoff and 11. prior to the MPC meeting the applicant shall provide Planning and NDOT Staff with a loading management plan and 12. deviations from the OHM plan set shall return to the DRC for review. (6-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) 601 Lafayette Street is approved. (6-0-0)

2) Nashville Yards Parcel 7 Parking

2023DTC-002-002

157 Rosa L. Parks Boulevard

Staff Reviewer: Eric Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

Applicant Request

A request to approve a concept plan and modifications to various DTC requirements for property located at 157 Rosa L. Parks Boulevard, zoned DTC (0.44 acres), and within the Core Subdistrict of the DTC.

Project Overview

The project proposes an expansion of an existing 28-space surface parking lot by 14 spaces for a total of 42 spaces with landscape buffering and fencing proposed adjacent to the areas affected by the expansion.

Plan Details

The proposed parking expansion is to accommodate contractors working on the Nashville Yards development site, rather than public parking for transient vehicles. The expansion adds 14 spaces, which are blocked in by another row of existing parking. Fencing and landscaping is proposed between these spaces and the sidewalk to the south, east, and west.

NDOT Recommendation

NDOT takes no exception to the temporary construction parking at 157 Rosa L Parks Blvd for the Nashville Yards Project.

Staff Recommendation

Staff recommends approval of the first phase with the following conditions and deferral without all conditions:

1. Approval of this Concept Plan shall not preclude any future development of the site from fully complying with the provisions of the DTC and MCSP.
2. Any new fencing shall meet all standards of the DTC.

Yearwood moved and Lustig seconded to approve the concept plan with Staff conditions. (6-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 2) Nashville Yards Parcel 7 Parking is approved. (6-0-0)

IV. Adjournment