

## **Downtown Code Design Review Committee**

Meeting Minutes – June 1, 2023

*Members Present:* Mosley, Hastings, Moore, Yearwood, Lustig, Dickson, Harris  
*Staff Present:* Brooks (Planning), Williams (Planning), Yoo (Planning), Mikkelsen (Legal), Hattabaugh (NDOT)  
*Others Present:* Michael Murdoch, Michael Wasyliw, James Nyquist, Jeff Cundiff, Drew Hardison, Ted Kroner, Tony Giarratana, Beau Brady, Eddie Abeyta, Larry Papel, Brendan Bowles, Matthew Hamby  
*Location:* 800 2<sup>nd</sup> Avenue South, Development Services Center Conference Room

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### **I. Approval of the April 6, 2023 DTC DRC Minutes**

Harris moved and Lustig seconded to approve the April 6, 2023 meeting minutes. (7-0-0)

#### **RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that the minutes for the April 6, 2023 meeting are approved. (7-0-0)

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### **II. Cases for Review**

#### **1) Christ Church Cathedral Addition (2023DTC-016-001)**

2023DTC-016-001

109 9th Avenue North

Staff Reviewer: Yoo

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 properties located at 109 9th Avenue North and 900 Broadway, zoned DTC (0.9 acres), and within the Core Subdistrict of the DTC. The historic church structure is within the Upper Broadway Subdistrict.

#### **Project Overview**

The project proposes an 15,551 square foot addition to the existing church structure located at 900 Broadway, along with some circulation updates to the existing parking lot on site. There is currently an existing single-story structure (the former Commerce Union Bank) at 109 9th Avenue North that is proposed to be removed in order to accommodate the proposed addition.

#### **Plan Details**

The proposed addition has two entry points at grade, one from 9th Avenue North to the upper level, and one to the lower level from the parking lot on the west side of the site. The upper level of the addition (7,411 SF) includes an Entry Hall and Fellowship Hall, with related support spaces. The lower level of the addition (8,140 SF) includes Classrooms, a Youth & Outreach Open Area, and related support spaces. The project includes updates to the parking lot to create a new circulation loop and add new plantings; with a proposed widening (to 24') of the existing drive entry/exit to the parking lot off of Broadway.

#### **Analysis**

Any Civic Frontage is reviewed as a modification per page 78 of the DTC. Staff finds that the form of the proposed addition successfully relates to the existing structure and the larger build-to zone at the entry provides relief for the existing building façade to turn the corner before the new addition connects to the existing church. The proposed material palette relates to the darker color scheme of the original structure while the clean, simple forms and glazing

add a modern feel to help differentiate the new structure from that of the original. Additionally, the applicant has been in contact with Metro Historical Commission staff regarding the proposed demolition of the existing structure, and the addition to the historic church.

Planning Staff and NDOT find the proposed MCSP modifications showing the planting zone adjacent to the new building as acceptable given this allows for clear continuity with the existing structure and planting zones along 9th Avenue North, provides a buffer between the new building addition and the sidewalk, and maintains existing clear space dimensions around the existing light pole in the sidewalk.

The proposed planting strip, along with the two small trees at the new 9th Avenue entry point, provide a variety of plant types to add color and texture along the length of the new addition on 9th Avenue North.

**Staff Recommendation**

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

1. Prior to Final Site Plan approval, final material palette and color selections will be reviewed by Planning Staff and may need to be considered by the DTC Design Review Committee.
2. Prior to Final Site Plan approval, the applicant shall comply with NDOT recommendations related to improvements along 9th Avenue North.
3. Prior to Final Site Plan approval, applicant shall contact the Metro Historical Commission regarding documentation and salvage of the Commerce Union Bank structure prior to demolition.

Hastings moved and Lustig seconded to approve as submitted, with all Staff conditions. (7-0-0)

**RESOLUTION**

**BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) Christ Church Cathedral is approved. (7-0-0)**

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**2) 901 Martin Luther King Jr. Boulevard (2023DTC-014-001 & 2023DTC-014-002)**

2023DTC-014-001 & 2023DTC-014-002

901 Martin Luther King Jr. Boulevard

Staff Reviewer: Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

**Applicant Request**

A request to approve a concept plan and modifications to the build-to zone standard for property located at 901 Martin Luther King Jr. Boulevard, zoned DTC (0.21 acres), and within the Core Subdistrict of the DTC.

**Project Overview**

The project proposes a 33-story building with 250 residential units and a ground floor lobby. No parking is proposed as part of the project. Loading is taken from YMCA Way with a NES transformer located within the building fronting Martin Luther King Jr. Boulevard. The project proposes to dedicate right-of-way to meet the Major and Collector Street Plan on both streets. The façade is primarily composed of metal panel and fenestration on upper levels with a mix of brick masonry and metal panels used on the ground floor.

**Plan Details**

Build-to Zone

- Required: 0-10' build-to zone on Martin Luther King Jr. Blvd and YMCA Way.
- Request: Partial encroachment of upper levels of the building into the newly dedicated right-of-way on YMCA Way.

**Analysis**

After ROW dedications, the property line perpendicular to YMCA Way measures 77'-10". This is a significant constraint on the efficiency of the floor plate on such a small site. The 2'-8" encroachment over newly dedicated right-of-way helps the project achieve a useable floor plate with the minimal necessary encroachment. Given YMCA Way is abutted by Rosa L Parks Boulevard, this encroachment will have minimal impact on overall light and air reaching the street.

**NDOT Recommendation**

1. This project is proposing no parking and consequently traditional impacts to the roadway network will be minimal. However, a multi-modal transportation analysis will be required prior to any final plan approvals to identify pedestrian, transit, or other multi-modal improvements that may be needed.
2. The applicant shall install additional pedestrian lighting along the Westside of YMCA Way, from Dr. MLK Blvd down to Church Street. Further coordination with NDOT on the specifics will be required prior to any final plan approval.
3. With the final plan submittal, a truck turning exhibit shall be submitted to reduce the curb radii on the SW corner of the intersection of Dr. MLK Blvd and YMCA Way.
4. The loading/trash access shall have enhancements for pedestrian operations, which may include but is not limited to convex mirrors, flashing signage & alarm activation system, and additional lighting. Further coordination with NDOT will be required, prior to any final plan approval.
5. Modifications to the use/operations of the existing bulb-in along the frontage of Dr. MLK Blvd for ride-share will require approval from the T&P commission prior to any final plan approval. If the request is disapproved, the applicant shall coordinate with NDOT on an alternate ride-share/circulation plan.
6. The applicant will be required to coordinate with NDOT's Traffic Demand Management coordinator to develop a TDM plan for the residents of this development.

**Staff Recommendation**

Planning Staff recommends approval with the following conditions and deferral without all conditions:

1. Bonus height shall be certified concurrent with or after final site plan approval.
2. Prior to building permits, the applicant shall record the proposed ROW dedications with the Davidson County Register of Deeds.

Yearwood and Harris recused from this item. Moore moved and Mosely seconded to approve with Staff Conditions, with an added condition that 3. 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. (5-0-0).

**RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 2) 901 Martin Luther King Jr. Boulevard is approved. (5-0-0)

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**Item 3) CitizenM Hotel was deferred to the July 6, 2023, DTC DRC meeting.**

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**4) 536 Lafayette Street (2023DTC-013-001)**

2023DTC-013-001

536 Lafayette Street

Staff Reviewer: Hammer

Staff Recommendation: Approve with conditions and defer without all conditions

**Applicant Request**

A request to approve a concept plan and modifications to the build-to zone standard for property located at 536 Lafayette, zoned DTC (0.28 acres), and within the Lafayette Subdistrict of the DTC.

**Project Overview**

The project proposes a 15-story hotel building with 205 keys and ground floor active uses as well as an upper-level amenity area and 34 underground parking spaces. The site is located between Lafayette Street, Lea Avenue, and 6th Avenue South and has moderate topography challenges, sloping down approximately 10' between the easternmost and westernmost point. The ground floor is activated by a restaurant at the western corner and a leasable commercial space located on Lafayette Street. The building itself is composed of metal panel systems of varying color, aluminum framed windows, and masonry veneer on lower levels.

The project will be dedicating significant right-of-way to comply with the MCSP's cross-section for Lafayette Street of 108'. Vehicular access points to the porte cochere, valet parking, and loading are located on Lea Avenue, while some mechanical equipment is located on the easternmost portion of the property on the exterior of the building.

## **MODIFICATION REVIEW**

1. Step-back
  - a. Required: 15' step-back along Lafayette Street, Lea Avenue, and 6th Avenue South between 4th and 7th stories.
  - b. Request: Partially compliant step-back on 6th Avenue and Lea Avenue, no step-back on Lafayette Street.
  - c. Analysis: The step-back is intended to facilitate light and air permeating to the street to avoid a canyon effect. However, this parcel has highly unusual geometry, as it is positioned between an acute angle formed by the confluence of Lafayette Street and Lea Avenue. This is compounded by the significant right-of-way dedication of 14' on Lafayette Street to facilitate transit as called for by the Pie Town Study conducted by NDOT. At 108' upon full dedication, Lafayette Street would be one of the widest streets in Downtown, rendering a step-back of 15' unnecessary to avoid the canyon effect. Due to these factors and site constraints, staff is supportive of a modification to allow this design response to the step-back requirement.

## **NDOT STAFF RECOMMENDATION**

NDOT Staff recommends approval with the following conditions and deferral without all conditions:

1. Improvements' designs recommended in the traffic study shall be included in the building permit plan set. These improvements include the following:
  - a. At the intersection of 6th Avenue S and Lea Street, a 10' wide longitudinal striped crosswalk and truncated domes shall be provided on the east and north legs.
  - b. At the intersection of Rep. John Lewis Way & Lafayette Street, remove the yield sign and yield line on the SB channelized RT from Rep John Lewis entering Lafayette. Install stop sign and stop line 4' from crosswalk here.
  - c. Restripe all faded and cracked crosswalks at the study intersections.
  - d. Additional lighting for enhancing pedestrian safety at the intersections near the project site.

## **PLANNING STAFF RECOMMENDATION**

Given the site constraints and positive adjustments to the design made during the review process, Planning Staff recommends approval with the following conditions and deferral without all conditions:

1. Prior to final site plan approval, the project shall demonstrate that trash and refuse will be screened per the DTC with the walled enclosure utilizing the masonry of adjacent façades to properly screen this area.
2. Bonus height shall be certified concurrent with or after final site plan approval.
3. Prior to building permits, the applicant shall record the proposed ROW dedications with the Davidson County Register of Deeds.

Yearwood and Harris recused from this item. Mosely moved and Dickson seconded to approve with Staff Conditions, with an added condition that 4. Prior to Final Site Plan approval, the applicant shall work with Staff to ensure satisfactory street activation at the corner of 6<sup>th</sup> Avenue South and Lafayette Street, including the verification that the lower level's floor-to-floor height meets the DTC's intent of the minimum ground floor height standard. (5-0-0).

## **RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 4) 536 Lafayette is approved. (5-0-0)

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**IV. Returning Cases**

**5) 8th and Demonbreun Alterations (2022DTC-037-001)**

The applicant presented changes to the approved concept plan, which the DTC DRC discussed.

Moore moved and Lustig seconded to approve the alterations to the building façade articulation on Demonbreun as presented. (7-0-0)

**RESOLUTION**

**BE IT RESOLVED** by the Downtown Code Design Review Committee that case 5) 8<sup>th</sup> and Demonbreun Alterations is approved. (7-0-0)

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**V. Adjournment**