

Downtown Code Design Review Committee

Meeting Minutes – September 7, 2023

Members Present: Mosley, Porter, Yearwood, Lustig, Moore, Hastings
Staff Present: Williams (Planning), Hammer (Planning), Islas (Planning), Wang (Planning), Hattabaugh (NDOT), Mikkelsen (Legal)
Others Present: Lee Davis, Lilly Johnson, Shani Klein, Doug Sloan, George Ledwith, Andrew Ferrarelli, Antonio Fiol-Silva, Josh Hunter, Brad Slayden, Jake Durchholz, Crissy Cassetty
Location: 800 2nd Avenue South, Development Services Center Conference Room

I. Approval of the July 6, 2023 DTC DRC Minutes

Hastings moved and Moore seconded to approve the July 6, 2023 meeting minutes. (6-0-0)

RESOLUTION

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

II. Public Comment

No members of the public spoke in support or opposition of any item on the agenda.

III. Cases for Review

1. 1100 PORTER STREET (2023DTC-025-001)

1100 Porter Street and 1101 Grundy Street

Staff Reviewer: Hammer

Staff Recommendation: Approve with conditions and defer without all conditions.

Applicant Request

A request to approve a concept plan and major modifications to the Downtown Code (DTC) and recommend approval of an overall height modification for properties located at 1101 Grundy Street, zoned DTC (0.74 acres) and within the Gulch South Subdistrict, to allow a 28-story residential building where 10 stories are permitted by-right, and 16 stories are allowed with bonus height. This staff report references drawings supplied by the applicant, dated August 1, 2023, saved in Metro Planning staff files, and available to the committee members online at links supplied by Planning staff.

Project Overview

This project is located west of 11th Avenue North and between Porter Street and Grundy Street. The proposal is for a mixed-use development consisting of 72 condominium branded residence units, 272 hotel rooms, 10,000 SF of restaurant space, and 126 parking spaces across two levels of underground parking.

A similar Overall Height Modification (2018DTC-035-001) was approved in January of 2019 for a building totaling 20 stories. Elements such as the location of the porte cochere and loading have not changed, but adjacent property, including the property directly at the corner of 11th Avenue and Porter Street, was added to the project, necessitating changes in the design. Since the submittal of that application, several other large-scale projects have been approved or are under construction adjacent to this site.

Plan Details

The project site has frontage on three streets, 11th Avenue North (secondary street), Porter Street (tertiary street) and Grundy Street (tertiary street). Pedestrian entrances to the hotel and residences face Porter Street, while entrances to the main restaurant are from the corner of 11th Avenue and Grundy Street. The building's underground parking is accessed from an entrance on Grundy Street with an adjacent separate entrance into the loading dock. Frontage on

Porter Street includes a porte cochere, which handles the drop-off sequence for the hotel. The project will implement the complete cross-section noted by the 11th Avenue Corridor Study.

MODIFICATION REVIEW

1. Overall Height Modification

- Required: 1101 Grundy Street is located within the Gulch South Subdistrict of the Downtown Code, where 10 stories are permitted by-right and up to 16 stories are permitted using the Bonus Height Program.
- Request: 28 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 and Pervious Surfaces on multiple levels of the building.
 - Community Meeting: The applicant held a community meeting on Monday, August 30, 2023 at 6:00 P.M. and sent notices to property owners within 300 feet. No members of the public attended the event.
 - Exceptional Design Analysis: The tower of the project uses facades primarily comprised with masonry, precast concrete and glazing. While the parcel is fairly narrow, the base of the project activates 11th Avenue North with a variety of outdoor terraces and seating. The project comprises the majority of the block bounded by 11th Avenue North, Porter Street, Grundy Street, and 12th Avenue North but does not include a single parcel to the west side of the block. The proposed design responds to this challenge by designing the building with all four sides of the tower in mind, allowing the general architectural expression to be similar throughout the composition.

The tower exhibits exceptionally strong streetscape. NDOT completed the 11th Avenue Corridor Study in 2019, which contemplated a full 3 lane cross-section for 11th Avenue through the Gulch. The project has anticipated this change and is complying with all aspects of the 11th Avenue Corridor Study.

2. Build-to Zone

- Required: 0-10' build-to require from back of sidewalk
- Request: Allow portions of Porter Street to recess 30' from sidewalk to allow porte cochere movements and allow portions of the building along 11th Avenue to set back a maximum of 58' from the sidewalk to create an outdoor seating area and terrace.
- Analysis: The project proposes a porte cochere on Porter Street to facilitate drop-offs internal to the site, consistent with the location of the drop-off from the prior Overall Height Modification and NDOT recommendations. The 30' recess from the property line is proposed to accommodate this element. The deeper build-to on 11th Avenue acknowledges the curvature of the property line, as well as reflects the robust outdoor dining and other active uses occurring between the property line and façade.

3. Step-back

- Required: 15' step-back required between the 4th and 8th story.
- Request: Floors 8-13 have 73 SF encroachment into step-back on the north frontage.

- 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. In this case, the project is proposing that a negligible portion encroach from the 8th to the 13th story. The encroachment is minor and helps the project step back to the west as a design response to the building housing 12th and Porter.

4. Furnishing Zone

- Required: 4' furnishing zone required for Porter Street frontage within MCSP.
- Request: Removal of requirement for approximately 94' of frontage on Porter Street.
- Analysis: As previously noted, the project proposes a porte cochere on Porter Street to facilitate drop-offs internal to the site. Entry and exit of the porte cochere cross the sidewalk, requiring special treatment to maintain the pedestrian path of travel. The project proposes to remove the furnishing zone between the entry and exit. While the correct right-of-way would still be dedicated, this additional 4' is needed for the dimensions of the porte-cochere to function correctly. The final configuration of the porte cochere and sidewalk corridor will require supplemental review by Planning and NDOT staff.

NDOT Recommendation

Approve with conditions:

1. Prior to building permit submittal, the traffic impact study and recommendations shall be finalized with NDOT. Off-site improvements are anticipated.

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. Sidewalk condition on Porter Street between hotel entry entrance and hotel entry exit shall be designed to minimize disruption to pedestrians and physically prevent vehicles from occupying using the sidewalk corridor. Final treatments and configurations shall be reviewed by Planning and NDOT prior to final site plan approval.
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. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
4. 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.
5. Any encroachments shall be reviewed and approved by the Metropolitan Council through the mandatory referral process.

Hastings and Lustig recused themselves. Moore motioned and Yearwood seconded to approve the concept plan and modifications and recommend approval of the overall height modification to the Planning Commission, as submitted, with all staff conditions. (4-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) 1100 Porter Street is approved. (4-0-0)

2. 531 LAFAYETTE STEET (2023DTC-027-001)

531 and 533 Lafayette Street

Staff Reviewer: Hammer

Staff Recommendation: Approve with conditions and defer without all conditions.

Applicant Request

A request to approve a concept plan for property located at 531 and 533 Lafayette Street zoned DTC (1.37 acres), and within the Lafayette Subdistrict of the DTC. Applicant has provided updated plans, dated 8/29/23, for review.

Project Overview

The proposal is a 14-story residential building consisting of 385 units and 300 spaces structured parking. Outdoor amenities include a rooftop pool, outdoor lounge areas, and a ground level pass-through between Lafayette Street and 6th Avenue South. The project will dedicate right-of-way to meet the MCSP and establishes an additional 10' half right-of-way for a new alley called for by the Pie Town Study to the immediate south of the project.

Plan Details

The project site is located on Lafayette Street and 6th Avenue South but does not include the property at the intersection of these two streets. The primary pedestrian entrance is on Lafayette Street, with entrances for walk-up units located on 6th Avenue South. The site also has frontage on Alley #71, which is proposed to provide access into the vehicular parking and loading area. 50 spaces of bicycle parking will be provided with at least 10 spaces located outside the building and 40 spaces located within a room within the building envelope. A lay-by lane is shown on the alley for drop-offs and deliveries.

The proposed building primarily uses brick, metal panel, and fiber cement paneling as façade materials, with clear glass storefronts and upper-level fenestration. To meet the DTC requirements for structured parking, the proposal fully lines the parking on both Lafayette Street and 6th Avenue South with the lobby and residential uses. The parking is not lined on façades fronting the the majority of Alley #71 – which is highly visible from Lafayette Street – and new unnumbered alley.

CONCEPT REVIEW

- How can a project address adjacent alleys when the alley façade is highly visible?
- How can stoop frontages best be integrated into the street frontage to encourage activity?

NDOT RECOMMENDATION

Approve with conditions:

1. Final constructions plans shall comply with the design regulations established by NDOT. Final design and improvements may vary based on actual field conditions. In general, with a final: Callout roadway sections, ramps, sidewalks, curb & gutter, etc. per NDOT detail standards. Dimension ROW pavement widths for clarity. Note: A private hauler will be required for waste/recycle disposal. Additional 1-1/2" mill and overlay may be required to cover full extents of utility work in public ROW. (cont.) Extents to be coordinated in field with NDOT inspector.
2. On 6th Avenue S, provide "do not enter" signage at the proposed alley.
3. On the property frontage on Lafayette, a R7-4 'No standing any time' sign should be installed.
4. With the building permit plan set submittal, include the following off-site improvement as identified thorough the traffic impact study:
5. Add pedestrian-scale lighting at/around the intersection of Lafayette & Rep. John Lewis Way to improve the safety and visibility in this area.

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. Final details for the metal panel screening of the parking garage facades shall be reviewed by Planning Staff. If necessary, the screening may be re-referred to the DRC for review.
2. Interim configuration of the Lafayette Street curb line and furnishing zone to be determined in consultation with NDOT.
3. All overhead lines along the site's frontages shall be buried, as proposed.
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.

Hastings motioned and Mosley seconded to approve the concept plan and modifications, as submitted, with all staff conditions, and the added condition that the applicant shall work with Staff to improve the screening of the garage on the south elevation and that any changes to the above massing would require reconsideration by the DTC DRC. (6-0-0)

RESOLUTION

BE IT RESOLVED by the Downtown Code Design Review Committee that case 1) 531 Lafayette Street is approved. (6-0-0)

III. Adjournment