

**8. 2006SP-183U-09**

Broadway Hotel

Map: 93-06-2 Parcels: 097, 098, 099

Map: 093-06-4 Parcels: 041, 042, 043, 045, 046, 047, 049, 050, 056, 057

Subarea 9

Council District 6 – Mike Jameson

A request to amend the SP-MU district for properties located at 203, 205, 207, 209, 215, 217, and 221 Broadway and at 109, 110, 113, 116, and 119 2nd Avenue South, bounded by 2nd Avenue South, 3rd Avenue South and Broadway (1.16 acres), to permit the development of a hotel with a maximum of 475 rooms and associated parking, conference space, and retail, where a 375-room hotel and 48 condominium units were previously approved, requested by Waller, Lansden, Dortch and Davis, applicant, for Mayesco LLC, 119 Second Avenue LLC, Charles E. Tillman, Norma Tillman, Richard D. Piliponis, and J. S. Higgins, owners.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Amend SP**

A request to amend the SP-MU district for properties located at 203, 205, 207, 209, 215, 217, and 221 Broadway and at 109, 110, 113, 116, and 119 2nd Avenue South, bounded by 2nd Avenue South, 3rd Avenue South and Broadway (1.16 acres), to permit the development of a hotel with a maximum of 475 rooms and associated parking, conference space, and retail, where a 375-room hotel and 48 condominium units were previously approved.

**Existing Zoning**

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to hotel and commercial uses.

**SUMMARY** Staff evaluated the SP amendment against the General Plan and Capitol Mall Redevelopment Plan, the Downtown Community Plan approved by the Planning Commission on February 22, 2007, and the currently adopted SP plan, which was approved by the Planning Commission on November 14, 2006. Staff recommends approval of the requested SP amendment with conditions, including:

1. The Broadway street façade shall be pulled up to the property line with recesses and step-backs along the building edge only for entrance and design transition from old-buildings-to-new purposes.
2. The Broadway Hotel street façade shall maintain a rhythm and repetition consistent with the established historic pattern found along Broadway
3. The wing of the building that projects towards Broadway shall be pulled back by a minimum of four (4) rooms and relocating those rooms by taking the North/South tower up in height by two stories. The bulk of the building will sit back from Broadway a minimum of 85 feet instead of the currently proposed 60 feet

**Concept 2010: A General Plan -Goals and Objectives for Nashville and Davidson County**

4. Preserve and enhance the unique and historic features which make downtown distinct from other commercial areas.

- Avoid street level dead spaces which reduce the appeals of downtown for pedestrians. Encouraging retail facilities at street level can make the streetscape more interesting.
- Encourage the preservation and reuse of architecturally or historically significant buildings.
- Promote new development which is compatible with and respectful of historic buildings.
- Provide the flexibility to make the use of historic buildings economically feasible while preserving their architectural integrity.

**Capital Mall Redevelopment Plan (36) Tract 102 (Amendment No.4 Intent: Ord #097-755) To provide**

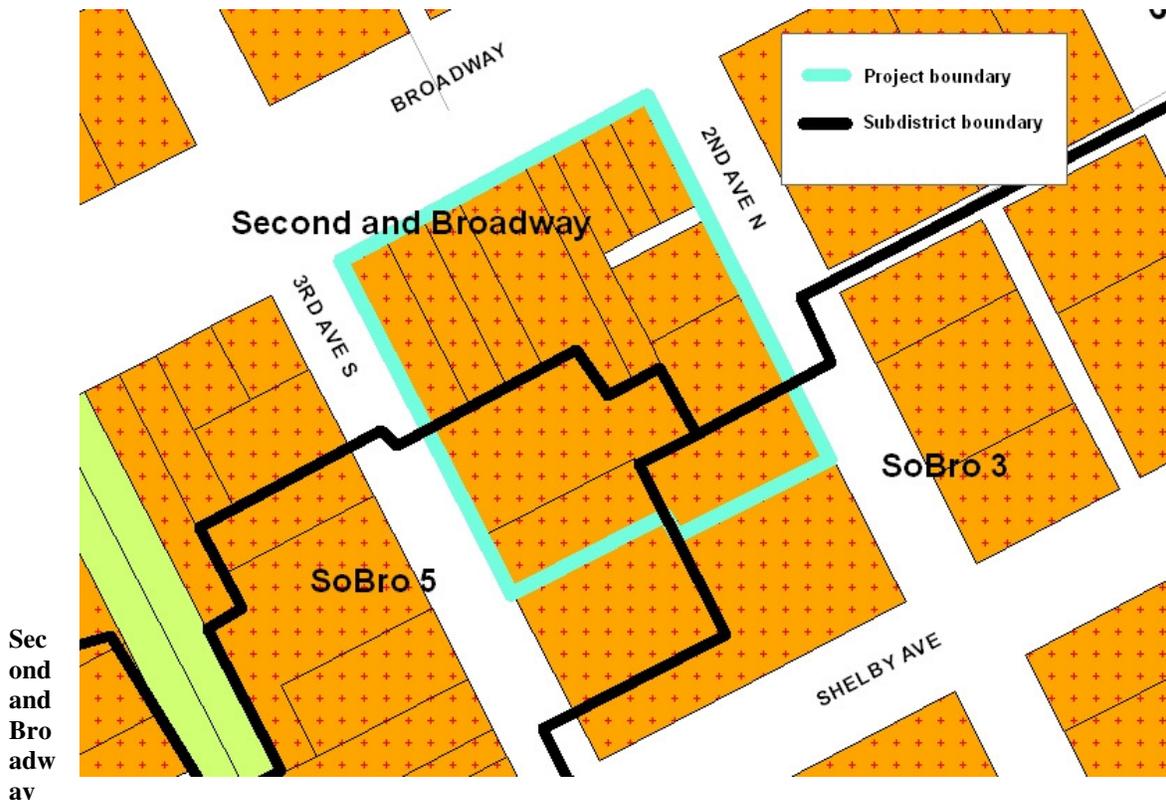
adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible non-residential uses. Living areas are integrated with working and shopping areas to encourage the reduction of travel needs and parking requirements. Strong pedestrian linkages are encouraged. The preservation of existing buildings that contribute the historical or architectural character of the district is also encouraged.

Principal Use: High intensity residential mixed use with compatible non-residential use, including office, retail shops, entertainment, restaurants, and other eating and drinking establishments, but not drive-in facilities; and personal services businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair, dry cleaning and pressing shops, etc.

Design Objectives: Façade guidelines of the Market Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.

**DOWNTOWN COMMUNITY PLAN** The overarching land use policy in place on the site is “Mixed Use.” Mixed Use policy allows residential, commercial and office uses. This policy includes buildings that have a mixture of uses both within the block and within the building. A mix of uses within a single building is preferable in creating a more lively, pedestrian oriented streetscape, especially vertically mixed use buildings with retail or restaurants at street level and residential and/or office above.

The land use policy provides guidance on appropriate uses, but the *form* of the building will be different depending on the neighborhood and subdistrict of the building. Portions of the site are in two neighborhoods and three subdistricts in the Downtown Community Plan.



#### Detailed Neighborhood Design Plan

**Mixed Use in Second and Broadway (MxU in SB)** The properties generally facing onto Broadway are in the Second and Broadway neighborhood in Subdistrict 3, the Lower Broadway Corridor. The intent of this

subdistrict is to preserve and enhance the corridor by encouraging adaptive reuse of the historic structures and the creation of new development that is respectful of the historic structures and the overall character of the corridor by maintaining the existing scale, massing, and building storefront rhythm.

### **SoBro Detailed Neighborhood Design Plan Subdistrict 3**

**Mixed Use in Downtown Neighborhood (MxU in DN)** Properties on 2<sup>nd</sup> Ave. S. off of Broadway are in the SoBro neighborhood in Subdistrict 3, the SoBro Mixed Use Subdistrict. It is the intent of this subdistrict to create a balanced, mixed use neighborhood with an emphasis on residential and entertainment uses, pedestrian-friendly streetscapes, development that is sustainable and that honors the existing building heights along First and Second Avenues preserving some views to the river.

### **SoBro Detailed Neighborhood Design Plan Subdistrict 5**

**Mixed Use in Downtown Core (MxU in DC)** Properties on 3<sup>rd</sup> Ave. S. off of Broadway are in the SoBro neighborhood in Subdistrict 5, the Broadway Block subdistrict. It is the intent of this subdistrict to create a balanced, mixed use, pedestrian friendly, sustainable neighborhood. The urban design emphasis is on creating buildings that complement – in scale and massing – neighboring features such as the Schermerhorn Symphony Center and Lower Broadway.

**Consistent with Policy?** Staff analyzed the plan against the goals and objectives of each subdistrict, along with a comprehensive analysis of the height and floor area ratio.

**Second and Broadway** The plan is consistent with the objectives that focus on pedestrian oriented streetscapes and minimizing parking. The plan is not consistent with two other objectives: constructing buildings to the property line and complementing adjacent historic structures. Details about this inconsistency are discussed further elsewhere in the staff report, in the section addressing elevations.

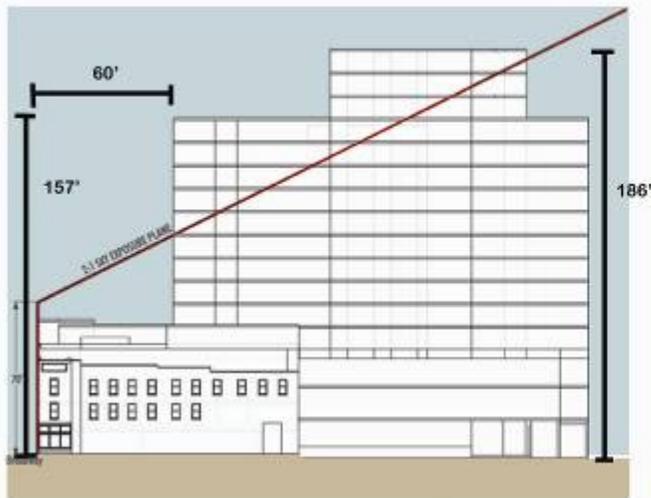
**SoBro Subdistrict 3** The plan is consistent with the objectives that focus on pedestrian oriented streetscapes. One objective states that parking entrances “shall not be located on Second Avenue.” The applicant has stated that a parking entrance is necessary on Second Avenue in this location because of the topography. The plan is consistent with another objective that requires parking entrances to “minimize the impact on the quality of the pedestrian environment.”

**SoBro Subdistrict 5** The plan is consistent with the objectives that focus on utilizing parking reductions and shared parking. The purpose of these objectives, however, is to “preserve the low-intensity and historic scale of Subdistrict 5,” which is not accomplished by this plan.

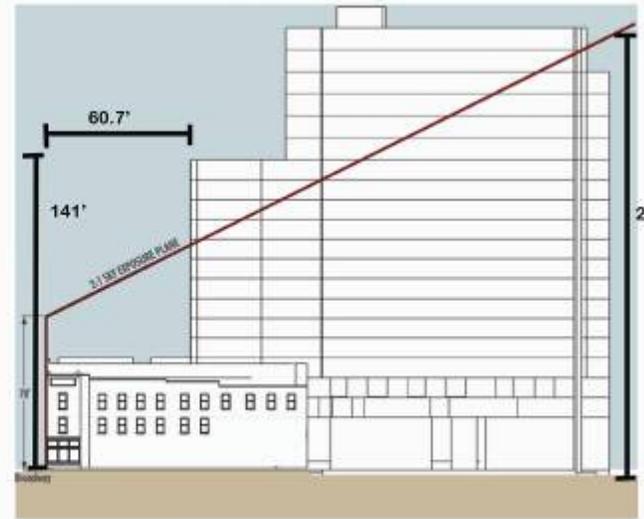
**FAR and Height** The plan is consistent with many of the objectives of the three subdistricts. These objectives that are complied with are the more obvious objectives related to pedestrian oriented streetscapes, minimizing parking, and even LEED certification, since it was required by the original Council bill. Staff commends the applicant for the level of streetscape activity created by this plan. The presence of an active streetscape, however, does not, by itself, create a pedestrian-friendly environment. The three DNDPs are very specific regarding the appropriate floor area ratio (FAR) and height for this location.

FAR is the total building floor area divided by the total horizontal area of the lot. The Second and Broadway DNDP clearly limits the FAR to five. SoBro subdistrict 3 says that additional FAR *may* be allowed if the structure achieves LEED certification. The proposed plan has a FAR of 7.9. Staff would be supportive of additional FAR in this location, only if the impact to the Lower Broadway Historic District was minimized by the methods stated later in the staff report.

In addition, the Second and Broadway DNDP limits development to a 2:1 sky exposure plane. This sky exposure plane is intended to limit the impact of new development on the Broadway Historic District. The placement of structures within this sky exposure plane is consistent with the existing buildings on Broadway, which have historically been human-scaled, ranging from two to five stories. Below is a diagram of the sky exposure plane applied to the adopted SP plan and proposed SP plan. As demonstrated, the tower is taller in the portion of the building closest to Broadway.



SP ZONING AMMENDMENT (submitted 03.13.08)



ORIGINAL SP SUBMITTAL

Sky Exposure Plane of the proposal (left) and adopted SP plan (right), with height labeled

**PLAN DETAILS** The boundary of the proposed SP amendment remains the same as the adopted SP plan. The site includes everything between Broadway, 2nd Avenue South, 3rd Avenue South, and the Shelby Street Bridge, with the exception of two properties. The plan calls for a maximum of 475 hotel rooms and associated retail and restaurant uses. The adopted SP plan is approved for 375 hotel rooms and 48 condominiums. The retail and restaurant uses are oriented to pedestrian activity on Broadway. The restaurant is within the rehabilitated historic buildings, along with a small number of hotel rooms. The remainder of the hotel rooms are within the tower. The base of the building is three stories and the tower, which is setback 60' from Broadway, is 16 stories, or 186 feet, at the highest point. The approved plan included base of three stories and a tower that was set back 60.7 feet from Broadway and was 19 stories, or 201 feet, at the highest point. The portion of the tower closest to Broadway is taller, at 157 feet, than in the approved plan, which was 141 feet. (See Sky Exposure Plane graphic above.)

**Proportion and Rhythm & Design** The Broadway Hotel's first three stories of architecture that comprise the street façade along 2<sup>nd</sup> Avenue, Broadway and 3<sup>rd</sup> Avenue are essential to the creation of a strong streetscape. It is important that the architecture relate in proportion and rhythm to the existing historic architecture along Lower Broadway. The street façade is "the basic building block of the streetscape, it is the dominant source of a street's historic character. Like the buildings themselves, street facades have some consistent characteristics which visually tie one to another... the streetscape is largely composed of a visual pattern which is repeated down the street. It is from the repetition of this façade pattern that the historic street gets its strong and unified visual character."

*A Market and Design Study for the Broadway National Register Historic District* adopted by MDHA and the Metro Historical Commission

The architectural elements for the proposed Broadway Hotel are close to being consistent with the existing architecture and street pattern found along Lower Broadway. Compatible design for new structures and additions is important in historic districts such as Lower Broadway. New buildings within the Lower Broadway historic district should reflect the architecture of their time and not attempt to imitate or copy old architecture, however, new buildings should also relate to the existing historic buildings in terms of siting, height, mass, ratio of solids to voids and materials. The Lower Broadway Historic District should continue to develop as a pedestrian-oriented environment of ground floor storefronts. Buildings should relate to pedestrians by using materials and a human scale compatible with the established local historic pattern. Buildings along Lower Broadway historically were built up to the property line in order to maintain a strong presence and street edge. The current proposal does not fulfill this historic pattern; instead the new

buildings are set back from the back of sidewalk creating a different condition along the street than is historically found along Broadway.

Other sections of this staff report have described how the Broadway Hotel proposal does not relate in terms of height and mass. In regards to ratio of solids to voids, the windows on the existing historic structures create a pattern and rhythm along Lower Broadway with the repetition of evenly-spaced, similarly-sized, upper story windows. These windows help give Lower Broadway a sense of human scale. Using window sizes and proportions that are familiar to the pedestrian helps them to relate to the overall size of a building. The alignment and similar scale of windows reflect a common historic pattern that should be continued along Lower Broadway.

Currently, the proposed street façade buildings for the Broadway Hotel that face directly onto Lower Broadway do begin to create a similar rhythm and repetition with their windows as what historically exists along Lower Broadway. For new construction to be compatible with the existing historic structures on the site, the connection to them is critical and the current design should be revised to be more appropriate. The connection between the new addition and the historic structures on site should relate in mass, scale and form while remaining subordinate to the main structure. Because the new Broadway facade addition is larger than the original historic structures, the 'link' between the two should be small, recessed, and not dominate the façade.

Also, the new Broadway façade should break up the mass of the addition into smaller modules that relate to the historic building's massing. Other than the 'link' between the new addition and the historic structures, the applicant has done a good job of keeping the Broadway facade addition simple in design to remain consistent with the historic facades along Lower Broadway. The elevation along Third Avenue has a better design approach to attaching the new addition to the historic building. The new addition design should be refined to be pedestrian-friendly and work to create a strong, active street presence along Third Avenue. The elevation along Second Avenue is successful at creating a pattern and rhythm along the street with the repetition of evenly-spaced, similarly-sized, upper story windows until you get to the bay closest to the parking garage entrance. The applicant should refine the design of this bay to be more consistent with the Second Avenue façade.



Proposed SP Plan- Broadway Elevation



Adopted SP Plan- Broadway Elevation

**Redevelopment District** The properties along Broadway are located in the Metropolitan Development and Housing Agency Capital Mall Redevelopment District and the Broadway National Register Historic District. This proposal has not been before the MDHA Design Review Committee. The design objectives for the Capital Mall Redevelopment District Plan are:

*Facade guidelines of the Market Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.*

**Changes from the adopted preliminary SP plan** There are several differences between the adopted SP plan and the proposed amendment:

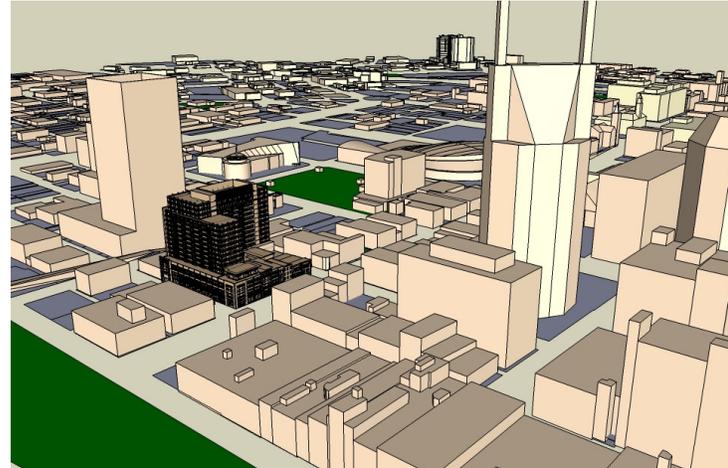
1. This bill removes 48 condominiums and proposes an additional 100 hotel rooms, for a maximum of 475 hotel rooms. Only an additional 82 hotel rooms, for a total of 457 hotel rooms, are shown in the plan.
2. The FAR of the original adopted SP plan is 7.02, without FAR exemptions like the affordable housing component. The new proposal includes a floor area ratio of 7.9, which was calculated differently than in the adopted SP plan. If the FAR for the proposed SP amendment is calculated the same as the adopted SP plan, the FAR is 7.66. Staff would be less concerned about the increase in the FAR, from 7.02 to 7.66, if the plan lessened the impact on the Broadway Historic District, by removing the portion of the tower closest to Broadway.
3. The adopted SP allows a 19 story building with a height of 201 feet, without rooftop mechanical and screening. The proposed SP would allow a 16 story building with a height of 186 feet. The SP includes a maximum height of 200 feet to account for rooftop mechanical and screening. Again, staff is not concerned with the height solely as a number. Staff is more concerned about the relationship of the tower to the Broadway Historic District. It would be possible to have a tower that was slightly taller than 16 stories, that was also more appropriate in this location, if it removed some of the mass closest to Broadway. Along with architectural treatments, this could create a tower that appears to be part of SoBro, instead of a shadow over Lower Broadway.

**Impact on Lower Broadway Historic District** Staff recognizes that there is an adopted SP on this property. However, the proposed plan increases in intensity and FAR without lessening the impact on Lower Broadway. The front portion of the tower is 60-feet from Broadway and is 13 stories tall. While the width of this portion of the tower is approximately one-quarter of the frontage of the property, the position and design of the tower causes it to be interpreted by a pedestrian as a much larger mass. Staff would be supportive of a design that lessened the impact to the Broadway Historic District, even if the plan

technically increased FAR or possibly even the height at the rear of the site, away from Broadway.



Adopted SP looking down on Lower Broadway  
Broadway



Proposed SP looking down on Lower  
Broadway

**METRO HISTORIC STAFF RECOMMENDATION** As in the adopted Specific Plan District, the proposed structure stands in the neighborhood known historically and currently as Lower Broadway and immediately adjacent to the boundaries of the Broadway National Register Historic District. Lower Broadway is a neighborhood made up of pedestrian-scaled buildings ranging from 2 to 5 stories, for a maximum of 75 feet.

The proposed hotel is T-shaped, with a lower tower 154' in height 60' from Broadway and a tower 186' in height rising along Third Avenue. A building of this height and scale so close to Broadway is incompatible with the Broadway National Register District. Additionally, the height along the Third Avenue streetscape is out of scale with the historic buildings adjacent and across the street.

More details are needed about the materials for the project. The applicant will want to keep in mind the importance of the materials being compatible with the historic buildings along Lower Broadway.

The street level elevations are still being refined. Along Second Avenue and Broadway, the design and function are improved regarding the generation of activity. However, the location of service functions along Third Avenue, along with the height of the tower, is destructive of the quality of pedestrian experience and street level activity.

The Historical Commission recommends disapproval based on the building's incompatibility in size, scale, and height, 2) inconsistency with the Downtown plan, and 3) the negative impact on the integrity of the Broadway National Register Historic District.

**PUBLIC WORKS RECOMMENDATION** All Public Works' design standards shall be met prior to any final approvals and permit issuance.

- Per the recommendations of the traffic access study, development shall provide 160 offsite parking spaces to meet the projected parking demand of 234 spaces.
- Any changes to on-street parking, loading zones, or valet parking will require action by the Metropolitan Traffic and Parking Commission.

**STORMWATER RECOMMENDATION** When this was reviewed initially, green roofs were not an accepted measure of water quality. Not only is it an approved method, but it's an approved method that achieves full water quality credits.

There are 2 issues that will need to be addressed during development review.

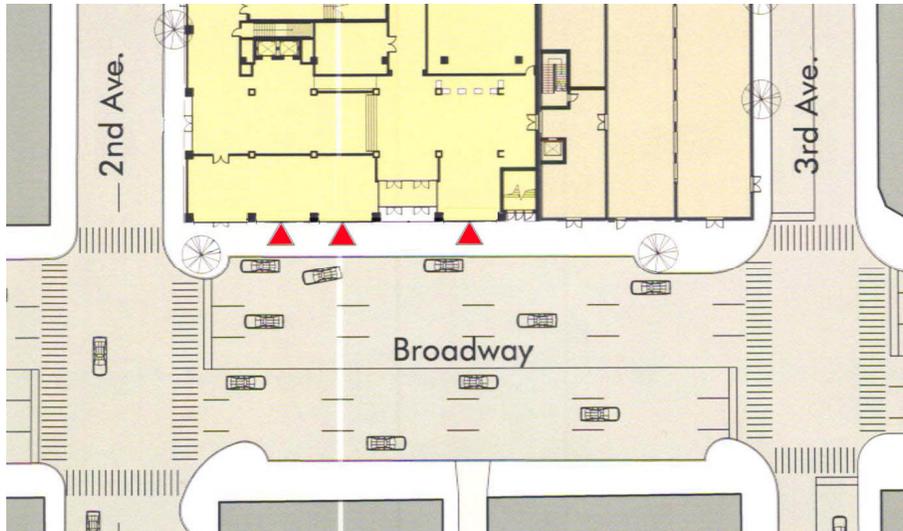
1. The site will be required to have a minimum finished floor elevation.
2. The site currently drains toward 2nd Avenue / 2nd Avenue and Shelby. The site plan indicated a stormwater connection to 3rd Avenue. This may not be acceptable.

Preliminary SP Approved.

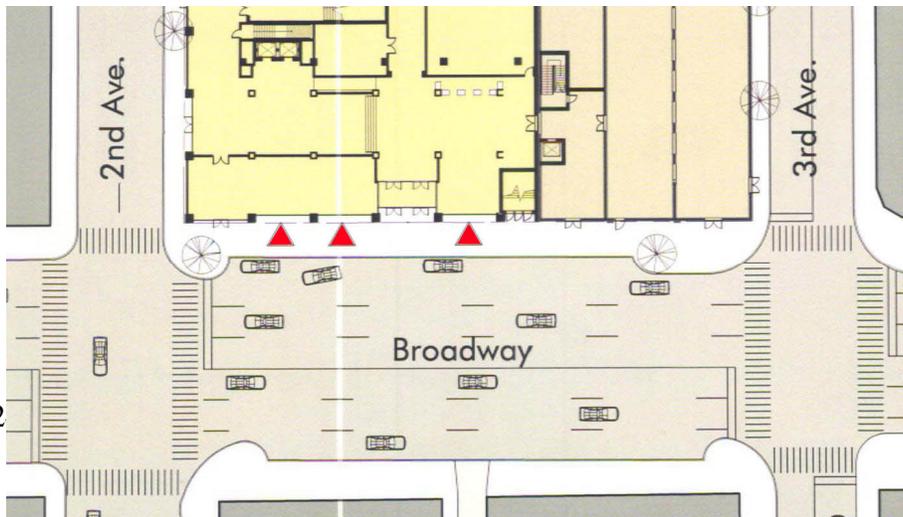
**STAFF RECOMMENDATION** Staff evaluated the proposed SP amendment against both the Downtown Plan and the SP plan adopted by Metro Council. This request continues to be inconsistent with the Downtown Plan. While this request is better in some respects than the adopted SP plan, staff has determined that this request does not lessen the impact to Lower Broadway, due to a portion of the tower that is located closer to the Broadway Historic District. Staff recommends approval with conditions that will lessen the impact on Lower Broadway.

**CONDITIONS**

1. The Broadway street façade shall be pulled up to the property line with recesses and step-backs along the building edge only for entrance and design transition from old-buildings-to-new purposes. The street elevation of the new structure shall be in the same plane as the original 'historic' facades, in order to be consistent with other buildings in the historic streetscape. Although similar in form and materials, the composition and details of the new façade are to be more simplified. The design transition from old-buildings-to-new shall be reinforced by the narrow recessed connector.



Example as suggested in Condition 1 text



Street condition of new building as currently proposed by applicant

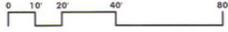
2. The Broadway Hotel street façade shall maintain a rhythm and repetition consistent with the established historic pattern found along Broadway. For illustration purposes, the street façade portions of '207' and '215' need to be designed to maintain a proportional façade-width similar to street facades found along Lower Broadway. The façade proportion of '207' and '215' is currently broken in half and should instead be a full façade. The portion of the façade on '215' that connects the old buildings to the new shall be recessed and designed in such a way as to not draw a sharp contrast and make the connector an incompatible feature, as it is currently designed.



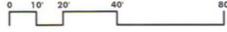
3. Consideration shall be given to the design of the tower wing that projects toward Lower Broadway. In order to pull the bulk of the building back and lessen its impact on Broadway, Planning Commission Staff recommends pulling the wing back by a minimum of four (4) rooms and relocating those rooms by taking the North/South tower up in height by two stories. The bulk of the building will sit back from Broadway a minimum of 85 feet instead of the currently proposed 60 feet. The overall tower would take-on a T-form instead of having a longer wing that extends forward toward Broadway.



**APPLICANT'S  
TYPICAL FLOOR PLAN**



**CONDITION #3  
TYPICAL FLOOR PLAN**



Second Avenue elevation as currently proposed by applicant



Second Avenue elevation example as suggested in Condition 3 text

4. In order to achieve more sustainable design, it is the expressed intent of the Metropolitan Council that this development is required to achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A LEED Accredited Professional assigned by the property owner shall monitor all design and construction. Prior to issuance of a temporary certificate of occupancy for any use of the development, a report (including an executive summary and a LEED scorecard including four levels of probability of attainment for each classification of LEED point scoring) shall be provided by an approved independent LEED Accredited Professional for review by the Department of Codes Administration. The report shall indicate that, where feasible, all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Quarterly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) may be issued.
5. This development is required to provide a 'green roof' utilizing best development practices as certified by an accredited professional experienced in the provision of 'green roofs'. Said roof shall cover a minimum of 15,900 square feet if constructed in accordance with the plans as submitted. If an alternative tower design is approved as per Condition 7, an equivalent amount of 'green roof' shall be provided. Certification must be achieved and maintained as set forth for LEED certification herein. Said green roof may count toward required LEED certification.
6. To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy

MPC (4/24/08)

shall be for a period not to exceed three (3) months from the date that all documentation necessary and requested by the U.S. Green Building Council has been provided by the Developer. A maximum of two three (3) month extensions will be allowed to allow necessary time to achieve final certification.

7. Façade elevations along the property line adjacent to Broadway, 2nd Ave and 3rd Ave. shall continue to be designed in compliance with the requirements of *A Market and Design Study for the Broadway National Register Historic District* and any applicable MDHA design guidelines and shall be approved by the MDHA Design Review Committee after review and comment by the Metro Historical Commission and prior to approval of the final site plan and issuance of any building permits. In particular, the proportions and rhythm of the window and door openings of existing buildings along Broadway shall be utilized as a guide. Storefronts along Broadway, Second and Third Avenues shall have bulkheads (kickplates) to remain consistent with existing storefronts in the historic district.
8. It is the intent of the Metropolitan Council to mitigate any potential impacts on the lower Broadway corridor that may be caused by the scale and massing of this development. Therefore, with the review of the final site plan, the Planning Commission is authorized to approve the tower portion of the development in conformance with the plans as submitted or an alternative tower design that would be further back from Broadway than 85 feet, in conformance with Condition 3. The alternative tower design shall fall within the following building envelope:
  - Minimum building setback from Broadway: Maintain the existing Core Frame zoning district of 1' horizontal setback to 1.5 foot vertical rise in height as measured 70' from the Broadway property line with no portion of the tower closer to Broadway than the 85 feet as stated in Condition 3.
9. Prior to issuance of a building permit for any exterior renovation or alteration to the Broadway or 3rd Ave. elevations of the buildings at 217 and 221 Broadway currently within the Broadway National Register Historic District the application shall be approved by the Historical Commission. Unless otherwise waived by the Metro Historic Commission, all work shall be in accordance with the requirements of *A Market and Design Study for the Broadway National Register Historic District* as well as the Secretary of the Interior's Standards for Rehabilitation regardless of whether the building remains within the Broadway National Register Historic District or not.
10. This SP district permits all uses permitted within the CF zoning district.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this

- enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
- Ms. Logan presented and stated that staff is recommending approval with conditions.
- Ms. Hilary Kahnle, presented and stated that staff is recommending approval with conditions.
- Mr. Mike Mizell, 511 Union Street, spoke in favor of the proposed development.
- Mr. David Minnigan, 2100 West End Avenue, spoke in favor of the proposed development. He presented information to the Commission for the record.
- Mr. Ron Lustic, Price Circle Drive, spoke in favor of the proposed development.
- Mr. Bernhardt offered additional information on the alignment configuration of this development.
- Mr. Kim Hawkins, 105 Broadway, spoke in favor of the proposed development.
- Mr. Mike Coolidge, 1512 Larimer Street, spoke in favor of the proposed development.
- Mr. Tyler left the meeting at 6:35 p.m.
- Mr. Charles Robin, 125 2<sup>nd</sup> Avenue North, spoke in favor of the proposed development.
- Mr. Dan Brown, 171 Antioch Pike, spoke in opposition to the proposed development.
- Ms. Regina DuBois, 114 2<sup>nd</sup> Avenue South, spoke in favor of the proposed development.
- Mr. David Currey, 936 Currey Road, spoke in opposition to the proposed development.
- Mr. Gotto requested additional clarification on the proposed development in relation to the recommendation being made by staff.
- Mr. Bernhardt briefly explained the changes that were made to the original development as well as the changes that were not made, as recommended by staff.
- Mr. Gotto acknowledged the amendments made by the applicant and spoke in favor of approving the project.
- Ms. Cummings spoke in favor of approving the proposal as requested by the applicant.
- Mr. Clifton requested clarification on the conditions placed on the development in relation to the requested conditions of the applicant.
- Mr. Bernhardt offered a brief explanation as to the changes that would be made to the conditions if the Commission were to approve the development as requested by the applicant.
- Mr. Clifton acknowledged the various changes made to the original proposal and the efforts displayed by the applicant in meeting the staff's conditions. He then requested additional information on the historic overlay and its affect on this development.
- Mr. Bernhardt explained the historic overlay issue and how it related to this development.
- Mr. Clifton spoke in favor of approving the development as requested by the applicant.

Ms. Nielson expressed issues with the proposed development and its affect it would have on the historic nature of this area.

Mr. Ponder spoke in favor of the proposed development as requested by the applicant. He acknowledged the intentions to preserve the historic nature of this location, however, stated that the project would be a great improvement to this area.

Ms. Jones spoke in favor of approving the development as requested by the applicant.

Mr. Dalton acknowledged and spoke in favor of the changes made to the development.

Ms. LeQuire expressed issues with regard to the alterations that were made to the development that were used to meet the necessary requirements of the original proposal.

Mr. Clifton addressed the concerns mentioned by Ms. LeQuire.

Mr. Ponder offered that any future developments would have to be studied on an individual basis.

Ms. Cummings moved and Mr. Dalton seconded the motion, to approve with conditions, Zone Change 2006SP-183U-09, including an amendment to conditions #3 and #8 to pull the Broadway wing back a minimum of two rooms for a setback of 74 feet. (8-1) No Vote – Nielson

#### **Resolution No. RS2008-85**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-183U-09 is **APPROVED WITH CONDITIONS, including an amendment to conditions 3 and 8 to pull the Broadway wing back a minimum of two rooms for a setback of a minimum of 74 feet from Broadway. (8-1)**

#### **Conditions of Approval:**

1. The Broadway street façade shall be pulled up to the property line with recesses and step-backs along the building edge only for entrance and design transition from old-buildings-to-new purposes. The street elevation of the new structure shall be in the same plane as the original ‘historic’ facades, in order to be consistent with other buildings in the historic streetscape. Although similar in form and materials, the composition and details of the new façade are to be more simplified. The design transition from old-buildings-to-new shall be reinforced by the narrow recessed connector.
2. The Broadway Hotel street façade shall maintain a rhythm and repetition consistent with the established historic pattern found along Broadway. For illustration purposes, the street façade portions of ‘207’ and ‘215’ need to be designed to maintain a proportional façade-width similar to street facades found along Lower Broadway. The façade proportion of ‘207’ and ‘215’ is currently broken in half and should instead be a full façade. The portion of the façade on ‘215’ that connects the old buildings to the new shall be recessed and designed in such a way as to not draw a sharp contrast and make the connector an incompatible feature, as it is currently designed.
3. Consideration shall be given to the design of the tower wing that projects toward Lower Broadway. In order to pull the bulk of the building back and lessen its impact on Broadway, Planning Commission Staff recommends pulling the wing back by a minimum of two (2) rooms and relocating those rooms by taking the North/South tower up in height by two stories. The bulk of the building will sit back from Broadway a minimum of 74 feet instead of the currently proposed 60 feet. The overall tower would take-on a T-form instead of having a longer wing that extends forward toward Broadway.
4. In order to achieve more sustainable design, it is the expressed intent of the Metropolitan Council that this development is required to achieve and maintain Leadership in Environmental and

- Energy Design (LEED) certification. A LEED Accredited Professional assigned by the property owner shall monitor all design and construction. Prior to issuance of a temporary certificate of occupancy for any use of the development, a report (including an executive summary and a LEED scorecard including four levels of probability of attainment for each classification of LEED point scoring) shall be provided by an approved independent LEED Accredited Professional for review by the Department of Codes Administration. The report shall indicate that, where feasible, all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Quarterly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) may be issued.
5. This development is required to provide a 'green roof' utilizing best development practices as certified by an accredited professional experienced in the provision of 'green roofs'. Said roof shall cover a minimum of 15,900 square feet if constructed in accordance with the plans as submitted. If an alternative tower design is approved as per Condition 7, an equivalent amount of 'green roof' shall be provided. Certification must be achieved and maintained as set forth for LEED certification herein. Said green roof may count toward required LEED certification.
  6. To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months from the date that all documentation necessary and requested by the U.S. Green Building Council has been provided by the Developer. A maximum of two three (3) month extensions will be allowed to allow necessary time to achieve final certification.
  7. Façade elevations along the property line adjacent to Broadway, 2nd Ave and 3rd Ave. shall continue to be designed in compliance with the requirements of *A Market and Design Study for the Broadway National Register Historic District* and any applicable MDHA design guidelines and shall be approved by the MDHA Design Review Committee after review and comment by the Metro Historical Commission and prior to approval of the final site plan and issuance of any building permits. In particular, the proportions and rhythm of the window and door openings of existing buildings along Broadway shall be utilized as a guide. Storefronts along Broadway, Second and Third Avenues shall have bulkheads (kickplates) to remain consistent with existing storefronts in the historic district.
  8. It is the intent of the Metropolitan Council to mitigate any potential impacts on the lower Broadway corridor that may be caused by the scale and massing of this development. Therefore, with the review of the final site plan, the Planning Commission is authorized to approve the tower portion of the development in conformance with the plans as submitted or an alternative tower design that would be further back from Broadway than 74 feet, in conformance with Condition 3. The alternative tower design shall fall within the following building envelope:  
Minimum building setback from Broadway: Maintain the existing Core Frame zoning district of 1' horizontal setback to 1.5 foot vertical rise in height as measured 70' from the Broadway property line with no portion of the tower closer to Broadway than the 74 feet as stated in Condition 3.
  9. Prior to issuance of a building permit for any exterior renovation or alteration to the Broadway or 3rd Ave. elevations of the buildings at 217 and 221 Broadway currently within the Broadway National Register Historic District the application shall be approved by the Historical Commission. Unless otherwise waived by the Metro Historic Commission, all work shall be in accordance with the requirements of *A Market and Design Study for the Broadway National Register Historic District* as well as the Secretary of the Interior's Standards for Rehabilitation

- regardless of whether the building remains within the Broadway National Register Historic District or not.
10. This SP district permits all uses permitted within the CF zoning district.
  11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
  12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
  13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
  14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

While the amendment to the SP district is not completely consistent with the Downtown Community Plan's policies, the new plan decrease the impact along lower Broadway, and better relates with existing buildings on lower Broadway than the original plan.”