

December 13, 2012 Planning Commission meeting

2. 2012SP-032-001

NASHVILLE WEST END

Map 092-16, Parcel(s) 234, 238, 242-245

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Greg Johnson

A request to rezone from MUI-A to SP-MU zoning properties located at 204 and 208 21st Avenue South and at 2003, 2005, 2007 and 2009 Division Street, at the northeast corner of Grand Avenue and 21st Avenue South (1.75 acres), to permit a mixed-use development containing a hotel, multifamily, office and commercial uses, requested by Littlejohn Engineering Associates, applicant, LaGasse Family Partners, LLC, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Permit 19-story development with residential, hotel, retail, and restaurant uses.

Preliminary SP

A request to rezone from Mixed Use Intensive-Alternative (MUI-A) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 204 and 208 21st Avenue South and at 2003, 2005, 2007 and 2009 Division Street, at the northeast corner of Grand Avenue and 21st Avenue South (1.75 acres), to permit a mixed-use development containing a hotel, multi-family, office and commercial uses.

Existing Zoning

Mixed Use Intensive-Alternative (MUI-A) is intended for a high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Proposed Zoning

Specific Plan-Mixed Use (SP-MU) 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 office and/or commercial uses.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Supports Infill Development
- Promotes Compact Building Design
- Provides a Range of Housing Choices

This proposal meets several critical planning goals. Meeting the requirements of the MUI-A zoning district for building setbacks, the development will have relatively short street setbacks with building entrances along the street frontages and parking placed away from street frontages, improving upon the walkable design of the surrounding streets. The project will replace existing office and retail buildings, which will intensify development on an infill site. Use of the site is optimized using structured parking that includes above-ground parking and shared parking requirements, allowing for the compact integration of uses. The proposed multi-family dwelling units will provide additional housing choice within the surrounding community. Located along a bus line, the development will add residents to use public transportation and non-residential uses to provide a destination for public transportation users.

GREEN HILLS - MIDTOWN COMMUNITY PLAN

T5 Center Mixed Use Neighborhood Area 2 (T5 MU) is intended to preserve and enhance urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and nonresidential land uses, and that are envisioned to remain or develop in a mixed use pattern. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include the County's major employment centers, representing several sectors of the economy including health care, finance, retail, the music industry, and lodging.

Consistent with Policy?

Yes. The T5 MU policy was approved earlier this year through the Midtown Plan, which examined building form throughout the Midtown area. A special policy was approved within this area along Broadway and 21st Avenue to permit maximum building heights of up to twenty stories. It adds that punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meet the policy. The hotel portion of this SP would reach a maximum height of 19 stories. The site and building design, with its first floor retail space along the street frontage and the placement of parking away from street frontage, meets the general design intent of the T5 MU policy.

REQUEST DETAILS

This SP includes approximately 598,480 square feet of hotel, retail, restaurant, and residential uses.

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Building height

The development is designed as two separate elements, a hotel component on the northern half of the site and a residential component on the southern half. Due to the design of the development, these hotel and residential elements will appear as two separate buildings along the Broadway/21st Avenue street frontage. The residential portion of the development has a height of 15 stories and approximately 200 feet. The hotel portion is also approximately 200 feet in height, but includes 17 stories.

The building design meets the MUI-A requirements of the Zoning Code except for building height, which establishes a maximum height of 15 stories in 150 feet. The Midtown Plan, which was approved early this year, recommends building heights of up to 20 stories within this portion of the study area. Based on this recommendation, the proposed building height is consistent with the approved land use policy.

Above-ground structured parking is included as part of the SP. According to the SP, 635 parking spaces are provided, which is equal to the minimum required by the Zoning Code for the proposed land uses.

Signage

A signage plan was submitted with the SP proposal. Ten different sign types are proposed throughout the development. Specific recommendations for changes to the signage plan are listed below:

- Upper facade signs

The sign proposal includes blade and flat wall signs for the upper facades of the development. Blade signs are two-sided signs that are attached to the building with sign faces oriented perpendicularly to the building face. The hotel will have a blade sign on the Broadway frontage and a wall sign on the 20th Avenue frontage. The residential building will have two wall signs on the 21st Avenue frontage. The SP appropriately limits the placement and size of these upper-façade signs.

- Lower façade signs: Several types of building signs are proposed for the first few levels of the building facades. The placement of these signs is appropriate because these signs can interact appropriately with street traffic in front of the site down the street along Broadway and 21st Avenue. Additional illumination requirements will ensure appropriate interaction of these signs with adjacent residential and hotel units.

Flat signs and awning signs are proposed along the first floor frontage. The flat signs are intended to advertise first floor tenants. These signs are aligned on the first floor. To be consistent with typical signage permitted in the Zoning Code, these signs shall be limited to a maximum of two per tenant along each façade. Awning signs can be considered appropriate signs in addition to the standard sign requirements as long as they are modest in size. Awning signs shall have a maximum size of ten square feet each and shall not be back-lit from behind the awning. Several small blade signs and flat building signs are also proposed on first floor of the bank building as small decorative elements in the facade. These signs also shall not be illuminated.

- South façade: Sign Type 8 is a flat wall sign that is listed at 1,296 square feet. The sign proposal includes three of these signs on the lower levels of the south façade intended to cover a blank portion of the building wall on the exterior of the parking structure. Placing signage in this area could provide a unique opportunity for a highly visible combination of advertisement and art while covering a blank portion of the façade. However, these could also be intrusive signs if internally-illuminated. Requirements directed toward lighting, text, and logo size will promote signage in this area that is compatible to the surrounding area.

Staff recommends approval of these signs with the following conditions:

1. Off-site advertisement is permitted in this sign area.
2. Internal illumination of this sign area is prohibited. Any illumination of this sign area shall be external and directed from above the sign area.
3. The intent of these signs is to offer an opportunity to provide an artistic presentation, but to allow a supporting commercial message. Therefore, any letters, words, logos, or other commercial identification shall be limited to a maximum of ten percent of each sign.

Street/Alley Improvements

The SP site plan shows the intent for a general redesign of the intersections of Broadway with 20th and 21st Avenues. Specific improvements include a widened sidewalk along the SP frontage and a widened alley at the back of the site to allow for the expected increase in car traffic and deliveries to the site. The proposed improvements have been reviewed by Public Works whose comments and recommendations are shown below.

ANALYSIS

Other than the proposed building height of the development and some of the signage requirements, the SP complies with the requirements of the MUI-A district. The proposed building height is consistent with the land use policy of the Midtown Plan. The proposed signage is appropriate in coordination with the building design and the intent for walkable street frontages.

Public improvements and a traffic impact study have been reviewed and approved by Public Works whose comments are shown below, and have been incorporated into the recommended conditions of approval.

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METRO HISTORICAL COMMISSION RECOMMENDATION

There are two historic properties located within the area of this zone change proposal. The commercial building located at 2007 Division Street (092-16-243) is Worthy of Conservation. The apartment building located at 2009 Division Street (092-16-242) is eligible for listing in the National Register of Historic Places as part of a multiple property listing for historic apartment buildings in Nashville. We [Metro Historical Commission staff] believe it to be eligible for listing in the National Register as an individual property, as well.

The site plans accompanying the zone change proposal suggest the future demolition of both buildings. We encourage the applicant to retain the historic buildings and incorporate them into a future project.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- All modifications within the public ROW are to be per the approved TIS.
- The final site design shall ensure appropriate design to accommodate truck turning movements.
- Developer needs to fill out MPW access easement agreement for the 2.5 foot access easement, contact Scott McCormick for a copy of this document.
- Additional comments will follow with the review of the construction documents.

In accordance with the September 2012 traffic impact study (TIS), the following conditions shall be required:

Broadway and 21st Avenue South

1. Realign the eastbound approach of 21st Avenue South to intersect with Broadway at a 90-degree angle. Provide three travel lanes including one exclusive left turn lane, one through lane, and one exclusive right turn lane. The right turn lane shall be channelized onto a new through lane on 21st Avenue South by a raised island with yield control for pedestrians.
2. The northbound approach of 21st Avenue South shall include two through lanes. With the submittal of final construction plans, modifications may be required to the proposed to the eastern curb line to ensure appropriate lane widths for northbound traffic in the curved section of Broadway.
3. The southbound approach of Broadway shall include one left turn lane with approximately 50 feet of dedicated storage and one through lane.
4. The southbound roadside curb line on Broadway shall be designed to accommodate a bus pull-off at the intersection.
5. The project site access shall be provided as the fourth leg of the intersection and shall have separate LT and RT exiting lanes and one entering lane. Align the entering lane with the eastbound through lane of 21st Avenue South.
6. The developer shall signalize the intersection including pedestrian signals for crossing Broadway and 21st Avenue South and communications interconnect.
7. The new traffic signal shall be incorporated into the signal system and coordinated along Broadway/21st Avenue South.
8. Protected/permissive left turn signal phasing shall be provided for the southbound approach of Broadway and the eastbound (realigned) approach of 21st Avenue South. Permissive signal phasing shall be provided for the westbound Site Access approach.
9. Pedestrian crosswalks shall be provided for each leg of the intersection.
10. Any valet services in the proposed motor court, if provided, shall be located internal to the site.

Broadway and Division Street

1. Modify Division Street to provide a two lanes entering the intersection (LT and RT) and a wide receiving lane as shown on the approved plan.
2. Construct an eastbound right turn lane. The right turn lane shall include approximately 65 feet of storage and 55 feet of taper.
3. Modify the pavement markings on Broadway between Division Street and 21st Avenue South to provide a continuous two-way left-turn lane with dedicated left turn storage at 21st Avenue.
4. Modify the westbound approach of Broadway to provide a separate left turn lane and through lane. The left turn lane shall include approximately 75 feet of storage and 90 feet of taper.
5. The existing mid-block pedestrian crosswalk and flasher on Broadway shall be relocated to the east side of Division Street.
6. Provide marked pedestrian crosswalks for the east and south legs.

Hotel Access

1. The hotel porte-cochere shall be designed for one-way operation, with entering access from Broadway and exiting access onto Division Street.
2. The exit shall be designed to restrict left turns onto Division Street by providing a "No Left Turn" sign and a raised median on Division Street.

Division Street and 20th Avenue

1. Provide new all-way stop-control at the intersection.
2. The on-street parking on the west side of 20th Avenue between Division Street and Chet Atkins Place shall be removed.
3. Provide pavement markings at the intersection to include pedestrian crosswalks and stop lines for all approaches.

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21st Avenue South and Grand Avenue

1. Provide a dedicated southbound left turn lane on 21st Avenue between the realigned intersection with Broadway and the existing intersection of Grand Avenue.

20th Avenue South and Garage Access (Entering)

1. Construct the garage access on 20th Avenue with two entering lanes and no exiting lanes. The 20th Avenue access shall be for entering traffic only.
 2. Any access-control gates shall be located internal to the garage and a minimum of 25 feet from the back of sidewalk or public right-of-way.

Alley and Garage Access (Exiting)

1. Exiting access for the parking structure shall be provided onto alley #447.
 2. Widen alley #447 between 20th Avenue and Grand Avenue and dedicate ROW as shown on the approved preliminary SP plans.

Maximum Uses in Existing Zoning District: **MUI-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.75	5 F	381,150 SF	3738	548	506

Maximum Uses in Proposed Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	1.75	-	118,400 SF 165 Rooms	1472	99	98

Maximum Uses in Proposed Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.75	-	19,320 SF	865	23	68

Maximum Uses in Proposed Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurants (932)	1.75	-	19,810 SF	2519	229	221

Maximum Uses in Proposed Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family (220)	1.75	-	350 Units	2245	176	211

Traffic changes between maximum: **MUI-A** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+3363	-21	+92

SCHOOL BOARD REPORT

Projected student generation **1** Elementary **1** Middle **1** High

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Schools Over/Under Capacity

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. Eakin Elementary and West End Middle schools have been identified as being over capacity by the Metro School Board. There is capacity for elementary and middle school students within the cluster.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The proposal is consistent with the T5 MU land use policy and the design standards of the Midtown Plan of 2012. Additionally, the proposed public improvements have been reviewed by Public Works whose comments are included as conditions of approval.

CONDITIONS

1. Except as specifically conditioned below, proposed signs shall follow the requirements of the MUI-A zoning district.
2. Individual first-floor tenants shall be permitted up to two Type 1 flat wall signs along their tenant spaces along the Broadway/21st Avenue frontage. Each sign shall have a maximum square footage of 96 square feet or 15 percent of the area of the tenant space that the sign is placed on, whichever is less. If one tenant occupies a space with more than 140 linear feet of street frontage along the 21st Avenue street frontage, that tenant may display up to three signs with a maximum square footage of 96 square feet for each sign and 200 total square feet.
3. Sign types 3 and 4 (four square foot blade and flat signs) within the signage program shall not be illuminated.
4. Sign type 8 on the south building façade shall be permitted to display off-site advertisement. Internal illumination of this sign type is prohibited. Any illumination of this sign area shall be external and directed at the sign from above the sign area. Any letters, words, logos, or other commercial identification shall be limited to a maximum of ten percent of each sign.
5. Awning signs shall have a maximum size of ten square feet and shall not be back-lit from underneath the awning.
6. The placement of up to two flat wall signs with a combined square footage of up to 200 square feet on the 21st Avenue façade of the residential building is permitted. No portion of these signs may extend above the top of the roof or parapet wall, whichever is greater. The placement of these signs will be reviewed at final site plan.
7. Internally-illuminated blade signs shall have an opaque sign background area. Internal illumination shall include letters and logos only.
8. Individual signs may be modified by the Planning Commission at final site plan review if the intent of the preliminary SP sign program is met.
9. Land uses within this SP shall be limited to multi-family residential, retail, restaurant, bar or nightclub, business service, personal care service, general office, leasing and sales office, hotel, and all uses permitted under the MUI-A zoning district.
10. Development shall comply with all Public Works' conditions listed above.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUI-A 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 Metro 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.

Mr. Johnson presented the staff recommendation of approval with conditions and disapproval without all conditions.

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Jeff Beidl, 941 N. Meridian, spoke in support of the application.

Amy Burch, RPM Transportation Consultants, spoke in support of the application and stated that the proposed development will have minimal impact to traffic in the area.

Phillip Percy, Littlejohn Engineering, spoke in support of the application.

Erica Garrison spoke in support of the application and noted that they will continue to work with any property owners that have issues.

Council Lady Gilmore spoke in support of the application and stated that she would like to see this project continue to move forward.

Sydney McCann, 900 20th Ave S, spoke in opposition to the application and stated concerns with increased height, traffic, and congestion.

Elaine Blake, 900 20th Ave S, spoke in opposition to the application and stated concerns with increased traffic. Also noted that she thought the next meeting was not going to be held until January.

Lydia Jones, 621 Westview Ave, spoke in opposition to the application and requested to defer until adequate information could be received from the developer; was told that this would not be on the agenda until January.

Donald Seitz, 900 20th Ave S, spoke in opposition to the application and noted that he was just informed of this meeting two days ago; he was under the impression that the next meeting was in January.

Andy Moatz, 900 20th Ave S, spoke in opposition to the application due to lack of information from the developer, privacy concerns, and height/proximity of the tower.

Erica Garrison noted that the height only changed in a minor way and stated that they would be happy to go out for another community meeting if necessary.

Mr. Haynes moved and Mr. Gee seconded the motion to close the Public Hearing. (9-0)

Mr. Haynes spoke in support of the application and stated that we need projects like this in order for Nashville to continue to move forward in a positive manner.

Ms. LeQuire spoke in support of the application and expressed appreciation for the willingness to work with the community.

Mr. Clifton stated support of the application due to the similarity of what is already in the area.

Mr. Gee spoke in support of the application.

Mr. Dalton out at 4:38 p.m.

Mr. Ponder stated that this is a perfect project for this area and spoke in support of the application.

Mr. Dalton in at 4:40 p.m.

Councilmember Claiborne spoke in support of the application.

Mr. Haynes moved and Mr. Dalton seconded the motion to approve with conditions. (9-0)

Resolution No. RS2012-234

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-032-001 is **Approved with conditions and disapproved without all conditions. (9-0)**

The proposal is consistent with the T5 MU land use policy and the design standards of the Midtown Plan of 2012.

CONDITIONS:

1. Except as specifically conditioned below, proposed signs shall follow the requirements of the MUI-A zoning district.

2. Individual first-floor tenants shall be permitted up to two Type 1 flat wall signs along their tenant spaces along the Broadway/21st Avenue frontage. Each sign shall have a maximum square footage of 96 square feet or 15 percent of the area of the tenant space that the sign is placed on, whichever is less. If one tenant occupies a space with more

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than 140 linear feet of street frontage along the 21st Avenue street frontage, that tenant may display up to three signs with a maximum square footage of 96 square feet for each sign and 200 total square feet.

3. Sign types 3 and 4 (four square foot blade and flat signs) within the signage program shall not be illuminated.
 4. Sign type 8 on the south building façade shall be permitted to display off-site advertisement. Internal illumination of this sign type is prohibited. Any illumination of this sign area shall be external and directed at the sign from above the sign area. Any letters, words, logos, or other commercial identification shall be limited to a maximum of ten percent of each sign.
 5. Awning signs shall have a maximum size of ten square feet and shall not be back-lit from underneath the awning.
 6. The placement of up to two flat wall signs with a combined square footage of up to 200 square feet on the 21st Avenue façade of the residential building is permitted. No portion of these signs may extend above the top of the roof or parapet wall, whichever is greater. The placement of these signs will be reviewed at final site plan.
 7. Internally-illuminated blade signs shall have an opaque sign background area. Internal illumination shall include letters and logos only.
 8. Individual signs may be modified by the Planning Commission at final site plan review if the intent of the preliminary SP sign program is met.
 9. Land uses within this SP shall be limited to multi-family residential, retail, restaurant, bar or nightclub, business service, personal care service, general office, leasing and sales office, hotel, and all uses permitted under the MUI-A zoning district.
 10. Development shall comply with all Public Works' conditions listed above.
 11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUI-A 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 Metro 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
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