

## 2015SP-048-001

BL2015-1205\Gilmore

### DEMONBREUN HILL

Map 093-09, Parcel(s) 203-206, 255-257, 259

Map 093-13, Parcel(s) 007, 010, 011, 013

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Brett Thomas

A request to rezone from CF to SP-MU zoning for property located at 1512, 1514, 1516, 1522, 1524, 1528, 1530 Demonbreun Street; 112 and 118 16th Avenue South and 1529, 1531 and 1533 McGavock Street, at the southeast corner of 16th Avenue South and McGavock Street, (3.38 acres), to permit a 22 story mixed use development with up to 590 multi-family residential units, requested by Kimley-Horn, applicant; Elmington Capital Group, owner. (See UDO cancellation 2001UD-002-010)

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

### APPLICANT REQUEST

**Preliminary SP to permit mixed-use development.**

#### Preliminary SP

A request to rezone from Core Frame (CF) to Specific Plan Mixed-Use (SP-MU) zoning for properties located at 1512, 1514, 1516, 1522, 1524, 1528, 1530 Demonbreun Street; 112, 118 16<sup>th</sup> Avenue South; and 1529, 1531, 1533 McGavock Street, at the southeast corner of 16<sup>th</sup> Avenue South and McGavock Street (3.38 acres), to permit a 22 story mixed use development with up to 590 multi-family residential units.

#### **Existing Zoning**

Core Frame (CF) is intended for a wide range of parking and commercial service support uses for the central business district.

#### **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

- Supports Infill Development
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Supports a Variety of Transportation Choices

This proposal meets several critical planning goals. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The development will have 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 retail buildings and parking lots, intensifying development on an infill site. Use of the site is optimized by the use of structured parking with ground floor retail. The proposed multi-family 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

#### **Current Policy**

T5 Center Mixed Use Neighborhood (T5 MU) policy 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 non-residential 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.

#### **Growth and Preservation Concept Map**

No changes are proposed.

#### Consistent with Policy?

Yes. The proposed SP zoning district would provide a grocery store, multi-family residential units, office, retail, and structured parking, which would support the already diverse mixed use area. The maximum proposed height is 22 stories in 289 feet in height. The location of the project in relation to other approved projects supports the proposed height of the building. The proposed development would provide more opportunities for living in the urban core of the

city and the non-residential uses will provide amenities for people residing in the area as well as people working and visiting the area.

### PLAN DETAILS

The site is located at the southeast corner of 16<sup>th</sup> Avenue South and McGavock Street. The site boundaries include McGavock Street to the north, 16<sup>th</sup> Avenue South to the west and Demonbreun Street to the south. The site is located within the Music Row Urban Design Overlay. The applicant has requested cancellation of the UDO for the included properties. The site is approximately 3.38 acres in size. Current uses on the site consist of small scale retail and restaurant uses in individual buildings, as well as surface parking lots.

#### Site Plan

The plan proposes four separate buildings on the site; however, the programming of the buildings will not be determined until the final site plan. Although the applicant has identified anticipated uses for each building, uses permitted within the CF zoning district would also be allowed. The building at the southeast corner of 16<sup>th</sup> Avenue South and McGavock Street currently anticipates a grocery store, retail, and multi-family residences. The building proposed to wrap around the north and east elevations of the existing restaurant on Demonbreun Circle anticipates retail, residential, office, and a hotel. The building which fronts Demonbreun Street across from the Demonbreun Lofts anticipates retail, office, and a hotel. The building further east along Demonbreun Street, adjacent to the Rhythm, is anticipated to include retail, residential, and a hotel. All four buildings propose structured parking decks with architectural cladding to enhance architectural design of the structures. Parking decks located at street level and fronting a public street are required to have 100% of the street frontage devoted to retail or service uses to maintain a pedestrian-oriented urban environment.

The heights, density, and uses are designed to provide flexibility for the applicant to meet market demands and are regulated by the Development Summary and Overall Land Use tables within the SP. Final elevations will be required with the final site plan. The following bulk standards apply:

Max. Gross Floor Area:	1,040,000 square feet
Maximum FAR:	7.06
Maximum Residential:	590 units
Maximum Hotel:	640 rooms
Maximum Retail:	103,000 square feet
Maximum Office:	420,000 square feet
Maximum Height:	22 stories in 289 feet

The alley between Demonbreun and McGavock Streets is proposed to be widened to 24 feet to accommodate two-way traffic within the site. A three lane access drive to Demonbreun Street is proposed to align with the existing access point of the Demonbreun Lofts. This access point, as well as the intersection of 16<sup>th</sup> Avenue South and McGavock Street, is proposed by the applicant to be signalized.

An existing curb cut along Demonbreun Street would function as a drop off for the hotel proposed adjacent to the Rhythm. Additional parking structures are accessed via the alley. The SP requires parking comply with Metro requirements. Sidewalk widths shall meet the minimum requirements of the Major and Collector Street Plan. Bicycle parking is to be provided in accordance with the Zoning Code.

The SP plan also proposes façade mounted sign and projection sign standards that are different than the Music Row UDO. For façade mounted signs, the UDO permits a maximum area of 40 square feet. The applicant proposes a display surface area of 1.5 square feet of signage per lineal foot of wall surface, without a maximum size, for inline tenants such as retail and restaurants. Anchor tenants in excess of 10,000 square feet, such as a grocery store, would be permitted 2.5 square feet of signage per lineal foot of wall surface, with the potential for a 750 square foot sign. The UDO prohibits projection signs from extending more than 4 feet from the façade; however, the applicant is proposing a maximum extension of 9 feet. Staff is recommending conditions to limit a grocery store tenant to one façade mounted sign with a maximum size of 280 square feet along McGavock Street, and one projection sign along 16<sup>th</sup> Avenue South with a maximum height of 15 feet, and a maximum projection of six feet from the face of the façade. Staff is also recommending conditions to limit all other façade mounted signs and projection signs to comply with the existing standards of the Music Row UDO. Additionally, skyline signs are recommended to be prohibited.

### ANALYSIS

The plan is consistent with the land use policy and meets several critical planning goals. The plan adds a grocery store as well as a hotel, residences, retail, and office uses to a diverse area adding to the mixed use pattern that exists.

### FIRE MARSHAL'S OFFICE

#### Approved with conditions

- Fire Code issues for the structures will be addressed at permit application review.
- Hydrants shall be located within 500' of all parts of every structure via approved hard-surfaced roads.

## **STORMWATER RECOMMENDATION**

**Approved**

## **WATER SERVICES**

**Approved**

- Approved as Preliminary SP only. For Final SP: pay capacity fees, (if needed) have public construction plans approved, and update availability detailing uses of each building.

## **PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- 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.
- Comply with the conditions of the Metro Traffic Engineer
- All proposed changes to lane assignments and signal installations must be approved by the Metro Traffic and Parking Commission prior to Final SP approval. If these items are not approved by T&P then a revised Preliminary SP may be required to mitigate the projects impacts to the existing infrastructure.
- Prior to Final SP coordinate with MPW the typical roadside cross sections for each public street. Typical sections should include ex. and proposed curb location, width of the furnishing zone and items located within, sidewalk width, etc.
- Add note in the Development Notes Section on pg 10, that all construction within the ROW is to per MPW standards and specifications and in accordance with the Strategic Plan for Sidewalks and Bikeways.
- Add note that all ROWs are to be dedicated prior to the issuance of the building permit.

## **TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- The developer has submitted a phasing plan that should be made part of the project submittal. As required by the Metro traffic engineer, focused traffic impact studies shall be provided by the developer for each development phase as part of the final SP submittals to identify additional roadway improvements and triggers for construction of those improvements.
- Phase 1 parking garage on Demonbreun shall be constructed with an access drive with entering and exiting lanes onto Demonbreun and a full access drive off of alley #235. Design of garage entry at Demonbreun shall provide adequate check-in parking, valet parking, and taxi loading space for the future hotel phase proposed to be constructed on top of garage. At a minimum, parking spaces shall be provided to meet the parking requirements for the existing retail and restaurant land uses unless a shared parking analysis is submitted and approved by the Metro Traffic Engineer.
- Phase 1 parking garage drive shall be redesigned as a right-in only with no exit when the future hotel phase is constructed as determined by the Metro traffic engineer. At that time additional parking may be required.
- Phase 2 garage access onto 16th Avenue should be relocated to McGavock Street to eliminate turning conflicts with alley #235. In lieu of relocating the garage access, the developer may offer other solutions to address these conflicts either through alley modifications or additional traffic analysis.
- Additional analysis at the intersection of 16th Avenue and McGavock Street will be required with the submittal of phase 2 final SP in order to determine if a traffic signal is warranted and appropriate. If a traffic signal is deemed warranted and is approved by the Metro Traffic & Parking Commission, the developer shall design and construct the signal with appropriate pedestrian infrastructure and pavement markings.
- Additional analysis at the intersection of Demonbreun and the primary site driveway (access B) will be required in order to determine if a traffic signal is warranted and appropriate. If a traffic signal is warranted and is approved by the Metro Traffic & Parking Commission, the developer shall design and construct the signal with appropriate pedestrian infrastructure and pavement markings.
- The April 2015 traffic impact study indicates that the PM peak hour East Bound Right Turn (EBRT) traffic routinely queues on Demonbreun from the I-40 EB on-ramp through the intersection of Demonbreun and access B. The traffic study also indicates that East Bound Left Turn (EBLT) traffic, turning into site access B, will queue significantly. Because of this, whether access B is signalized or unsignalized, a dedicated EBLT lane shall be constructed on Demonbreun in the median and shall provide a minimum of 150ft of storage with tapers per AASHTO standards. During the design of the EBLT lane, a minimum 10ft median shall be maintained at the intersection.
- A dedicated West Bound Left Turn (WBLT) lane at access B shall be constructed on Demonbreun in the median and shall provide appropriate storage with tapers per AASHTO standards. During the design of the WBLT lane, a minimum 10ft median shall be maintained at the intersection.
- Prior to full buildout, alley #235 shall be widened to 24ft minimum width. Alley improvements will be required with each development phase as determined by Metro Public Works. Additional alley widening may be required when development phases beyond phases 1 and 2 are constructed, to ensure appropriate site circulation.
- Three northbound lanes shall be maintained on 16th Avenue between the existing alley #235 and the Broadway/West End intersection.
- Developer shall apply to Traffic and Parking to restrict parking and standing along 16th Avenue and along McGavock Street as needed.

Maximum Uses in Existing Zoning District: **CF**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	3.38	5 F	736,164 SF	24859	501	2424

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 Residential (220)	3.38	-	590 U	3699	293	343

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)	3.38	-	640 Rooms	5709	470	495

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 (820)	3.38	-	103,000 SF	6923	157	649

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
Office (710)	3.38	-	420,000 SF	4028	592	550

Traffic changes between maximum: **CF** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-4,500	+1,011	-387

**METRO SCHOOL BOARD REPORT**

Projected student generation existing CF district: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP-MU district: 2 Elementary 1 Middle 3 High

The proposed SP-MU zoning district could generate 6 additional students. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. Eakin Elementary and West End Middle have been identified as over capacity and there is no capacity for elementary or middle school students within the cluster.

The fiscal liability for 2 new elementary school students is \$43,000 (2 X \$21,500 per student) and the fiscal liability for 1 new middle school student is \$26,000 (1 X \$26,000 per student). This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2014.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted land uses shall be limited to multi-family residential and all other uses permitted in the CF district. Multi-family residential shall be limited to up to 590 units.
2. The maximum heights of the buildings are limited to 22 stories in 289 feet.
3. Finalized landscape plans shall be submitted with the final site plan and shall meet or exceed the standards of the Zoning Code for the CF district.
4. Bicycle parking shall be provided in accordance with Section 17.20.135 of the Zoning Code.
5. Sidewalk widths shall be as per the adopted Major and Collector Street Plan.
6. Plans for highly visible crosswalks shall be reviewed and approved by Planning and Public Works prior to approval of the final site plan.
7. Comply with all Public Works conditions.
8. The anchor tenant on the corner of McGavock Street and 16<sup>th</sup> Avenue South is permitted one façade mounted sign with a maximum size of 280 square feet along McGavock Street, and one projection sign along 16<sup>th</sup> Avenue South with a maximum height of 15 feet, and a maximum projection of six feet from the face of the façade. All other façade mounted signs and projection signs shall comply with the existing standards of the Music Row UDO. Skyline signs shall be prohibited.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
10. 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 CF zoning district as of the date of the application request or application.
11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Metro Council shall be provided to the Planning Commission prior to or with the final site plan application.
12. 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.
13. 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. Haynes recused himself and stepped out of the room at 5:05 p.m.

Mr. Thomas presented the staff recommendation of Items 4a and 4b.

Items 4a and 4b were heard and discussed together.

Tom White, 36 Old Club Court, spoke in favor of the application and noted that this bill has already passed first reading at council. The rezoning meets critical planning goals and creates walkable neighborhoods.

Dominic (last name unclear), spoke in favor of the application and explained that the goal is to provide a wider variety of amenities and services to the area to help it evolve into a dynamic neighborhood.

David Coode spoke in favor of the application and explained that this has been deferred twice in order to continue dialogue with staff.

James Lennon, 118 16<sup>th</sup> Ave S, spoke in favor of the application and noted that this is a great location for density.

John Dotson from the Music Industry Coalition spoke in favor of the application and explained that their mission is to protect the legacy of Music Row.

Emily Schneller, 1510 Demonbreun St, spoke in opposition to the application due to concerns with traffic flow, parking, safety, density, and the fact that consideration isn't being given to the existing homeowners in the area.

Karyn Fuller, 1510 Demonbreun St, spoke in opposition to the application due to traffic and safety concerns.

Barbara Dyer, 1510 Demonbreun St, spoke in opposition to the application due to inadequate infrastructure, traffic and safety concerns.

Tom White asked for approval and noted that the area needs this grocery store.

**Chairman McLean closed the Public Hearing.**

Mr. Adkins asked for clarification on the parking situation.

Mr. Thomas noted that each of the four buildings would have a parking deck.

Mr. Adkins stated that parking is critical to the project's success.

David Coode clarified that this will meet or exceed the parking requirements of the Zoning Code for the overall development.

Mr. Adkins inquired what the 15-20 year plan for this development consists of.

David Coode stated that the immediate need is to build the grocery store and the parking structure.

Mr. Clifton asked if this rezoning is specific enough to require that the grocery store be built.

Mr. White confirmed that a grocery store will be built in the size discussed which is 30,000 square feet.

Mr. Thomas noted that the preliminary SP does not mandate that the grocery store be built but it can be conditioned if desired.

Mr. Clifton spoke in favor with several conditions including mandating a grocery store.

Mr. Gee spoke in favor of staff recommendation and noted that this is the right place for this project. It will not negatively affect the nearby obviously culturally important area of the music industry. It seems like it's a large enough site to move some of the density around that might be able to address some of the concerns of the residents.

Councilman Hunt left the meeting at 5:48 p.m.

Ms. Blackshear noted that this seems like the right location for intense development but we haven't seen whether this works the way it currently is and what might be needed in the future to ensure that infrastructure, traffic, etc. can be properly addressed.

Ms. Farr stated that she is overwhelmed by the amount of development happening in this area and whether we have adequate infrastructure on Demonbreun to handle this. There are also many positives such as the in-town grocery store and the mixed use; however, she would like to hear more developers address affordable housing in these new developments.

Ms. LeQuire noted that she is glad the alley is being widened. She also expressed that she wants to make sure we are keeping the pedestrian in mind. Something to consider is if there is a way to bring in the access from the alley as it makes a difference not to have cars cutting in front of pedestrians. She echoed Ms. Farr's statement regarding affordable housing and also asked that traffic and parking continue to look toward the future as far as making sure there is enough room to allow for transit.

Mr. Gee noted that the traffic will work itself out in an area like this with a connected street system, especially if we are building walkable, mixed-use developments.

Mr. Clifton stated that he would like to include a condition that the grocery store be built, as described.

Tom White clarified they have no problem with that condition.

Mr. Adkins noted that it's really important to keep this pedestrian friendly and to continue to work with MTA, etc. on future transit options.

**Mr. Clifton moved and Mr. Adkins seconded the motion to approve with conditions, including a condition that the first final site plan includes a grocery store or returns to the commission for review, and disapprove without all conditions. (7-0)**

Mr. Haynes stepped back in the room at 6:05 p.m.

#### **Resolution No. RS2015-191**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-048-001 is Approved with conditions, including a condition that the first final site plan includes a grocery store or returns to the Commission for review, and disapproved without all conditions. (7-0)"**

**CONDITIONS**

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  13. 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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