

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

STAFF RECOMMENDATION

**201 Broadway
September 21, 2016**

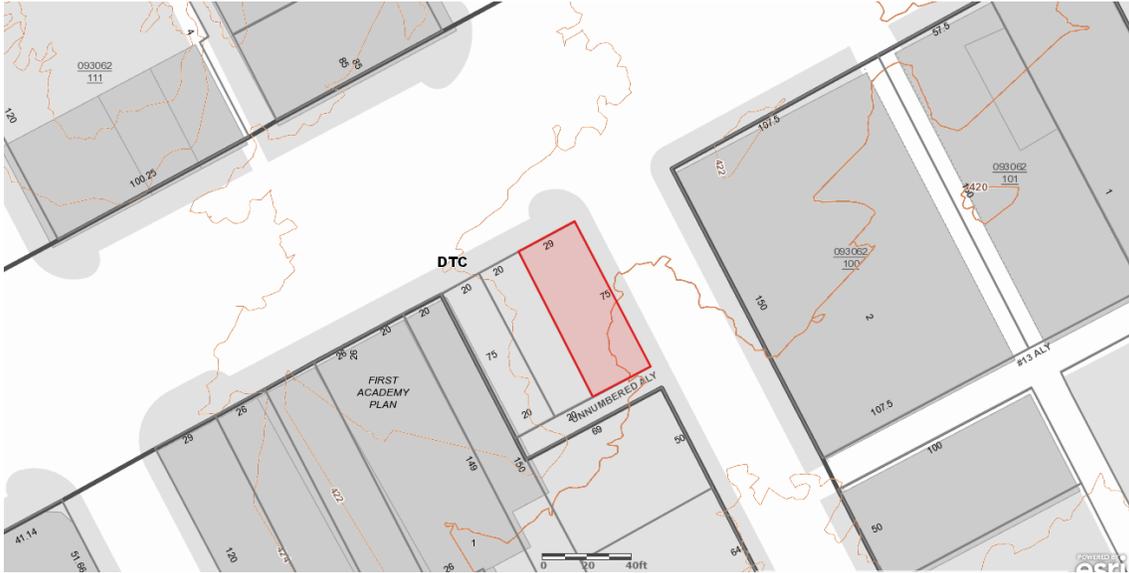
Application: New construction
District: Broadway Historic Preservation Zoning Overlay
Council District: 19
Map and Parcel Number: 09306209900
Applicant: Old Town Trolley Tours of Washington, Inc.
Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

Description of Project: The applicant is seeking approval of construction that has already taken place without a Preservation Permit. The project includes resurfacing the parking lot, 5 flag poles, an ATM structure, food and ticket-sales trailers and food trucks on a corner lot.

Recommendation Summary: Staff recommends disapproval the ATM finding that the improvements do not meet Section III of the design guidelines for new construction or Section IV for Signage.

Attachments
A: Photographs
B: Department Comments
C: Existing ATM Review
D: Site Plan
E. Plans

Vicinity Map:



Aerial Map:



Applicable Design Guidelines & Ordinances:

ORDINANCE

16.08.012 Amendments to International Building Code

O. Section 3103 of the 2012 Edition of the International Building Code is hereby amended by deleting Section 3103 and substituting the following:

3103 TEMPORARY STRUCTURES

3103.1 General. The provisions of this section shall apply to structures erected for a period of 90 days or less. Tents and other membrane structures erected for a period of 90 days or less shall comply with the Metropolitan Fire Code. Those erected for a longer period of time shall comply with applicable sections of this code.

DESIGN GUIDELINES

III. New Construction

General Principles: New construction should be consistent with existing buildings along a street in terms of height, scale, setback, and rhythm; relationship of materials, texture, details, and color; roof shape; orientation; and proportion and rhythm of openings.

I. Parking/Parking Structures, Plaza, Arcades, Landscape and Open Space

1. Parking, parking structures, plazas, arcades, landscape and open space may be appropriate components of new construction when the design of such development contributes to the overall character of the district and the streetscape, and the new construction is consistent with the design guidelines for new construction.
2. New parking should remain subordinate to the street scene and should be wrapped with a pedestrian friendly buffer or façade.
3. Parking structures should be wrapped with retail space or other active use along the street edge.
4. Curb cuts are not permitted on Broadway, and vehicular access should occur at the alley on properties that abut alleys.
5. All applicable guidelines for new construction shall be followed for parking structures.
6. Removal or demolition of existing historic buildings or portions of buildings to create a plaza, arcade, or open space is not appropriate.

Background: 201 Broadway is a parking lot at the corner of Broadway and Second Avenue that was added to the Broadway Historic Preservation Zoning Overlay in 2014.

The parking pay machine and curb cut on Broadway were constructed prior to the lot being added to the overlay. (See figure 1.)

In May 2016, staff noted that the following improvements had been made without a permit: addition of a free-standing ATM, flag poles, food trucks, food and ticket sales trailers, and resurfacing the lot.

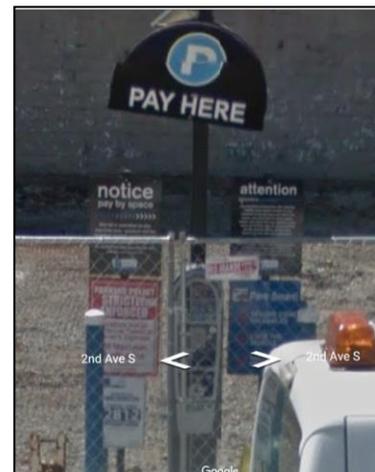


Figure 1: Parking pay machine installed prior to overlay.

Recently the food trucks were removed. Legal counsel for the property owner has provided a letter stating that the trailers will become motorized vehicles that will not be in place more than 90 days at a time and therefore do not require MHZC review. The property owner and the bank representing the ATM have separate legal counsel so for clarity, the flag poles are reviewed in a separate staff report.

ATM Background

In 2004 Metro Legal provided the opinion the Commission has the authority to review ATMs. Based on a four month discussion about ATMs in the Second Avenue Historic Preservation Zoning Overlay, the Commission voted in favor of a policy that would not allow for ATMs that puncture the facade or obscure the architectural features of buildings, but that they could be located inside buildings or in an alcove not on the primary facade.” Based on that policy the Commission disapproved 4 ATMs in the Second Avenue Historic Preservation Zoning Overlay that were installed without Preservation Permits. The ATMSs were removed by the owners in the following month.

The ATM at 201 Broadway is different in that it is not associated with an existing building but a free-standing structure. There are three free-standing ATMs currently in the Broadway Historic Preservation Zoning Overlay. The one at Full Moon Saloon was installed prior to the establishment of the overlay. The one at Legends is located within a recessed doorway on the side façade, which meets the policy created by the Commission in 2004, but was also may have been installed prior to the overlay. A third was installed without a permit and Staff is working with the property owner to have it removed.

The lot is also located in an MDHA district. MDHA has advised staff that if they were asked to sign-off on a free-standing ATM, they likely would not as it would not meet their design guidelines since ATMs must be associated with a building. (Please see attached email.) Since the Codes Administration determined that a Building Permit was not required, MDHA did not review the project. Although Building Permits are required to trigger MDHA’s review, they are not required to trigger MHZC review since MHZC’s review is a stand-alone permit rather than a sign-off on a Building Permit.

Analysis and Findings:

The ATM surround is seven feet and four inches wide (7’ 4”) and ten feet and six inches (10’ 6”) tall. It is covered in an adhered photo mural and includes internally lit signage as well as lighting beneath the cover. Signage is included directly above the machine itself.

General Principles, Section III states that “new construction should be consistent with existing buildings along a street in terms of height, scale, setback, and rhythm; relationship of materials, texture, details, and color; roof shape; orientation; and proportion and rhythm of openings.” The historic streetscape includes a minimum of two-story buildings with walls that extend the full width of the lot, store-front windows and upper-level punched-openings. The ATM does not create the solid rhythm established by the historic buildings.

Since the project does not include a building, it was more specifically reviewed under design guideline III.I for “parking/parking structures, plaza, arcades, landscape and open spaces.” Parking/parking structures, plaza, arcades, landscape and open spaces are only appropriate when the “design of such development contributes to the overall character of the district and streetscape and the new construction is consistent with the design guidelines for new construction.” As reviewed above, the proposal does not contribute to the overall character of the district and the streetscape, nor is it “consistent with the design guidelines” for new construction as it does not meet “General Principles” of section III for new construction.

In addition to not meeting the design guidelines for new construction, the ATM does not meet the policy the Commission established in 2004 that only allows for ATMs inside a building, where it would not be reviewed, or “in an alcove not on the primary facade.” Since there is no building, there is no alcove in which to place the ATM. (In addition, free-standing ATMs would not likely be approved by other departments. Please see “Department Comments.”)

The ATM includes signage. Signage, not associated with a building, does not meet the design guidelines. The size allotment for any sign, whether or not it is attached to a building, is based on the width of the building. Since there is no building, there is no allotment. The guidelines allow for poles signs for parking lots, where there is no associated building and the lot has a parking lot pole sign that was installed prior to the expansion of the overlay.

Recommendation

Staff recommends disapproval the ATM finding that the improvements do not meet Section III of the design guidelines for new construction or Section IV for Signage.



DEPARTMENT COMMENTS

From: Joe Cain [mailto:jcain@Nashville-MDHA.org]
Sent: Thursday, August 18, 2016 2:39 PM
To: Zeigler, Robin (Historical Commission)
Subject: ATM's

You have asked how MDHA considers ATM's inside our redevelopment districts. [Lower Broadway is a part of the Capitol Mall MDHA Redevelopment District.] MDHA has approved ATM's as accessory uses, but never as a separate land use. We prefer that ATM's be adjacent or part of a building as opposed to freestanding.

With that said, we acknowledge that certain uses are often considered "interim". MDHA has been very careful in considering a use as interim as those uses may continue well beyond what was originally anticipated (such as a surface parking lot). For these reasons we have continually asked for detailed site plans and landscaping or other visual enhancements to a site before approving a use in a redevelopment district. We have also limited the amount of time we would allow an interim or temporary use.

Joseph B. Cain
Director of Urban Development

Metropolitan Development and Housing Agency
35 Peabody Street, Suite 301
Nashville, TN 37210
e-mail: jcain@nashville-mdha.org
phone: (615) 252-8404
fax: (615) 252-8559

ATMS IN THE BROADWAY AND SECOND AVENUE HISTORIC PRESRVATION ZONING OVERLAYS AS OF 8/12/16

144 2nd Ave South, Pilcher Bldg

Installed in 1994, prior to the Second Avenue Historic Preservation zoning overlay, which was established in 1997. According to the building permit the front window was replaced with an ATM for Nationsbank Bldg in the Pilcher Bldg lobby, designer Everton Oglesby and Askew.

200 Broadway, Cotton Eyed Joe's

The date of installation is unknown but it was prior to the establishment of the 1997 Second Avenue Historic Preservation zoning overlay, because in 1994 a building permit was issued for a Bank of Nashville sign for an "existing ATM".

215 Broadway

A freestanding ATM was installed and other façade alterations made without a permit. Owners were notified of the violation on 7/15/16 with a deadline of 9/5/16 to remove or to apply to the Commission to retain.

423 Broadway, Full Moon

The freestanding ATM was in location prior to the establishment of the overlay, according to a photograph dated February 2007 prior to the adoption of the establishment of the Broadway Historic Preservation zoning overlay, which was effective on March 23, 2007.

428 Broadway, Legends Corner

The ATM is a free-standing machine located within a recessed side entrance. Staff found that the location met the September 2004 policy for "an alcove not on the primary façade."

429 Broadway, Rippy's Bar & Grill

A freestanding ATM is located behind Rippy's, facing 5th Avenue North. Staff found that the location met the September 2004 policy for "an alcove not on the primary façade."

201 BROADWAY

Freestanding ATM installed without a permit. The owner has applied to the Commission to keep.



Design Services
For The Built
Environment

- Atlanta GA
- Birmingham AL
- Charlotte NC
- Cincinnati OH
- Columbus OH
- Dallas TX
- Ft Lauderdale FL
- Houston TX
- Jackson MS
- Jacksonville FL
- Knoxville TN
- Louisville KY
- Memphis TN
- Miami FL
- Nashville TN
- Richmond VA
- Tallahassee FL
- Tampa FL

**GRESHAM
SMITH AND
PARTNERS**
1400 Nashville City Center
511 Union Street
Nashville, TN 37219
615.770.8100

WWW.GRESHAMSMITH.COM

HISTORIC TOURS



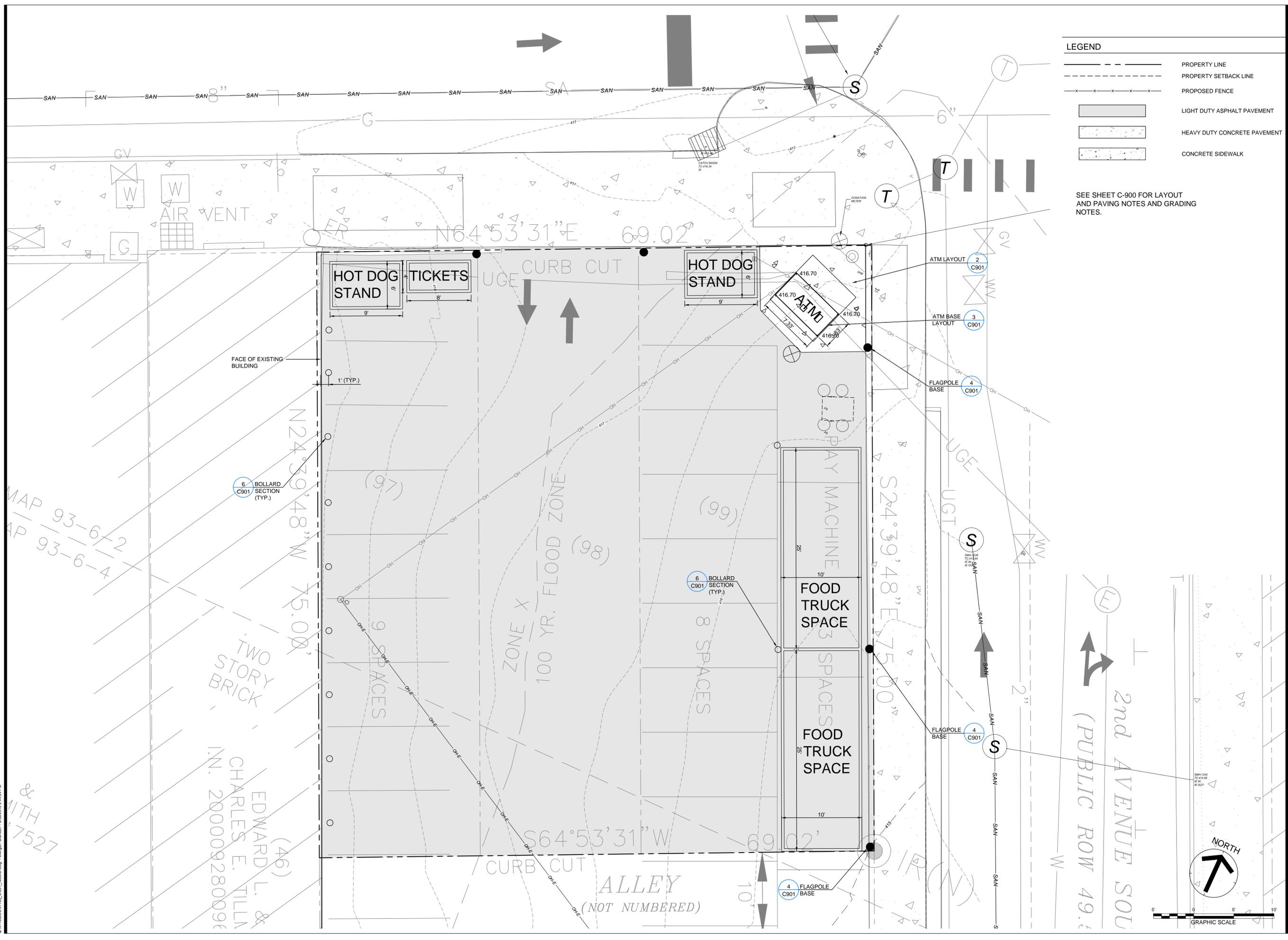
DONALD C. WILLIAMS
TN REG. #016336

Revision		
No.	Date	Description

SITE LAYOUT PLAN

C201

PROJECT: 41103.00
DATE: JUNE 30, 2016



LEGEND

- PROPERTY LINE
- PROPERTY SETBACK LINE
- PROPOSED FENCE
- LIGHT DUTY ASPHALT PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- CONCRETE SIDEWALK

SEE SHEET C-900 FOR LAYOUT AND PAVING NOTES AND GRADING NOTES.



MAP 93-6-2
MAP 93-6-4
&
7527

TWO STORY BRICK
CHARLES E. TILLY
EDWARD L. &
I.N. 20000928009
(46)

0:14:03:00:41:03_C201_revised.dwg - Wengor, Brandon - 6/29/2016 5:44:24 PM

First Farmers ATM
Panel 1

Artwork is 1/4 actual size

Width = 45.38"

Width = 39.97"

Width = 22.48"

Cap height = 4.734"

Cap height = 1.079"

Cap height = 1.769"



Front

Side

First Farmers ATM
Panel 2

Artwork is 1/4 actual size

Width = 69.03"

Width = 60.97"

Width = 33.65"

Width = 39.19"

Width = 11.54"

Width = 19.32"

Welcome to

NASHVILLE

T E N N E S S E E

Cap height = 8.268"

Cap height = 1.08"

Cap height = 7.152"

FIRST FARMERS[®]

Cap height = 1.637"

BANKING | WEALTH MANAGEMENT | TRUST

Cap height = 2.613"

myfirstfarmers.com

Back

Side

