
MEMORANDUM

TO: PLANNING COMMISSIONERS
FROM: ERIC HAMMER, METRO NASHVILLE PLANNING DEPARTMENT
SUBJECT: CERTIFICATION OF BONUS HEIGHT COMPLIANCE WITHIN THE DTC
DATE: OCTOBER 26, 2023

PROJECT NAME	901 DR. MARTIN LUTHER KING JR. BOULEVARD
DTC SUBDISTRICT	CORE
Parcel(s)	09305013201, 9306108600
Requested by	Drew Hardison, Barge Design Solutions, applicant; 900 Church LLC, 901 MLK, LLC owner

BACKGROUND

The Downtown Code requires Planning Commission certification of compliance with the provisions of the Bonus Height Program (when those provisions are utilized for a development), before building permits can be issued.

APPLICANT REQUEST

Certification of compliance with the Downtown Code (DTC) Bonus Height Program (BHP) for a 33-story residential tower located at 901 Dr. Martin Luther King Jr. Boulevard within the Core Subdistrict of the DTC. The applicant has utilized the Historic Building Preservation and Pervious Surfaces Bonuses. The Core Subdistrict permits 30 stories by-right and unlimited stories for these properties with use of the Bonus Height Program.

ANALYSIS

The DTC Bonus Height Program allows bonus height if provisions for certain public benefits are met. The public benefits in exchange for bonus height are outlined as such:

Historic Building Preservation

- The number of square feet of Bonus Height shall be equal to the development rights being forfeited by the preservation of the building, calculated as follows: the number of by-right stories permitted minus the number of stories of the historic building, multiplied by the square feet of the historic building footprint. The additional square footage may be used to the Bonus Height Maximum as determined on the BHP Chart.
- The binding commitments shall consist of an instrument recorded in the register of deeds, that records the transferred bonus height and square feet calculations as first certified by the Planning Commission; records the preservation of the historic building in perpetuity by requiring that any exterior alterations including demolition in whole or in-part be reviewed and approved by the Metro Historic Zoning Commission following the Commission's processes, policies, Secretary of Interior's Standards and any applicable design guidelines; record the forfeiture or any future claim for additional building intensity of development, including any type of variance of the preserved historic building; and records the project's and / or receiving site's additional square feet and building height bonus derived from the transfer.

- Within a Historic Overlay or Landmark District, existing buildings are eligible to transfer any unused DTC height entitlements based on the square foot calculations outlined in this section and are subject to the BHP provisions and chart.

Pervious Surfaces

- The number of square feet of Bonus Height shall be twice that of the number of square feet of Pervious Surface. Bonuses are specific to each Subdistrict.

The project has demonstrated compliance with the DTC Bonus Height Program. BL2020-320, effective August 21, 2020, applied a Historic Landmark Overlay District to a property located at 421 Church Street, colloquially known as the Cohen Building. The Cohen Building is within the Core Subdistrict, which permits 30 stories by-right and unlimited stories for these properties with use of the Bonus Height Program.

The projects have demonstrated via their application and a deed restriction to be filed that the footprint of the 3-story historic building is 3,920 SF which yields 105,840 SF of bonus height area, as the Core Subdistrict permits 30 stories of height. 49,429 SF of this earned bonus height area was previously transferred to property at 801 Church Street and 39,162 SF of this earned bonus height area was transferred to property at 900 Church Street. The remainder of the height not being transferred was 17,249 SF. Of this remainder, the applicant is requesting to transfer 11,600 SF of this remaining earned bonus height to 901 Dr. Martin Luther King Jr. Boulevard, leaving 5,649 SF eligible for future transfer.

The project has also demonstrated via DTC final site plan 2023DTC-014-003 and exhibits associated with 2023DTC-014-004 that 4,000 SF of pervious surfaces is being provided at 801 Church Street which yields a bonus height area of 8,000 SF.

STAFF RECOMMENDATION

Approve Certification of Compliance. Staff has reviewed the projects' utilization of the DTC's Bonus Height Program provisions and finds it to be compliant with the DTC.

Parcel Map

