



REQUEST

Concept Plan, Major Modification and Overall Height Modification

PROJECT

11North

Council District Requested by

19 – Kupin
David Powell, Hastings Architecture, applicant; Eleven North Land TN, LLC, owner.

Staff Reviewer

Hammer

Staff Recommendation

Approve with conditions and defer without all conditions

Applicant Request

A request to approve a concept plan and major modifications to the Downtown Code (DTC) and recommend approval of an overall height modification for properties located at 1107 Dr. Martin Luther King Jr. Boulevard, zoned DTC (3.63 acres) and within the Gulch South Subdistrict, to allow a 47-story residential building, 29-story residential building, and 28-story residential building with at least 40,000 gross square feet of ground floor retail and restaurant uses.

The majority of the property is permitted to build 10 stories by-right, and 16 stories are allowed with bonus height. The portion of the property within 150’ of the “intersection” of 11th Avenue North and the Church Street right-of-way is permitted to build 20 stories by-right, and 28 stories are allowed with bonus height. This staff report references drawings supplied by the applicant, dated September 18, 2023, saved in Metro Planning staff files, and available to the committee members online at links supplied by Planning staff.

Project Overview

This project is located east of 11th Avenue North, south of Dr. Martin Luther King Jr. Boulevard, directly west of CSX right-of-way. The proposal is for a mixed-use development consisting of 1,475 residential units total within all 3 towers and at least 40,000 gross square feet of ground floor retail and restaurant uses located at various locations within the site. 1,870 parking spaces are provided, including underground parking and structured parking screened by existing residential units. These spaces also serve the residents of the 2 existing low-rise apartment buildings that contain 301 units on the adjacent parcel.

Of these new 1,475 units, the developer has voluntarily committed to restrict short-term rental (STR) uses to a maximum of 148 STR units contained within the middle tower, existing on exclusively STR floors with a one-week minimum stay required per rental period.

The project is also adjacent to the Gulch Greenway, which will be rerouted and include a new direct vertical connection from the Greenway to Church Street.

Plan Details

The project site only has direct street frontage on two streets, Dr. Martin Luther King Jr. Boulevard and Church Street, and is separated from 11th Avenue North by two low-rise apartment buildings. A driveway between these two buildings is proposed as the primary access to the property from 11th



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Avenue North, as a privately maintained extension of Hynes Street with public access easements. This extension will continue through the site to Dr. Martin Luther King Jr. Boulevard.

Pedestrian entrances generally face either the Hynes Street extension or Church Street, with an internal circulation network allowing pedestrians to easily navigate the site. Vehicles enter the site from either Church Street, Dr. Martin Luther King Jr. Boulevard, the Hynes Street extension, or an existing curb cut near where Church Street passes over 11th Avenue North.

The project also proposes rerouting the Gulch Greenway from the center of the site to the eastern edge and proposes active uses lining the path. A vertical circulation connection between the on-site grade and the Church Street viaduct is included in these plans. Greenways and Parks Department staff have been consulted in developing the presented layout and the applicant presented the materials to the Greenways and Open Space Commission for conceptual approval on May 31, 2023.

MODIFICATION REVIEW

1. Overall Height Modification

- Required: 11North is located within the Mid-Gulch area of the Gulch South Subdistrict of the Downtown Code, where primarily 10 stories are permitted by-right and up to 16 stories are permitted using the Bonus Height Program. Mid-Gulch property within 150' of the "intersection" of 11th Avenue North and the Church Street viaduct is permitted to build 20 stories by-right and 28 stories are allowed with bonus height.
- Request: 47, 29 and 28 story towers.

The process for an Overall Height Modification is outlined in the DTC as follows:

- 1) *The Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to pursue all appropriate bonuses available in the Bonus Height Program.*
 - 2) *The applicant shall hold a community meeting providing notices to all property owners within 300 feet.*
 - 3) *The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, contribution to the skyline, improvement of the project's relationship to surrounding properties, and improvement to the character of the neighborhood. In some instances, consideration may be given where a project results in implementation of significant community improvements (e.g. quality open space, upgrading public infrastructure, or others determined by the policies of Metro departments) and/or contributes to the implementation of community improvements determined by the policies of Metro departments.*
- Bonus Height Program: A Determination Letter, signed by the Executive Director of the Planning Department, is attached to this staff report, and states the development has made reasonable efforts to use all appropriate bonuses available in the Bonus



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Height Program. The LEED bonus has been proposed by pursuing LEED accreditation for a silver or higher level. Additional bonuses being utilized include Underground Parking and Open Space. The Mid-Gulch Supplemental Policy (09-T6-DN-MG-01) allows for Open Space bonuses to be earned for any development that provides a vertical connection via a ramping system built to ADA requirements and any development that provides active uses along a greenway.

- Community Meeting: The applicant held a community meeting on Wednesday, July 26, 2023 at 6:00 P.M. and sent notices to property owners within 300 feet. No members of the public attended the event.
- Exceptional Design Analysis: The project is within the Mid-Gulch supplemental policy area, which has several points of supplemental guidance regarding treatment of viaducts, open spaces, and when additional height is appropriate, stating:

Consideration of additional height may be given to properties at the intersections of 11th Avenue/Broadway, 11th Avenue North/Church Street, and 11th Avenue North/Dr. Martin Luther King Jr. Boulevard, if buildings are sensitively designed in accordance with the goals presented in the Mid-Gulch Supplemental Policy.

The project exhibits conformance with all the guidance of this supplemental policy area including, but not limited to, activation of the greenway, creation of a vertical connection between the Church Street viaduct of the Gulch Greenway, activation of the Church Street viaduct, and alignment of Church Street access points with existing vehicular access points.

The project also exhibits unique architecture and site design by successfully activating the greenway and engaging the Church Street viaduct. The towers have a similar architectural language to one another but are easily differentiated. The proposal includes quality building materials, and successfully hides all parking from prominent views. The vertical connection proposed by this project creates neighborhood-level connectivity improvements adjacent to intense new development in the Core, Gulch North, and Gulch South subdistricts.

2. Build-to Zone

- Required: 0-10' build-to require from back of sidewalk.
- Request: Allow building to be set at 25' from back of new viaduct sidewalk.
- Analysis: The project proposes a vertical connection from the Church Street viaduct to the Gulch Greenway on the natural grade below. The optimal location identified for this connection, in consultation with Parks staff, is the area between the building and the Church Street viaduct. Allowing for a greater build-to zone enables this important piece of infrastructure to happen. The Mid-Gulch policy also allows for consideration of greater build-to dimensions when the dimension facilitates pedestrian improvements or wide streetscapes.



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3. Façade width

- Required: 80% of lot frontage defined by building.
- Request: 50% of ground floor lot frontage defined by building on ground level, 75% of frontage defined by building on upper levels.
- Analysis: This deviation allows garage access to occur internal to the site, rather than directly on Church Street. The Mid-Gulch supplemental policy discourages direct vehicular access points from Church Street and newly proposed vehicular access points onto private property should align with existing or currently proposed vehicular access points on properties opposite them, whenever possible. This modification allows for the project to meet both pedestrian circulation goals while also meeting the guidance of the supplemental policy.

NDOT RECOMMENDATION

Approve with Conditions:

1. Conceptually, NDOT is supportive of operational improvements at the Church Street access drive; however, additional technical and structural analyses will be required if the improvements require modifications to the existing Church Street bridge structure. Any issues or concerns must be addressed in the design before NDOT will permit the developer to implement any proposed modifications. NDOT reserves the right to require alternate improvements or modifications to the Church Street viaduct that are less impactful to the structure, in lieu of what is shown, if NDOT determines that those improvements provide an equitable transportation benefit and can be mutually agreed upon by all affected parties. Supplemental traffic analysis may be required to support the alternate improvements/modifications.
2. The applicant shall coordinate with NDOT and Planning on improvements/alterations to the 11th Ave N streetscape.
3. The applicant shall coordinate with Parks on any potential greenway improvements needed outside the construction of the new section of greenway. The greenway access ramp shall be designed to accommodate bicyclists without getting off their bikes, further coordination with NDOT and Parks will be required. Further coordination with NDOT and Parks may be required.
4. The applicant's traffic engineer shall coordinate with NDOT on developing an updated traffic signal timing plan for the Church Street and Charlotte Avenue corridor(s) between 14th Avenue North and Rosa L. Parks Boulevard. Leading pedestrian intervals (LPIs) should be considered at all signalized study intersections.
5. The applicant shall provide and/or improve crosswalks, detectable warning mats, curb ramps, and pedestrian signals at all study intersections.
6. Coordinate with WeGo and NDOT on transit improvements in the study area. Potential improvements could include shelters, benches, or additional stop locations.
7. The development shall provide employees, residents, and customers with extensive information about area transit service including routes, nearby stops, and schedules. This information may be provided by an informational kiosk, maps, or posters at prominent locations. Parking/storage options should be provided for bicycle and scooters on-site. Publicize B-cycle services, stop locations, and bike routes. The applicant shall coordinate with NDOT's Traffic Demand Management Coordinator to develop TDM strategy/plan prior to final site plan approval.



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8. As part of the construction of the project, all internal and external driveway connections should be designed such that the departure sight triangles, as specified by AASHTO, will be clear of all sight obstructions, including landscaping, existing vegetation, monument signs/walls, fences, etc.
9. Modifications to the above conditions may be required as this development's phase(s) progress but further analysis will need to be conducted to justify said modifications.
10. The applicant's final construction drawings shall comply with the design regulations established by the Nashville Department of Transportation, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.

STAFF RECOMMENDATION

The project aligns with the goals and objectives of the Downtown Code. Staff recommends approval with the following conditions and deferral without all conditions:

1. Substantial alterations to this proposal shall return to the DTC DRC for review.
2. Prior to building permit approval, the short-term rental restrictions outlined in the package shall be recorded as a deed restriction or restrictive covenant.
3. Prior to building permit approval, all bonus height actions identified in this application must be approved, including those that require a deed or restrictive covenant.
4. Prior to building permit approval, all public access or greenway easements shall be recorded.
5. Construction of the vertical circulation connection shall be completed prior to issuance of a use and occupancy permit for any of the three towers.
6. The applicant shall comply with NDOT's recommendations and with any proposed traffic improvements that result from the project TIS.
7. If implementation of final TIS recommendations has a substantial effect on the building or site design, revisions to these plans shall be reviewed by the DTC DRC.
8. Any encroachments shall be reviewed and approved by the Metropolitan Council through the mandatory referral process.



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**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
800 Second Avenue South
P.O. Box 196300
Nashville, Tennessee 37219-6300

April 3, 2023

Attn: David Powell
Hastings Architecture
225 Polk Ave
Nashville, TN 37203

Re: Determination on DTC Bonus Height Program Efforts for 11North

Mr. Powell:

This letter serves as a determination to submit an Overall Height Modification application for the project proposed east of 11th Avenue North and north of Church Street. This letter does not indicate support, or guarantee project approval.

The project site is located within the Gulch South Subdistrict of the Downtown Code. The property is within the Mid-Gulch area where 20 stories are permitted by-right and up to 28 stories are permitted at significant intersections, including 11th and Church, using the Bonus Height Program and 10 stories are permitted by-right and up to 16 stories are permitted using the Bonus Height Program.

The proposed development includes a 47-story residential building, a 28-story residential building, and a 29-story residential building comprising 1475 additional residential units on site. Additionally, there will be 40,000 square feet of retail space on the ground floor lining an extension of Hynes Street, the Church Street viaduct, and the Gulch Greenway.

Exhibits submitted to Planning Staff on February 24, 2023, demonstrate the use of the following Bonus Height Program options:

- Underground Parking – Approximately 392,000 sf of bonus height is being earned by providing entirely underground parking across three levels.
- LEED – Two stories of bonus height are being earned by building a LEED accredited building of silver level or greater.
- Open Space – Approximately 458,200 sf of bonus height is being earned by providing several types of open space, including enhancements to the greenway and a vertical pedestrian connection, as identified by the Mid-Gulch supplemental policy and the Downtown Code.

Additionally, the project has committed to the following design elements that further support the Overall Height Modification request:

- Unique Architecture/Contribution to the Skyline – The series of three towers use a similar architectural language that is executed in three different ways. The heights of the buildings step down from Church Street to Martin Luther King Jr. Boulevard. The architecture makes use of quality materials to create the appearance of frames with the use of recessed bays, avoiding the ubiquitous glass-box look of other recent high-rises. The base of the tower responds to the elevation changes of the rights-of-way and paths it fronts by providing multiple levels of active uses, all while accounting for the existing structures along 11th Avenue North.
- Exceptionally Strong Streetscape – The project proposes connecting an extension of Hynes Street to Martin Luther King Jr. Boulevard in order to strengthen Downtown's street network. The development will also feature trail-oriented development by lining the Gulch Greenway with activated storefronts and visual interest.



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- Relationship to Surrounding Properties/Character of the Neighborhood – To enhance connectivity on Nashville's downtown viaducts, the project proposes vertical infrastructure to connect the Church Street viaduct to the 11th Avenue complete street and Gulch Greenway as called for by 11th Avenue Study and the Mid-Gulch Study.

With these commitments, along with the efforts to utilize the Bonus Height Program to its fullest potential, this project may proceed with the next step in the Overall Height Modification process – submitting a formal application. The project will receive detailed review by Metro Planning and other Metro departments and agencies once a formal application has been submitted. Specific issues and conditions may be addressed during the overall height modification process while other more minor details may be addressed through the final site plan process.

Note that this letter does not waive the project from the requirements of Metro Planning or other Metro departments and agencies. Reconsideration of this determination may be warranted if the applicant team is unable or unwilling to follow through with any requirements, or with any of the commitments described above.

Sincerely,

A handwritten signature in cursive script that reads "Lucy Kempf".

Lucy Kempf
Executive Director
Metro Nashville Planning Department

CC: file