

## Burns Randy

---

**From:** Crownover Shirley  
**Sent:** Friday, October 10, 1997 2:23 PM  
**Subject:** 9/30/97

LEGAL AND LEGISLATIVE COMMITTEE  
September 30, 1997  
5:15 P.M.

The meeting of the Legal and Legislative Committee was called to order by Councilman Lively, Chairman, with Councilpersons Hurley, Rutherford, Taylor, Hakeem, Swafford and Crockett being present. Councilman Pierce joined the meeting later. City Attorney Randy Nelson, Management Analyst Randy Burns, and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Ann Coulter and John Bridger.

### FUTURESCAPE UPDATE

Ms. Coulter stated she would give a briefing and then have a period for questions and comments. She stated she had already briefed the Council of this generally and this was additional information and a timetable for provisions of Futurescape with two Housing Options--one was Urban Residential Infill designed to allow housing to be built on existing lots of record officially recorded before June 20, 1961. She explained this focused on the central city and allowed replacement of single-family dwellings and allowed this without going through the Variance process. She explained that this eased the way for rebuilding the inner city community. (She passed out a text that explained this in more detail and is made part of the minute material). The second option was Open Space Subdivision, which Ms. Coulter stated was rather trendy, but technically not new; that it allows buildings to be built on smaller lots in special conditions and requires a minimum site size of ten acres. She explained that the Open Space could be anywhere in the city and stated that Collegedale was interested in this option.

Ms. Coulter explained that the third issue of Futurescape was a proposed Landscape Ordinance. She explained that they had worked with

architects, homebuilders, realtors, and government people in coming up with this; that they had looked at other similar Ordinances in other cities in Tennessee and had also looked at Charlotte and Raleigh, North Carolina; that they had talked about costs and problems and had taken the best from all of them and applied it to our city and crafted a draft Ordinance. She explained that this was tailored to large-scale industrial development and had gone a long ways and stated they were getting significant support. Ms. Coulter went on to say that the Landscape Ordinance would only apply to new development or significant increased development. She explained that the Ordinance addressed three aspects, two of which always would apply and the first being the need to create a street yard on a minimum 8 ft. deep landscape yard. She explained this would be private property where they adjoin public right-of-ways divided by 35 linear feet for the planting of trees.

Councilwoman Rutherford asked how the 8 ft. came about. Mr. Bridger explained that there is usually between 10 and 15 ft. for street yards; that Chattanooga does not have a lot of developable space because of our ridges. He stated he had asked Gene Hyde how small we could go, and he said 8 ft.

Ms. Coulter stated she asked the same question--What is the minimum we can go? She stated she knew the visibility of stores and signage is important. She stated some would be deeper than 8 ft.

The second issue Ms. Coulter addressed was Parking Lot Landscaping, noting there would be one tree per ten spaces. She stated she had suggested trees that when full grown would be a decent size, accounting for "quirky" situations and built-in administrative remedies and variance procedures. She explained this would be taken care of at the time of the Building Permit and would go through the Building Inspection Process.

Councilman Hakeem asked if there was any mechanism for going back a year later and finding out if everything was complied with. Ms. Coulter stated there would be an inspection for installation of landscaping; that the Ordinance requires upkeep, and this would be the responsibility of the Building Inspection Dept.

The third aspect that the Ordinance addresses is screening of incompatible developments which would be accomplished with buffers and screening adjacent to incompatible development. She explained that office buildings would be required to plant landscape screenings. She stated that zoning now can come with conditions at the 11th hour to developers and this way it can be built into the development. She explained that this would standardize what is happening and would not apply to single-family, duplexes or triplexes and would only apply to existing development where there is a substantial increase in square footage; that it would only apply if that much work is being done.

Councilman Taylor asked about the cost analysis. Ms. Coulter responded there had been cost estimates and case studies of three sites; that if you assume there is no landscaping whatsoever these requirements would cost somewhere between 1.2% and 3% of the total development cost; that 7% to 10% of the developable land would be dedicated to landscaping, and it would be capped at 15%. She stated

she felt this was reasonable.

Councilman Hakeem asked if this was for the entire complex or a newly developed area. Councilwoman Rutherford used as an example the building where her business Apollo is located, would the 10% apply to the whole site or just an addition. Councilwoman Rutherford questioned what we were trying to do, stating that people have to come to the Variance Board now because they do not have enough parking space, and this would be taking more of the parking away. She stated

many buildings could not meet these standards, and it could cost an additional \$35,000 in construction costs for landscaping and people would also lose parking spots. She stated she thought this was very serious. She stated she did not like seas of asphalt and questioned making new developers add this on when we have 100's of existing businesses. She asked about an incentive to get existing businesses to spruce up their landscaping. She stated she was real concerned about this.

Ms. Coulter stated she had met with John Germ and told him how he would be able to comply; that she was going to meet with him again; that there had been some mis-information. She explained this would not compete with parking requirements; that businesses would still have parking spaces.

Councilwoman Rutherford asked about the planting of trees; that if a person needed 30 spaces would he also have to put trees in. She stated Ms. Coulter had mentioned a hardship factor, and she asked who determined the hardship. Mr. Bridger responded that one could not lose over 10% of off-street parking. He stated this had to work for the inner city. Councilwoman Rutherford asked if there would be a Landscaping Board like the Sign Appeals Board. Ms. Coulter responded that this could be handled by the Building Inspection Dept. which would allow for greater flexibility--that only the more difficult situations would go to the Variance Board. She stated they would make it implementable.

Chairman Lively asked about incentives for existing businesses to landscape. Ms. Coulter stated that she had talked to Mayor Roberts and Mayor Kinsey about the need for incentives--that there was some interest and there may be some flexibility like no stormwater credit on property or a tax credit. She stated she thought this would be tremendous, and she agreed with the idea.

Councilman Crockett stated we could re-look at stormwater with this in light; that he was not convinced that the way we are approaching it is the best way; that maybe there was a way to get around the expense and things that were "ugly" to do it in a different way.

Councilwoman Hurley stated this was a first step; that there could be a trial period to see how this shapes out; that there needs to be some

flexibility; that it is not easy, and we may need to negotiate.

Councilman Crockett mentioned other areas of the country where landscaping in commercial districts is viable.

Councilwoman Hurley asked if we have an Erosion Control Ordinance, mentioning what is happening at the foot of Signal Mountain. Councilman Crockett responded "No", and he had it in his district also.

Councilman Taylor stated Charlotte, North Carolina had made a large impact on him, and he thought we could bring the same attraction here.

Councilwoman Rutherford stated she thought we were doing it backwards; that we needed to bring the older established places up to our standards and then it would be more attractive to new development; that in the first place they could budget landscaping into their plans. She stated there was so much more established business than new development in our city.

Ms. Coulter stated they had discussed whether to make this retro-active; that one of the things they found in the downtown area was smaller parking lots and very little space for street yards; that given this situation that even if you applied these standards, the impact would be very small.

Councilwoman Rutherford stated that Wally's Restaurant was an example, with no existing front yard. She questioned if this would be flexible or if every establishment would have to have a front yard and trees every 35 ft. She reiterated that she thought we were doing this backwards. She asked if we could not exempt some from street yards.

Councilwoman Hurley stated we could look at large asphalt parking lots and ask the current Mayor again for some sort of offset for stormwater. She stated this would affect large stormwater fees, and they could be forgiven for meeting this Landscape Ordinance.

Councilman Crockett stated that new development is already more attractive because it is new and additional landscaping, by comparison, would make older commercial districts look even worse.

Councilwoman Hurley noted that the Sign Ordinance was not retro-active, and we had to create a fund or buy them out. Mr. Crockett stated this had not been proven in Court.

Councilwoman Rutherford stated she thought the older businesses would cooperate with an incentive and questioned why the City Council can't

do this if we wanted to.

The meeting adjourned at 6:00 P.M.