

FORM-BASED CODE COMMITTEE

MINUTES

January 11, 2018

The duly advertised meeting of the Form-Based Code Committee was held on January 11, 2018, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Heidi Hefferlin called the meeting to order. Angela Wallace called the roll and swore in all those who would be addressing the Committee. Heidi Hefferlin explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Heidi Hefferlin, Matthew Whitaker, William Smith, Ladell Peoples, and Jason Havron.

Members Absent: Gabe Thomas, Grace Frank, David Barlew, John Straussberger

Staff Members Present: Angela Wallace, Emily Dixon and Sarah Robbins

Applicants Present: John Wise and Brandon Smith, Brian Youngblood, Rob Gerber

William made a motion to approve the Minutes from the last meeting. The motion was seconded by Matt and unanimously approved.

Emily - Introduced Sarah Robbins as the new Development Planner – Historic.

OLD BUSINESS

None

NEW BUSINESS

Case #17-FB-00037 – 103 Cherokee Boulevard

PROJECT DESCRIPTION:

The applicant, John Wise and Brandon Smith, has applied for the following modifications:

- Skyline signage from 1 to 2
- Allow skyline signage on a 4 story building

Emily presented the PowerPoint presentation.

Discussion: Brandon Smith addressed the Committee (with Aflac). We assumed the sign could be installed with the approval of the Lessor because it was part of the lease. Found out later that was not the case. Heidi – There is room for the sign at the second level. Did you talk to the lessor about that? Brandon – Yes but we had already purchased the sign and it will not fit in that space.

Community Comments: None

William – Is the square footage what would fit at the second floor? Emily – Yes. William – This building does not fit the code on the four stories? Emily – No it does not. The parapet does not count as a floor so this building is only 4 floors. Heidi – How have we handled previous cases? Emily – We did allow the lifestyle center and that was because they did not want to damage the historic façade of the building. On other cases it has been denied. Heidi – So the only hardship on this case is that they purchased the sign. Ladell – The sign you have purchased does not fit on the second level? Matt – I don't understand the 4 story cutoff. I don't see a problem with this. Emily – The purpose is to cut down on urban clutter. Heidi – I'm sympathetic that they have already purchased the sign. Is there any way we can work with them on this? Emily – The sign they have would not fit on the second floor. Matthew – We could consider that they have no access from the ground floor.

William made a motion to approve Case #17-FB-00037 – 103 Cherokee Boulevard as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: approved with hardship of building built before code and tenant's main access is from second floor only.

Matt – Maybe it could be moved over. Heidi – He should talk to the owner. Jason – It's unfortunate that the owner told them they could knowing it would not be within the code. Matt – We have signage requests every month and we need to be careful about setting precedent.

This Motion does not get a second and therefore it fails.

Matt made a motion to deny Case #17-FB-00037 – 103 Cherokee Boulevard as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: 1) deny, 2) deny

Ladell seconds the motion. The motion was unanimously approved.

Case #17-FB-00038 – 143 W. 18th Street

PROJECT DESCRIPTION:

The applicant, Brian Youngblood, has applied for the following modifications:

- Rear setback from 25' to 6'
- Garage door setback to front of house from 8' to 0'
- Parking setback from 10' to 8.7'
- Parking in front yard instead of side or rear yard

Emily presented the PowerPoint presentation. The applicant wants to do the same basic style as the house next door with the garage located on the front of the house right off the street. We have had 2 previous projects similar to this with the garage at 0' setback from the front of the house and they were both denied.

Discussion: Brian Youngblood addressed the Committee. This is a small lot 46.7' deep. The owner does want a footprint similar to the house next door. There is no turning radius on this property. There is no easement or alleyway to this property. The permit for the neighboring house was pulled under C-3 zoning.

Community Comments: Robert Burns – I bought that lot years ago under C-3. People park on the street and this is different than Jefferson Heights. This is the last lot in this subdivision and this is the only property that will fall under Form-Based Code.

William – If you do not pull totally into the garage you will be blocking the sidewalk. Matt – The intent of the code is to promote pedestrian friendliness. That is exactly why we denied the other applicants. The other houses on this street are already using the alley. Heidi – I don't see why you could not use the alley. There is a way to set it up so everyone can use it. We have denied others with similar proposals. Brian – With the current footprint it would only leave 26' for a turning radius. Matt – Both of the other cases used what had already been built and we didn't accept that. A turning radius of 26' is tight but not impossible. Heidi – I agree with Matt in that I have no problem with the rear setback variance. Emily – If they wanted to, they could access it from the side or rear. Matt – There are several options they have other than what is proposed. Ladell – They could set the front of the house back 10' and then cantilever the second floor over the garage.

Matt made a motion to approve Case #17-FB-00038 – 143 W. 18th Street as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: 1 approve; 2 deny; 3 approve; 4 deny; size and shape of lot.

Ladell seconds the motion. The motion was unanimously approved.

Case #17-FB-00039 – 827 Broad Street

PROJECT DESCRIPTION:

The applicant Rob Gerber has applied for the following modifications:

- Transparency of 3 windows on 1st floor from 80% to 9%
- Reflectance from 15% to 58%
- Transparency of windows from 80% to 60% or more to match existing windows
- Awning size from 6' to 2'3" on 10 first floor windows

Emily presented the PowerPoint presentation. They want to add awnings on Broad and Chestnut and refurbish the existing awnings. They want to replace some of the windows.

Discussion: Mark Wittamer addressed the Committee. We are doing extensive renovations on the interior. We have a number of canopies existing and want to continue with that shape and size. There were a number of windows that were in bathrooms. We are now opening up some of those windows. There are some windows that are in bad shape and need replacing. It would not work to have different looking windows. We want them all to match. The 3 windows on the front are in the kitchen and we are renovating the kitchen. We want to block them because they will be work and storage areas. We want to keep the glazing there but we want to black out those windows. Overall we are increasing the transparency on the building by the number of windows we are opening.

Jason – That would be 3 sets of windows not 3 windows. Mark – Yes. Heidi – You are replacing all the awnings? Mark – We are replacing the fabric not the frames. Emily – The code is changing but this is still a little smaller than that. Heidi – I have a problem with blacking out the windows. St. Johns has their kitchen open and so does Blue Orleans. Matt – People enjoy seeing that area. Heidi –

This is a historic building and blacking out those windows would be very noticeable on the street level. Emily – The 60% will be voted on next month and I have received no opposition to that. This request would be 58% transparency. The awning size will be going to about a 4' minimum in the code.

Community Comments: None

Matt – I do not agree with the black out on the ground floor windows. Ladell – I agree. Matt – I now realize the reasoning on the awnings. Heidi. I understand that you are trying to use what you already have. The windows on the upper floors make sense. Jason – I like that they want to make the awnings all the same size. Redoing all the awnings to match the code requirements would be very expensive. Matt – I consider the value of the building and the history so changing the size of the awnings would not be a major concern. Emily – We have had some other awning cases where we have allowed a reduction in the size. Ladell – Does the width of the sidewalk change on Chestnut. Heidi – I don't support the black out windows

William made a motion on Case #17-FB-00039 – 827 Broad Street as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: 1 deny, contrary to code; 2 deny, related to item 1; 3 approve, 60% is proposed changes in transparency; 4 deny, doesn't meet code.

Jason seconds the motion. The motion was unanimously approved.

OTHER BUSINESS

William asks Emily to show the history of votes on previous cases to reflect on. Emily will prepare.

NEXT MEETING DATE: February 8, 2018

Jason made a motion to adjourn.

William seconds the motion. The motion was unanimously approved.

The meeting was adjourned at **3:20** p.m.

John Straussberger, Chair

Angela S. Wallace, Secretary

FORM-BASED CODE COMMITTEE **MINUTES**

MARCH 8, 2018

The duly advertised meeting of the Form-Based Code Committee was held on March 8, 2018, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Chairman John Straussberger called the meeting to order. Development Review Planner Emily Dixon called the roll and Secretary Dottie McKinney swore in all those who would be addressing the Committee. Chairman John Straussberger explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Heidi Hefferlin, Matthew Whitaker, David Barlew, Grace Frank, John Straussberger and Jason Havron

Members Absent: Ladell Peoples, Gabe Thomas and William Smith

Staff Members Present: Development Review Planner Emily Dixon, City Attorney Misty Foy and Secretary Dottie McKinney

Applicants Present: Craig Peavy, Matt Hullender, Mike Kuebler, Matt Douglas, Dorris Shober and Craig Kronenberg

Minutes:

Matthew Whitaker made a motion to approve the January Minutes. The motion was seconded by Jason Havron and the motion was unanimously approved.

OLD BUSINESS

Case #18-FB-00001 – 1413 Chestnut Street – Skyline signage on building of 4 stories

Project Description:

The applicant, M. Craig Peavy has applied for the following modifications:

- Allow skyline signage on a 4 story building

Ms. Dixon presented the PowerPoint presentation. She said the site location is more than 300' from a neighborhood. The zoning is U-CX-4 mixed use. The proposed sign is 80 square feet and the tenant would like his sign to be visible from the road. Their building is not built yet and the distance from the building to the interstate is 937'.

Craig Peavy of 719 Cherry Street addressed the Board. Mr. Peavy said this is the anchor tenant who has taken up the first floor. All the other tenants will be facing towards Chestnut Street. He said the ground signs allowed on Chestnut Street are smaller ones. One of the items is that the majority of the skyline signs were rather large. They are not asking for one too large. Eighty (80) square feet is more than enough.

Matt Hullender of 710 E. Brainerd Road addressed the Board. Mr. Hullender said he would appreciate the consideration of the Committee.

Discussion: Mr. Havron asked if we would set a precedent if we allowed this sign to be approved. He said we had discussed signs like this on 4 story buildings before. The sign looks good according to the drawings. Is it just going to face the interstate? Mr. Hullender said yes and because of the topo, it will be 4 stories on Chestnut Street and on the back alley it will be 5 stories. The Turnbull is 5 stories and they have a sign in similar size. Ms. Hefferlin said that area is not really located on any major streets. So in order for them to be seen you have to go up levels. Mr. Whitaker said it meets the requirements to the Code. He said if we specify that on this side of the building it is 5 stories. Ms. Hefferlin said given the fact that we allowed Turnbull to do it, we should allow it. Chairman Straussberger asked if it was a parking level on the back side. Mr. Peavy said yes and above that is a mezzanine space with parking underneath it. It is the side away from Chestnut Street and faces the alley.

Community Comments: None

Heidi Hefferlin made a motion to approve Case #18-FB-00001 – 1413 Chestnut Street as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: None Based on the fact that it is 5 stories and the sign is smaller. Jason Havron seconded the motion. The motion was unanimously approved.

NEW BUSINESS

Case #18-FB-00003 – 1208 King Street – Canopy Size

Project Description:

The applicant, Michael Kuebler for Rivermont King Street LLC has applied for the following modifications:

- Canopy size

Ms. Dixon presented the PowerPoint presentation. She said their sign was posted. The zoning is U-IX-4 mixed use. Code 38-698 applies to this case. The hardship is existing development and structural deficiency. They are having to remove the entire structure to put a new one up.

Mike Kuebler of 1208 King Street, representing the developer, addressed the Board. Mr. Kuebler said the existing canopy is falling apart. It is a hazard and needs to come down. The new canopy will be in the exact same footprint.

Discussion: Mr. Whitaker said they are putting it in the same exact location. Ms. Hefferlin said the Form-Based Code Committee should support this. Ms. Dixon said we should not be seeing this anymore cases of canopies.

Community Comments: None

Matthew Whitaker made a motion to approve Case #18-FB-00003 – 1208 King Street as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: None Based on it is matching the existing canopy. Heidi Hefferlin seconded the motion. The motion was unanimously approved.

Case #18-FB-00004 – 406 Broad Street, Suite A – Canopy Size

Project Description:

The applicants, Dorris Shober and Matt Douglas, have applied for the following modifications:

- Canopy size

Ms. Dixon presented the PowerPoint presentation. She said the applicant wanted a reduction of the depth of the canopy from 6' projection to 5'. They were not within 300' of any Neighborhood Association. The zoning is D-SH-8 Downtown Shopfront Mixed Use. Sec. 38-698 applies to this case.

Matt Douglas of 1222 Solid Shot Court addressed the Board. Mr. Douglas said they are in the process of expanding to the suite next to them. They want to extend 5'.

Dorris Shober of 2606 Avalon Place addressed the Board. Ms. Shober said it is pretty straightforward.

Discussion: Mr. Havron asked if they were expanding Lupi's Pizza and going into the Greyfriar's Coffee House and Ms. Shober said yes. Mr. Whitaker said he was in support of this.

Community Comments: None

David Barlew made a motion to approve Case #18-FB-00004 – 406 Broad Street, Suite A as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: None

Based on the fact that it matches the canopies that are part of this same business and it provides enough cover for the rain. Grace Frank seconded the motion. The motion was unanimously approved.

Case #18-FB-00005 – 295 W. 19th Street – Setbacks, Lot Size and Lot Width

Project Description:

The applicant, Don Benedict has applied for the following modifications:

- Setbacks, Lot Size and Lot Width

Ms. Dixon presented the PowerPoint presentation. She said this project is under 5 residential neighborhood units so it did not require a neighborhood meeting. The zoning is U-RA-3. She said we are looking at this as a second dwelling unit. Their size exceeds ADU. They are exceeding the front setback from 30' to 68'. They are requesting a reduction in right setback from 5' to 0'. That would not be necessary if their neighbor was building a garage on the property line. They are asking for a reduction of the left setback street side 10' to 0' and a

reduction in rear setback from 5' to 0'. At the same time they are asking for a reduction of parking setback from 10' to 5', reduction in lot area for 2 units from 3,500 square feet to 2,205 square feet and a reduction of lot width for 2 units from 35' to 22.2'. Their hardship is that they began the development under C-3 and per those guidelines it would have been allowed. They had some storm drainage issues to take care of. Their permit expired after one (1) year so when they went to get another permit they had to come under Form-Based Code. The neighbors at the end of the alley do have garage alleys.

Ms. Hefferlin said she would not be voting.

Craig Kronenberg of 244 W. 18th Street, Architect with Hefferlin & Kronenberg addressed the Board. Mr. Kronenberg said he was the architect for the project and lives on the same block of this project. He read the guidelines used to allow modifications. He said 1900 Cowart is a 17 unit building. The units are 3 stories with front and rear porches. His client wants them to build a garage apartment. At one point the neighbors agreed to build 5 garage apartments simultaneously. Over the course of the project negotiations were made with the City officials. He said they applied for a land disturbance and building permit. The building permit was withdrawn in 2017 due to inactivity while they were still negotiating easements and encroachments. It was a long process. During this time they also obtained Board of Construction Appeals variances. The basic is under the C-3 Zoning Code. They want to build what they could in 2016. By building to the property line it adds value to the property.

Discussion: Chairman Straussberger asked if the balcony was within the property line and Mr. Kronenberg said no it overhangs but they met with Brandon Sutton in Transportation and received a building use permit. Mr. Barlew asked if there were mother-in-law suites behind the main house. Mr. Kronenberg said yes. He showed an exhibit to the Board. He said the inspiration for this is a project that he did for himself. Mr. Whitaker asked if it was existing and already had a 0 lot line and Mr. Kronenberg said yes. Mr. Barlew said all the commercial projects have a 0 lot line. Ms. Dixon said because it is residential zone you would want a little bit of green space. Ms. Hefferlin asked as a neighbor can she speak if she is not voting. City Attorney Misty Foy said not at this point. Ms. Frank said she thinks we should personally allow this as we did C-3 all over town. She thinks all of the downtown zoning and this should be changed and this is what we want in downtown. She said it was approved in C-3 when all this area was C-3. Based on C-3 zoning it is important to continue. It should be incorporated in the Form-Based Code. Mr. Whitaker asked if there were any variances when it was in the C-3. Mr. Kronenberg said there were no variances. He has the C-3 conditions. Ms. Frank said there were several buildings down in the Southside that were completed in the C-3. Chairman Straussberger asked how much taller would this garage be from the existing building. Mr. Kronenberg said 1 story and it matches in height to the townhouse on the same property. Chairman Straussberger asked what would be the difference between the garage and the north point. Mr. Kronenberg said 7'.

Community Comments: None

Grace Frank made a motion to approve Case #18-FB-00005 – 295 W. 19th Street as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: None

Based on the fact it was initiated through the C-3 zoning process and these modifications are not modifications under C-3. It meets the C-3 guidelines. It is an existing lot. The context of what is existing and the front buildings are already 0 lot lines. Matthew Whitaker seconded the motion. The motion was unanimously approved.

OTHER BUSINESS:

All the edits went before the Regional Planning Agency (RPA). John Bridger mentioned that some of the board members need to attend the next time so they can answer questions.

The Neighborhood Review - RPA's proposal was to get rid of the neighborhood meeting if they are in complete code compliance. No other area requires meetings.

Parking Maximums – RPA was not interested in this. We might revisit this at a later date. Their view was that if people were getting around landscape and parking modifications, the Form-Based Code Committee should act as a floodgate. Ms. Dixon said we do not have a parking maximum right now. Ms. Hefferlin said they wanted more parking. Ms. Dixon said they originally did have a parking maximum but got rid of it.

Perimeter Plantings – RPA's proposal is that if the parking lot is not visible from the ROW then it should not be required. You should not have to do perimeter planting. Mr. Whitaker is against this. Mr. Barlew said he thought it was for the heat effect. Ms. Hefferlin said we are creating all these little isolated areas. We should show up at this meeting and speak. Mr. Whitaker asked if a developer could come and tell the Board why they want to do away with the perimeter plantings. Ms. Hefferlin asked if staff weighed in on this. Ms. Dixon thanked the members of the community for their interest. She said if you feel strongly about it, show up at the council hearing. It should take place sometime in April. She will let everyone know.

Protective Buffer Requirements Between RA Zones - If you have an RA zone next to an RD zone you would not be required to have a buffer. RPA's proposal is to get rid of the buffer. It is a fence, building setback, landscaping and height requirement for these homeowners. The single family owner would get a protected buffer. A citizen asked if a side setback would go away. Ms. Dixon said it would follow the normal setbacks if they have an RA zone. It is no longer next to a protected zone.

Neighborhood Meeting Discussion:

Mr. Whitaker asked if the Neighborhood Association knew of this. Ms. Dixon said she is trying to make sure the Neighborhood Associations are aware of it. They are having a public hearing for this on March 27th so people can come and speak.

Mr. Havron and Ms. Hefferlin object to the no meetings anymore. Mr. Havron said it takes away the voice from the people. When they do not allow the developers to tell the neighborhood they are taking the voice away. Ms. Hefferlin said she understood a neighborhood review was going to be taken away unless you had a major modification. She does not agree with that either. She said she thinks it should be required. Chairman Straussberger asked what will be presented to the Council. Ms. Dixon said if you are deviating from the Code then it is required. Ms. Hefferlin said she will tell the Council their

comments. Ms. Dixon will put it on the calendar for the Board members. Chairman Straussberger said anyone asking for a major modification should get a meeting. It takes away goodwill and takes a voice away from the public. Ms. Frank said she has seen builders change their plans because of meetings from the public.

A citizen thanked the Committee and their stance on the major modifications. Another citizen said the Board of Directors expect to do the meetings. Ms. Dixon said they are aware of that.

Chairman Straussberger encouraged the citizens to talk to their council person. Ms. Dixon said the presentation is on line and it is always posted 15 days prior to the meeting. Go to the City of Chattanooga website, click on Economic Community Development, click on Land development Office then you click on Form-Based Code zoning.

NEXT MEETING DATE: April 12, 2018

**Heidi Hefferlin made a motion to adjourn.
David Barlew seconded the motion. The motion was unanimously approved.**

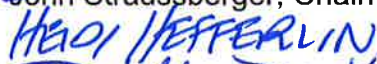

The meeting was adjourned at 3:08 p.m.



John Straussberger, Chairman

5-10-18

Date

Dottie McKinney, Secretary

5-10-18

Date

FORM-BASED CODE COMMITTEE **MINUTES**

APRIL 12, 2018

The duly advertised meeting of the Form-Based Code Committee was held on April 12, 2018, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Chairman John Straussberger called the meeting to order. Secretary Rosetta Greer called the roll and Secretary Dottie McKinney swore in all those who would be addressing the Committee. Chairman John Straussberger explained the rules of procedures and announced that the meeting is being recorded.

Members Present: John Straussberger, Heidi Hefferlin, Matthew Whitaker, William Smith, Grace Frank, Ladell Peoples and Jason Havron

Members Absent: Gabe Thomas and David Barlew

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer and Secretary Dottie McKinney

Applicants Present: James Ledbetter, Roddy Henderson and Melanie A. Newton

Minutes: The March minutes were not ready.

NEW BUSINESS

Case #18-FB-00006 – 315 N. Market Street 37405 – Transparency and Awnings

Project Description:

The applicant, James Ledbetter has applied for the following modifications:

- Transparency and Awnings

Ms. Dixon presented the PowerPoint presentation. She said the applicant requests a reduction in window transparency from 80% to 70% and in awning projection reduction from 6' to 4'. This is the old Gordon's Dry Cleaning building. She referenced the neighborhood sign-in sheet. This is in the E-SH-3 zone and across from the Publix grocery store. There are existing glass blocks in the façade that allow for little visibility through the glass. She said glass is considered transparent and the applicant is replacing the glass block with windows. There is an example of glass on the side of the building and they would like to use this on the front as well. The proposed transparency is a reduction from 80% to 60% and the proposed awning projection in the twelve (12) month edits will be 3 feet.

James Ledbetter of 315 N. Market Street 37405 addressed the Committee. Mr. Ledbetter said the block was installed in 1946. He owns the building and Gordon's Cleaners. He is looking to replace the block for a tenant of his. The current glass block is energy deficient. He wants to put better glass and give them more storefront visibility. He is only interested in taking the block out and replacing it with storefront glass with an awning over it.

Community Comments:

Randall Addison from Bell Street addressed the Committee. Mr. Addison said he attended a community meeting where Mr. Ledbetter presented his case and it was the agreement of the community that it was going to be a big change and that it is an excellent fit for the neighborhood.

Discussion: Mr. Havron said Mr. Ledbetter came to the neighborhood association meeting for Hill City and Northside/Cherokee on the first Monday of the month and proposed these changes. Everyone there felt it was the proper thing to let him change the storefront glass and put an awning over the top as he explained. He said Mr. Ledbetter has the neighborhood associations involved in the changes he wants to make.

Ms. Hefferlin asked if the only reason we are getting this case is because the edits have not been approved. Ms. Dixon concurred. Ms. Dixon stated that in one week the edits would be approved and that there are no indications that the glass would not pass.

Matthew Whitaker made a motion to approve Case #18-FB-00006 – 315 N. Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions that we approved both variances. Ladell Peoples seconded the motion. The motion was unanimously approved.

Conditions: None

Case #18-FB-00007 – 713 Hamilton Avenue 37405– Setbacks and Parking Setbacks

Project Description:

The applicant, Roddy Henderson, has applied for the following modifications:

- Setbacks and Parking Setbacks

Ms. Dixon presented the PowerPoint presentation. Ms. Dixon said the applicant has requested 4 major modifications – a reduction of the West setback facing Market Street from 10' to 8', a reduction of the East setback facing Hamilton Ave. from 10 foot to 5 foot, a reduction of the North setback along the common lot line from 5' to 0' and a reduction of the parking setback from 30' to 25'. Ms. Dixon said they posted the sign on both streets, Market and Hamilton. She referenced the neighborhood meeting sign-in sheet. It is in the E-RM-3 mixed use zone and facing 2 streets. There is a 20' easement for sewer on one side of the property. The hardships are drainage, easement, topography and existing development around it. It is commercial on the bottom and residential on the top. The parking setback is for one (1) parking spot. They tried to fit in parking for their site for commercial and residential. The parking setback they are requesting includes the one (1) parking space. Everything else meets the Code requirement. There are some challenges with drainage easements on this property. There is a change in topography which is why they have commercial on the bottom and residential above. The reduction of the west setback facing Market Street is the front setback for them. The front is considered Market Street. The reduction of the East setback facing Hamilton Avenue from 10 feet to 5 feet. The reduction of the North setback for the common lot line will be further away from downtown. They are wanting to go back from 5' to 0' and the

area is underground. Part of their structured parking will have a 0 lot line but the actual building would not. A reduction of the parking setback would be from 30' to 25'.

Roddy Henderson of 713 Hamilton Avenue addressed the Committee. Mr. Henderson said in addition to the drainage, there is a 7 inch sewer line that runs right through the middle of the property. They will be moving the sewer line to where the parking area is. That is a factor in their request, which will cost a lot of money to resolve. They hope to do a development that will improve the neighborhood at that end of the street. They have a good team, which includes Mike Price, Engineer and Tom Bartoo, Architect. He said they will have some green space on the top level that will be appealing to the neighborhood.

Community Comments:

Amanda Torbett, homeowner, addressed the Committee. Ms. Torbett said she is a resident from 714 Hamilton Avenue, which is the site area of the proposed major modification. She said she wants this request denied. The owner has acted with a lack of transparency and not within the Form-Based Code. There are several neighbors that were not notified of this meeting. Developers should arrange neighborhood meetings within 300 feet of a neighborhood. Today's meeting makes the 4th time that neighbors have attended to oppose this plan. Commercial space allows for a law office but does not allow for storefront. There have been two (2) City Council meetings that they have attended. The first one was deferred as requested by the developer and the second meeting was a withdrawal of the request by the developer after he was informed that if the City Council denied the motion, no revisions or requests could be made after nine (9) months. This makes the 4th time she has had to leave her job to attend a meeting. Her neighborhood has been under a lot of changes. She thinks the developer should have to operate with current codes. She thinks a building should fit within the character of the neighborhood including existing setbacks. The reduction from 10' to 5' on the side street facing Hamilton Avenue significantly impacts her. The street is a narrow one-way street. There is a steady flow of traffic in that area and there is no shoulder on that road. There are ditches. They all use that street to get their mail and access other areas. Reducing setbacks further impedes the other people that live there. She said that the owners and developers of 713 Hamilton Avenue bought this property knowing the Form-Based Code requirements and the drainage and sewer problems.

Joe Collier, of 712 Hamilton Avenue, addressed the Committee. Mr. Collier said he lives next door to Ms. Torbett. He has not seen any notice about the neighborhood meeting. He said the drawings look great but does not give you an exact understanding of Market or Hamilton. This is not going to help the current traffic condition in that area. You will not have any grassy area. There will be a sidewalk and then a street under the proposed development. If this development goes through with these many occupants, you will end up with parking problems not just with the property itself but along Hamilton Avenue. People are going to park on that street. There will never be enough parking. Mr. Collier said he is all for development but thinks there is a better way in going forward.

Mr. Henderson said in rebuttal he is currently zoned correctly and allowed to build. That is not going to change. They have made a big effort to maximize the parking. They have no access from Hamilton Avenue to the project for vehicles. He tried to come up with an attractive and nice development within the Form-Based Code requirements. He understands that people are not for development.

Discussion: Chairman Straussberger asked if the applicant met with the neighborhood meeting requirements. Ms. Dixon said yes, there is a meeting held for the Northside/Cherokee and Hill City neighborhood associations once a month on the first Monday of every month. The Code requirement is that they meet with the neighborhood association by getting in touch with the neighborhood officers to set up the meeting. According to the Code they are not required to personally meet with every person within 300 feet of the project. Mr. Havron said this was in his neighborhood and it is right across from Hill City. Ms. Dixon stated that the two associations that were required for the meeting were Hill City and Cherokee Northside. Chairman Straussberger said it appears that this plan has been developed as if there is no easement and that the contour does not reflect the hardships. Mr. Henderson said the existing sewer line is not showing and the drawings proposes that they have moved it. The sewer line will be relocated underneath the parking lot only. Chairman Straussberger referenced that Mr. Henderson wants a setback on the north property line to 0' and that only the parking level was at 0' and the upper floors will be at 5'. Chairman Straussberger said he did not see a setback on the site plan. Mr. Henderson said that may need to be changed and that he is not the architect. He said whatever Tom Bartoo has come up with is what they have and the property line is supposed to be at the 5' for the upper floors from the property line.

Ms. Dixon said her understanding is that the setback is for the building but when she spoke to Mr. Henderson there was a different interpretation.

Ms. Hefferlin asked if the applicant bought the property after the Form-Based Code Committee came into existence. Mr. Henderson said they were not aware of it at the time.

Jay Mace addressed the Committee. Mr. Mace said the Form-Based Code was already in affect when they bought it.

Mr. Henderson said the elevations presented did not match the proposed development and that Form-Based Code does not allow for a change of use.

Discussion: Mr. Whitaker asked Ms. Dixon if this was an A street. Ms. Dixon said yes. They should be able to meet those requirements. They did have enough sidewalk. Ms. Hefferlin said she has an issue that the plans do not match the application. Chairman Straussberger said it appears all the parking is accessed through Market Street. Ms. Dixon said it was suggested that they try to use Market Street more so than Hamilton Avenue. Hamilton Avenue is the street to the rear. Chairman Straussberger asked if this was an accurate floor plan. Mr. Mace said pretty close. Mr. Henderson said he would defer the Chairman's question to the architect.

Mr. Whitaker said the site plan does not seem to be correct. Chairman Straussberger concurred with that statement.

Mr. Smith asked how many units were there for residential. Ms. Dixon said 21. There is bike parking on site. Mr. Henderson said the parking spaces is 25. Ms. Frank asked how many spaces for commercial. Mr. Henderson said the commercial space is around 4500 square feet and the parking is 4. Mr. Smith said 21 for residential and 4 for commercial. Ms. Hefferlin asked about the motion forms. Ms. Dixon said if they wished to specify on the form they could.

If the applicant is denied he has to come back with something different or come back a year later.

Mr. Smith asked if there was an option to go to the City Council. Ms. Dixon said they could appeal to City Council. She said the City Council said their preference is for this Committee to work it out at this level. She suggested that they could defer to work it out with the architect.

Mr. Smith said he would just deny it because it is incompatible development. Ms. Dixon said if they do not get any of these modifications, it would be a smaller footprint within the same context.

Mr. Henderson said they would defer their case to next month.

Heidi Hefferlin made a motion to defer Case #18-FB-00007 – 713 Hamilton Avenue, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Based on the developer coming back with accurate plans and specifications for elevation. Matthew Whitaker seconded the motion. Grace Frank and William Smith opposed the motion. The motion carried to defer to next month.

Conditions: None

Case #18-FB-00008 – 615 E. 17th Street 37408 – Setbacks ADU Square Feet

Project Description:

The applicant, Melanie A. Newton, has applied for the following modifications:

- Setbacks and ADU Square Feet

Ms. Dixon presented the PowerPoint presentation. She said number 4 on the request is no longer needed. They were not required to have a neighborhood meeting because it was less than 5 units and is residential. U-RD-2 is their zoning. They had an existing garage constructed in 2014 and they wanted to build an ADU on top of that garage. She said whenever you go over 700 square feet we require 2 means of egress. That is why we need a variance for stairs for the ADU. The Code reference said it cannot exceed 700 sq. ft. This is a stoop and not a porch. A stoop may extend up to 8 feet including the steps. She said their stairs come down right beside the sidewalk. On the other side of the garage they will have to do a second set of stairs to be in compliance for Fire and Life Safety. Because they are not 2' from the sidewalk they need a variance. They know they are required to have that second means of egress. She said they had a survey done. The site plan shows where the current wooden steps are and where they plan to do a metal spiral staircase on the side of the structure.

Melanie A. Newton of 615 E. 17th Street addressed the Committee. Ms. Newton said she was the homeowner. She referenced the request for the ADU square footage from 700 to 780 square feet. She said this was an existing structure and they were trying to increase without major modification to the exterior so that it will match the home itself and other homes adjacent to them. The reduction of the side setback for the stairs on the street is from 2 feet from the edge of the sidewalk to 0 feet. She said she had questions about the original plat when they had the survey provided by Earthworx, LLC. 1888 was when the original plat was recorded. Their builder built something with no setbacks. She said they need the ability to have 2 sets of

stairs. There will be a concrete parking pad contained within a fence. It will be a 3' spiral fire retardant staircase for egress. She said it will comply with the Fire Department. They would not need 0' setback. They have been looking at 36". She said Chris Anderson is the homeowner adjacent to them and he is in favor of this. The neighbors have met with her and all the neighbors are in favor and in support of this. Ms. Dixon said she spoke with Chris Anderson yesterday and he did not have a problem.

Dixon Brackett, President of Earthworx, LLC, addressed the Committee. Ms. Brackett said she performed a boundary survey, which was 46 ft. in width and 156 ft. in depth according to 1880s plat.

Ms. Dixon said they have 5.27 feet setback on one side and 10.34 feet setback on the other side. Ms. Brackett said when you look at the photo and look westward, their property corners at least two-thirds into that gravel area. It gives you a false impression that the gravel is the alleyway. If they put in a 36" spiral staircase they would be 7/10 into the current 3' side setback. They are trying to make this work on a 46' wide lot. Not many lots today would be that width.

Community Comments: None

Discussion: Ms. Frank asked if it was on Madison Street. Ms. Hefferlin said they had a detached unit as well. She said they were able to do a residential sprinkler system with set of stairs and asked if Ms. Newton was certain that the stairs would meet egress requirements. Ms. Newton said she felt sure the 36" would meet the egress requirements but felt the 2 sets would be better. Ms. Hefferlin asked if Ms. Newton began the renovation and found out about this later. Ms. Newton said they were mid-way through the process when they were told to stop. It happened after the fact and now they are doing what they can to meet the requirements. Ms. Frank asked if her house is zoned C-3. Ms. Newton said no. Mr. Charlie Young said if it was C-3 it would not be before this Committee. Ms. Newton had the building permit prior to starting construction. Ms. Hefferlin asked if she had survey complications. Ms. Newton said they were asked to have a survey after the permitting process was completed. The survey was completed after they started the building. Mr. Young, Assistant Director of the Land Development office, said they applied for a building permit. At that time they put 780 square feet but they held it up because it needed to be 700 square feet or less. When the inspector went to inspect the project, they realized it was 780 square feet. The project was stopped and required a major modification approval by the Form-Based Code to give her the additional square footage. They need the variance for the 0' setback because at 780 they need 2 means of egress or go before the Board of Construction Appeals and request the sprinkler system with one means of egress, but it would delay the process. They thought they could build and did not clarify. The footprint of ADU has to be 700 square feet, not the interior.

Chairman Straussberger said one of the egress is the spiral stairwell. Mr. Young concurred. He said they needed to go to 0' setback on that side. It has to be built out of non-combustible construction, a metal welded staircase. Ms. Newton said they are looking into this. Mr. Smith asked if any clarification is needed for the footprint, not the interior. Ms. Dixon said the Fire Department said 700 square feet footprint. Mr. Whitaker asked if we have allowed some flexibility on square footage. Ms. Frank said they are just going up from their garage. Ms. Hefferlin said they are asking for the setback variance to follow the Building Code. Chairman Straussberger said this second story matches the original. Ms. Dixon concurred. Ms. Hefferlin

said she likes the building location is on the corner because it will not impede anyone's use. Architecturally it is nice to follow the base structure, attempting to follow safety regulations and building codes. Mr. Whitaker has a hard time going to 0 setback. Ms. Dixon said they have 5.27 inches on that side. Ms. Newton said she could go with that. Mr. Whitaker said it seems you could work the stairs. Ms. Hefferlin asked which stair they were asking a variance for. Ms. Dixon said both. The existing stairs need a variance of 2'. Ms. Hefferlin asked if Ms. Newton investigated the stair. Ms. Newton said they were already built and are within the fence. It was not until after the survey was provided they found out they had to have a variance. Ms. Frank asked if the fence was on the property line. Ms. Newton said 7.25 inches inside the property. Ms. Dixon said people put fences outside ADU's all the time. Ms. Newton said had they known, they would have been willing to do that. All this happened afterwards. They are trying to work the regulations as best they can. Ms. Dixon said the spiral stairs will be on the common lot line. Mr. Whitaker said he would be ok to the spiral stairs on that street with the change. He asked how complex would it be. Chairman Straussberger said it would have to be torn down except the top landing. Chairman Straussberger asked which looks worse a switchback or long running. Ms. Frank said a switchback is much safer. Chairman Straussberger said that way you do not fall all the way down. Mr. Peoples said it was more appealing with a switchback. Ms. Newton said the fence is laying to the other side only until they complete the project. The staircase will not be exposed and is contained within the fence, within the property boundary.

Community Comments: None

William Smith made a motion to approve Case #18-FB-00008 – 615 E. 17th Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. 1. To Increase ADU square footage from 700 square feet to 780 square feet approved, noted that there was miscommunication on what was originally submitted. 2. The reduction of side setback for the stairs on the street side from 2 feet from the edge of the sidewalk to 0 feet approved with no conditions due to communications, a lot of construction was already performed before discovering the property lines and needed setback. 3. A reduction in the side setback along the common lot line from 3 feet to 0 feet for the egress stairs approved based on the later performance of a survey of the land, and drop item 4. Heidi Hefferlin seconded the motion. The motion was unanimously approved.

OTHER BUSINESS: None

Mr. Smith asked about the deferral on the motions. Ms. Dixon said deferrals have always been an option. They have always been actions that you take because deferrals are allowed. Mr. Smith said it is not listed in the administrative notes. Ms. Dixon said she will get with the City Attorney in regards to that.

NEXT MEETING DATE: May 10, 2018


Jason Havron made a motion to adjourn.

Heidi Hefferlin seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 3:18 p.m.



John Straussberger, Chairman

HEIDI HEFFERLIN


Dottie McKinney, Secretary

5-10-18
Date

5-10-18
Date

FORM-BASED CODE COMMITTEE **MINUTES**

MAY 10, 2018

The duly advertised meeting of the Form-Based Code Committee was held on May 10, 2018, at 11:30 a.m. at the Development Resource Center, Conference Room 1A. Vice Chair Heidi Hefferlin called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Committee. Vice Chair Heidi Hefferlin explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Vice Chair Heidi Hefferlin, Jason Havron, Grace Frank, Matthew Whitaker and Ladell Peoples. Ladell Peoples left early. David Barlew and William Smith were late.

Members Absent: Chair John Straussberger and Gabe Thomas

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer, and City Attorney Phil Noblett

Applicants Present: Ethan Collier, Roddy Henderson, Steve Taylor, Elizabeth Peacock, Donna Shepherd, Barry Gilley, Charles Adamson, Allen Jones, Pat Neuhoff, and Jay Caughman

Approval of Minutes: Matt Whittaker made a motion to approve March and April 2018 minutes. Ladell Peoples seconded the motion. The motion was unanimously approved.

OLD BUSINESS

Case #18-FB-00002 – 422 Harper Street 37405 – Setbacks

Project Description:

The applicant, Mallery Delaney / Ethan Collier Construction, has applied for the following modifications:

1. Reduction and Increase in multiple ground floor elevations from the range of 16" to 5', to -3' to 7.25'.
2. Reduction in required lot width from 50' to 40' on lot 16.
3. Increase the building height maximum for the protected zone from 2 stories with a 24' maximum height to 3 stories and 30' in height.
4. Increase driveway width from 10' max to 22'.
5. No protected zone along the rear of the property (**no longer needed**)
6. Reduction of protected zone setback along the shared common lot line with R-1 zoning from 15' to 8'.
7. Reduction of protected zone setback from 15' to 10' along common lot line at rear (**no longer needed**)
8. Reduction of protected zone setback from 15' to 7' along the alley (**no longer needed**)

Ms. Dixon presented the PowerPoint presentation.

Donna Shepherd, of 651 E. 4th Suite #407, addressed the Committee. Ms. Shepherd referenced the variance request for an increase in driveway width from 10' max to 22'. She said she had a pre-submittal meeting with the Land Development Office and it was a requirement by the Fire Marshall to have access to the rear buildings and that is why she is requesting the variance. She said the request for a reduction in required lot width from 50' to 40' was an existing condition when the lot was purchased and the variance request is to be in compliance with the existing condition. She said the variance request for not having a protected zone along the rear of the property is not needed. She said the zoning request for E-RA-2 was approved at a second reading at City Council and is reflected on the site plan. She said she is doing a perimeter parking landscaping and there is not a protected zone required. The perimeter setbacks for a parking lot are being met with this proposed development. She said the variance request is no longer needed because the alley is open and being continued. She said she is wanting a perimeter parking with planting continued through the alley way. The protected zone will be 6 foot with a wall or 10 foot with a privacy fence. The plans are showing the 10 foot protected zone landscaping with a 6 to 8 foot wooden privacy fence. She said the face of the retaining wall would be on the edge of the protected zone and the footer that is underground would be 8 foot. The adjacent house finished floor elevation is at the same level as the first floor of the proposed house. She said what you would see from Harper Street is a 2 story building adjacent to a 1 story building. She said there is a 13.5 percent grade on the road and in order to keep the finished floor elevations together she has requested for a reduction and increase in multiple ground floor elevations from the range of 16" to 5', to -3' to 7.25'. She said they are only needing a 6" variance request on the building height adjacent to the protected zone. She said the proposed house is the same footprint as the other houses in the R-TZ zone on Harper Street and the only difference is that it is a one single family home and is connected together on the building. The developer has included a courtyard in between. The building height is the same for the front of the building and the back of the building. She said the building goes to 3 stories due to the topography change from Harper Street to the back of the lot and that is the reason for the 8 foot height increase request. Ms. Dixon said the variance requests – not having a protected zone along the rear of the property, the reduction of protected zone setback from 15' to 10' along common lot line at rear, and the reduction of protected zone setback from 15' to 7' along the alley – was dependent upon the property to the rear being rezoned and it was rezoned to E-RA-2 and they are no longer needed.

Community Comments:

Randall Addison, of Bell Street, addressed the Committee. Mr. Addison asked the Committee to consider the concerns about the protected zone variances from the neighbors.

Rebuttal:

Donna Shepherd, of 651 E. 4th Suite #407, addressed the Committee. Ms. Shepherd said that she removed the request for the protected zone variance. She said she is maintaining what is set by Form-Based Code for the protected zone adjacent to the R-1 zoning. She said the only thing that relates to the protected zoning is the 6" for the building height and the structure for the retaining wall for the parking lot. The parking and the elevation will be lower because of the retaining wall. She said having a retaining wall allows the fire codes to be met as it relates to the width of the driveway.

Discussion: Mr. Whitaker asked if the request for the reduction of protected zone setback along the shared common lot line with R-1 zoning from 15 feet to 10 feet or from 15 feet to 8 feet. Ms. Dixon said the face of the retaining wall is 10 feet off the property line and the applicant will be able to meet the landscape width requirement. Ms. Dixon said because the footer is 8 feet off the property line, the applicant is asking for relief from the setback requirement, not the landscape buffer requirement. Ms. Dixon said it was originally submitted as 10 feet but it was found that the request needed to be reduced to 8 feet. Ms. Hefferlin said asked why the applicant did not change the roof pitch if the need is for 6 inches only.

Ethan Collier, of 400 Harper Street, addressed the Committee: Mr. Collier said the steeper roofs make the houses look more expensive. He said he designed the house in conjunction with Form-Based Code but when he tried to align civil with design, it was better to not redesign the project for 6 inches on one building, from a design view point. He said changing the roof pitch could be considered by squeezing a few inches out of the floors, but he wants all the windows on the units to align. He said he is trying to keep the roof pitches within the character of the neighboring houses already present. Ms. Hefferlin asked if there was a request for an 8 foot variance. Mr. Collier said the front building is 2 stories tall and needs a 6 inch variance and the back building needs an 8 foot variance because it is 3 stories tall. He noted that the site drops 13 percent as you go towards the back of the proposed development. He said it is not a taller building, and from the street they will all appear to be the same height but because the ground drops in the back, he is requesting a 3 story building. Mr. Collier said there are courtyards between the buildings. He said the front building is 2 stories tall but the back building is only 3 stories tall because the ground drops and not because of the building height changes. Ms. Hefferlin asked if the 8 foot variance request creating an additional floor of sellable area. Mr. Collier said yes, it will become a 3 story building and not a two story building.

Discussion: Ms. Hefferlin said she had a question for Ms. Dixon. Ms. Hefferlin said on the protected zones, it seems like the consideration for the landscape element, as a building, is confusing and because there are so many applications for sloped lots, would the landscape element be a frequent request for variance for future cases. Ms. Dixon said, potentially so, as far as height is concerned. Ms. Dixon said the case being heard is a unique scenario, but yes, it could be a frequent variance request, as far as height is concerned. Ms. Dixon said the applicant is meeting the requirements for the landscape but the applicant is needing relief for height and setback for the retaining wall. The height variance may be a frequently discussed topic because of the topography of most of the area. Ms. Hefferlin asked if you are walking into the parking lot from the sidewalk on Harper Street. Ms. Dixon said yes. Ms. Hefferlin asked Ms. Dixon if she supports the 8 foot variance request because giving them the 8 feet will be giving an additional floor which coincides with Form-Based code, but it will set a precedent. Ms. Dixon said that there would be a precedent made in giving the 8 foot variance request and everyone needs to create density in a responsible way. Ms. Dixon said she, personally, did not hear an opposition from the property owner to the side of the development, who would be most affected. Ms. Hefferlin said she did not understand the request for 40 feet from 50 feet. Ms. Dixon said the 40 foot lot was an existing condition and they have to access the property and it is frontage that has brought the request before the Committee. Ms. Hefferlin asked Ms. Dixon to reread the actual things they would be voting on. Ms. Dixon went over the first, second, third, fourth and sixth variance requests listed under project description. Ms. Dixon noted that if the Committee made a motion to approve the five requests that the Committee might want to specify that it is because of the topography to keep from setting a precedent. Mr. Havron said he feels the applicants have did their research and made a motion.

Jason Havron made a motion to approve Case #18-FB-00002 – 422 Harper Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions that all the variance requests, that are needed, be approved as submitted. It is noted that the requests for reduction and increase in multiple ground floor elevations from the range of 16” to 5’ to -3’ to 7.25’ and the building height maximum for the protected zone increase will be granted due to topography. Also, the request granted to increase driveway width from 10’ max to 22’ is due to requirements by the Fire Marshall.

Condition: Footer is to be underground for the approval of the reduction of protected zone setback along the shared common lot line with R-1 zoning from 15’ to 8’.

Grace Frank seconded the motion. The motion was unanimously approved.

Case #18-FB-00007 – 713 Hamilton Avenue 37405 – Setbacks and Parking Setbacks

Project Description:

The applicant, Roddy Henderson / SE First Holdings, LLC, has applied for the following modifications:

- Reduction of West setback facing Market Street from 10’ to 8’
- Reduction of East setback facing Hamilton Ave from 10’ to 5’
- Reduction of North setback along the common lot line from 5’ to 0’ only at the sublevel
- Reduction of parking setback from 30’ to 25’

Ms. Dixon referenced an email from Tiffany Jaworski, located in the PowerPoint presentation, not in favor of the proposed development. Ms. Dixon presented the PowerPoint presentation. Ms. Dixon said the applicants will be providing all of the necessary sidewalks and have a lot of room to work with for the right-of-way. She said the applicant will be meeting the sidewalk requirements for their zone. She said the request for the reduction of parking setback from 30’ to 25’ is only for one parking space. She said the elevations submitted are the same elevations that were presented at last month’s case. She said the applicant corrected the elevations for where they are asking to have the reduction of the North setback along the common lot line from 5’ to 0’. She said that will allow parking and that is the major change from the last time the Committee looked at the renderings.

Roddy Henderson, addressed the Committee. Mr. Henderson said he will be building sidewalks and he will be meeting the requirements for the setbacks and buffers for sidewalks. He said as far as parking, he is not trying to use Hamilton Avenue. He said he has spoken with the Department of Transportation and they have no issues with this. He said the parking is 21 spaces and not 16 spaces. Someone from the audience said that Mr. Henderson had not been sworn in. Secretary Rosetta Greer swore in Mr. Henderson. Mr. Henderson said he is trying to do a responsible project that aligns with Form-Based Code. He said some of the variance requests are results of constantly changing the designs. He said he is trying to take in consideration of the neighbors, so he is doing a design that will have the access to the building on North Market Street and not from Hamilton Avenue. He said prior to coming out to do the design and after the site was plotted, he discovered that the sewer line ran right through the middle of the building and it has nothing to do with the easement for the drainage. He said

there are two issues with that area, the drainage and the sewer. He said that the sewer line needs to be moved and he was unaware of the sewer line's placement when he purchased the property. He said the variance requests are due to the hardships and he is trying to do what he can to get the plan to work. He said he is trying to get more parking and take the concerns of the neighbors into consideration.

Community Comments:

Joe Calle, of 712 Hamilton Avenue, addressed the Committee. Mr. Calle said he lives directly across the street from the proposed development. Mr. Calle asked is 21 parking spaces satisfying the Chattanooga City Code Zoning regulations, Appendix B. Ms. Dixon said yes. Mr. Calle said he understood that this was a mixed use business and wanted to know what the gross leasable area for the business was. Ms. Dixon said she already did a full plan review on the proposed development and they are meeting those requirements. Mr. Calle said as a resident he need clarification on how the requirement was being met, as it relates to the gross leasable area. Ms. Dixon said she would have to refer to the drawings and get back with Mr. Calle about the calculations. Ms. Dixon said when she did the calculations originally, the gross leasable area met the code requirements. Mr. Calle asked if that included the livable units and he said he wanted to know if it were 1 bedroom units or 2 bedroom units. Mr. Calle said he wants to know what the costs will be. Ms. Dixon said as far as meeting the code, the applicant is meeting the code. Mr. Calle said it did not make sense that Ms. Dixon presented 16 parking spaces for the proposed development but the applicant stated that it is 21 parking spaces. Ms. Dixon said that according to what was submitted to her by the applicant it said 16 parking spaces. Mr. Calle asked if he and the other neighbors were getting accurate information regarding the proposed development. Ms. Dixon said the applicant can answer to the accuracy of the information with a rebuttal and asked Mr. Calle if he had any other questions. Mr. Calle said in regards to the general statements about the needed setbacks, if the setbacks are not given can the development still be built. Mr. Dixon said yes.

William Torbett, of 714 Hamilton Avenue, addressed the Committee: Mr. Torbett said the proposed project has been opposed five times. He said there is nothing in the area that is in size and scope that meets the residential side. He said the project does not belong there and the only people that will profit from this are the developers. He said the project will not benefit the current residents that live there and requested that the project is denied.

Ms. Dixon mentioned that Jerry Mitchell called and told her he was not in favor of the requested variances.

Rebuttal:

Roddy Henderson, addressed the Committee: Mr. Henderson said the proposed development is not trying to do anything that is ugly or horrible and is trying to do what is asked of.

Tom Bartoo, of 1200 East Main Street, addressed the Committee. Mr. Bartoo said the parking spaces are 16 spaces under the building and 9 spaces to the south above. Ms. Dixon said 16 spaces is what was submitted.

Discussion: Mr. Peoples asked how many additional parking spaces will the applicant have if granted the request for a reduction of sidewalk. Mr. Bartoo said 2 additional parking spaces will be given with this request. Mr. Whitaker asked how many parking spaces are required. Ms. Dixon said for each unit in the building they are required 1 parking space, and additional space for the commercial and will get a discount if they have long term bike parking. Ms. Dixon said they are meeting the requirements for parking. Mr. Whitaker asked if the request was denied, will there be stress on development if there are 2 less spaces. Ms. Dixon said yes. Ms. Hefferlin said she cannot support any of the variance request because the developer knew what they were getting when they purchased it. Ms. Hefferlin said she looked at the property herself and it is a tight development for the site area, with the topography in consideration. Ms. Hefferlin said, for the record, she is not trying to tell them they cannot build the building, but they can vote against the variance request.

Matt Whitaker made a motion to deny all variance requests for Case #18-FB-00007 – 713 Hamilton Avenue, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Ladell Peoples seconded the motion. The motion was unanimously approved.

Conditions: None

NEW BUSINESS

Case #18-FB-00009 – 301 Manufacturers Road 37405 – Sign and Transparency

Project Description:

The applicant, Chad Wykle / RockCreek, has applied for the following modifications:

- Decrease window transparency from 80% to 0%.
- Increase in the maximum window coverage from 20% to approx. 50%.

Ms. Dixon said the case needs to be deferred due to the applicant not providing the sign-in sheet for the required neighborhood meeting.

Case #18-FB-00010 – 1220 King Street 37403 – Skyline Sign and Roof Sign

Project Description:

The applicant, Steve Taylor / Sothern Advertising, has applied for the following modification:

- Allowance of a rooftop sign type.

Ms. Dixon presented the PowerPoint presentation.

Steve Taylor, of 90 W. 28th Street, addressed the Committee. Mr. Taylor said he is asking for a small sign on the stairwell, 2 feet tall 14 feet long. Mr. Taylor said there is a hardship, as you are coming down north Market Street, the trees will block the sign. Mr. Taylor presented photos to the Committee and explained different views towards the proposed location and how the trees are a hardship.

David Barlew has joined the Committee at 12:37 p.m.

Community Comments:

John Kinsey, of 1361 Passenger Street, addressed the Committee. Mr. Kinsey said he is in support of the sign and he feels the sign is in keeping with the feel of the south side.

Discussion: Ms. Hefferlin asked Ms. Dixon if the stairwell was considered 4 stories. Ms. Dixon said the code reads over 4 stories and she is considering the stairwell as over 4 stories. Ms. Hefferlin asked why staff would allow the sign in regards to the height. Ms. Dixon said staff is allowing it because it is 4 stories. This will be the first allowance of a rooftop sign and the approval would set a precedent. Grace said the trees, in regards to signs, are a problem. Ms. Dixon said she recommends that the Committee specify the allowance. Mr. Whitaker asked Ms. Dixon if an explanation had been given as to why rooftop signs were not allowed. Ms. Dixon said she has not specifically spoken with anyone about why the rooftop signs were not allowed.

Grace Frank made a motion to approve Case #18-FB-00010 – 1220 King Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions due to the sign being much smaller than the standard sign size of 300 sq. ft., there are other rooftop signs in the area, and there is a visibility hindrance because of the trees. Matt Whitaker seconded the motion. The motion was unanimously approved.

Conditions: None

Ladell Peoples excused himself from the meeting.

Case #18-FB-00011 – 616 W. Bell Avenue 37405 – Sidewalk

Project Description:

The applicant, Elizabeth Peacock, has applied for the following modification:

- Reduction of sidewalk requirement from a 6' minimum sidewalk to no sidewalk.

Ms. Dixon said CDOT have no plans to put a sidewalk on the proposed development. Ms. Dixon presented the PowerPoint presentation.

Elizabeth Peacock, of 616 W. Bell Avenue, addressed the Committee. Ms. Peacock said there are currently no sidewalks on the road and is not wanting to have the sidewalks. She said she complied with all the Form-Based Code requirements, such as changing the design to a detached to attach and adding more windows to front.

Community comments:

Randall Addison, of Bell Street, addressed the Committee. Ms. Addison and the residents supports not having to put a sidewalk along the applicant's proposed development.

Discussion: Mr. Havron said he is in support of not having a sidewalk be put there. He said he would vote for the reduction of the sidewalk requirements from 6 feet to 0 feet.

Jason Havron made a motion to approve Case #18-FB-00011 – 616 W. Bell Avenue, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions, due to no sidewalks being located anywhere near the proposed development and having a sidewalk would be a burden on a single family resident. David Barlew seconded the motion. The motion was unanimously approved.

Conditions: None

Case #18-FB-00012 – 101 W. 20th Street 37408 – Frontage, Setback, and Height

Project Description:

The applicant, Barry Gilley / Construction Consultants, has applied for the following modifications:

- Reduction of frontage from 80% to 40%
- Reduction of frontage from 40% to 37%
- Reduction of primary parking setback from 30' to 15'
- Reduction of the number of stories from 2 to 1.
- Increase of side setback from the 15' maximum to 120' on the right side.
- Increase of the side setback from 15' maximum to 59' on the left side.

Ms. Dixon presented the PowerPoint presentation.

Barry Gilley, 1709 S Holtzclaw Avenue, addressed the Committee. Mr. Gilley said the development is on the southern edge of the U-CX zoning. He said it is close enough to serve the south side Cowart neighborhood. He said many people that attended the neighborhood meeting supported the idea that they could have a bank to walk to. He said the use of it might not be the highest and best for the vacant lot but the demand for it is needed. He said TVFCU will not be leasing out office space.

Community Comments:

Jackie Miller, of 27 19th Street, addressed the Committee. Mr. Miller has property at 1813 South Market and is invested heavily in the south side. He said he does not support the proposed development's variance requests and felt there is a better use for the property. He said he thought that there was something more suitable to be in compliance with the codes, with less variance requests and still suit the area.

Rebuttal:

Todd Farmer, of 535 Chestnut Street of TVFCU, addressed the Committee. Mr. Farmer said the development will be a great addition to the area and it will be a project that the area would be proud of. The project is part of a 2 prong project and this project is essential to them being able to develop the current property of TVFCU in the center of downtown.

Discussion: Mr. Havron asked if the cars will enter/exit both streets or enter Long Street and exit into Williams Street. Ms. Dixon said that CDOT is okay with the one way into Long and one way out from Williams Street. Mr. Barlew said that the purpose of the Form-Based code is to prevent this type of development and if it is approved then it would gut the whole idea of Form-Based Code. Ms. Hefferlin said she could not support the variances requested. Mr. Whitaker said he cannot support the requests as well.

David Barlew made a motion to deny all variance requests for Case #18-FB-00012 – 101 W. 20th Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Matt Whitaker seconded the motion. The motion was unanimously approved.

Conditions: None

Ms. Dixon proposed a five minute break at 1:03 p.m.

Case #18-FB-00013 – 10 Peak Street 37405 – Parking Setback and Lot frontage

Project Description:

The applicant, Collier Construction, has applied for the following modifications:

- Reduction of parking setback to 30' to 23'.
- Reduction of lot frontage from 60% to 35% due to drainage easement and shared rear access drive.
- Increase of curb cut size from 10' to 18'.
- Decrease of lot width from 50' to 40'.

Ms. Dixon presented the PowerPoint presentation. Ms. Dixon said North Market is the "A" street even though the front of the home is not on Market Street. Ms. Dixon said she had to look at the whole length of the property versus just the front of it.

Donna Shepherd, of 651 E. 4th Suite #407, addressed the Committee. Ms. Shephard said the drainage runs all along Market Street, goes up under the sidewalk, then takes a bend and then opens up again at the end of the building along Market. She said Ms. Dixon present the case well and had no further comments.

Community Comments: None

Discussion: Mr. Barlew asked Ms. Shepherd if the garage for the other units to the left are located at the lower portion of the property. Ms. Shepherd said the garages are attached and the proposed development will be a parking pad instead of a garage like the other units. Ms. Shepard said it is a parking pad because of the storm drainage easement. Ms. Shepherd said there is a potential to approve the drainage. Mr. Whitaker asked Ms. Shepherd to explain what was happening at the south side of the property. Ms. Shephard said that the south side of the property is a vacant lot and there are plans to relocate the stream and a potential to improve that area but no plans for development yet. South of the driveway is green space. Mr. Barlew asked if Dallas would be the A street. Ms. Dixon said that the applicant is aware that the house will be facing Market Street, which is the A street, and the house will be addressed on Market and it will not look like the side of a house. Mr. Havron said Peak Street is the end of the Form-

Based Code area. Ms. Dixon said yes. Mr. Barlew said considering that the Form-Based Code Committee approved all the other houses to the left, the parking pad in lieu of a garage, should be approved to be consistent with the other homes in the area and the decisions previously by approved by the Committee. Ms. Frank said there will not be continuity if the parking pad is denied. Ms. Dixon said the applicant have volunteered to do some screening even though it is not required. Ms. Hefferlin asked if everything the applicants were asking for is on the right and has nothing to do with what was decided before. Mr. Whitaker said that as a Committee, the exit and entrance of the traffic needs to be taken into consideration, if the curb size cut increase is granted. Ms. Frank said there is a lot of traffic on Dallas. Ms. Dixon said if it remain 10 feet then it would create a one way. Ms. Shepherd said that the cut is already there and is an existing condition prior to this case. Ms. Shepherd said it was approved by the Land Development Office already. Ms. Dixon noted that it was approved prior to her being in her position. Ms. Hefferlin asked what portion of the project the Committee should be dealing with. Ms. Dixon said that the proposed updates needs to be looked at as whole because the development is all one project, not just the one lot on the corner of Dallas and Market. Ms. Hefferlin asked City Attorney, Phil Noblett, to give guidance on the matter. Mr. Noblett said that if it is already in construction and is not being requested as a modification then it is not needed. Ms. Frank said the modification is not needed. Ms. Dixon said the curb cut requirements are 10 feet and the proposed variance request to increase the curb cut size from 10 feet to 18 feet is on an existing Land Disturbance permit that is still in permitting and ongoing and revisions were submitted. Ms. Hefferlin asked Ms. Dixon to look up the Land Disturbance permit in relation to the curb cut size from 10' to 18'. Ms. Hefferlin asked Mr. Noblett if she could approved the other three variance requests and defer the request for a curb cut size increase. Mr. Noblett said that is correct. Ms. Hefferlin said they could defer the curb cut size for staff approval. Ms. Dixon looked up the Land Disturbance Permit in Accela and noted that the dimensions were not on the drawings, but the two lanes were present on the drawings. The Committee determined that the request for increase in the curb cut size will be deferred for staff approval because it is grandfathered in.

Matt Whitaker made a motion to approve Case #18-FB-00013 – 10 Peak Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions that the first three variance requests be approved and the fourth variance request be deferred for staff approval because it is grandfathered in from previous permitting approval. David Barlew seconded the motion. The motion was unanimously approved.

Conditions: None

Case #18-FB-00014 – 1002 E. 10th Street 37403 – Lot Area, Setback, and Access

Project Description:

The applicant, Charles Adamson / Adamson Developers, has applied for the following modifications:

- Reduction of Lot area from 3,000sqft to 2,613sqft on lots 1 & 2 (lot facing E 10th Street and middle lot).
- Reduction of primary setback on Fairview Avenue for lots 2 & 3 from 10ft to 7ft.
- Reduction of rear setback from 25ft to 9ft for lots 1, 2 & 3.
- Reduction of parking setback from 8ft behind the front plane of the house to 3ft on lot 1 & 2.
- Allowance of vehicles to exit the property in a reversed orientation.

Ms. Dixon presented the PowerPoint presentation.

William Smith joined the Committee at 1:40 p.m.

Mike Price, of 7380 Applegate Lane, addressed the Committee. Mr. Price said he met with the neighborhood, showed several plans and the proposed development was a plan that everyone wanted to see for single family homes. He said that the lot is narrow and 57 feet deep and the frontage is Fairview and for proper context the street should front Fairview. He said he looked at providing the shared parking for the alley and would give 2 spaces per house. The plan that he has developed, as it relates to the parking setback, would be extended back and would not need the variance request number 4. He said the side setback is 3 feet, currently under the Form-Based Code, and he feels that the narrow width of a lot and 9 feet off the neighbors' property were appropriate. He said building number 3 that is proposed, according to google earth, it is similar to the house that was there before.

Community Comments:

Ms. Dixon went to the PowerPoint presentation and read emails in opposition to the proposed development from Mark Holden, Anita Conley, Jason and Katlin Lang, and the Neighborhood Association. Ms. Dixon said Mr. Adamson has changed his proposed development several times to suit the neighbors that attended the neighborhood meeting.

Jean P. Smith, of 913 Park Avenue, addressed the Committee. Ms. Smith said she is a neighborhood resident. She said she is questioning the rear setback and feels that the information given about the code requirement of 25 feet was not presented at the meeting and the reduction request for the rear setback to 9 feet is a large change from 25 feet. She said developers need to take the space of the property into consideration before they purchase it. She mentioned that the property is up for rezoning and if it is approved it will take the homes from 2 stories to 3 stories and there are no existing 3 story homes in the site area.

Rebuttal:

Charles Adamson, of 3445 Brainerd Road, addressed the Committee: Mr. Adamson said they addressed the 25 foot setback at the MLK Neighborhood Association meeting and had one email in which he did not see on the presentation where they agreed with the setback. Mr. Adamson will have an easement for the neighboring owner. He said they had an approved

voting of 68% at the last MLK Neighborhood Association meeting and the intent is to sell the properties. He said the rezoning has been dropped and he will keep the zoning as is and the homes will be two stories.

Discussion: Mr. Barlew asked if there was another printed copy of the site plan. Mr. Smith asked if it was consistent with the previous houses in the area. Ms. Dixon said the house will be oriented towards E. 10th Street and because of the wrap around porch it will look like the front on both sides but the code requires E. 10th Street to be the front of the house. Ms. Hefferlin asked if all the curb cuts were new. Mr. Price said one curb cut is where the previous house was on Fairview, another curb cut will be gone and two will be added. Mr. Hefferlin mentioned that part of Form-Based Code is to limit curb cuts and to limit parking on the street and asked the applicant if he would consider moving house number 3 over to the left of the property and having an alley access to the side to eliminate some of the curb cuts. Mr. Price said using the alley would be the most efficient space for the parking spaces and the variances would not be needed if he were proposing less than 3 houses. He said there is no current parking on Fairview and he is looking to provide it. Mr. Hefferlin said the resident expressed the concern about the rear setback from 25 feet to 9 feet and asked if the property had one house built on it, would it allow for the setback to be closer to what is required. Mr. Price said if he proposes 2 houses then the house facing E. 10th street will have to be within 3 feet of the neighboring house. Ms. Dixon asked Mr. Price if they were offering to do any buffering in the rear. Mr. Price said he asked both neighbors if they wanted a fence, shrubs or something to keep within their desires and that he would provide buffering. Ms. Hefferlin asked Ms. Dixon if they would be setting a precedent if they allow smaller lot widths. Ms. Dixon said there are other weird lot sizes in the area, historically, that are smaller and on corner lots and that a difference in density is typical. Mr. Price said if they go to two lots they are still faced with a 25 foot setback and that needs to be considered by the Committee. Mr. Whitaker said that the single family residents will be pressed by the density of the proposed development. Mr. Barlew said they have approved cases like this in North Chattanooga but opposition was not heavily presented. Mr. Smith noted that 68% percent approval, according to the meeting votes held by Mr. Adamson, is not a true representation of the neighborhood. Mr. Whitaker said the real discussion should be the request to reduce the lot size.

Grace Frank recused herself from this case.

William Smith made a motion to deny all variance requests for Case #18-FB-00014 – 1002 E. 10th Street and 1006 Fairview Avenue, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. Matt Whitaker seconded the motion. The motion was unanimously approved.

Conditions: None

Case #18-FB-00015 – 220 & 214 W. Main Street 37408 – Island Spacing, Planting, and Setback

Project Description:

The applicant, Allen Jones / ASA Engineering, has applied for the following modifications:

- Increase from 10 continuous spaces to 11 along the north end of the parking lot (along Market Street).
- Increase from 10 continuous spaces to 12 along the west and east end of the parking lot (Cowart St and common lot line).
- Removal of interior islands at 6 locations in the center of the lot.
- Removal of perimeter plants along the east and south end of the parking lot (along the common lot line and alley).
- Reduction of Primary Parking Setback from 30' to 11.5'
- Reduction of required trees from 13 to 6 (66 spaces/5 trees = 13.2).

Ms. Dixon presented the PowerPoint presentation. Ms. Dixon said the applicant is more focused on the public experience in relation to the perimeter plants along the east and south end of the parking lot. This redevelopment would eliminate the curb cut and that is a priority for Form-Based Code.

John Kinsey, of 1351 Passenger Street, addressed the Committee. Mr. Kinsey said he lived behind the *CraftWorks* building for 15 years and is right across the street from the proposed development. It is a 70,000 square feet building and it was built in 1907 and he redeveloped it about 5 years ago. He said he was able to redevelop the building because additional parking was part of the redevelopment. The proposed lot used to have a dry cleaners on it. He said that gravel lots used to be considered impervious and now that things are changed the lot can be paved but Form-Based Code creates another step. He said per Form-Based Code there will be 38 spaces and a total of 61 spaces not 66 spaces. He said he will keep the trees in the middle as it is presented on the PowerPoint. He said with this proposed development he will be fixing a City sidewalk. There will be some parking available for the public. He referenced a parking study that was recently done stated that the parking in the south side of Chattanooga is deficient. He said neighbors signed a petition in support of this proposed development.

Allen Jones, of 109 E. M L King Blvd., addressed the Committee. Mr. Jones said there are a lot of gravel lots in the south side of Chattanooga and if you are going to 66 spaces from 38 or 39 that will help the dusty gravel lots to be removed.

Community Comments: None

Discussion: Mr. Whittaker said that they have never allowed the reduction of trees and this proposed development will be solving a lot of parking issues. He asked the applicant if he would be willing to lose a couple of spaces for a couple more trees. Mr. Jones said he could add trees around the property to not lose parking spaces. Ms. Hefferlin said they could put trees in the green zone along Main Street. Ms. Hefferlin said a hardship would be that they are already providing parking to the building across the street prior to Form-Based Code and if they could plant more trees around the lot on Main Street that would be better. Mr. Whitaker would be satisfied for more trees around Main Street. Mr. Barlew asked what would be the rationale about not having the island on the ends. Ms. Frank said that it would impact the residents.

Matt Whittaker made a motion to approve the first five variance requests and deny the sixth variance request for Case #18-FB-00015 – 220 & 214 W. Main Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. The first five variance requests were granted for the following reasons: the need for parking; it will improve safety in moving entrance; due to the development conditions with the adjacent building; it will improve the appearance along the public street by removing the fence and adding green space; and it will add 7 trees. William Smith seconded the motion. The motion was unanimously approved.

Conditions: None

Emily Dixon proposed a five minute break at 2:40 p.m.

Case #18-FB-00016 – 19 Cherokee Boulevard 37405 – Building Coverage, Height, Building Setback

Project Description:

The applicant, Pat Neuhoff / Neuhoff-Taylor Architects, P.C., has applied for the following modifications:

- Increase of building coverage from 70% maximum to 100%.
- Increase in the number of stories from 3 floors to 4 floors.
- Increase in building height from 40' to 60' maximum.
- Reduction of maximum building setback from 10' to 15'.

Ms. Dixon presented the PowerPoint presentation.

Pat Neuhoff, of Neuhoff-Taylor Architects, P.C., addressed the Committee. Mr. Neuhoff said one of the main purposes for the design for underground and above retail parking is to help solve the parking issue for the tenants and the public. He said valet services will be provided. He said due to the fact that the existing buildings will have to be demolished and then the asking price is hefty, the square footage for 100 percent coverage is critical. He said the automated system will be expensive and the developer will require a fee from the public for parking. He said the proposed development will be the largest parking facility for North Shore. He said there will be outdoor seating and that is the reason for the building setback request from 10 feet to 15 feet. The center area will be a walk through and have an accessible elevator.

Community Comments: None

Discussion: Mr. Barlew asked if it would be possible for the building to have 100 percent coverage and the setback request from 10' to 15'. Mr. Neuhoff said the two sublevels will occupy 100 percent of the side and on the main level, where there are occupied spaces, there will be a canopy that comes out and it is considered as 100 percent coverage under Form-Based Code. Mr. Barlew asked if the patios are on the roof of the parking level. Mr. Neuhoff said yes. Ms. Hefferlin asked if the glass for the parking area meets the transparency requirement. Mr. Neuhoff said with the glass he is proposing you will not be able to see the parked cars. Ms. Dixon said with the new edits for Form-Based Code, there will have to be

60% transparency for the glass. Mr. Neuhoff said that he will work with the requirements and get creative as it relates to the window transparency. Mr. Barlew said it appears that the parking rules in the proposed development meets the parking requirements for Form-Based Code.

Jason Havron made a motion to approve the variance requests as submitted for Case #18-FB-00016 – 19 Cherokee Boulevard, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions. The requests were granted for the following reasons: due to the existing building already meeting 100% coverage; the building nearby is the same height as the proposed development; and the 15' setback is for the common area. Grace Frank seconded the motion. The motion was unanimously approved.

Conditions: None

Case #18-FB-00017 – 859 McCallie Avenue 37403 – Height, Setback, Tree Island, and Parking Screen

Project Description:

The applicant, Greg Adams, has applied for the following modifications:

- Increase in story height from 3 floors to 4 floors.
- Reduction in parking setback from 30' to 15' in the center area of parking.
- Reduction of perimeter planting area from 4' to 1'6" with a 4' wall.
- Removal of the tree islands adjacent to the building (2 total).
- Reduction of parking setback from 30' to 3'8" along the left side of the property for the 45 degree angle parking spaces.

Ms. Dixon said no one came for the MLK Neighborhood Association meeting that was set up for the neighbors. Ms. Dixon read a letter from the PowerPoint presentation that was received from the Fort Wood Board of Directors. Ms. Dixon said that in the letter the Board mentioned that Jobeth Kavanaugh, who owns houses in the area, is very concerned about having housing on the roof and overall the Fort Wood Board of Directors is in support of the proposed development as presented. Ms. Dixon presented the PowerPoint presentation.

Jay Caughman, of 1713 Cowart Street, addressed the Committee. Mr. Caughman said the existing brick façade is really difficult to add interest and for the design he wanted to give it some character and interest. Ms. Frank asked what will be on the top of the building. Mr. Caughman said it will be apartments. Ms. Hefferlin asked about how many units will be in there. Mr. Caughman said about 22 units. Ms. Dixon said the proposed development is meeting the parking requirements. Ms. Hefferlin asked if Mr. Caughman was reducing it to one curb cut. Mr. Caughman said he is reducing it to two curb cuts.

Community Comments:

Lisa Mack, of 846 Oak Street, addressed the Committee. Ms. Mack said her property is on the southern perimeter of the district. She said that this will set a precedent in the neighborhood with the building height being 4 stories and it would disrupt their view. She asked if the Committee approves the request to specify the reasons for future developments. She asked how much taller would the proposed development be in comparison to what is there now.

Scott McColpin, of 829 McCallie Ave, addressed the Committee. Mr. McColpin said he is okay with all the variance requests, other than the request for 4 floors. He said he has been in the office since 1986 and is in support of development but do not agree with setting a precedent for adding a 4th floor for that area.

Rebuttal:

Jay Caughman, of 1713 Cowart Street, addressed the Committee. Mr. Caughman said the existing building is about 6 feet taller than what he is proposing. He said he is building a 4th floor but he will be bringing down a large attic.

Discussion: Mr. Barlew asked if the site is 100 percent paved and will it be cut down. Mr. Caughman said it will be one way in and one way out. Ms. Hefferlin asked Mr. Caughman if he is reducing the overall height of the building. Mr. Caughman said yes and he will have a 3 foot setback to make it look more interesting and it will be 5 feet setback on the sides due to the existing design of the building. Mr. Noblett referenced that the design gives a reduction of the roofline and if the existing building is already 4 stories then the Committee has the discretion to move with a decision. It was noted that the existing 4th floor can be habitable. Ms. Dixon said if they do the 30 foot setback requirement the development would lose about 6 parking spaces and lose 1 parking space if it were granted a 15 foot setback. Mr. Barlew said that the Committee needs to be consistent between their cases and take into consideration of the pedestrian space. Ms. Dixon said if the Committee decides that the setback can be reduced from 30 feet to 15 feet, then the applicant would lose only one parking space, but they will have the long term bike parking, and the proposed development would still be within parking requirement.

Grace Frank made a motion to approve Case #18-FB-00017 – 859 McCallie Avenue, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions that the first 4 variance requests are approved as submitted. Also, the motion was made to deny the parking setback from 30' to 3'8" but to approve the parking setback from 30' to 15'. William Smith seconded the motion. The motion was unanimously approved.

Conditions: None

OTHER BUSINESS: None

NEXT MEETING DATE: June 14, 2018

Gabe Thomas and John Strausberger resigned effective immediately prior to the May 10, 2018 meeting. David Barlew announced his resignation effective immediately after the May 10, 2018 meeting.

Jason Havron made a motion to adjourn. Grace Frank seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 3:43 p.m.



Heidi Hefferlin, Vice Chair

6-14-18

Date



Rosetta Greer, Secretary

6-14-18

Date

FORM-BASED CODE COMMITTEE **MINUTES**

June 14, 2018

The duly advertised meeting of the Form-Based Code Committee was held on June 14, 2018, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Vice Chair Heidi Hefferlin called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Committee. Vice Chair Heidi Hefferlin explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Vice Chair Heidi Hefferlin, Jason Havron, Grace Frank, Matthew Whitaker, and William Smith

Members Absent: Ladell Peoples

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer, and City Attorneys Harolda Bryson and Keith Reisman.

Applicants Present: Josh Legg, Calvin Ball, Seija Ojanpera, Tim Kelly, and Tony Brown

Approval of Minutes: William Smith made a motion to approve May 2018 minutes. Matt Whitaker seconded the motion. The motion was unanimously approved.

OLD BUSINESS

Case #18-FB-00009 – 301 Manufacturers Road # 109 (District 1) – Transparency & Sign

Project Description:

The applicant, Chad Wykle / Rock Creek, has applied for the following modifications:

1. Decrease window transparency from 60% to 0%.
2. Increase in the maximum window coverage from 20% to 50%.

Ms. Dixon presented the PowerPoint presentation. She said the sign was previously put up without going through the application submission process for the sign and plan to take it down July 31, 2018 and is needing the Committee to approve it after the fact.

Josh Legg, of 301 Manufacturers Road, addressed the Committee. Mr. Legg said he did not realize there was a code that prohibited the size and transparency of the film he had installed. He asked the Committee to give him an extension of 100 days from the original notice of violation. He said now that he is aware of the code he will create his future signs to be within code.

Community Comments: None.

Discussion: Mr. Smith asked if the windows will be in compliance after the window film is removed. Ms. Dixon said when the window film comes down the windows will be back in

compliance. Ms. Hefferlin asked if it was similar a previous case in the same complex. Ms. Dixon said this case was deferred last month and that could be what Ms. Hefferlin is referring to. Ms. Hefferlin said it seems that the applicant made an honest mistake. Mr. Havron said the applicant came to the neighborhood meeting and described what he had and said the window film would be there short-term.

William Smith made a motion to approve Case #18-FB-00009 – 301 Manufacturers Road Suite 109, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: The window film can stay up until July 31, 2018

Jason Havron seconded the motion. The motion was unanimously approved.

NEW BUSINESS

Case #18-FB-00018 – 1008 Fairview Avenue (District 8) – Setbacks

Project Description:

The applicant, Calvin Ball / Tower Construction, has applied for the following modifications:

1. Reduction of rear setback from 25' to 0'.
2. Reduction of side setback from 5' minimum off the alley to 0'.
3. Reduction of side common lot line setback from 3' to 0'.

Ms. Dixon presented the PowerPoint presentation.

Calvin Ball, representing 1008 Fairview Avenue, addressed the Committee. Mr. Ball said the lot is small and the structure is being renovated. He said currently there is nothing beyond the back door of the structure. He said he wants to put a deck at the rear exit of the structure. He said he has requested to build a deck to the maximum size possible, but the client is willing to build a smaller deck.

Community Comments: None.

Discussion: Mr. Smith said he had a question about "section f" on the Major Modification Application for Form-Based Code. He said he noticed the applicants' answers are not relevant to "section f" and asked will the application be considered incomplete if it is left blank. Ms. Dixon said if "section f" is not filled out it does not make the application incomplete and not all cases apply to "section f". Attorney Reisman said "section f" does not make sense when asking for a variance and that he will research why the section was entered. Mr. Whitaker asked what the dimensions of the proposed deck were. Ms. Dixon said the deck size is proposed as 15' x 35'. Mr. Smith asked if the deck was bigger than the house. Ms. Dixon said the deck is the width of the entire lot. Mr. Smith asked if the deck encroaches onto the property line. Ms. Dixon said the deck must not encroach onto the property line and it is the developer's responsibility to get a survey done to properly identify the property line. Attorney Reisman said if a motion is made, the condition needs to state that the deck is not to encroach onto the neighboring property. Ms. Dixon said to avoid encroaching on the neighboring property, the

applicant has requested variances to go to a 0 foot setback. She said the applicant must substantiate that condition at the plan review level. Mr. Ball said the dimensions are approximate and he is fine to take it 3 feet off the alley way. Ms. Hefferlin asked if the applicant was required to have a 3 foot setback. Ms. Dixon said the 3 foot setback is required. Ms. Dixon said there is a request along the alley to go to a 0 foot setback from a 5 foot setback and a request to reduce the rear setback from 25' to 0'. She said the main reason for the rear setback request is due to the applicant only having 15' behind the house and would not be able to have a 25' setback either way. Mr. Whitaker asked if the driveway to the rear of the structure was private property. Mr. Dixon said the driveway to the rear is a private entrance to the neighboring property. Ms. Dixon said she does not see any buildings being built that will be affected negatively by the proposed deck addition. Mr. Whitaker said that the Committee just denied other variances for properties 100 feet away for similar setback variances. Ms. Hefferlin asked Mr. Whitaker what he would propose. Mr. Whitaker said the request for a reduction of the side common lot line setback from 3' to 0' should be denied. Ms. Frank and Ms. Hefferlin agreed with Mr. Whitaker proposal and said the lot is much smaller than the other properties along the block.

Matthew Whitaker made a motion for Case #18-FB-00018 – 1008 Fairview Avenue, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions, to approve the reduction of rear setback from 25' to 3' and not to 0'; to approve the reduction of side setback from 5' minimum off the alley to 0'; and to deny the request for reduction of side common lot line setback from 3' to 0'.

Conditions: Reduction of rear setback from 25' to 0' is granted to go from 25' to 3' and the reduction of side setback from 5' minimum off the alley to 0' must not cross the property line.

Grace Frank seconded the motion. The motion was unanimously approved.

Case #18-FB-00019 – 120 East 10th Street (District 8) – Skyline Sign

Project Description:

The applicant, Seija Ojanpera / Sohotel LLC, has applied for the following modifications:

1. Allowance of a skyline sign on a 3 story building.
2. Allowance of skyline sign location in the top 2/3 of the building instead of the required 1/3.

Ms. Dixon presented the PowerPoint presentation.

Seija Ojanpera, owner of 120 East 10th Street, addressed the Committee. Ms. Ojanpera brought bigger presentation boards so the Committee could visually see the proposed sign. She said that the visibility to advertise and promote their property is hard. She said the design of the sign is proposed to align with the 1950s design of the hotel. She said the sign is currently 10 feet long and she is proposing an 18' long sign and it will be visible from Market Street.

Community Comments: None.

Discussion: Mr. Smith asked if the sign would be less than 300 square feet and within the skyline limit. Ms. Dixon said her proposed sign, as far as verbiage, is smaller than what the signage that is currently there. Mr. Whitaker asked if the wording on sign considered a part of the sign. Ms. Dixon said in the advertising section of the code the verbiage is not considered in the proposed signage. Ms. Hefferlin asked why the applicant would need a variance for the sign if the proposed sign can be considered smaller than the existing sign. Ms. Dixon said since the applicant is wanting to change the sign, she will lose her non-conforming status and needs permission from the Committee to put up the new one. Mr. Whitaker said that the proposed sign is a skyline sign and will be in a location that the Committee has allowed in the past. Ms. Hefferlin said the proposed sign is beautiful and is in favor of it.

Grace Frank made a motion to approve Case #18-FB-00019 – 120 East 10th Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Jason Havron seconded the motion. The motion was unanimously approved.

Case #18-FB-00020 – 1804 Chestnut Street (District 7) - Signage

Project Description:

The applicant, Lindsey Lowe / Chattanooga Brewing Co., has applied for the following modifications:

1. Ground floor sign located on the second floor instead of between the first and second floor.
2. Increase in ground floor signage size from 40 sq. ft. to 100 sq. ft.
3. Allowance of a sign on a metal silo instead of within the architectural elements of the building.

Ms. Dixon presented the PowerPoint presentation.

Tim Kelly, a partner of Chattanooga Brewing Co., addressed the Committee. Mr. Kelly said the Chattanooga Brewing Company was founded in 1890 and is the largest brewing company in Chattanooga. He said the proposed signage is for the purpose of the business advertisement being seen from the stadium. He said there is not any visibility coming from Riverfront Parkway. He wants it to be appropriate and is open to suggestions.

Community comments: None.

Discussion: Ms. Hefferlin said the proposed signage is tasteful and looks better than what was previously there. Ms. Hefferlin said the sign on the silo does not look like a sign to her. Ms. Dixon said the sign is a logo and must be considered as signage. Mr. Smith asked if there were any signs on the North side coming from Chestnut. Mr. Kelly said there is a lot of housing and new construction going on around the property and he may come back to propose something for the north side but is mostly concerned with the proposed signage. Ms. Hefferlin and Mr. Smith said they are in favor of the proposed signs.

Jason Havron made a motion to approve Case #18-FB-00020 – 1804 Chestnut Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Mr. Whitaker seconded the motion. The motion was unanimously approved.

Case #18-FB-00021 – 633 Chestnut Street (District 7) – Skyline Signs

Project Description:

The applicant, Steve Taylor / Southern Advertising, has applied for the following modification:

1. Allowance of 2 skyline signs on two faces of the building.

Ms. Dixon presented the PowerPoint presentation. She said the applicant wants to add two skyline signs to a building with two existing skyline signs. She said the applicant wants the skyline signs so to be visible from the interstate. The additional signage is for a bank that is located on the ground floor of the building.

Tony Brown, of 90 W. 28th Street, addressed the Committee. Mr. Brown said the sign will be under 99 square feet and the client is wanting the sign for visibility. He said there was an existing sign there before for the previous bank that moved out.

Community Comments:

Rich Allen, manager of 633 Chestnut Street, addressed the Committee. Mr. Allen said there is one slight difference on the western side of the building. He said the pictures shown on the presentation for the western side was incorrect to where the actual signage would be. He said there will be a sign on the right side and the north side. The two proposed skyline signs will go in the exact same locations that Bank of America signs once were. He said he has looked at the plans the applicant submitted and thought the plans looked great. Ms. Dixon confirmed that the proposed signs were for the sides of the building.

Discussion: Mr. Whitaker said there was a time when a skyline sign was not allowed and wanted to recall why it was denied because he wants to be consistent. He asked about the Regions Bank. Ms. Dixon said the Regions Bank building requested a monument sign and it was denied. She said the Regions Bank Building then requested the S&W ground floor sign and it was approved. Mr. Whitaker reminded the Committee of the Turnbull sign that was approved. Ms. Hefferlin said this proposed sign is better up top than at the ground level and it gives the applicant and clients the visibility that they are looking for.

Matt Whitaker made a motion to approve Case #18-FB-00021 – 633 Chestnut Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Jason Havron seconded the motion. The motion was unanimously approved.

Case #18-FB-00022 – 818 Georgia Avenue (District 8) – Signage

Project Description:

The applicant, Thomas Clark / Lamp Post Properties, has applied for the following modification:

1. Movement of 4 ground floor signs location between the first and second floor to the top half of the building, on the side of the building.

Ms. Dixon presented the PowerPoint presentation. She said the property location was too far away from the MLK Neighborhood Association to have a meeting.

Stephanie Hays, representative of the Tomorrow Building, addressed the Committee.

Ms. Hays said the mock up was not 100 percent accurate on the design line up. She said the building has historic signage and that tenants face visibility issues for those coming from Georgia Avenue. Ms. Hefferlin said that a sign could potentially go on the penthouse area of the building. Ms. Dixon told the applicant that she is allowed up to 300 square foot for skyline signage. Ms. Frank said she could see the sign better if it were in the proposed location. Ms. Hays said she was more confused about the size. Ms. Dixon said it is more about the size of the letters and the applicant can paint the background whatever color she chooses. Ms. Dixon noted that there is not a lot of signage along the Georgia Avenue side.

Community Comments: None.

Discussion: Ms. Hefferlin said the Committee wants the business in the Form-Based Code areas to succeed and advertisement will help the applicant and she supports that. Ms. Frank and Mr. Whitaker both agreed with supporting the proposed signage.

Mr. Havron made a motion to approve Case #18-FB-00022 – 818 Georgia Avenue, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Matthew Whitaker seconded the motion. The motion was unanimously approved.

OTHER BUSINESS: None

NEXT MEETING DATE: July 12, 2018

William Smith made a motion to adjourn. Jason Havron seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 3:02 p.m.


Heidi Hefferlin, Chair


Rosetta Greer, Secretary


Date


Date

FORM-BASED CODE COMMITTEE **MINUTES**

July 27, 2018

The duly advertised meeting of the Form-Based Code Committee was held on July 27, 2018, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Chair Heidi Hefferlin called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Committee. Development Review Planner Emily Dixon explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Chair Heidi Hefferlin, Jason Havron, Grace Frank, Matthew Whitaker, and Ladell Peoples

Members Absent: William Smith

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer, and City Attorney Harolda Bryson.

Applicants Present: Patrick Jackson, Sandra Dahl, and Jim Teal / Ortwein Sign and Carl Webb.

Applicants Absent: Chad Moore / Certified Lighting

Approval of Minutes: Jason Havron made a motion to approve June 2018 minutes. Matt Whitaker seconded the motion. The motion was unanimously approved.

OLD BUSINESS: None

NEW BUSINESS

Case #18-FB-00023 – 1348 Passenger Street (District 8) – Sign

Project Description:

The applicant, Karen Wilson / DeNyse Signs, has applied for the following modification:

1. Allowance of skyline signage on a building that is only 4 stories tall.

Ms. Dixon presented the PowerPoint presentation. Ms. Dixon said a neighborhood meeting was not required because the property is too far away from a Neighborhood Association.

Patrick Jackson, of 1348 Passenger Street, addressed the Committee. Mr. Jackson represents the ownership group of the property. He said Ms. Dixon presented the case well. He said the hardship is a residential space that will be behind Main Street and having the skyline signage will be the only way he could market the business of the property. He said the overall project is a 45 million dollar development with 284 units. He said the sign at the side facing the Choo Choo is not illuminated and is a blue painted sign and the sign facing Main Street is illuminated.

Community Comments: None.

Discussion: Mr. Whitaker wanted to confirm if the applicants wanted two signs. Mr. Jackson said there are 2 signs, one will be facing the back of the Choo Choo Hotel and the other sign will face Main Street. Mr. Havron asked if the lighted sign will be facing Main Street. Mr. Jackson said yes. Ms. Dixon mentioned that the Committee has approved 56% of skyline signs and 44% disapproved. Mr. Havron asked if the Committee had previously approved a skyline sign for the property. Ms. Dixon said no, it was for the Moxy Hotel. Mr. Whitaker said the proposed sign is in keeping with the other approved skyline signs. Ms. Hefferlin said the proposed sign is set back at a long distance from the street, has individual lettering, and looks nice.

Jason Havron made a motion to approve Case #18-FB-00023 – 1348 Passenger Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None

Ladell Peoples seconded the motion. The motion was unanimously approved.

Case #18-FB-00024 – 818 E. Martin Luther King Boulevard (District 8) – Setbacks

Project Description:

The applicant, Sandra Dahl, has applied for the following modification:

1. Reduction of rear setback from 25' to 18'.

Ms. Dixon presented the PowerPoint presentation. Ms. Dixon said a neighborhood meeting was not required because the project is for a single family residential home. She said the applicant already has a deck and it is in compliance with Chapter 38 Zoning Code. She said because the applicant has applied to cover the deck, it will bring it out of compliance with the setback requirements, which is why the case is being heard before the Committee. She said the hardship is listed as small lot size at 84 feet deep

Sandra Dahl, of 818 E. Martin Luther, addressed the Committee. Ms. Dahl said Ms. Dixon's PowerPoint presentation covered everything that is being requested. Ms. Dixon said she researched the approval rate by the Committee for similar projects to Ms. Dahl's and it is at 58% for single family residential homes.

Community Comments: None.

Discussion: Ms. Frank asked if the deck has been existing. Ms. Dahl said yes and because she had to cut down a huge tree there is no longer any shade over the deck and covering the deck will allow her to use it. Mr. Peoples asked Ms. Dahl if there were any structures on the parcel that she owns next door. Ms. Dahl said no. Ms. Hefferlin said based on the PowerPoint presentation, Ms. Dahl would have access and adequate room to park vehicles in the rear of property and is not against the request for a reduction for the rear setback.

Matt Whitaker made a motion for to approve Case #18-FB-00024 – 818 E. Martin Luther King Boulevard, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Allowed due to small lot size.

Jason Havron seconded the motion. The motion was unanimously approved.

Case #18-FB-00025 – 541 W. 21st Street (District 7) – Sign

Project Description:

The applicant, Jim Teal / Ortwein Sign, has applied for the following modifications:

1. Reduction of monument sign setback from 18' to 0'.
2. Allowance of a monument sign for a new building.

Ms. Dixon presented the PowerPoint presentation. Ms. Dixon said they were too far away from a neighborhood to need a neighborhood association meeting.

Jim Teal, of 2806 E. 50th Street, addressed the Committee. Mr. Teal is the owner of Ortwein Sign and is the sign contractor for the property in question. He said the clients are requesting the monument sign to identify the business and to provide direction for clients coming to the dental office. He said the location has been proposed on the near the parking lot to direct the clients to the parking lot designated for the building rather than to another section of the area. He said there are utility issues which prohibits the sign being placed on the far side of the building. He said the sign is less than 60 square feet.

Cari Webb, of 541 W. 21st Street, addressed the Committee. Ms. Webb said the business need directional cues to get their clients to the proper building.

Community Comments: None.

Discussion: Ms. Hefferlin asked Ms. Dixon where the applicants would be required to place the sign if they treated the building as existing prior to Form-Based Code. Mr. Dixon said the applicant would be allowed to do a monument sign at the 18 foot setback requirement if the building would be considered existing. She said each property is allowed one monument sign. Ms. Webb said there is a retention pond on both sides of the building which makes it difficult for the monument sign to be placed there. **Carl Webb, of 541 west 21st street, addressed the Committee.** Mr. Webb is the dentist of the business. He said there is a retention pond and it goes against the highway and 21st street and goes along the building. He said the retention pond is underground and there is drainage on the opposite side of the building and the storm water drains onto 20th Street. 21st Street is almost like an alley. He said those are some of the hardships for putting a directional and advertisement sign on the more desired sides of the building for Form-Based Code. He said he was not aware of the Form-Based Code requirements prior to making the plans for the monument sign. He said the monument sign will not have any lights and the intent is for daytime usage, due to his business hours. Mr. Whitaker asked if the size of the proposed monument sign meet the Form-Based Code requirements. Ms. Dixon said yes. Mr. Whitaker said an 18 foot setback for a monument sign is not urban and would make more sense for the site in question. Ms. Dixon said the approval rate for

monument signs are 30%. She said the Committee needs to be extremely clear as to why the monument sign is being approved in the motion due to the lower percentage of approval for monuments.

Grace Frank made a motion to approve Case #18-FB-00025 – 541 W. 21st Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Variance requests allowed due to the building being built prior to Form-Based Code and because of the hardship of storm water drainage requirements not allowing signs to be placed in the location that interferes with storm water drainage.

Ladell Peoples seconded the motion. The motion was unanimously approved.

Case #18-FB-00026 – 625 E. Main Street (District 8) - Sign

Project Description:

The applicant, Chad Moore / Certified Lighting, has applied for the following modifications:

1. Reduction of monument sign setback from 18' to 10'.
2. Allowance of pole sign.

Ms. Dixon presented the PowerPoint presentation. Applicant did not need a neighborhood association meeting due to commercial space being less than 4000 square feet.

The applicant, Chad Moore / Certified Lighting or any other persons representing ownership for the 625 E. Main Street was not present at this meeting.

Community comments: None.

Discussion: The Committee said they looked at the PowerPoint presentation that had been submitted to them, by Ms. Dixon, prior to the meeting. Mr. Whitaker said he was ready to make a motion.

Matt Whitaker made a motion for Case #18-FB-00026 – 625 E. Main Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: To approve the request for reduction of monument sign setback from 18' to 10' due to the hardship listed as visibility and must meet all the other Form-Based Code sign requirements. And to deny the request for allowance of a pole sign.

Grace Frank seconded the motion. The motion was unanimously approved.

Case #18-FB-00027 – 1110 Market Street (District 8) – Sign

Project Description:

The applicant, Chad Moore / Certified Lighting, has applied for the following modifications:

1. Allowance of skyline sign on a 3 story building.
2. Allowance of an additional skyline, for a total of 3 skyline signs.
3. Allowance of skyline signage longer than 50% of the top of the building.

Ms. Dixon presented the PowerPoint presentation. A meeting was required with MLK Neighborhood Association. She said the applicant said that they emailed MLK Association and the MLK Association turned down the applicants for a meeting. Ms. Dixon said she must contact the MLK Association to verify the statements made by the applicants.

The applicant, Chad Moore of Certified Lighting, or any other persons representing ownership for the 625 E. Main Street was not present at this meeting.

Community Comments: None.

Discussion: Mr. Whitaker said to the last time the Committee met, the Committee allowed a property to have two skyline signs on two sides. He said prior to that meeting the Committee had disapproved request similar to that. Ms. Dixon agreed with Mr. Whitaker. She said the big factor for the case Mr. Whitaker was referencing from the last meeting, was that the two skyline signs totaled 300 square feet. She said the proposed case being heard is exceeding the Form-Based Code requirements beyond the previously approved similar case. She said the request is not meeting the code requirements for a skyline sign. Mr. Whitaker said the proposed skyline signs are one sign too many for one side of the building. Ms. Hefferlin said the applicants did not provide a hardship for the skyline signs and they seem unreasonable. Mr. Whitaker said the request would be too many skyline signs on one face of the building and it would be hard to argue the precedent that would be set if it were allowed.

Jason Havron made a motion to deny Case #18-FB-00027 – 1110 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Variance requests denied due to the proposed signage exceeding what Form-Based Code allows.

Matt Whitaker seconded the motion. The motion was unanimously approved.

OTHER BUSINESS: None.

NEXT MEETING DATE: August 9, 2018 (application deadline was July 13, 2018 at 4pm).

Matt Whitaker made a motion to adjourn. Jason Havron seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 2:44 p.m.

Heidi Hefferlin, Chair

Rosetta Greer, Secretary

Date

Date

9/13/18
9/13/18

FORM-BASED CODE COMMITTEE **MINUTES**

August 9, 2018

The duly advertised meeting of the Form-Based Code Committee was held on August 9, 2018, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Chair Heidi Hefferlin called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Committee. Emily Dixon explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Chair Heidi Hefferlin, Jason Havron, Grace Frank (late), William Smith, Matthew Whitaker, Marcus Jones, and David Hudson

Members Absent: Ladell Peoples

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer, City Attorney Keith Reisman, and City Attorney Phil Noblett (late)

Applicants Present: Mike Sarvis / Synovus, Tom Marshall, Debbie Sue Przybysz, Chad Moore / Certified Lighting, and Allen Jones / Asa Engineering

Approval of Minutes: The minutes for July 2018 were not ready for review and is deferred until September 2018.

OLD BUSINESS: NONE

NEW BUSINESS

Case #18-FB-00028 – 800 Market Street (District 7) – Transparency

Project Description:

The applicant, Mike Sarvis / Synovus, has applied for the following modification:

1. Reduction of transparency from 60% to 35%.

Ms. Dixon presented the PowerPoint presentation. She said the applicant was not required to have a neighborhood meeting because they were not within 300 feet of a Neighborhood Association. The sign is currently up without proper permitting of going through the Form-Based Code process.

Mike Sarvis, of 800 Market Street Suite 100, addressed the Committee. Mr. Sarvis said the company has been going through a brand transition and the signage on the exterior needed to be changed. He said he assumed that the existing signage in question was appropriate. He said he chose the location due to it being a closet space and not an active office space. He said he supports Form-Based Code and want to meet the requirements.

Community Comments: None.

Rebuttal: None.

Discussion: Mr. Smith asked if the signs were placed on the building since Form-Based Code. Ms. Dixon said yes and that many sign contractors are not aware that signs like the signage in question, is not allowed in the Form-Based Code. Mr. Whitaker asked if the sign meets Form-Based Code. Ms. Dixon said the sign meets Form-Based Code requirements but does not meet transparency. Mr. Smith asked if the 20% signage coverage for 1 window or all windows. Ms. Dixon said she considered all the windows along the frontage due to weird existing windows downtown. Ms. Hefferlin asked if approving the sign that has been put up would set precedent. Ms. Dixon said yes it would set precedent. Mr. Whitaker said the sign is within sign requirements. Mr. Smith said the space behind the signage is not used as office space, but closet space. Mr. Jones asked if the Committee approved the existing sign, would it set precedent for future signs. Ms. Dixon said it is always great to set an intent when approving projects for future projects.

Marcus Jones made a motion to approve Case #18-FB-00028 – 800 Market Street Suite 100, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: that this is an existing condition and the interior is a closet space and not an active office space.

Matt Whitaker seconded the motion. The motion was unanimously approved.

Grace Frank joined the Committee at 2:15 p.m.

Case #18-FB-00029 – 801 Chestnut Street (District 7) – Sign

Project Description:

The applicant, Tom Marshall / West Village Chattanooga, has applied for the following modifications:

1. Allowance of lights that are visible to motor vehicles and potentially distracting to drivers to be allowed for a weekly laser light show.
2. Allowance of lights sources coming from high-intensity narrow-beam fixtures.
3. Allowance of an excess of 2 foot candles of light to extend beyond the site into the Right-of-Way.

Ms. Dixon presented the PowerPoint presentation. She said the applicant was not required to have a neighborhood meeting because they were not within 300 feet of a Neighborhood Association.

Tom Marshall, of 801 Chestnut Street, addressed the Committee. Mr. Marshall works for the Defoor Brothers. He said the laser show happens every Saturday night and Pine Street is closed during the show. He said he has a City Special Event Permit to close the streets and that they hire two City police officers to keep driving traffic away. The laser show terminates on the masonry and does not pass the point where any traffic could come into the area. He said the laser show does not reflect onto any other buildings. The area that the laser show hits

is on the masonry part of the structure. He said they have had no accidents or complaints that he is aware of from anyone concerning the laser show. He said the laser show is a free family event. He said he was unaware of any permitting because it was a laser show and not a sign or advertisement.

Community Comments: None.

Rebuttal: None.

Discussion: Mr. Hudson asked Ms. Dixon about the laser show reflecting off other buildings. Ms. Dixon said she personally saw the laser show reflecting one Saturday night. Attorney Reisman asked Ms. Dixon to explain where she saw the laser show from. Ms. Dixon said she was outside at Barley's on Martin Luther King Blvd. and could see bright red lights and could see the laser show. Ms. Dixon said Mr. Marshall asked her and Zoning Inspector Randy Ridge about the laser show in November 2017 and she told him he would need a variance at that time. She said after seeing the lights she contacted Mr. Marshall to let him know that she recognized the laser show that night and that it needed to come before the Committee. Ms. Dixon said she spoke with CDOT and they said they were concerned and recommended that the lasers only be pointed at a downward motion. Mr. Marshall said there has never been a laser at the top of the building. He said the week after he spoke with Ms. Dixon, he asked Lt. Charlie Brown to send a police officer to Bessie Smith Hall and to note if he could see any lighting. He said you can see the laser show more towards the Tivoli on Chestnut and 7th Street. Mr. Marshall said he checked with the Airport and the FDA in November 2017. He said he the laser show goes straight across, and not up. Mr. Jones said Mr. Marshall mentioned masonry structures and asked if the laser show bounces off any of the windows in the area. Mr. Marshall pointed at the PowerPoint Presentation and showed where the laser show terminates on masonry. Attorney Reisman asked Mr. Marshall to explain the white cloud on the PowerPoint presentation. Mr. Marshall said they put out a fog / haze to make the laser show more amplified. Attorney Reisman asked Mr. Marshall what was illuminating the fog on the image on the PowerPoint presentation. Mr. Marshall said he did not know. Mr. Jones asked Ms. Dixon if Mr. Marshall was advised to get a variance prior to the laser show event happening through this process. Ms. Dixon said the process explained to Mr. Marshall in November 2017 was for him to submit a variance request to the Form-Based Code Committee to hear prior to implementing the laser show in January 2018. Ms. Hefferlin said the laser show event seems great for the community and she heard wonderful things about it. She said she was confused about why the applicant needed a variance. Ms. Dixon said the applicant is not meeting lighting requirements. She said the laser show is leaving from a building on 7th Street to Pine Street. Ms. Hefferlin said no one is present at the meeting that is in opposition of the laser show and asked if other complaints have been made. Ms. Dixon said no, but the laser show needs a variance because it is violating the Form-Based Code. Mr. Hudson said he thinks the laser show event is a perfect way of utilizing a public space and that is part of what the Form-Based Code Committee wants to encourage. Ms. Frank asked Ms. Dixon if there are safety issues in regards to the laser show and what the safety concerns are. Ms. Dixon said the main concern is that the laser show has strobing lights and if you are coming down the highway ramp nearby, the lights may be seen. She said if the Committee moves to approve the variance requests, stipulations should be set in regards to a max height of the laser show, the location, and the strobing lights to ensure safety. Mr. Smith asked if CDOT mentioned specifics about requirements that would be violated at the state level. Ms. Dixon said CDOT did not mention anything about the state requirements and that their biggest concerns were

any lights that would reach the Westin and reflect out. The strobing lights were concerning to them, as well, as far as people driving by. Mr. Whitaker said I have some questions, first for the City Attorney, how do we define distracting motorists. Attorney Reisman said he thinks distracting motorists is the normal terms, it is not defined, and the word means what it means. He said to give an example, the City recently prohibited mobile LED signs on two different companies that had vehicles with LED signs on the back and because of the size of them, and they found them to be distracting to drivers. He said he thinks that any way you look at it, it is from your personal knowledge of what is distracting, and that he was not talking about the applicants presenting. He said flashing LED signs on vehicles is something that we stopped because we were fearful of having accidents. Ms. Frank asked the applicant if a stipulation was set for the laser show to not reflect on the Westin building, would that be possible or make the situation complicated. Mr. Marshall said lights are not reflecting off the Westin building and that the laser terminate on top of the ledge of Mountain City Club and that the material is brick, which is not reflective. Ms. Dixon said she personally saw lasers bouncing off other buildings. Mr. Whitaker said the fog could be part of the reflection that Ms. Dixon may have seen. Ms. Hefferlin said it seems that Mr. Marshall has gone through great lengths to contain the light and the only stipulation she would set is to make certain the light show would only last a certain period of time. Mr. Marshall said the laser show is about 25 minutes for 8 songs and then about an hour for the crowd to dissipate. Mr. Smith said the distraction would be to motor vehicles looking to see what is going on in that area. Mr. Whitaker said he had another question for the City Attorney. He said are the Committee Members protected, legally, if they approved the requested variance. He asked if the Committee Members could be sued if someone had an accident because they were distracted, as individuals. Attorney Reisman said, "I have to tell you this, as a board member you cannot be sued." Chair Hefferlin, Ms. Dixon, & Attorney Reisman all talking at once, Ms. Dixon said the City could be sued. City Attorney said, "You have immunity and I am happy to tell all the board members that, but I am not going to give a legal opinion on the fly." Mr. Whitaker said, "To allow a variance because the applicants are requesting that, we allow them to vary from signs that distract motor vehicles, which is prohibited. If we waive that that seems not like a good idea." Mr. Jones asked if search lights like those found in the clubs, are allowed by this definition. Ms. Dixon said no and that is why this case is being heard. Mr. Havron asked if the Committee could defer the time frame of the approval to see what happens as it relates to traffic and etc. Mr. Marshall said there have been no complaints reported since December 31, 2017. Mr. Smith asked Mr. Marshall if he were aware of any highway reports. Mr. Marshall said he was unaware of any highway incidents or reports. Attorney Reisman suggested that the Committee condition the motion to a 6 month deferral date while allowing the laser show to continue during that 6 month period. Attorney Reisman asked Mr. Marshall if he brought any of the plans to CDOT, the City, or the Land Development Office prior to the beginning show. Mr. Marshall said he brought a drawing in November 2017 of what the laser show might look like and where the screen would go. He said he did not have the laser show available to show. Attorney Reisman asked Mr. Marshall if he was told he needed a variance at the time he presented the plan in November 2017. Mr. Marshall said he was under the understanding that it was not a sign and at the time he did not think he was told to get a variance. Attorney Reisman said he was informed that Mr. Marshall was aware that a variance was needed. Mr. Marshall said he did not know that and that he met with Inspector, Randy Ridge. Ms. Dixon said Mr. Marshall met with her as well because the property sites are all within Form-Based Code and that Mr. Marshall was made aware of needing a variance at that time.

William Smith made a motion for to approve Case #18-FB-00029 – 801 Chestnut Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Allowance of each submitted variance request (1, 2, and 3) with a 6 month deferral where applicant must return before the Committee with traffic information on incidents on I-27, Martin Luther King Blvd., and surrounding area. Height limited to height of 15'. Lasers must only be targeted at masonry.

Jason Havron seconded the motion. 5 members were in favor. 2 members opposed the motion. The motion carried to approve.

Attorney Phil Noblett joined the Committee and Attorney Keith Reisman left.

Case #18-FB-00030 – 1419 Market Street (District 7) - Parking

Project Description:

The applicant, Brian Geselbracht / BG Construction, has applied for the following modification:

1. Closure of alley access from open City alley to parking lot.

Ms. Dixon stated that the applicant requested to defer case #18-FB-00030 – 1419 Market Street due to not having the required Neighborhood Association meeting.

Case #18-FB-00031 – 812 Palmetto Street (District 8) – Lot Frontage

Project Description:

The applicant, Debbie Sue Przybysz, has applied for the following modification:

1. Reduction of building frontage from 80% minimum (44' wide) to 58% with a width of 32'.

Ms. Dixon presented the PowerPoint presentation. No neighborhood meeting was required because this development only have 4 units.

Debbie Sue Przybysz, of 812 Palmetto Street, addressed the Committee. Ms. Przybysz said her intention for the quadplex is for professionals or for families who want to live downtown. She said she likes leisure space and without having a 13 foot setback on the shared lot line, it reduces the leisure space around the structure for the tenants. The main purpose is for each resident to have the ability to go outside.

Community comments: None.

Rebuttal: None.

Discussion: Mr. Jones asked why the applicant did not want to use the side of the building. Ms. Przybysz said the shared lot line from the new structure is built there will be a privacy fence from the back to the side and there will be a gate for the new foundation line. She said each unit will have a 9 foot long privacy fence dividing the townhome with an additional 4 foot sidewalk. Ms. Hefferlin asked what the major street was. Ms. Przybysz said Palmetto is the A street and Flynn is the B street. Ms. Dixon said units B thru D are addressing Flynn Street and Palmetto Street is the main street because it is more accessible. She said there is a single-family home and by having the setback on the fronting street, it would provide space between the existing single-family home. Ms. Hefferlin asked where the front doors for the townhomes are located. Ms. Dixon said the front doors face Flynn Street for 3 units and for unit A, it would

face Palmetto. The frontage is for Palmetto and it would provide a nice distance between the single-family home nearby. Mr. Smith said he could not visualize the development looking at a flat plan and would rather see elevations in which staff have been asked to require as part of the application submission process. Ms. Dixon said the elevation itself, while it would show the location of the door, is to have a narrower building. Ms. Przybysz passed out drawings to the Committee and said it would be a slab for the basement level and the townhomes are two stories and would have a shingled roof. Ms. Dixon said the difference of having the variance approved would be that the building would be 8 feet narrower than without having the variance. Mr. Whitaker said he feels the proposed plan is in keeping with neighborhood. Mr. Jones asked if recommendations came to the Committee. Ms. Dixon said no. Attorney Noblett said the decision needs to be under the purview of what the code states under Chattanooga City Code section 38-596(4). Mr. Smith asked what the hardships for the development were. Ms. Dixon said the applicant listed the shape of the lot as a hardship. Ms. Dixon said originally, Ms. Przybysz had all the units facing Flynn Street. She said in Form-Based Code you have to address the primary street and the applicant made adjustments from the original plans that were submitted to better suit the Form-Based Code. Mr. Hudson asked if the fence would be extended along Palmetto and that in some sense meets the filling of the frontage. Ms. Przybysz said the fence will be metal. She said there is a cantilever on the top of the structure coming out about 4 feet, as well as 2 feet. She did her submitted measures were based off the area where the foundation sits. Ms. Dixon said with a second story cantilever, Ms. Przybysz would only be off 6 feet instead of 13 feet. The orientation of the fronting street and the shape of the lot is a hardship for the applicant.

Matt Whitaker made a motion for Case #18-FB-00031 – 812 Palmetto Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Approved based off the narrowness of the lot, setback restrictions meets Form-Based Code intent and better transition for single family next door.

David Hudson seconded the motion. The motion was unanimously approved.

Case #18-FB-00032 – 1110 Market Street (District 8) - Sign

Project Description:

The applicant, Chad Moore / Certified Lighting, has applied for the following modifications:

1. Allowance of a shared sign with signage that is not located on the tenant space.
2. Increase of signage from 9 sq. ft. to 27 sq. ft.

Ms. Dixon presented the PowerPoint presentation. A neighborhood Association meeting was required with MLK Association but she was informed that MLK Association did not want to meet with the applicants.

Chad Moore, of 1110 Market Street, addressed the Committee. Mr. Moore said the existing sign is 3 x 5 and he is proposing to make the sign 3 x 9. He said this is a multi-tenant building and tenants need external advertisement for their units.

Community Comments: None.

Rebuttal: None.

Discussion: Mr. Hudson said the area appears to be a common area. Ms. Dixon said if the Committee determines that site for the sign is common area then it would be set forth. She said the intent of the Form-Based Code is to minimize the signage on the exterior building and the intent of the multitenant building is to have a sign for the entire building and then once you enter the building is where any advertisement placed for the commercial spaces. She said in this case, the owners are wanting to make the tenants presence known prior to entering the building. She said if the Committee determines the site to be common area to make their decision based on common area requirements and to make sure to address the size of the sign. Mr. Jones said the entry way is common area for multiple buildings downtown and having an entry way be considered the common area could become a huge concern. Ms. Hefferlin asked if the intention for the exterior signage to be for the building and tenant space in the interior. Ms. Dixon said it is intended for the tenant space to be advertised in the interior and the building itself to be advertised from the exterior for larger unit buildings. Ms. Frank said the proposed signs helps for marketing the tenants inside. Mr. Whitaker said if the Committee could determine that the size be denied and that the space is common. Ms. Dixon said if the proposed sign were to go in the space asked for she would have to do a sign review that includes 1.5 feet multiplied by the linear length of the tenant space. She said the only danger about deeming the area as common area is having to know the exact numbers of every entry way. Mr. Whitaker said if we could get the applicants what they want without changing the code everything would be better off. Ms. Dixon said yes. Mr. Moore said the existing sign is 3 x 5. Ms. Frank asked how many common areas are there. Ms. Dixon said 3 common entrances. Ms. Hefferlin said the Committee needs to take into consideration of all the signage that is being allowed for common areas for tenants and not create a ripple effect. Mr. Moore said there are 10 tenants without any signage and the area in question is not the main entrance. Ms. Hefferlin said if they were to approve the variance requests than the other tenants of the building might want to have their business advertised on the exterior. Ms. Dixon said if the applicant put vinyl lettering on the existing sign then a sign permit would not be needed.

Chad Moore asked to defer Case #18-FB-00032 – 1110 Market Street until a later meeting date to have time to reconvene with his clients.

Case #18-FB-00033 – 535 Cherokee Boulevard (District 1) – Parking (Setback & Buffer)

Project Description:

The applicants, Allen Jones & Ken Dolberry (Mike's Hole in the Wall) has applied for the following modifications:

1. Reduction of parking setback from 30' to 13'.
2. Removal of perimeter planting along east side of the property.
3. Removal of 105' perimeter planting along the west side of the property. Instead provide a new fence in this space meeting the FBC fencing requirements.

Ms. Dixon presented the PowerPoint presentation. A neighborhood meeting was required and the applicants had a hard time meeting with and hearing from the Northside Cherokee Neighborhood Association president.

Allen Jones, of 109 E MLK Blvd., addressed the Committee. Mr. Allen Jones said right now the land disturbance permit has been issued to get the store open, they settled for the 10 parking spaces that is allowed within the Form-Based Code. He said the client wants to have more parking on the site. He said he talked to the official secretary for the Neighborhood Association and the secretary is in support of the request for additional parking. The intent of the front setback is to have an additional building placed there. He is providing buffer to offset the setback request for the front. The applicants are replacing the chain link fence with a fence that is more appropriate for Form-Based Code.

Community Comments: None.

Rebuttal: None.

Discussion: Mr. Jones asked if a motion was made to approve the request to go from 30' to 13' that a condition would be to not put a building there. Ms. Dixon said part of the goal with Form-Based Code is for buildings to be built and placed along the street edge and not to have parking at the street. Ms. Dixon said based on the shape of the lot, she doubts that a building will be built on the space at any time. Mr. Hudson asked Mr. Allen Jones how many parking spaces the clients would lose if the variances were denied. Mr. Allen Jones said they would lose 6 parking spaces. Ms. Hefferlin asked what the adjacent properties are. Mr. Allen said there is an industrial / warehouse space in the adjacent building and next door used to be a veterinarian shop but is now abandoned. There are two residential spaces behind the proposed development. Mr. Whitaker asked if the grade was going downward or upward. Mr. Allen Jones said the grade is higher and 525 Cherokee Blvd. has lower grade than the development site. Mr. Whitaker asked what the vegetation was like at the site. Mr. Allen Jones said you can barely see the abandoned veterinarian building due to the vegetation that is currently existing. Mr. Hudson asked if the frontage plantings would create some type of wall of some sort. Mr. Allen Jones said yes the plantings along the edge front would create a "wall". He said he is proposing beauty berries and evergreens, however it is subject to change when it comes to the species selection. Mr. Whitaker asked Mr. Allen Jones if a condition were set for heavier vegetation and or more dense vegetation, would they be willing to plant them. Mr. Allen Jones asked Ms. Dixon to define the change of use from a city perspective. Ms. Dixon said change of use is based on an obvious change of use or a change in use of occupant load; building code; and or higher-to-lower assembly change. Ms. Hefferlin asked if the decision for approval would prohibit the business from opening. Mr. Allen Jones said they would lose 6 parking spaces and customers would have to park on the streets which could be a problem for the neighborhood. Mr. Hudson asked what the ratio of occupancy to parking was. Ms. Dixon said the FBC parking is based off the square footage of the footprint of the building. The building's footprint is 4000 square feet.

Matt Whitaker made a motion to approve Case #18-FB-00033 – 535 Cherokee Boulevard, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Must densely screen the landscape perimeter plantings along Cherokee Blvd. This must be accomplished with evergreen shrubs. Must construct fence along the west side of the property in the place of the plantings

Grace Frank seconded the motion. The motion was unanimously approved.

Case #18-FB-00034 – 1603 Long Street (District 7) – Fenestration & Parking Setback

Project Description:

The applicants, Matt Winget / Jay Floyd / Broadspace Investors, LLC, has applied for the following modifications:

1. Reduction of fenestration from 30% minimum to 16% on the front, bottom floor, of the townhomes.
2. Reduction of fenestration from 30% minimum to 0% on the ground floor of the townhome side facing 16th Street.
3. Reduction of fenestration from 25% minimum to 0% on upper floors of the townhome side facing 16th Street.
4. Reduction of primary parking setback from 30' to 15' along Long Street.
5. Reduction of side parking setback for the townhome at the corner of 16th and Long Street.

Ms. Dixon stated that the applicant requested to defer case #18-FB-0003 – 1603 Long Street due to not having a neighborhood meeting.

OTHER BUSINESS:

Chair Hefferlin asked that at the next Edits professional site plans are clearly defined.

Mr. Havron mentioned that the Rock Creek Outfitters sign has not been taken down. They asked for a 30 day variance on the sign and that 30 day approval has expired. Ms. Dixon said she will email the owners to take the signs down.

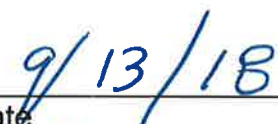
NEXT MEETING DATE: September 13, 2018 (application deadline was August 10, 2018 at 4pm).

William Smith made a motion to adjourn. Matt Whitaker seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 2:44 p.m.




Heidi Hefferlin, Chair



Date



Rosetta Greer, Secretary



Date

FORM-BASED CODE COMMITTEE **MINUTES**

September 13, 2018

The duly advertised meeting of the Form-Based Code Committee was held on September 13, 2018, at 12:00 p.m. at the Development Resource Center, Conference Room 1A. Chair Heidi Hefferlin called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Committee. Planner Emily Dixon explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Chair Heidi Hefferlin, Jason Havron, William Smith, Matt Whitaker, Marcus Jones, Grace Frank, David Hudson, and Jim Williamson

Members Absent: Ladell Peoples

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer, and Attorney Harolda Bryson

Applicants Present: Brian Geselbracht, Chad Moore, Dusty Rowland, Jay Floyd, Craig Allison, and Bob Elliott

Approval of Minutes:

Jason Havron made a motion to approve July 2018 meeting minutes. Matt Whitaker seconded the motion. The motion was unanimously approved.

David Hudson made a motion to approve August 2018 meeting minutes. Jason Havron seconded the motion. The motion was unanimously approved.

Planner Emily Dixon explained the rules of procedures.

OLD BUSINESS

Case #18-FB-00030 – 1419 Market Street (District 7) – Parking lot bollards

Project Description:

The applicant, Brian Geselbracht / BG Construction, has applied for the following modification:

1. Closure of alley access from open City alley to parking lot.

Ms. Dixon presented the PowerPoint presentation. **David Hudson recused himself from the case.**

Brian Geselbracht, of 1515 E Main Street, addressed the Committee. Mr. Geselbracht said the main concern for the alley closure is for safety for the tenants. He said people do not slow down at the corner where the bollards are being proposed. The intent of the variance is to slow the traffic down around the area and cut down the traffic to the parking lot.

Community Comments:

Julianne Hudson, of 1435 Market Street, addressed the Committee. Ms. Hudson said she understands the intent of the applicants and do promote safety. She said there is not a light at the alley and people would be able to go around to the other side but there is not a traffic light there and makes it unsafe to exit. She said morning traffic is busy and is a concern for her and other neighboring owners and residents. She said they are not in opposition but would want the applicant to take the issue to CDOT and make it a traffic issue and not a personal issue for the alley. She said the applicants discussed the bollards as a temporary solution but she and other owners want CDOT to look at it as a traffic issue.

Karey Haisten, of 1463 Market Street, addressed the Committee. Ms. Haisten said she and her tenants used the alley daily to exit her building. Her property is on the corner of Main Street and Market Street. She said it is difficult to drive onto Market Street. She said she could drive onto Market using the other two alleys nearby but it creates a safety issue for her. She said she is in opposition of the bollards and proposed that the applicants add speed humps instead.

Emily Dixon read an email sent from Cynthia Watson in opposition. The email is written as stated below:

“Our perspective is not only the overall quality of access to and from alleys in the city; this alley has been a major access to and or from housing since the conversion of the Crabtree (12 condo's) in the late 90's since then we personally moved into 1431 which has 4 units with the only access via the alley; last year 2 more townhouses were occupied at 1433 & 1435 using the same access a 1431 uses; Adams LLC has 16 apartment units converted in about 2005 which have access from the alley as well as from Market. This intro is to put the actual history in place.

I am very aware that Morgan Adams has the property right to block the entrance from the alley. Our position is one of keeping as many access options as we can for this very well used alley which will be further stressed by new development: the Ethan Collier development of 5 Townhomes on Williams Street with access only from the alley, as well as a 14 car parking lot for the office building which before this proposal used Williams as its entry. Also, a 68 bed hotel being designed next door to Morgan Adams property which is planning to use the alley as its exit access.

The traffic in this area is increasing rapidly and sometimes the entry from or to Market Street is a preferred safe entry created by the traffic light shared by the Choo Choo, shuttle turning and Adams parking; this is a big plus for the neighborhood and contributes to our choices and safety.

Principles:

Public realm access

Safety

Being neighborly and supporting the quality of life for the neighborhood”

Rebuttal:

Brian Geselbracht, of 1515 E Main Street, addressed the Committee. Mr. Geselbracht said his clients are not trying to close off the alley way. He said his clients are wanting to close off their parking lot. He said he is not trying to make everyone go around, but to provide safety for the tenants of the property. The bollards are temporary and removable, so if an issue was to be pressing, he could remove them.

Discussion: Mr. Jones asked if there was a recorded access easement. Ms. Dixon said not that she is aware of and if it was one it would show on GIS. Ms. Frank asked if the parking lot is being used as a road. Ms. Dixon said yes. Ms. Hefferlin asked if the applicants had the right to close off their parking lot for access. Ms. Dixon said the Form-Based Codes does not allow access to an alley to be closed off. Mr. Smith asked if there were any conditions in place by CDOT when the traffic light was put up. Ms. Dixon said not that she is aware of and that would have been so long ago that she is uncertain that it would have shown up in GIS or not. Ms. Frank asked if the traffic light works for the King Street and Market Street intersection as well. Ms. Dixon said King Street is a little further down from the actual exit. Mr. Smith said the site for the traffic light being mentioned is at the Choo Choo Hotel. Ms. Hefferlin said upon listening to the community comments, the suggestion for the case to be studied by CDOT makes sense to her, especially considering all the development happening in the immediate area. She asked Ms. Dixon if it was an option to request and move to defer the case for CDOT to study and or do something at that level. Ms. Dixon said she personally spoke to CDOT and they are currently working out solutions for this matter and other development happening in the area. She said it is challenging for CDOT because typically having two signal lights that close could be an issue. She said the case could be deferred for now, for CDOT to do a study and the case could come back before the Committee at a later date. Mr. Whitaker said he is not in favor of closing an alley but he is also not in favor of others using private parking lots as a road access. He said he is in favor to put speed bumps within the property's parking lot and not grant a variance for the alley access to be closed. Ms. Frank said speed bumps and "no trespassing" signs would be better. Mr. Smith said either they defer it to CDOT to do a study and or to approve it with the condition as CDOT to do a full study on the location.

William Smith made a motion to defer Case #18-FB-00030 – 1419 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Defer for 90 days to allow CDOT time to evaluate options for ingress-egress to alley.

Grace Frank seconded the motion. The motion was unanimously approved

Case #18-FB-00032 – 1110 Market Street (District 8) – Signage

Project Description:

The applicant, Certified Lighting / TSO Warehouse Row Property Owner LP, has applied for the following modifications:

1. Allowance of a shared sign with signage that is not located on the tenant space.
2. Increase of signage from 9sqft to 27sqft.

Ms. Dixon presented the PowerPoint presentation. The applicants did not have a neighborhood meeting because the neighborhood association did not want to meet with the applicants.

Chad Moore, of 165 Hamm Road, addressed the Committee. Mr. Moore passed out handouts to the Committee that showed other store front signage sizes for other properties within the Form Based Code area. He said his clients' building is a series of 9 buildings that is

deeded as one. He said one of the hardships is plenty of interior space but unable to rent space due to the lack of exterior signage. He said there are plenty of tenants within the building with no outside exposure.

Community Comments: None.

Discussion: Mr. Smith asked if there were no changes in the variance requests since the last meeting. Ms. Dixon said no requests changes were made. Mr. Hudson asked if the applicants are allowed multiple 9 square foot signs under the Form-Based Code. Ms. Dixon said under Form-Based Code if there is one store front, a 20 square foot projecting sign is allowed. She said if there are more than one store fronts, the size for the blade signs decreases to 9 square feet. Mr. Moore said the owner has 2 blade signs, one is the Warehouse Row sign and the other is a tenant sign. That is why they are only allowed 9 square feet. Ms. Hefferlin asked if the owners would want to take the tenant sign down. Ms. Dixon said she just approved that tenant sign within the last year and doubt that the tenants would want to remove that to allow more square footage for the proposed sign. Mr. Hudson asked how large the Lulu Lemon is sign and the existing Coyote sign. Ms. Dixon said she has not personally measured the existing Coyote sign, but the Lulu Lemon sign is less than 4 square feet and speaks to the tenant's presence. Mr. Moore said the existing Coyote sign is a little under 15 square feet and the proposed sign is 27 square feet. Ms. Hefferlin asked if the proposed sign was smaller than the proposed sign presented at the last meeting. Ms. Dixon said the proposed sign is the same sign.

Jennifer Mingola, of 1110 Market Street, addressed the Committee. Ms. Mingola said she has lost an office tenant due to not having exterior signage available and the square footage of the interior space is 10000 square feet. Ms. Hefferlin said as a Committee member they need to figure out a way to assist the owners so they can have tenants. Mr. Smith said approving the proposed sign would be setting a precedent. Ms. Dixon said the intent of Form-Based Code is to have good exterior building advertising and tenant advertisement on the interior of the building. Mr. Smith said the building has multiple entrances. Ms. Hefferlin said this would be a special situation as well, due to the multiple entrances and combinations of buildings. Ms. Dixon said the applicants could have multiple projecting signage but she thinks the applicants' goal is to have one common projecting sign for tenant advertisement. Ms. Mingola said she really wants to have a neat tenant signage at the common entrance and not have multiple signage for tenants all over the exterior of the building. Ms. Frank said why the Committee would not allow the one proposed common entrance sign, if the applicants can have multiple tenant signs on the exterior. Ms. Dixon said there would not be enough signage allowance for multiple exterior projecting signs due to the amount of tenants. Mr. Williamson asked if the ground floor tenants and retail tenants have presence and the upper floor tenants do not have street frontage but have interior access. Ms. Dixon said Mr. Williamson was correct. Mr. Whitaker said those upper floor tenants cannot be seen and the proposed signage is the only way the upper floor tenants could have exterior presence. Mr. Smith asked if have a projecting blade sign the only way to get signage. Ms. Dixon said in the same area as the Warehouse Row signage, that window could have multiple interior signage placed on the wall inside. Mr. Havron asked how many businesses are being advertised on the proposed signage. Mr. Moore said his clients have not determined that yet. Ms. Hefferlin asked the applicants if they would put as many tenant names as possible. Mr. Moore said yes. Mr. Hudson stated that under the Form-Based Code the tenant could do three 9 square feet signs. Ms. Dixon agreed. Mr. Jones said the Committee would be setting precedent. Ms. Hefferlin said the size

of the building, multiple entries, and number of combined structures would be conditions and reasons listed as to why the variances were approved.

Grace Frank made a motion to approve Case #18-FB-00032 – 1110 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

The Committee decided that the variances were granted based on the size of the bldg. (9 buildings), limited access for exterior signage, and that the building is a mixed-used building on the second floor.

William Smith seconded the motion. 1 opposed. The motion carried to approve.

Case #18-FB-00034 – 1603 Long Street (District 7) – Fenestration & Parking setback

Project Description:

The applicants, Matt Winget / Jay Floyd / Broadspace Investors, LLC, has applied for the following modifications:

1. Reduction of fenestration from 30% minimum to 16% on the front, bottom floor, of the townhomes.
2. Reduction of fenestration from 30% minimum to 0% on the ground floor of the townhome side facing 16th Street.
3. Reduction of fenestration from 25% minimum to 0% on upper floors of the townhome side facing 16th Street.
4. Reduction of primary parking setback from 30' to 15' along Long Street.
5. Reduction of side parking setback for the townhome at the corner of 16th and Long.

Ms. Dixon said Case #18-FB-00034 – 1603 Long Street has been deferred until next month.

NEW BUSINESS

Case #18-FB-00038 – 208 W 17th Street (District 7) – Side setbacks

Project Description:

The applicant, Dusty Rowland / Rowland Development Group, has applied for the following modification:

1. Reduction of both side setbacks for Additional Dwelling Unit (ADU) from 3' to 2'.

Ms. Dixon presented the PowerPoint presentation.

Dusty Rowland, of 208 W 17th Street, addressed the Committee. Mr. Rowland said currently at the location there is an existing 2 story structure that is a 2 car garage with an apartment above it. He said the existing structure was measured at 20 feet wide and that is when his clients recognized the hardships. He said these are 0 lot line town homes and it was

grandfathered in and is asking to replicate them. Mr. Jones asked how far off the easements for the existing structures. Ms. Dixon said she would have had to have a survey and the existing structures were built with 0 lot lines. She said if the applicants were proposing to do more than one ADU they could attach them and have a 0 lot line. She said because the proposed plan is for an individual structure on the site, the applicants had to come before the Committee. She said to the Committee that the approval rate has been 59 percent for setbacks variance requests.

Community Comments: None.

Discussion: Mr. Hudson asked the applicant why he could not make a plan to comply with Form-Based Code. Mr. Rowland said having a 2 story garage within 20 feet would be close and the purpose is to provide parking for the more permanent tenants. Mr. Jones asked if the applicant had yard space. Mr. Rowland said it is not a depth issue it is a width issue. Ms. Hefferlin said if the second floor is a rental and if the Committee approved the variance with 2 feet on each side, how are the tenants accessing their homes. Mr. Rowland said there is a staircase and there would be a walkway. Ms. Hefferlin said that would give the tenants a 2 foot wide walkway. Mr. Rowland said he discussed with the owners of the property about entering their homes through the garage. Ms. Hefferlin said she is concerned that if the Committee gives the applicant the variance that it would not work properly with the type of structure it is. She said the proposed plan allows a good use for the neighborhood and likes the idea but is concerned with feasibility. Mr. Rowland asked if he meets the concerns mentioned would that be something he could defer in order to make it workable for a rental. Mr. Hefferlin said that is a concern for Ms. Dixon. The lot is 24 feet wide. Mr. Whitaker asked the applicant if it would be better if a condition be that access to the home be through the alley. Mr. Rowland said then the tenant would not be able to get into the garage. Ms. Frank asked if the stairs were coming from the backyard. Mr. Rowland said that was correct. Ms. Frank asked where would tenants park. Mr. Rowland said on street parking in the front and the intent is to have the rental set up like short-term with the assumption that the tenant would not have a car and would use Uber or a taxi. Ms. Frank said the property could have a gate. Mr. Hefferlin said she would suggest that they defer the case to work out the details. Mr. Rowland said that would be fine, although the owners are ready to pursue the project and would ask if he could request a 0 lot line. Ms. Dixon said if the applicant wanted to go down to a 0 lot line on the one side he needs to get a letter of approval from the neighboring owner. Ms. Hefferlin asked for the applicant to bring back plans of the lower level. Mr. Whitaker said he wanted to clarify that the Committee has allowed things that was in keeping with the neighborhood, but it *must* be in keeping with Form-Based Code as well.

Mr. Rowland deferred case # 18-FB-00038 until the next month.

Case #18-FB-00039 – 1208 King Street (District 8) - Signage

Project Description:

The applicant, Kurt Whitehill (Bennu Enterprises) / Wanderlinger Brewing, has applied for the following modifications:

1. Increase in the maximum projecting sign height from sidewalk from 24' to 45' (top 1/3) of the building.

Ms. Dixon presented the PowerPoint presentation.

Chris Dial, of 1208 King Street, addressed the Committee. Mr. Dial said he is one of the owners of Wanderliger Brewing Company. He said he is concerned with the visibility of signage. His space is at the back half of the property. With a lower sign, he is worried that people will not be able to see the business. Mr. Hudson asked who the sign is intended for. Mr. Dial said the developers, the new hotel customers, and the future greenway space.

Community Comments: None.

Discussion: Ms. Hefferlin asked what is the applicant speaking of when he say green way space. Mr. Dial said where the rail line exist Gray's Construction is planning to let go of the abandoned rail line and turning it into green space. He said he has been told that the City of Chattanooga wants to connect the stadium and campus with greenway space. Mr. Hudson asked if there were other signs on the building. Mr. Dial said there are not any other signs at this point. Mr. Hudson asked if his proposed sign is the only sign for the building. Mr. Dial said his space takes up about 6000 square feet of the ground floor. The other end of the building will be a Good Fella's Pizza, Wise Guys Whiskey will be taking the other ground floor area. The top floors will be commercial real estate / office spaces. Mr. Jones asked if this case could be viewed as a similar situation like Warehouse Row – a multitenant, multi-use building. Ms. Dixon said yes, this is another multitenant, multi-use building where signage is always an issue. Mr. Smith asked if the City Attorney could clarify what section and code effective date the Committee is basing approval or disapproval relative to this case. Mr. Whitaker said the Committee has allowed skyline signs for the Moxy Hotel and other buildings for the purpose of visibility before. Mr. Williamson asked if the sign is lit. Mr. Dial said the sign is lit on the side facing Market Street. Mr. Jones asked to see the proposed signage drawings. Ms. Hefferlin said the hardship is the distance from the major streets. Mr. Hudson said this is actually on the opposite side of where the main street is. Mr. Whitaker mentioned to the new Committee members that they have made a great deal of effort to make approvals based on specific reasons as to avoid setting board precedent.

David Hudson made a motion to approve Case #18-FB-00039 – 1208 King Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

The Committee decided that the variance was granted due to sight lines and distance from Market Street; lack of visibility from King Street; and future use of the rear of building. This variance is approved based off the current edition of the Form-Based Code regardless of the section number.

Matt Whitaker seconded the motion. The motion was unanimously approved

Case #18-FB-00040 – 1957 Reggie White Blvd (District 7) – Parking setback, fencing, parking, sidewalk

Project Description:

The applicant, Jay Floyd / The Ark Pet Spa & Hotel, has applied for the following modifications:

1. Reduction of primary parking from 30' to 19'.
2. Reduction of side parking setback from 10' to 1'.
3. Exemption from sidewalk requirement along Reggie White Blvd.
4. Decrease in transparency at the top of the fence from 4' to 0'.
5. Increase in maximum fence height along Right of Way from 6' to 8'.
6. Allowance to exit the site in a rear facing motion.

Ms. Dixon presented the PowerPoint presentation. She said the CDOT determined that there is enough right of way for a sidewalk and the applicant is going before Board of Zoning Appeals (BOZA) to get special permission for animal care outdoor.

Jay Floyd, of 7760 E. Brainerd Road, addressed the Committee. Mr. Floyd said he went before Board of Zoning Appeals and got approved for special exception for animal care outdoor in the front yard of the lot. Mr. Floyd said for variance request one, there is a parking space currently existing. He said 21st Street is a gravel road and dead ends into the backside of the freeway. He said he thinks the Church has been using it as a parking area since 1999 and have a temporary use permit for that area. He said he has spoken to the City of Chattanooga about possibly transferring the temporary use permit. He said the City Of Chattanooga recommended that the temporary use permit not be changed for now. He said the area is being used as an egress area. He said there is plenty of space to do a sidewalk. He agreed to put in a sidewalk and connect a sidewalk to the front. He said for the second variance request that is the only area that he can use for parking. The church is currently using the area for parking and it makes sense to be able to pull in off to Reggie White Boulevard into the side parking on 21st Street. There is no traffic outside of the use for this particular property. As far as the fence height, Mr. Floyd said he owned 3 other facilities in town and all the fences are 8 feet tall and that is a good height for the business. He will be animating the fence and added plantings around it so it will be more visually pleasing.

Community Comments: None.

Discussion: Ms. Frank asked if the variance regarding the sidewalk being removed from the list of requests. Ms. Dixon said yes. Mr. Jones asked what portion of the property does the city or state own. Ms. Dixon pointed it out on the PowerPoint presentation. She said the property in question is currently in between City owned property and State owned property. She said essentially one would be backing into a road that is not considered as an actual road. Ms. Hefferlin said there would not be any other option of parking. Mr. Smith said one could back into the parking area. Mr. Jones said his only concern about backing out was if the state were to surplus the area later it could conflict with future access. Ms. Dixon said that is something to think about for the future as the Committee make a decision. Mr. Whitaker said even if the lot were to be developed there would not be much thru traffic because it is a dead end. Ms. Hefferlin asked if the requirement for a tree is one tree for every 5 parking spaces. Ms. Dixon said a tree is required for every 10 parking spaces and was changed in the 6 months edits of the Form-Based Code. Mr. Hudson asked if Mr. Floyd has spoken to CDOT about backing into the street. Ms. Floyd said he met with Brandon Sutton with CDOT and Brandon agrees with this proposal and did not appear to have any problems with backing out. He said the Form-Based Code makes backing out prohibited and there are parking spaces along the left. He said the area behind the property is considered an alley. Ms. Dixon said that space behind the property is a lot line and not an alley designation. Mr. Williamson said the proposed plan is the best solution for this property and if it were ever to go in the interstate, the allowance of the

variance would bring use to the area instead of abandoning it. Mr. Jones said the applicants have the permission of CDOT and is more comfortable in making a decision. Mr. Floyd said yes, this proposal was the recommendation of CDOT. Mr. Havron said he does not have a problem with the proposal.

Matt Whitaker made a motion to approve Case #18-FB-00040 – 1957 Reggie White Blvd, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Dense screening vegetation.

The Committee decided that the variances were granted due to hardship of existing building location, planned use, and that it is a dead end street with very low usage; with the condition of dense screening vegetation.

Jason Havron seconded the motion. The motion was unanimously approved.

Case #18-FB-00041 – 1791 Reggie White Blvd (District 7) – Signage

Project Description:

The applicants, Certified Lighting / Wise Properties – TN LLC, has applied for the following modifications:

1. Increase in maximum size for ground floor sign from 48 sq. ft. to 70.78 sq. ft.
2. Increase in maximum size for ground floor sign from 48 sq. ft. to 55.42 sq. ft.

Ms. Dixon presented the PowerPoint presentation.

Chad Moore, of 165 Hamm Road, addressed the Committee. Mr. Moore said he will be using cut vinyl for the signage and adhesive to the brick. He said his customer said the building was built in 1832. The lettering is 42 square feet with the squaring around it, it makes the sign about 56 square feet. He said there is no other competing signage other than Finley Stadium.

Community Comments: None.

Discussion: Mr. Smith asked if the sign would project from the building. Ms. Dixon said the signage is vinyl and would be on the building. Ms. Hefferlin asked why the applicant could not make the sign exactly 48 square feet. Mr. Moore said the renderings were given to him by the client. Mr. Hudson asked what the full placement of the signage is if the sign was exact scale. Mr. Moore said the renderings were designed by the client and not by his company and that is what he was asked to present before the Committee. Mr. Hudson said there is no visibility intent for the sign or any real hardship and could not see any reason to approve it. Mr. Moore said he has not been to the property at night and that there could be external lighting existing already in order to see the sign at night. He said he was not certain. Ms. Hefferlin said she agreed with Mr. Hudson and if the sign was smaller, it would better fit the historic nature of the building and outline with the space. Mr. Havron said the sign being on the south side of the pavilion and the paddle on the sign goes all the way up seems to be too large for the placement area. Mr. Moore said the property is 200 feet from the Finley Stadium. Ms. Hefferlin said the front door of the building is on the main street and the location is a gathering spot, even if there

is a crowd at Finley Stadium. Mr. Moore said he is concerned that all the stadium signage will make his clients sign irrelevant. Mr. Whitaker said he agreed that asking for 8 more feet for a sign would not change the visibility of the sign much more from the Form-Based Code requirement of 48 square feet. He said he thinks people will see the building and the front sign of the building regardless because of its location. Ms. Frank asked if the applicant could angle the design of the paddle would it not be within the Form-Based Code requirement of 48 square feet. Mr. Whitaker said the art could be redesigned by 15% and it could provide a much better fit for the placement above the door. Mr. Hudson said approving the signage would be setting precedent. Mr. Jones asked if the Committee have approved or heard a similar case. Ms. Dixon said the 12 month edits have already increase the Form-Based Code requirement from 40 square feet to 48 square feet. Mr. Moore asked if the Committee could look at his case as a sign by sign basis. Ms. Dixon said John Wise submitted plans for an office building to be placed on the side facing the pavilion and the proposed signage for this case would not be visible at some point. Mr. Williamson asked Ms. Dixon to speak to the signage requirements. Ms. Dixon said the letters and signage is dimensioned and therefore, is not measured by a perfect square. Mr. Moore asked to defer the case due to the new information about the adjacent building and his clients absence.

Mr. Moore deferred his case # 18-FB-00041 until next month.

Case #18-FB-00042 – 550 E. Main Street (District 7) – Elevation, fenestration, parking setback, transparency

Project Description:

The applicants, Barge Design Solutions, Inc. / Jefferson On Main, has applied for the following modifications:

1. Reduction of ground floor elevation from 16" to 0-6".
2. Reduction in fenestration on the side of the building along Jefferson Street from 30% on the ground floor and 25% on upper floors to 0%.
3. Reduction in side street parking setback from 10' to 0'.
4. Increase in maximum blank wall space on the side of the buildings along Jefferson Street from 30' to 50'.

Ms. Dixon said the case has been deferred until next month.

Case #18-FB-00043 – 1806 Madison Street (District 7) – Side setback, rear setback, height, stories

Project Description:

The applicants, Matt Lyle (Franklin Associates Architects) / Joseph Schlabs, has applied for the following modifications:

1. Reduction of common lot line along the driveway/left side from 3' to 0'.
2. Reduction of rear common lot line from 5' to 0'.
3. Increase in maximum height for an ADU from 24' to 26'.
4. Increase in maximum stories from 2 to 3.

Ms. Dixon said the case has been deferred until next month.

Case #18-FB-00044 – 609 Houston Street (District 7) – Front setback, elevation

Project Description:

The applicant, Craig Allison / Central Church of Christ (Christian Student Center), has applied for the following modifications:

1. Reduction of setback for porch from 2' from the vertical property line to 0'.
2. Increase of ground floor elevation for nonresidential ground floor from 2' max to 6'.
3. Allowance of no roof covering the porch.

Ms. Dixon presented the PowerPoint presentation.

David Hudson left the meeting at 2:10 p.m.

Craig Allison, of 609 Houston Street, addressed the Committee. Mr. Allison said last summer there was a complete remodel of the interior space. A new sewage line was installed. The retaining wall that is visible on the PowerPoint presentation was repaired. He wanted to model the exterior to match the interior of the house. He said the building has no outdoor space and for the past 6 years, the college students wanted to have access to utilize outdoor space.

Community Comments: None.

Discussion: Mr. Jones asked Ms. Dixon to clarify the decks that have been attached to the structure. He asked if the Committee had to consider the attached decks as a porch. Ms. Dixon said that part of the variance is for it to be considered as an uncovered porch, otherwise the applicant would have to cover the deck for it to be considered. The Form-Based Code does not allow decks to be placed in the front of the structure. Mr. Jones asked if the Committee would have to consider it an uncovered porch. Ms. Dixon said if the third variance request is not granted the applicant would be required to cover the porch in order for it to remain as is. She said if the case is not reviewed as an uncovered porch then the applicant would have to rip off the addition and that it is for the Committee to decide. Ms. Frank asked Ms. Dixon how was the addition able to happen. Ms. Dixon said the applicant built the addition to the front without submitting any plans or obtaining any permits. Mr. Williamson asked what the use of the structure was. Mr. Allison said it is mostly residential and commercially used as well. Mr. Smith asked if there was historical context to be examined with this case. Ms. Dixon said no. Mr. Allison said the idea was to extend the front porch at the bottom and second level. Ms. Hefferlin asked Ms. Dixon how the applicant could have had outdoor space in front of an existing building in compliance with Form-Based Code other than a covered porch. Ms. Dixon said the applicant could do pavers or a concrete pad with seating out front. Ms. Hefferlin asked if a deck was defined as a raised wooden structure. Ms. Dixon said a deck is not defined and she looked at the addition and defined it as a porch. Mr. Jones said he is concerned that the porch is actually a deck and if the Committee approved it, a precedent would be set. Mr. Whitaker said the addition on the front of the structure is a deck. Ms. Dixon said if it is considered a deck then the applicant would have to rip it off and the Form-Base Code states that a porch must be covered and not fully enclosed. Ms. Frank asked if the Form-Based Code says how much of the porch needs to be covered. Ms. Dixon said the Form-Based Code does not say and shall be determined by the Committee. Ms. Frank asked why the applicant could not do something to compliment the second floor. Mr. Allison said he is hoping to match the

existing railing and painting. Mr. Whitaker said it looks like a deck and a massive eye sore. Ms. Hefferlin said it needs to be covered. Mr. Whitaker said he has driven by the house and the design is not relative to the architecture or feel of the house. Ms. Frank asked would a paver or concrete pad be better. Mr. Whitaker said starting with the original porch and extending the porch might be a better idea. Mr. Havron asked Ms. Dixon why a stop work order was issued on this project. Ms. Dixon said the applicant built a deck without ever applying for any building permit or speaking with Form-Based Code staff. Ms. Dixon said the applicant could either defer his case or allow the Committee to make a decision. If the Committee denies the requests then the applicant could appeal to City Council within 30 days.

Mr. Allison deferred his Case # 18-FB-00045 until next month.

Case #18-FB-00046 – 325 Market Street (District 7) – Monument sign

Project Description:

The applicant, Bob Elliot / Lifestyle Center, LLC, has applied for the following modifications:

1. Reduction of monument sign setback from 18' to 2'.
2. Allowance of 2 monument signs instead of 1.

Ms. Dixon presented the PowerPoint presentation.

Bob Elliott, of 832 Georgia Avenue, addressed the Committee. Mr. Elliott said the request is two-fold and the Form-Based Code allows one monument sign and he would like two. He said his building front two streets, Market and Broad. He said there is a unique situation with parking on the Broad Street side and the courtyard on the Market Street side. He said if the setback stayed at 18 feet then it would be difficult due to the way the building is recessed. He said he wants advertisement to be seen as the cars are driving north on Broad Street.

Community Comments: None.

Discussion: Mr. Williamson asked what the sign will be used for. Mr. Elliott said it is for the tenants to put their names on it. Mr. Williamson asked Mr. Elliott why he chose LED for the signage. Mr. Elliott said that is his preference and that the sign is allowed in the Form-Based Code but the placement is his concern. Mr. Williamson said he has more of an issue with the LED signage than the placement of the sign. Mr. Whitaker said the Committee have allowed lighted signs and every time sign variances are allowed he thinks about what might happen when the applicants come back again for the same property wanting more sign variances. He said the question is, does the Committee start afresh and ignore all the other sign variances that have been given, or does the Committee take in consideration that other sign variances have already been granted. Ms. Hefferlin said that was her concern as well and that the Committee has already granted variances for signs at this location. She said every time applicants are granted sign variances, the Committee hears from the applicant again for another sign variance. Mr. Whitaker said and if the applicants were to present all the variances at the same time then the applicants would not have been allowed all those variances. He said the renderings are not accurate with the numbers given by the applicant. He asked the City Attorney if the Committee could place restrictive conditions on what the Form-Based Code allows. Attorney Bryson said if the Form-Based Code allows it, then the Committee cannot restrict it. Ms. Frank asked the applicant to speak to what the current proposed sign would do

differently from the sign variances that were previously approved. Mr. Elliott said the signs would bring advertisement closer to the street and the previously approved signs have not had much positive effect because it is still far away from street level. Ms. Frank said the digital is not a smart thing to consider but it is allowed by the Form-Based Code. Ms. Dixon read all the statistics about the approval rate for monument signs and said it has a 45% approval rate. Mr. Williamson said most buildings are at the street which is probably why monument signs are not frequent variance request. He said the applicant has two major fronting streets and he understands the need for presence. Mr. Whitaker said he understands the requests but he is questioning how many sign variances and signs should be allowed for one property over time. Ms. Hefferlin said the applicants could experience that courtyard space but instead it is becoming a matter of signs for this location. Mr. Elliott said he is willing to do a non-electronic sign. Ms. Frank said it would look better. Mr. Jones asked if the applicant would be willing to remove some of the signs on the building that has already been approved. Mr. Elliott said he does not think the tenants that spent the money on the signs would want to do that. He said the previous variance approvals allowed 5 signs on each side of the building and any additional signs that are not in place today could be disregarded if the request were granted today. Ms. Hefferlin said she cannot support the variance requests because the applicants have not fully used the variances allowed from the previous requests. She said the applicant should utilize all the allowances of the previous approvals to prevent allowing variances on top of variances.


Bob Elliott asked to defer case #18-FB-00046 until next month.

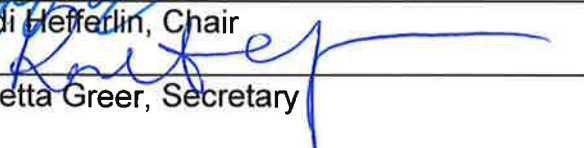
OTHER BUSINESS: Ms. Frank requested that digital monument signs not be allowed.

NEXT MEETING DATE: October 11, 2018 (application deadline was September 14, 2018 at 4pm).


William Smith made a motion to adjourn. Matt Whitaker seconded the motion. The motion was unanimously approved.


The meeting was adjourned at 2:43 p.m.



Heidi Hefferlin, Chair


Rosetta Greer, Secretary



Date


Date

FORM-BASED CODE COMMITTEE **MINUTES**

October 11, 2018

The duly advertised meeting of the Form-Based Code Committee was held on October 11, 2018, at 1:00 p.m. at the Development Resource Center, Conference Room 1A. Chair Heidi Hefferlin called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Committee. Planner Emily Dixon explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Heidi Hefferlin, Jason Havron, Grace Frank, William Smith, Marcus Jones, David Hudson, and Jim Williamson

Members Absent: Ladell Peoples and Matt Whitaker

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer, and Attorney Harolda Bryson

Applicants Present: Matt Hullander and M. Craig Peavy

Approval of Minutes: William Smith made a motion to approve September 2018 meeting minutes. Marcus Jones seconded the motion. The motion was unanimously approved.

Planner Emily Dixon explained the rules of procedures.

OLD BUSINESS:

Case #18-FB-00042 – 550 E Main Street (District 7) – Elevation, fenestration, parking setback, transparency

Project Description:

The applicant, Barge Design Studio / Jefferson On Main, has applied for the following modifications:

1. Reduction of ground floor elevation from 16" to 0-6".
2. Reduction in fenestration on the side of the building along Jefferson Street from 30% on the ground floor and 25% on upper floors to 0%.
3. Reduction in side street parking setback from 10' to 0'.
4. Increase in maximum blank wall space on the side of the buildings along Jefferson Street from 30' to 50'.

Ms. Dixon presented the power point presentation.

The applicant and the owners of the said property were not present.

Community Comments:

John Petrey, of 559 E Main Street, addressed the Committee. Mr. Petrey said eliminating all the windows from Jefferson Street goes against Form-Based Code and it does not fit the area. He said proposing ground floor elevation from 16 inches to 0 would create exposure of the residents / tenants. He expressed that he was concerned that the proposed plan is to not have glass windows for 50' on the side of the buildings. He said the proposed plan for the windows does not fit Form-Based Code.

William Harris, of 516 / 544 E Main Street, addressed the Committee. Mr. Harris said he is not objecting the placement of the project or the proposed plan. He wanted the Committee to give guidance about the alley. He said the alley may be the only gravel alley on the south side and it needed to be taken into consideration by the Committee. Ms. Dixon said if an alley is gravel and a development is proposed, the City of Chattanooga may ask the developers to bring the gravel alley up to City Code. Mr. Harris said he is not rejecting the proposed project.

Discussion: Ms. Hefferlin said the proposed project had no real hardships or reasoning for the variances other than not wanting to uphold the Form-Based Code. She said a precedent would be set if the proposed project was approved. Ms. Frank asked Ms. Dixon if the property was purchased before or after Form-Based Code was implemented. Ms. Dixon said she was not sure when the property owners purchased the property. She explained that the applicants were trying to submit plans for a Land Disturbance Permit and that the applicants never met with her. When the plans were submitted for review, Ms. Dixon saw all the elements that needed to be addressed. She said her understanding was that the applicant had 100% construction sets and probably did not want to redesign. The Committee could deny, approve, or defer this case as part of their decision. Mr. Hudson said he did not see a real hardship for the proposed plans. Ms. Frank said before Form-Based Code, the zoning for this area was C-3 and if the land was purchased after Form-Based Code, she would move to deny the proposed plan. Ms. Hefferlin said the plan to lower the ground floor elevation to street level is problematic and is not good urban design if it is at eye level. Mr. Hudson said he does not have a problem with the side street parking setback. Ms. Hefferlin said based upon her experience the request for the parking setback is typically to get an additional unit or two for the building. Mr. Jones asked if the project was denied today how the applicant would pursue an appeal. Ms. Dixon said the applicant could appeal to City Council by submitting a letter to the Land Development Office within 30 days or wait for a year before reapplying. She said the side street parking setback request for the proposed plan have had previous approvals for similar cases. Ms. Hefferlin said the applicant could build within the Form-Based Code requirements and not have to wait for construction. Mr. Williamson asked if the south units enter from the alley and the building faces the center court. Ms. Dixon referenced the proposed site plan and described where potential doors might be. Ms. Frank said constructability is not a hardship. Mr. Hudson asked the staff if the applicants were properly informed of the meeting and the time for the meeting. Secretary Rosetta Greer stated that the applicants missed the deadline for the meeting notice sign last month. She said it was imperative that she contacted three people about this meeting. For this meeting, she contacted the owner, architect, and the engineer in relation to the proposed plan via email. All proper notifications for the October Form-Based Code meeting included mailed letters to the owner and surrounding properties, emails, and meeting notice signs were picked up and posted by the applicants.

William Smith made a motion to deny Case #18-FB-00042 – 550 E. Main Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Jim Williamson seconded the motion. The motion was unanimously approved.

NEW BUSINESS:

Case #18-FB-00047 – 1413 Chestnut Street (District 7) – Bldg. (Height & Stories)

Project Description:

The applicant, M. Craig Peavy, Tinker Ma, Inc. / Chestnut Holdings, has applied for the following modifications:

1. Increase in the number of stories from 4 to 5.
2. Increase in maximum height from 50' to 66'.

Ms. Dixon presented the power point presentation.

Matt Hullander, of 7110 E Brainerd Road, addressed the Committee. Mr. Hullander said the project is under construction and a new roof has been added. He passed out additional materials to the Committee members and staff. He requested to add outdoor space and not an entire story. The addition would be about 1300 square feet for the outdoor area. He said he also has planned to add a handicap restroom. The area face the south towards Lookout Mountain and the Finley Stadium. He said the tenants for the 3rd and 4th floor expressed the need to have outdoor space for employees and clients. He said there are several buildings within the area that have 5 stories. He said Form-Based Code promotes roof top space.

Community Comments: None

Discussion: Mr. Jones asked if any of the 5 story buildings for the proposed project area were grandfathered in. Ms. Dixon said the current project was permitted after the deadline of December 5, 2016. She said the Committee has approved additional stories for other projects in the Form-Based Code area. She said some of the previous cases were more intensive and this case is less intensive. She said Form-Based Code does encourage roof top space. Ms. Frank asked if there were similar cases that allowed rooftop space in the Form-Based Code areas. Mr. Smith said the Form-Based Code Section E states that one additional story should be 12 feet or less for the height. He said the proposed plan requested to go from 50' to 66' which would be an additional 16 feet. He said 16 feet is above the height that the Committee is allowed to approve. He asked if the Committee could approve the specific request for additional height. Ms. Hefferlin said this case is challenging because the space currently exists. She said if the applicants were asking for a height increase over 12 feet for new construction then she would think differently than the applicants requesting height for a space that is already there. Mr. Hullander said Ms. Dixon probably chose the overall height based off the height of stair tower. He said the height for the restroom addition is less than 12 feet. Mr. Jones asked Ms. Dixon if the height for the restroom less than 12 feet. Ms. Dixon said yes. She said she put 66 feet to cover the height based off her review and elevation average. She said the bathroom is under 12 feet and asked Craig Peavy to speak to the overall height. **Craig Peavy, Architect for 1413 Chestnut Street, addressed the Committee.** Mr. Peavy said the roof deck is 50 feet with a 12 inch offset for a roof insulation. There is 1 foot for the landing for the stairwell, an 8 foot ceiling in the bathroom and the roof framing is 12 inches. He said the

bathroom will be 10 feet and 12 feet will provide a cushion. Ms. Hefferlin said 12 feet max for the height could be noted for a condition.

Jim Williamson made a motion to approve Case #18-FB-00047 – 1413 Chestnut Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Modification request 1 approved based on the plan that was submitted for roof top space. Modification request 2 approved based on the condition that the added additional height would be within a total height of 62'.


Grace Frank seconded the motion. The motion was unanimously approved


OTHER BUSINESS: Officer Vote. The Officer vote did not occur due to absent Committee members.

NEXT MEETING DATE: November 8, 2018 (application deadline is October 12, 2018 at 4pm).

__ made a motion to adjourn. __ seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 2:00 p.m.



Heidi Hefferlin, Chair *RG 11/8/18*
Jason Havron, chair as of 11-8-18


Rosetta Greer, Secretary

11/8/18

Date
11-8-18

Date

FORM-BASED CODE COMMITTEE **MINUTES**

November 8, 2018

The duly advertised meeting of the Form-Based Code Committee was held on November 8, 2018, at 1:00 p.m. at the Development Resource Center, Conference Room 1A. Secretary Jason Havron called the meeting to order. Secretary Rosetta Greer called the roll and swore in all those who would be addressing the Committee. Planner Emily Dixon explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Jason Havron, William Smith, Matt Whitaker, Marcus Jones, David Hudson, and Jim Williamson

Members Absent: Heidi Hefferlin, Grace Frank, and Ladell Peoples

Staff Members Present: Development Review Planner Emily Dixon, Secretary Rosetta Greer, and Attorney Harolda Bryson

Applicants Present: Brian Geselbracht, Dusty Rowland, Matt Lyle, Joseph Schlabs, Craig Allison, John Brown, Charita Allen, Tony Brown, Jonathan Horne, and Dave Fidati.

Approval of Minutes: Jason Havron made a motion to approve October 2018 meeting minutes. Marcus Jones seconded the motion. The motion was unanimously approved.

Planner Emily Dixon explained the rules of procedures.

OLD BUSINESS:

Case #18-FB-00030 – 1419 Market Street – Parking lot bollards

Project Description:

The applicant, Brian Geselbracht, has applied for the following modification

1. Closure of alley access from open City alley to parking lot.

Ms. Dixon presented the Power Point presentation. Ms. Dixon read CDOT (Chattanooga Department of Transportation) position from the Power Point presentation.

David Hudson recused himself from the case.

Brian Geselbracht, of 1020 Elaine Trail, addressed the Committee. Mr. Geselbracht said another building has been added on the other side of the alley. He said the new building has caused more issues for the parking lot. He said putting signs up stating that the property is private will not stop cars from accessing the parking lot. His biggest concerns were safety issues.

Community Comments: None.

Discussion: Mr. Smith said when the case was presented before the Committee in September of 2018, the Committee decided to defer the case until CDOT gave a recommendation. He said now that CDOT has stated their position the decision should be to not approve the request. Mr. Jones asked for clarification about the comment from CDOT in regards to legal action being taken by the applicant. Ms. Dixon said she was uncertain because the legal action is asking for a variance. She said she spoke with CDOT and they realized the case is a tough situation. She said there is increased traffic in the area due to new developments in the area. She said Collier Construction has placed five (5) new townhomes nearby. The curb cut that was located where the new townhomes are, gave access for traffic to exit the alley. Mr. Jones asked if the property in question was a right of way. Ms. Dixon said it is a private property. She said CDOT said the applicant paid part of the traffic light. Mr. Jones asked if other persons could exit from the opposite direction. Ms. Dixon said the traffic could come out onto Williams and Main Street, but the angle is difficult to turn out of. Mr. Jones asked if there were 3 ways to exit the site area. Ms. Dixon said there are 3 exits but the only way to make a left is at the traffic light. Mr. Williamson asked if a property undergoes new development would a curb cut be allowed where the A street is located for a brand new parking lot. Ms. Dixon said no. Mr. Whitaker asked if a barrier could be placed in the middle of the parking lot to keep traffic from driving through it. Ms. Dixon said that could work. Mr. Havron asked if the owners could place speed humps at the alley way instead of bollards. Mr. Whitaker said the applicants could do whatever they want within their property lines to stop the flow of traffic but the alley would not be accessible. Blocking access to the alley is not permitted. Ms. Dixon said if bollards were put in the middle of the parking then that would stop people from driving through the lot. Mr. Whitaker said the only portion of the case that is within the Committee's purview is the request to block access to the alley. He said the variance could be denied based of the notion that there are other options within the property lines to eliminate public access to the private lot. Ms. Geselbracht said placing speed humps in the parking lot would not work because the public would be able to access the lot. The traffic light was put in place for the tenants and residents. He is not okay with the other options discussed for speed humps and bollards in the middle of the lot. Mr. Jones asked if the applicants could build a structure in their parking lot as another form of blocking access to outsiders to the private lot. Ms. Dixon said a structure could be placed there if it met the Code requirement, but per the Code, buildings would need to be at the front of the property & parking to the rear utilizing the alley. Mr. Whitaker asked if the applicants were granted the closure of alley access could redevelopment cause the alley to be reviewed again. Ms. Dixon said the alley could be reviewed again in the case of redevelopment. Mr. Jones asked if closing the parking lot would completely make the alley inaccessible. Mr. Geselbracht said he is not asking to close the alley way. He wants public access through the private parking lot closed off. Ms. Dixon said the Form-Based Code requirement states that *vehicular access must be provided via an alley when the alley is determined to be open*. She said the alley in question is considered to be open and the site should have access to the alley and that is why the variance request was submitted.

William Smith made a motion to deny Case #18-FB-00030 – 1419 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Matthew Whitaker seconded the motion. There were 4 members in favor and 1 member, Marcus Jones, in opposition. The motion did not pass.

The case was deferred until next month due to the inability to have a majority of a 5 member vote of the same kind.

Case #18-FB-00038 – 208 W 17th Street – Side Setbacks

Project Description:

The applicant, Robert Ankar / Rowland Development, has applied for the following modification

1. Reduction of left side for Additional Dwelling Unit (ADU) from 3' to 0'.

Ms. Dixon presented the Power Point presentation.

Dusty Rowland, of 208 W. 17th Street, addressed the Committee. Mr. Rowland said at the previous meeting Ms. Hefferlin mentioned that the development plan should shift the placement of the structure to get a walkway and that he would need to get the support of the neighbor. He gave the Committee the letter from the neighboring property in support of the proposed development. Mr. Hudson asked the applicant to clarify his hardship. Mr. Rowland said the new zoning (Form-Based Code) did not allow building up to the property line and request to build up to the property line as the previous structures have been built. Mr. Hudson asked if the proposed building could be narrower. Mr. Rowland said if the garage was narrower it would not be wide enough for two cars to fit within the Additional Dwelling Unit (ADU). Mr. Hudson asked if the applicant was suggesting that the lot was too narrow. Mr. Rowland said yes. Ms. Dixon said the actual ADU the applicant is showing is 20 feet wide. She said if each parking stall was 9 feet wide, it would put the parking space at 18 feet and would only give 2 feet of room for maneuverability.

Community Comments: None.

Discussion: Mr. Havron asked if a precedent would be set if the variance for a zero lot line was granted. Ms. Dixon said there have been similar scenarios in which the zero lot line was allowed. She said the important thing to consider is fire separation and that is why it was suggested at the previous Committee meeting to get a letter from the neighbor that the applicant shared the lot line with. Mr. Havron referenced the letter from the neighboring owner stating that they support the proposed request for a zero lot line. Ms. Dixon said Mr. Rowland will not have any windows on that side because of the 0 foot setback. Mr. Rowland said the drawings show windows but the floor plan will be reversed to show no windows. Mr. Whitaker said he is inclined to approve the variances due to the allowance of previous variances to go to zero lot lines. Mr. Smith asked Ms. Dixon to clarify the conflict with fire code if granted the 0 foot lot line. Ms. Dixon said anytime a structure is placed that close to the property line, the structure cannot have any windows or fenestration on that side. Mr. Smith asked about the minimum requirements for an ADU. Ms. Dixon said the maximum size for an ADU is 700 square feet. Mr. Smith asked if there were a minimum requirement for an ADU. Ms. Dixon said there is a minimum size of about 216 square feet because of IBC (International Building Code) in regards to the minimal square footage per room. She said the proposed development is meeting those IBC requirements. Mr. Smith asked if there were any references in the Form-Based Code about ADU minimum size. Ms. Dixon said it is not in the Form-Based Code but is in the IBC. Mr. Hudson asked if the other existing buildings shifted to the west or shifted to the

east of the property line. Ms. Dixon said the existing buildings are located along the east of the property line. She said the letter has been reviewed stating the support of the neighboring property owner. Mr. Williamson said he would be concerned for future residents that are adjacent to the location. **Bob Ankar, of 210 W. 17th Street, addressed the Committee.** Mr. Ankar said all the sidewalks leading to the units are placed on the right side. Mr. Rowland said the walkways share a common space between them.

Matt Whitaker made a motion to approve Case #18-FB-00038 – 208 W 17th Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

David Hudson seconded the motion. The motion was unanimously approved.

Case #18-FB-00043 – 1806 Madison Street – Side setback, rear setback, height, stories

Project Description:

The applicant, Matt Lyle / Joseph Schlabs, has applied for the following modifications

1. Reduction of common lot line along the driveway/left side from 3' to 1'.
2. Increase in maximum height for an ADU from 24' to 26'6".
3. Increase in maximum stories from 2 to 3.

Ms. Dixon presented the power point presentation.

Matt Lyle, of 142 N. Market, addressed the Committee. Mr. Lyle presented some photographs for the Committee to review. *The photographs are attached at the end of the minutes.* He said there are several neighbors in support of the proposed development. Ms. Dixon said she will read the emails from residents in the area. *The emails are in the Power Point presentation.* **Joseph Schlabs, of 1806 Madison Street, addressed the Committee.** Mr. Schlabs said as you drive back and forth to the stairs there is more than two feet between the overhang and a car. He presented pictures to support his claim. Mr. Hudson asked the applicants what were the hardships. Mr. Lyle said the irregularity of the lot size is the hardship. Ms. Dixon asked for clarification of the drawings. She asked if the drawing showed the driveway strip with an overhang from the upstairs porch. Mr. Lyle said that was correct but that drawing is not the same as the drawing that was presented during this meeting. The current drawings show that there is no overhang above the driveway strip. The location of the driveway on the drawing is not correct. Mr. Williamson said the proposed development looks like an addition. Mr. Lyle said it is an addition. Mr. Williamson asked why the proposed development is labeled as an ADU instead of an addition. Ms. Dixon said the development is labeled as an ADU because it will be treated as an individual unit and an attached ADU is allowed for the property zoning. Mr. Lyle said the roofline is the same pitch and height and the plan is to extend the roofline out and build up.

Community Comments: Emails were sent to Ms. Dixon in opposition and in support of the proposed development. They have been added to the Power Point presentation as well.

Rob Davis, of 1808 Madison Street, sent an email in support of 18-FB-00043. The email reads as written below.

My name is Rob Davis, I live at 1808 Madison St, Chattanooga, TN 37408. I live next door and share a yard with Joseph Schlabs of 1806 Madison Street. I have been in communication with Joseph about his proposed building/addition plans regarding case number 18-FB-00043. I am in complete approval of these plans, welcome the proposed structure and willingly offer my endorsement/blessing as such. I hope and humbly ask that the committee grant Joseph the requested variances.

Stuart Holladay, of 1804 Madison Street, sent an email in support of 18-FB-00043. The email reads as written below.

My name is Stuart Holladay, I live at 1804 Madison St, and I share a driveway (which runs between both of our houses) with Joseph Schlabs at 1806 Madison St. He has a hearing coming up this Thursday (Nov 8th) with the committee about his proposed building addition. I am emailing you to let you know that Joseph and I have been in communication about his plans, and since the plans do not interfere with our ability to use the shared driveway, I am in approval of his plans. I just wanted to let you know so that you are aware that Joseph and I are on the same page and I hope that he is able to get his variance(s) approved by the committee.

Jesse McKay, resident near 1806 Madison Street, sent an email in support of 18-FB-00043. The email reads as written below.

I live down the street from Joseph Schlabs, who is seeking exemptions from the building codes for his home addition at 1806 Madison St. I am familiar with the project and would like to submit to you my support. I believe the construction will add value to other homes in the neighborhood by providing an additional comparable property for appraisers, as many in the area are adding extensions to either main home structures or detached garages. The exemptions he is requesting are reasonable, and do not pose any inconvenience to other homeowners. Additionally, I understand the railroad has voiced opposition. Please know that they are not good for the neighborhood, and their opinion in this matter is unwelcomed. Through their negligence, they have cause road flooding, fallen trees across personal property, and unreasonable sound pollution outside of normal train operation. I hope you approve Joseph's requested variances.

Brian Beise, of 650 E 19th Street, sent an email in support of 18-FB-00043. The email reads as written below.

I'm Brian Beise and I live in Jefferson Heights at 650 E 19th St. I live just down the street from Joseph Schlabs (1806 Madison St.). I know that he is going before the committee this week to talk about getting his variances approved for his proposed project. I'm writing this email to offer my approval for his project. I think his building addition will add great value to the neighborhood and I am in full support of his plans. His case number is 18-FB-00043. Please pass on my feedback to the rest of the committee.

Jason A. Chapman, of Norfolk Southern, sent an email in opposition of 18-FB-00043. The email reads as written below.

I have exchanged emails with our track department and they are opposed to the plans due to the proximity of the setback being 1' from out ROW. They have concerns over water runoff.

Ms. Dixon said originally, there was a request for a 1 foot setback at the rear of the property which is why Mr. Chapman, of Norfolk Southern, referenced the 1 foot setback. Mr. Smith asked if the applicants are meeting the setback requirement. Ms. Dixon said the applicants are meeting the 5' rear setback requirement. Ms. Dixon said during her phone conversation with Mr. Chapman, he had general concerns about a structure being too close to their adjacent property line.

Discussion: Mr. Hudson asked Ms. Dixon to clarify the variance requests. Ms. Dixon read the variance requests to the Committee from the PowerPoint presentation. Mr. Hudson asked if the overhang was in line with the stairs there would be no setback variance request. Mr. Lyle said that was correct. Mr. Hudson asked if the applicants could take the design back 10 inches for the overhang to comply with the 3' requirement. Mr. Schlabs said he needs the space to get his photography equipment in and out of the structure. Mr. Hudson asked the applicants how deep the overhang is. Mr. Lyle said the overhang is 4'2". Mr. Jones wanted clarification on how the variance for this development different from the case heard prior to this case. Ms. Dixon said in terms of setback. Mr. Jones said yes and that the Committee just allowed a zero lot line. Ms. Dixon said that the decision is up to the Committee. She clarified by stating that a key difference is that the prior case asked for a zero lot for an ADU that was detached and in this case the ADU is attached. This case is also asking for an increase in height and in stories. She said Fire & Life Safety needs to be considered. Fire rating would be required if the Committee approved the setback request. Mr. Whitaker made note to the newer Committee members that there has been a lot of flexibility with properties being granted zero lot lines. Mr. Jones asked if an increase of height has been granted for ADUs. Ms. Dixon said that has not been granted for ADUs. Mr. Hudson said he has a problem with the setback because it is a self-imposed hardship. He said there are other ways to solve the issue without giving 10 inches. He can only support the height and story variance requests and not the setback variance requests. Mr. Havron said the applicants are asking for 3 separate modifications and asked if a Committee member could either approve or deny each modification so the Committee could move forward. He said the applicants have the support of the residents within the neighborhood. Mr. Hudson asked if there was room on the south end of the location for the structure to be shifted. Mr. Lyle said if the structure was shifted down he would be uncertain if he could get adequate water proofing there.

David Hudson made a motion for Case #18-FB-00043 – 1806 Madison Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: To deny the variance request for a reduction of common lot line along the driveway/left side from 3' to 1'. To approve the requests for an increase in maximum height for an ADU from 24' to 26'6" and an increase in maximum stories from 2 to 3.

Jim Williamson seconded the motion. The motion was unanimously approved.

Case #18-FB-00044 – 609 Houston Street – Front setback, elevation

Project Description:

The applicant, Craig Allison, has applied for the following modifications

1. Reduction of setback for porch from 2' from the vertical property line to 0'.
2. Increase of ground floor elevation for nonresidential ground floor from 2' max to 6'.
3. Allowance of no roof covering the porch.

Ms. Dixon presented the Power Point presentation.

Craig Allison, of 609 Houston Street, addressed the Committee. Mr. Allison said he wants to have outdoor space for the students. He built the "deck" without proper permitting. He said the goal is to cover up the unusual space in the front. The right side of the property is not useable due to sewer equipment being there. He said engagements have taken place upon the existing deck since the case was presented before the Committee a few months ago.

Community Comments: None.

Discussion: Mr. Hudson asked Ms. Dixon if the Land Development Office stated that the structural part had to be removed from the wall. Ms. Dixon said that was correct. Mr. Hudson asked if the face of the wall is the front property line. Ms. Dixon said she can only assume because a survey was not provided to show the property lines. Mr. Smith asked what the hardship was. Ms. Dixon said the determination hardship is for the Committee to decide. Mr. Hudson asked if the applicant could do a pergola as a roof and if a pergola counted as a roof. Ms. Dixon said no and if someone wanted to put a pergola on top of a roof for any other area downtown, she would not consider that as a story. She said the applicant could use a tarp but the porch would have to be covered. Mr. Hudson said he did not see a reason to grant the setback request and that the applicant should comply. Mr. Whitaker said the sketches implies that the bottom side of the structure will be covered. Mr. Williamson said he agreed with Mr. Hudson to allow an increase of height but not the setback request. He said he would like to see something designed for the porch to look like a covered porch and not a deck. Ms. Dixon said a motion could be made stating that the roof covering is required or the applicant could withdraw the request for not covering the porch. Mr. Williamson said he is not in support of an uncovered porch or a setback request and supports the increase for the ground floor elevation.

Jim Williamson made a motion for Case #18-FB-00030 – 1419 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: To deny variance request for reduction of setback for porch from 2' from the vertical property line to 0'. To approve variance request for an increase of ground floor elevation for nonresidential ground floor from 2' max to 6' because it matches the existing porch elevation. To deny the variance request for an allowance of no roof covering the porch.

William Smith seconded the motion. The motion was unanimously approved.

NEW BUSINESS:

Case #18-FB-00049 – 1200 King Street – Curb Cut

Project Description:

The applicant, John Brown / City of Chattanooga, has applied for the following modifications

1. Increase in curb cut from 20' max to 40'.

Ms. Dixon presented the Power Point presentation.

John Brown, of 1110 Market Street, addressed the Committee. Mr. Brown said the lot is an existing controlled parking lot. The control arms are needed to control access to lot. The hardship is that there is only one street frontage to go in and out of. He said if there were another way to exit then the plan could be proposed differently but there is only one access to street frontage. Mr. Hudson asked how the curb cut is 40'. Mr. Dixon said a portion of the curb cut is also for pedestrian usage. Pedestrian connectivity is highly encouraged in Form-Based Code. Mr. Whitaker asked what the existing width of the driveway was. Mr. Brown said the total width of both driveways is currently 24 feet. He said it is an existing gravel lot. It is being paved and the lot must be brought up to code. **Charita Allen, of City of Chattanooga, addressed the Committee.** Ms. Allen, the Deputy Administrator of Economic Community Development (ECD), said the lot is a 78 space parking lot and is currently for City of Chattanooga employees. She said the goal is to make the lot a revenue generating lot. In order to allow usage for public access after-hours in the evening and on the weekends, the lot needs to be improved. Mr. Jones asked if the control arms would remain. Ms. Allen said the arms will stay. Mr. Brown said this parking lot will be more restricted and would need the arms for more control. Mr. Smith asked if the curb cut has always been there. Ms. Dixon said yes. Mr. Whitaker said as a Committee, the approval rates have been more often for curb cuts that are already existing.

Community Comments: None.

Discussion: Mr. Whitaker said he is inclined to approve the case due to the precedent being set from other cases in the past and because 4 feet will be used by pedestrians. A vehicle will never access that 4 foot of space used for pedestrian usage.

Matthew Whitaker made a motion to approve Case #18-FB-00049 – 1200 King Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

David Hudson seconded the motion. The motion was unanimously approved.

Case #18-FB-00050 – 1220 King Street – Monument sign setback

Project Description:

The applicant, Tony Brown / Jonathan Horne, has applied for the following modifications

1. Reduction in monument sign setback from 18' to 5' (sign 1).
2. Allowance of a monument sign for a new building not meeting the 18' minimum setback (sign 1).
3. Increase in the number of monument signs from 1 to 2.
4. Reduction in monument sign setback from 18' to 8' (sign 2).
5. Allowance of a monument sign for a new building not meeting the 18' minimum setback (sign 2)

Ms. Dixon presented the Power Point presentation. Ms. Dixon said the applicant said no one showed up to the required neighborhood meeting. She received all the proper communications from the applicant to Southside Cowart Neighborhood Association in regards to the meeting.

Tony Brown, of 90 W. 28th Street, addressed the Committee. Mr. Brown said the sign will be 38 square foot total instead of 48 square foot. He said the monument signs will be a black background with white letters.

Community Comments: None.

Discussion: Mr. Hudson asked Ms. Dixon to clarify the distinction between variance request 1 and 2. Ms. Dixon said for a new building a monument sign is not allowed if you are not meeting the 18 foot setback requirement. Mr. Williamson asked what the definition of a monument sign was. Ms. Dixon said a monument sign is something built at ground level. Mr. Williamson said he knows what a monument sign is, but wanted to know the definition per Form-Based Code. He said the proposed sign will be placed on an existing new wall approved for the construction project. Ms. Dixon referenced the Form-Based Code and said there is not a specified definition for what a monument sign is. She said the Form-Based Code only references the dimensions and height of a monument sign. Mr. Williamson said he will argue that the proposed sign is not a monument sign. He believed it to be a building sign. Ms. Dixon said the wall is part of the building but it is not within the parameters of the ground floor sign placement requirements. Mr. Hudson read Section 38-753 about signs on the wall. Ms. Dixon said for building signs, the sign has to be located between the first and second level of the building. Mr. Jones asked if the wall was only considered a wall because it is a solid wrapping around the patio and not a fence. Ms. Dixon said because it is a retaining wall attached to the building it is considered an element of the building. Mr. Havron read an online definition of what a monument sign is. Mr. Hudson said creating a nice street edge is a good thing.

Jonathan Horne, of 5726 Marlin Road Suite 200, addressed the Committee. Mr. Horne said he requested two signs because of the odd shape of the lot and visibility. He said the distance request is to leverage the existing walls and to blend in with the architectural elements of the project. He said that existing trees reduces visibility of the signage. Mr. Smith asked if the sign is considered a monument sign or a ground floor sign. Ms. Dixon said if the sign is not considered as a monument sign it becomes difficult to determine what type of sign it is because it would not be placed on an actual building. Ms. Dixon said the applicants have signage allowance for another sign. The challenge is creating a term for what type of sign it is in regards

to placement if it were considered as a building sign. Mr. Whitaker said there has already been a variance request granted for this location and he is torn on making a decision. Mr. Havron said if the sign is not being considered as a monument sign then the variances could not be approved. Ms. Dixon said that City Attorney Bryson advised that the variance requests could be changed and reviewed, in order to make an informed decision. Ms. Dixon said the variance request could be rewritten in a way that it reflects a building sign. Mr. Whitaker said in the beginning of Form-Based Code, the Committee members have decided not to alter variances presented before the Committee. Ms. Dixon asked the Committee members if they would prefer the applicants come back at a later date with request changes. The Committee members agreed. Mr. Hudson addressed the applicants and encouraged them to clearly identify true hardships.

Tony Brown asked to defer his case to next month.

Case #18-FB-00051 – 1795 Reggie White Boulevard – Front setback

Project Description:

The applicant, Dave Fidati, has applied for the following modifications

1. Increase of maximum setback from 15' to 28'.

Ms. Dixon presented the Power Point presentation.

Dave Fidati, of 298 Acorn Oaks Circle, addressed the Committee. Mr. Fidati said it is difficult to build any closer to the street as specified by the Form-Based Code due to the easement. The only option is to align the proposed building with the existing building. Mr. Williamson asked what the applicant would place there if the variance is not granted. Ms. Dixon said it cannot be left blank. The applicant could do bike parking, benches, landscaping, or something to create public engagement. Mr. Fidati said he would do whatever he need to do.

Community Comments: None.

Discussion: Mr. Williamson asked what the applicant would place between the street and the proposed building. Ms. Dixon said it cannot be left as blank space when the distance is greater than five (5) feet. The applicant could do bike parking, benches, landscaping, or something to create public engagement. Mr. Fidati said he did not have renderings in regards to the blank space. He said he would do whatever he need to do to be compliant with Form-Based Code. Mr. Jones asked if the request is not granted would the lot become an unbuildable lot. Ms. Dixon said the applicant could do a parking lot or it could remain as is if the request is not granted. Mr. Williamson asked the applicant why the proposed development could not be aligned with the other building. Mr. Whitaker said he could support the request because there is an actual hardship of the easement. Mr. Jones agreed that the applicant has a true hardship. Mr. Hudson said according to the plans the previous has at a 26 foot setback and now the plan for the current development is asking for a 28 foot setback. Mr. Smith asked if the easement was at 26' or 28'. Ms. Dixon said she has not seen any legal language in regards to the easement.

Matt Whitaker made a motion to approve Case #18-FB-00051 – 1795 Reggie White Boulevard, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: The new building must go to the edge of the easement or the adjacent building.

William Smith seconded the motion. The motion was unanimously approved.

Mr. Havron asked about case 18-FB-00052. Ms. Dixon said Case 18-FB-00052 – 337 E. 10th Street – was deferred by the applicant.

OTHER BUSINESS: Officer Vote. The Officer vote did not occur due to absent Committee members.

NEXT MEETING DATE: December 2018 (application deadline is November 9, 2018 at 4pm).

Matt Whitaker made a motion to adjourn. Marcus Jones seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 3:29 p.m.



Jason Havron, Chair

12/17/18

Date



Rosetta Greer, Secretary

12-13-2018

Date

FORM-BASED CODE COMMITTEE **MINUTES**

December 13, 2018

The duly advertised meeting of the Form-Based Code Committee was held on December 13, 2018, at 1:00 p.m. at the Development Resource Center, Conference Room 1A. Chair Jason Havron called the meeting to order. Secretary Rosetta Greer, called the roll and swore in all those who would be addressing the Committee. Planner, Emily Dixon, explained the rules of procedures and announced that the meeting is being recorded.

Members Present: Jason Havron, William Smith, Marcus Jones, Grace Frank, and Jim Williamson

Members Absent: Matthew Whitaker and David Hudson

Staff Members Present: Development Review Planner Emily Dixon and Secretary Rosetta Greer

Applicants Present: Jonathan Horne, Ben Nemec, Bobby Hutcherson, Alan McMann, Mike Goll, Reggie Walls, John Havoc, Micha Duffey, Max Poppel, Matt Hullander, Ashley Elliott, and Bill Hall

Approval of Minutes: Jim Williamson made a motion to approve October 2018 meeting minutes. Grace Frank seconded the motion. The motion was unanimously approved.

Planner Emily Dixon explained the rules of procedures.

OLD BUSINESS:

Case #18-FB-00030 – 1419 Market Street – Parking lot bollards

Ms. Dixon said Case #18-FB-00030 was deferred due to no sign being posted.

Case #18-FB-00050 – 1220 King Street - Signage

Project Description:

The applicant, Southern Advertising / 3H Group, has applied for the following modification

1. Allowance of ground floor signage in an area that is not between the first and second floor.

Ms. Dixon presented the PowerPoint presentation.

Jonathan Horne, of 5726 Marlin Road, addressed the Committee. Mr. Horne said the signage is requested to denote what is in the patio area. He said the signage location fit well for the décor and street scape view. The sign is 3 x 10 and 1 x 8 on the top which is a total of 38 square feet. He referenced the previous meeting in which the Committee decided that the

monument sign was not an appropriate name for the sign. The sign is now proposed as a building sign.

Community Comments: None.

Discussion: Mr. Williamson asked if there was a drawing of the actual sign. Ms. Dixon referenced the sign that is in the PowerPoint presentation. Mr. Williamson asked where the signage, *King Street Station*, was located on the proposed area of the brick wall. Ms. Dixon said it will be located on top of the *Railyard* sign on the brick. Mr. Havron said the proposed sign is within the parameters of what is allowed. Mr. Havron said he understands that the business needs advertisement and asked if the allowance of the signage would set a precedent. Ms. Dixon said every decision made by the Committee sets a precedent. The Committee would be approving a sign not fitting the architectural elements. Ms. Frank asked what would make the signage fit within the architectural element. Ms. Dixon said the sign would need to be on the building and not on the wall. Mr. Jones asked if the size of the sign was an issue. Ms. Dixon said the size is fine but the concern is the location of the sign. Ms. Frank said if the sign was placed on the building then it would be more challenging to see the signage due to the shape of the lot. Ms. Dixon said if the Committee is in favor to approve the signage then the shape of the lot could be stated as the reason. Mr. Smith asked if the signage being on the brick wall was unique. Ms. Dixon said the cabinet sign is allowed but cannot have a piece of plastic on the front that the whole sign illuminates.

William Smith made a motion to approve Case #18-FB-00050 – 1220 King Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Variance request approved because of the unusual lot size and shape and location to Market and King Street.

Jim Williamson seconded the motion. The motion was unanimously approved.

Case #18-FB-00052 – 337 E 10th Street – Side Setbacks

Project Description:

The applicant, Barge Design Solutions / Electric Power Board (EPB), has applied for the following modifications

1. Increase in maximum fence height from 8' to 12'.
2. No transparency above 4ft of the fence.
3. Increase in curb cuts from 1 to 2 on Foster Street

Ms. Dixon presented the PowerPoint presentation. The site is currently being used as a substation. The parking lot in close proximity is being used by Douglas Heights, a college housing community. The site is currently enclosed by a chain link fence and the fence would be removed.

Ben Nemec, of Barge Design at 1110 Market Street, addressed the Committee. He said the two 20' gates are existing gates and needed to access the substation site. He said he met with the MLK Neighborhood Association and they had wanted to know about landscaping. He

said EPB has committed to provide a sidewalk that would provide a pedestrian path. **Bobby Hutcherson, of 110 N. Greenwood, addressed the Committee.** Mr. Hutcherson said the chain link fence is a huge safety concern. He said the substation needs to be kept secure. He said cameras will be added around the site for security. Any graffiti will be removed if it occurs. He said the area is going to be cleaned up to make the substation more appealing and secure.

Community Comments:

Lee Helena, of 1011 Oak Street, addressed the Committee. Mr. Helena said he was representing the MLK Merchants Association. He said EPB's proposal is an improvement to what is currently existing at the site. He said all the materials and plans are appealing. He is in support of the proposed plan.

Discussion: Mr. Smith asked if the existing concrete wall would be removed and replaced with the proposed wall. Ms. Dixon said yes. Mr. Williamson said he is in favor of the proposed case and understand the necessity of improving the area and securing the substation. Ms. Frank asked if there should be a reason stated to support why the variance was allowed. Ms. Dixon said the allowance reason could be for community safety and security.

Jim Williamson made a motion to approve Case #18-FB-00052 – 337 E. 10th Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Variance requests approved to protect public utilities and power grid. Also, to provide safety and security for and from general public.

Marcus Jones seconded the motion. The motion was unanimously approved.

NEW BUSINESS:

Case #18-FB-00054 – 315 Walnut Street / 307 Cherry Street – Building Articulation & Transparency

Project Description:

The applicant, Mike Goll / Richard Meadows, has applied for the following modifications

1. Allowance to not implement the 5' differences in height variation across the front of building B and to not locate this at the corners of the buildings it addresses.
2. Reduction of ground floor fenestration from 30% to 23.9% for building C.
3. Reduction of ground floor fenestration from 30% to 16.7% on buildings D & E.
4. Reduction of upper floor fenestration from 25% to 14.7% on level 2 and 16.1% on level 3.

Ms. Dixon presented the PowerPoint presentation. No neighborhood meeting was required because the properties are not located within 300 feet of a Neighborhood Association. Mr. Smith asked if there would be other visuals shown about the architectural elements. Ms. Dixon said they are asking to do slight height changes throughout the top of the building. Mr. Smith said the hardship listed was architectural elements required by Form-Based Code. Ms. Dixon said the applicant can speak to the hardships that they have listed. Ms. Frank asked if the

topography would be a hardship. Ms. Dixon said the applicants had difficulty lining the buildings up. In response to Ms. Frank, Ms. Dixon said the topography change has much to do with the design of the building plans. Ms. Dixon explained the variance requests again (*listed above under Project Description*).

Alan McMann, of 211 King Street, Charleston, SC, addressed the Committee. Mike Goll, of 400 Augusta Street, Greenville, SC, addressed the Committee as well. Mr. McMahan said he looked at the context of the existing buildings in Chattanooga and designed the buildings with what already exists in the area. The transparency variance request is due to the building being residential and in need of privacy. The neighboring properties are in support. Mr. Goll said with building B, the articulation of the roofline was a topography challenge. Mr. Goll said he aimed to keep the building design within the context of the historical buildings close to the site area.

Community Comments: None.

Discussion: Mr. Smith referenced the existing townhomes on Cherry Street and questioned the consistency of the transparency compared to the proposed townhomes. Ms. Dixon said the design of the buildings and fenestration is similar to that of the other townhomes in the area. Mr. Jones asked about the parapet wall. Ms. Dixon said the parapet wall is to ground the building and create a presence at street corners. She referenced the fact that the building had to be mixed and matched with the topography. Ms. Frank asked what would be the reasoning in justifying the approval of the variances. Ms. Dixon said if a motion is made to approve the case then the reason could be due to the topography and for the building to look like one cohesive building. Mr. Smith asked if the applicant could have designed the buildings to meet the fenestration requirements. **Mr. Goll addressed the Committee.** Mr. Goll said the townhomes are residential spaces and as an architect the natural light into a space is great. However, the resident that would potentially live in that space is considered in the design. Mr. Smith asked if the requirement for residential fenestration should be addressed for a future code edit. Ms. Dixon said fenestration is challenging for narrower units. She said each development's fenestration should be reviewed on a case by case basis. She said the applicants communicated heavily with her in the plan review process and that this was the largest review she has done in Form-Based Code. She said for the applicants to have just a few variances in comparison to smaller developments was impressive. Mr. Williamson asked if the two end pieces could be moved up to better meet the height set forth in the code. Mr. Goll said he did not think the plan could be designed to meet the 5 foot height variation for the code. Mr. Williamson said if it were change it would help meet the requirement of the Code more closely. Mr. Goll said he is trying to work within the FBC but keep the design of the building consistent for Foster Street. Ms. Frank said there is grounding on both sides of the building but the topography creates a hardship.

Grace Frank made a motion to approve Case #18-FB-00054 – 315 Walnut Street / 307 Cherry Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Variances approved due to the topography of the property.

Jim Williamson seconded the motion. The motion was unanimously approved.

Case #18-FB-00055 – 1010 Market Street – Signage

Project Description:

The applicant, Southern Advertising / Transcard, has applied for the following modifications

1. Allowance of skyline sign on a building that is only 4 stories tall.

Ms. Dixon presented the PowerPoint presentation.

Reggie Walls, of Southern Advertising at 90 W. 28th Street, addressed the Committee. John Havoc, CFO at 1301 Riverfront Parkway, addressed the Committee. Mr. Walls said the sign is not oriented towards Market Street. The sign will be oriented towards 10th street, facing Miller Park. He said the tenant is a growing corporate company. He said most corporate headquarters have skyline signs at the top. Mr. Havoc said the building has been leased and the desire is to create branding and marketing in Chattanooga. He said if there were 5 stories the skyline sign would be allowed but the building is only 4 stories tall.

Community Comments: None.

Discussion: Mr. Havron asked if a skyline sign has been allowed for a four story building before. Ms. Dixon said skyline signs were allowed at the TVFCU and Turnbull building. Mr. Jones asked why the signs were allowed. Ms. Dixon said this was primarily due to visibility. Mr. Jones asked Ms. Dixon to point out on the building where a compliant sign would be located. Mr. Williamson said the applicants are leasing out over 50% of the building. Ms. Dixon said there has not been a case where 50% or more of a building had been leased out by one tenant. Mr. Smith asked what the size of the sign was. Ms. Dixon said the proposed signage is 176 square feet. Mr. Williamson said his only comment is that instead of the sign being placed in the middle of the building, that the sign be placed elsewhere. Ms. Dixon said a more appropriate location for the signage is to place it towards the corner of the building over the windows. Mr. Havoc said he does not think that it would be an issue to change the placement of the sign to work with the existing architectural elements. Ms. Dixon said a condition could be set that the sign be located at the corner of the building centered over the end windows. Mr. Walls said he can center the signage over the windows. Mr. Havron suggested that the applicants withdraw their variance request in order to figure the exact placement with the applicants' architect. Ms. Dixon said the applicant would have to either defer or move forward. Mr. Walls said he would much rather move forward with a Committee decision. Mr. Smith said he does not see an issue with placing a condition on the variance. Mr. Smith said if the applicants would like to place the signage in the middle of the building and not in a better visible location then that should be up to the applicant.

William Smith made a motion to approve Case #18-FB-00055 – 1010 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Mr. Jones mentioned to Mr. Smith to state for the record as to why he made the motion to approve the case. Mr. Smith said the variance request was approved due to the applicant

leasing out over 50% of the building, the location would be visible to Miller Park. Despite the outdoor structure.

Conditions: The applicant is to consult with the architect about the sign location visibility.

Marcus Jones seconded the motion. The motion was unanimously approved.

Case #18-FB-00056 – 1472 Market Street – Parking setback, landscape islands, & landscape buffer

Project Description:

The applicant, ASA Engineering / Daniel Rose, has applied for the following modifications

1. Reduction of parking setback on Market Street from 30' to 10' with an 18' average.
2. Increase in parking stall to landscape island every 10 spaces to 1 island every 14 spaces.
3. Decrease of the space in the two rear landscape islands from 200sqft of surface area to 111sqft and 78sqft.
4. Reduction of perimeter plantings from 6' to 2' along the adjacent property line on the right.

Ms. Dixon presented the PowerPoint presentation.

Micah Duffey, of 714 Cherry Street, addressed the Committee. Mr. Duffey said he is trying to maximize the parking for the public while adhering to the code requirements. **Max Poppel, of 7791 Lynnle Way, addressed the Committee.** Mr. Poppel said he is not in the position to put a building on the lot and is attempting to generate revenue and allow neighborhood interaction. He said the same number of trees will exist but the landscaping will be narrower. Ms. Dixon asked if the applicant was planning to do a silva cell system. Mr. Williamson asked what the hatched space would be. Mr. Duffey said it would be a space to do a 3 point turn.

Community Comments:

Franklin McCallie, 1615 Read Avenue, addressed the Committee. Mr. McCallie met with the owner and architect of 1472 Market Street. He said he was an original contributor for 18 months of the Form-Based Code's creation. He would like to think that everything should be done to the code. Despite this, he can see the challenges of the site. He believes that the neighborhood needs more parking. He said he supports the design of the proposal. He said he understands that the applicants want the lot to look good. He said he would love for every plan to fit Form-Base Code but he understands that the applicants cannot meet the code completely. He is in support of the entire proposed project.

Discussion: Mr. Smith said he is glad that the neighborhood is in support. He asked if there was a similar request from property owners next to Buffalo Wild Wings. Mr. Dixon said the Cheeburger lot had asked for much more but withdrew their requests. She said the only other variance that is similar to this case was the Moxy. She said Form-Based Code granted a larger span of spaces for more parking with no landscape island in the middle. Mr. Williamson said the total number of trees are sufficient with the code requirement. Ms. Dixon said the applicants said they would like to provide silva cells, therefore variance request 3 would no longer be

needed. She said a silva cell is an underground area for the root system for the tree to thrive and if the applicants are willing to do that then that would be appropriate. Mr. Havron asked if the motion could be made because the case has the neighborhood support and have been heard.

Jim Williamson made a motion to approve Case #18-FB-00056 – 1472 Market Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: Silva cells must be utilized for the root systems. Variances allowed due to unusual lot shape and the need for the public parking.

William Smith seconded the motion. The motion was unanimously approved.

Case #18-FB-00057 – 1413 Chestnut Street – Signage

Project Description:

The applicant, Ortwein Sign / Chestnut Holdings, has applied for the following modifications

1. Allowance of a ground floor sign from the space between the first and second floor to placement between the second and third floor.

Ms. Dixon presented the PowerPoint presentation. The neighborhood meeting was not required because the property is not within 300 feet of a neighborhood association. Mr. Smith asked if the sign was an illuminated. Ms. Dixon said it would be shining light on the back of the sign.

Matt Hullander, of, addressed the Committee. Mr. Hullander said the sign has been moved into another location. *(He passed out additional documents and gave them to the Committee members and staff. The documents are attached at the end of the minutes and filed).* He said he could have done a projecting sign like across the street. He said he did not quite understand how the code reads and did not know why he needed to have a variance. Ms. Dixon said the applicant is asking for a ground floor sign to be moved up. She said a projected sign was an option that she had mentioned to Ortwein sign. She said the purpose of the sign code is to reduce urban clutter. Mr. Hullander said he now understands why he needs a variance. He said if he lower the sign in the space that is allowed then it would not be visible. Ms. Dixon said the sign could be placed at the 5th floor and a variance would not be needed. Ms. Frank asked if the applicant did a skyline sign would he need to be here. Ms. Dixon said the applicant would not need to be here if he did a skyline sign. Mr. Hullander said he can reduce the size of the sign. He said he is trying to identify the property. Ms. Frank asked Ms. Dixon what the best solution would be. Ms. Dixon said the sign could be moved into the brick area but ultimately the decision is up to the Committee. She said a projecting sign could be placed up to 24 feet high. She said she had discussed that with the sign contractor. Mr. Hullander said that option was considered but the window that would be located by the sign is a conference room. A sign being placed there would block the window. Ms. Frank asked if the sign was approved what precedent would be set. Ms. Dixon said the Aflac sign was not allowed and this type of sign variance has not been granted. Mr. Hullander said the Turnbull has a sign that is similar to his. Ms. Dixon said the Turnbull was approved prior to her being the Development Review Planner for Form-Based Code. She also stated that the Turnbull sign is a skyline sign, not a ground floor sign. **Jim Teal of Ortwein Sign, addressed the Committee.** Mr. Teal said

he is trying to comply with requirements to fit signage in the architectural features. He said the proposed location is desirable with the architectural features of the building.

Community Comments:

Matt McGauley, 13 7th Street, addressed the Committee. Mr. McGauley said his is familiar with the area. He said he thinks there should be more signage opportunities within the code. He said the signage is very limited within the code. He said when you look at the building of the applicants and the proposed signage the building would be classier with the sign. He is in support. He said if it were approved then it could be stated that the sign breaks up a large area of masonry on the building.

Discussion: Ms. Frank said the signage would add architectural features to the building. Mr. Smith said he is concerned that a denial was made for a very similar sign on Frazier Avenue. Mr. Frank said that was a tenant sign. Mr. Smith asked if the Committee differentiate a tenant versus the owner of the building. Ms. Dixon said the code does not differentiate between tenants and owners. Mr. Hullander attempted to speak but Mr. Havron reminded the applicant that the Committee had entered into discussion and he could no longer speak. Mr. Jones said he is not in support of the variance because the applicant has several other options to conform to the code. Mr. Havron asked about another sign variance for the same location. Ms. Dixon said the only time a ground floor sign has been moved to another position above the first and second level was at the Lifestyle Center building due to the historical protection of the façade.

Grace Frank made a motion to approve Case #18-FB-00057 – 1413 Chestnut Street, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Jim Williamson seconded the motion. Grace Frank, Jason Havron, and Jim Williamson were in favor of the motion. Marcus Jones and William Smith opposed the motion. The motion did not carry to approve due to not having a minimum vote of 5 members of the same kind.

Case #18-FB-00058 – 125 Woodland Avenue – Transparency and floor height

Project Description:

The applicant, River Street Architecture / Woodland Flats, has applied for the following modifications

1. Reduction of ground floor fenestration from 70% to 21%.
2. Reduction of ground floor ceiling height from 15' to 13'7".

Ms. Dixon presented the PowerPoint presentation.

Ashley Elliott, of 123 E. 7th Street, addressed the Committee. Ms. Elliott said the existing structure will be reused as a foundation for the building. She said there will be 6 residential units. She said the zoning is commercial and 70% transparency on the ground floor level is not appropriate for a residential building. She also stated that a 15' first floor height was too tall.

Community Comments: None.

Discussion: Mr. Jones asked if the case was similar to the request they had heard earlier in the proceeding. Ms. Dixon said if the property is not used as commercial space now then hopefully it would be used as a commercial space in the future. She said there is a deed restriction for use of the property. Ms. Frank asked if Walgreens not wanting people to park on the lot could be a reason for allowance of the variances. Ms. Dixon said it is a self-imposed hardship because the owners were aware of the restrictions set forth by Walgreens when they agreed to it. Ms. Havron said if the owner put residential structures on the land then he foresees it being used as residential. Mr. Smith asked if the applicants could speak to the deed restriction. **Bill Hall, of 538 River Street, addressed the committee.** Mr. Hall said the deed restrictions are not necessarily due to traffic. He said Walgreens do not want competition. That is the ultimate purpose of the deed restrictions. Mr. McGauley said he did mention that parking would be an issue at one point in time. He said the deed restrictions are intricate. Mr. Williamson asked what the duration of the lease was. Mr. Hall said it was a 75 year agreement. Mr. Havron said a 12 foot ceiling height is a great height for residents. Ms. Elliott said the floor level of the ground increases along Woodland Avenue and that is the reason for the height request. Mr. Smith said there was a question about transparency for an earlier case. Ms. Dixon said the request in review is to change fenestration in drastic percentages in comparison to the earlier case. Ms. Frank asked about the zoning for the site. Ms. Dixon said Regional Planning looked at the overall zoning for the site area and the best suitable zoning for that was commercial.

Marcus Jones made a motion to approve Case #18-FB-00058 – 125 Woodland Avenue, as submitted pursuant to the Chattanooga City Code, Section 38-596(4) and pursuant to the Form-Based Code, subject to any and all conditions.

Conditions: None.

Jim Williamson seconded the motion. The motion was unanimously approved.

Case #18-FB-00059 – 700 Pine Street

Ms. Dixon said Case #18-FB-00059 was deferred due to no sign being posted.

OTHER BUSINESS: None

NEXT MEETING DATE: January 10, 2019 (application deadline is December 14, 2018 at 4pm).

William Smith made a motion to adjourn. Jim Williamson seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 3:15 p.m.



Jason Havron, Chair



Rosetta Greer, Secretary

1/09/19
Date _____
1/9/19
Date _____