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.

<u>Case #18-FB-00052 – 337 E 10th Street – Side Setbacks</u>

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 Committed 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.

<u>Case #18-FB-00058 – 125 Woodland Avenue – Transparency and floor height</u>

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 celling 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.

<u>Case #18-FB-00059 – 700 Pine Street</u>

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 — Date 1/09/19

Rosetta Greer, Secretary — Date 1/9/19