

# **FORM-BASED CODE COMMITTEE** **MINUTES**

**January 10, 2019**

The duly advertised meeting of the Form-Based Code Committee was held on January 10, 2019, at 2:00 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. Development Review Planner Emily Dixon explained the rules of procedures and announced that the meeting is being recorded.

**Members Present:** Jason Havron, Grace Frank (arrived late), William Smith, Matt Whitaker, Marcus Jones, David Hudson and Jim Williamson

**Members Absent:** None.

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

**Applicants Present:** Brian Geselbracht, Chad Moore and Don Sells.

**Approval of Minutes:** Jim Williamson made a motion to approve December 2018 meeting minutes. William Smith 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. Limiting of alley access from open City alley to parking lot.

Ms. Dixon presented the PowerPoint presentation. This case has been heard before the Committee a few times. The applicant made minor changes to the plan that was previously submitted. Ms. Dixon said she believed someone from CDOT would be present at the meeting to discuss the alley. She referenced the email that was submitted from CDOT in regards to this case. The email reads as written below. (*The email was added to the PowerPoint presentation*).

*Also, per our conversation, CDOT's opinion is that access to the alley should be maintained. Kevin/Brandon/Blythe – for your information, this issue is due to the property owner applying for an FBC variance to block access to the alley. There may be legal issues that the property owner may wish to pursue outside of the FBC variance request at some future date, but as things stand today I feel that our position of maintaining alley access is appropriate as it relates to the broader picture of connectivity. Thanks, Mark Heinzer. (Kevin's comment) In following up with this request, Tommy*

*pulled the agreement we had for the signal modifications. It was nothing more than an agreement on payment for the modifications to the mast arm and cabinet relocation. We feel that the form based code or other ordinance would have precedence on the closure of access to the alley rather than over access to the signal.*

Let it be on the record that Grace Frank joined the Committee. David Hudson has recused himself from the case.

**Brian Geselbracht, of 1419 Market Street, addressed the Committee.** Mr. Geselbracht said the traffic flow is a huge safety issue. He said the goal of the proposed plan is to stop the traffic of vehicles that do not belong to the parking lot. While still allowing parking access from the alley. He said he and the owners are trying to follow the rules.

### **Community Comments:**

**William C. Haisten Jr., of 1463 Market St Suite 104, addressed the Committee.** Mr. Haisten is a Real Estate Appraiser. He has an office in the Clark Center. He said he uses the alley and the traffic light when making a left on Market Street. He said it is extremely hazardous. He said the proposed plan would restrict a safer access if the alley was blocked.

**Cynthia, of 1431 Market Street, addressed the Committee.** She stated that she is representing a lot of people in the area and is a resident of 1431 Market Street. She said she uses this alley to safely make a left turn onto Market Street. She said she is very concerned for Morgan Adams, who owns the private lot in question but there is new development on Williams Street and a proposed 64 bed Hotel next to the lot. She said the only way for business to get their goods in the site area is the alley connected to the lot in question. She said it is a real issue and asked for the Committee to review the project holistically. She said the alley was never designed to take all the heavy traffic. She said she had nothing against the development, but the safety for residents is a concern.

**Ken Doyle, of CDOT, addressed the Committee.** Mr. Doyle is a Traffic Signal Design Specialist. He was told yesterday that the area of his discussion should address the traffic signal. He stated he does not have personal expertise in terms of connectivity and flow of that specific alley. He said upon having a discussion within his department about the traffic signal, regardless of the project, the intersection needs to remain signalized.

Marcus Jones asked if the current traffic light could be placed at the 14<sup>th</sup> Street intersection so that people could exit the alley at 14<sup>th</sup> Street. Mr. Doyle said he think that was a discussion within his department but did not look into it himself. He said he would have to do further research and will get back with the Committee with an answer.

Ms. Dixon asked Mr. Doyle what was the likelihood of a traffic signal being added along the site area near the alley. Mr. Doyle said if the distance is within 300 feet of a current traffic signal then a new traffic signal is less likely to be added and it is very inadvisable to put a traffic light at 14<sup>th</sup> street.

Mr. Jones asked if there was a study analysis that would create a result on the basis of moving the traffic light from the private street to the public street. Mr. Doyle said there have been

studies to do that. However removing a signal would require a lower volume of traffic at the existing signal.

Mr. Havron asked if the traffic light could be moved. Mr. Doyle said moving the traffic signal from the Choo Choo to 14<sup>th</sup> Street would be removing the traffic signal from the Choo Choo. He said there is not enough traffic at the public street, 14<sup>th</sup> street, to move the traffic signal from Choo Choo.

Mr. Smith asked if the alley access was blocked off would there be a traffic light at the exit of the parking lot. Mr. Doyle said as long as there is a driveway access from Market Street to the parking lot then the traffic signal would be required to stay up. It could cause a lot of potential points of conflict if it were removed.

Ms. Frank asked if there were another solution. Mr. Doyle said he was only asked to speak to the traffic signal. Ms. Frank said the Committee had asked CDOT to do an extensive study. Ms. Dixon said she asked CDOT to conduct a study, however they do not answer to her. She said even if she asked CDOT to do an extensive study that does not warrant them to do so. Mr. Doyle said the person who does traffic studies has moved to another position and the new employee starts on Monday.

Mr. Smith said another solution is that the Committee could deny the request and the applicants can appeal to the City Council. Mr. Geselbracht said if the plan was approved it would create safety for the tenants of the building. He said it is very dangerous in the lot. Mr. Haisten said they would be putting the residents and customers in the area at risk as well. He said approving the case would be a total disaster.

**Discussion:** Mr. Whitaker said his motion will hit on all the points and comments heard by each party. He said there is a convenience issue. He said if the case is not approved there will still be safety issues. The issues will continue if there is not something set into stone. He said he had lived in that area before. He said there are safer routes, besides the signal, that may take a couple minutes longer, but are safer. He said the land owner should not be responsible for solving all the issues that are of inconvenience to the owner.

Mr. Williamson asked if the Committee truly had jurisdiction for the variance requested. He said people will still have access to the alley from the private lot. Ms. Dixon said the parking lot would not be completely blocked off but limited. Ms. Dixon said if the case was denied then the owners could appeal to the City Council. She said City Council might find a solution for the case but that would be for them to decide.

**Matt Whitaker made a motion to approve 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.**

**Marcus Jones seconded the motion. William Smith opposed. The motion carried to approve.**

**David Hudson came back onto the Committee**

**Case #18-FB-00059 – 700 Pine Street - Signage**

**Project Description:**

The applicant, Chad Moore, has applied for the following modification

1. Allowance of ground floor signs to be located in the mid-level of the door on the first floor.

Ms. Dixon presented the PowerPoint presentation.

**Chad Moore, of Professional Sign, addressed the Committee.** Mr. Moore is the sign contractor and is representing Second Presbyterian Church. He brought a new rendering of the proposed signage. (*Included in the case folder*). The hardship is visibility if the sign is placed at the required level.

**Community Comments: None.**

**Peter Steyn, of 700 Pine Street, addressed the Committee.** Mr. Steyn is an Elder of Second Presbyterian Church. He said the current signage is outdated. He said the church is home to the Chattanooga Boys Choir. The Church host community kitchen activities for the homeless and visitors. He would like to advertise to the community some of the activities.

Mr. Moore said the sign size is the same as the original submission.

**Discussion:**

Mr. Hudson asked what the applicant is requesting. Ms. Dixon said since the new renderings have been presented, the request is only for placement. The applicant was no longer requesting two ground floor signs only one, the new renderings are for a message board sign and not necessarily to identify the church.

Mr. Smith asked if the proposed sign was placed at the required level would it interfere with the architectural elements. Ms. Dixon said if the location of the sign was placed at the required level between the first and second level then it would be hard to see. Ms. Frank said there is no other place to put the sign that would be better. Mr. Whitaker agreed that the proposed sign placement is the best place to put it.

Ms. Dixon said let it be on record that the variance request for Case #18-FB-00059 has changed to the allowance of a ground floor sign to be located in a position that is not between the upper and lower level, but at the mid-level of the door on the first floor.

**William Smith made a motion to approve Case #18-FB-00059 – 700 Pine 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. The motion was unanimously approved.**

**Emily Dixon proposed a five (5) minute break at 2:40 p.m. and the meeting resumed at 2:46 p.m.**

**NEW BUSINESS:**

**Case #18-FB-00061 – 1802 Long Street – Parking location, Access and Stories**

**Project Description:**

The applicant, Laura Constello / River Street Architecture, has applied for the following modification

1. Allowance of parking in the primary street yard.
2. Increase in stories from 2 to 3.
3. Allowance to exit a site in a rear facing motion.

Ms. Dixon presented the PowerPoint presentation. A neighborhood meeting was not required but the applicants held a meeting to keep the neighbors informed. The recording was paused for 3 minutes after the five (5) minute break and Secretary Rosetta Greer asked Ms. Dixon to restate the case number and address under review for the record.

**Don Sells, addressed the Committee.** Mr. Sells is an architect for River Street Architecture and is representing Laura Constello, the property owner. The lot is narrow and one of the last lots on the street. He said the street parking is on the west side of the block. It is a safety issue due to the narrow lot. He wanted to do an attic space for the proposed structure, however it would not fit. Lack of lot width prevents doing the allowed attic space, so a third floor is being requested. He said he held a neighborhood meeting but no one showed up

**Community Comments:**

**Jimmy McGinnis, of 1801 Long Street, addressed the Committee.** Mr. McGinnis owns property across the street from 1802 Long Street. He said there is a building that is caddy corner to the property in question that had a 3-story variance. Ms. Dixon said that was a C3 zoning and not a Form-Based Zoning review. Ms. Dixon said that property was reviewed at the Board of Zoning Appeals and asked for a height variance of about 3 inches. Mr. McGinnis then asked what the roof design would be. Mr. Sells said the roof is to be a partial flat roof with a slight slope, a shed roof.

**Discussion:** Mr. Jones asked Ms. Dixon to elaborate on the lot that Mr. McGinnis mentioned. He asked Ms. Dixon if there was a different zoning. Ms. Dixon said the lot was permitted prior to Form-Based Zoning in 2016. Mr. Jones stated there is a 3 story house in the neighborhood already. Ms. Dixon confirmed.

Mr. Whitaker said he wanted to provide some history to the new members. He said there has been approval for the rear facing motion. He said the Committee has yet to review a lot that has so many constraints on it as well. Ms. Dixon agreed.

Mr. Smith asked if the tenants parked in the direction requested will it create an issue for the sidewalk. Ms. Dixon said there is 20 feet available and there would not be a covering to the sidewalk. The applicant hopes to create a space for the pedestrian connectivity but the lot being narrower is a challenge. The request for more stories is to accommodate the narrowness of the lot. Ms. Dixon said not having an alley access for this type of site is hardship for the lot. Mr. Smith asked if the stories went from two (2) to three (3) stories if the building would still be under the 35' height maximum. Ms. Dixon confirmed, the applicant is requesting to increase stories and not overall building height.

Mr. Jones said it looked like the applicant has 30' plus feet for the setback and could get a large house with two floors if the dimensions were deeper. Ms. Dixon said deeper footprint was part of a conversation. She said one of the structures is that the owner wants windows and openings. One side of the house will be within the 3' setback range and would require limited openings and firing rating.

Ms. Frank asked Mr. Sells why a garage door could not be on the front to make the structure's style more traditional. Mr. Sells said the owner requested a carport and the intention is to do something that is more of a porch look because there are porches along the street.

Mr. Whitaker asked if the pedestrian entrance on the front will be brought out. Mr. Sells said the pedestrian connectivity is important but he and the owner want to get the height and other issues settled prior to the actual planning.

Mr. Hudson asked if Mr. Sells considered setting the third (3<sup>rd</sup>) floor back. Mr. Sells said the plan shows an open porch over a covered porch. Mr. Sells said he does not have a problem setting the third (3<sup>rd</sup>) floor back as well.

Mr. Smith mentioned the code modification that the Committee may grant up to 1 additional story with a maximum of 12'. He asked if the allowance of the variance would be meeting those parameters.

Ms. Dixon explained the plan details on the PowerPoint presentation.

**Matthew Whitaker made a motion to approve Case #18-FB-00061 – 1802 Long 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: No conditions were made but it is noted by the Committee that all the variances were approved due to the hardships of the narrow lot, narrow alley access, and the parking access.**

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

**Case #18-FB-00062 – 1601 & 1063 Long Street – Interior Islands**

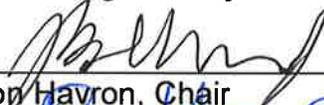
**The case was deferred via email. Ms. Dixon added the email to the PowerPoint presentation.**

**OTHER BUSINESS:** Mr. Hudson asked about the requirement for neighborhood meetings for interior buildouts that are over 4000 square feet. Ms. Dixon said she will put something together for Other Business for the next meeting in regards to neighborhood meetings.

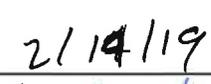
**NEXT MEETING DATE:** February 14, 2019 (application deadline is January 11, 2019 at 4 p.m.).

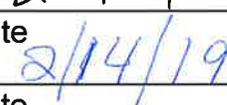
**William Smith made a motion to adjourn. Jim Williamson seconded the motion. The motion was unanimously approved.**

The meeting was adjourned at 3:05 p.m.

  
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Jason Havron, Chair

  
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Rosetta Greer, Secretary

  
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