

FORM-BASED CODE COMMITTEE

MINUTES

July 13, 2017

The duly advertised meeting of the Form-Based Code Committee was held on July 13, 2017, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. John Straussberger called the meeting to order. Angela Wallace called the roll and swore in all those who would be addressing the Committee. John Straussberger explained the rules of procedures and announced that the meeting is being recorded.

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

Members Absent: Ladell Peoples, William Smith

Staff Members Present: Karen Hundt, Angela Wallace, Phil Noblett

Applicants Present: Everett J. Fisher, Jr., Kathy Sok, John Neelands and Gabe Thomas

Jason made a motion to approve the Minutes from the June meeting. The motion was seconded by Matthew and unanimously approved.

OLD BUSINESS

None

NEW BUSINESS

Case #17-FB-00013 – 1225 & 1215 Flynn Street & 1226, 1224, & 1220 E. 8th Street

PROJECT DESCRIPTION:

The applicant, Everett J. Fisher, Jr., has applied for the following modifications:

- Parking Setback (side street O'Neal) from 10 feet to 8 feet
- Parking Setback (primary street 8th) from 30 feet to 10 feet

Karen Hundt presented the PowerPoint presentation and staff report.

Discussion: Bobby Patterson addressed the Committee. This was the old Cavalier building. We plan to have all our trucks there. We have many more customers than we planned on. We are packed out. I want to fix the property because it looks terrible. We want to put in pavement and the landscaping as requested.

Community Comments: None

Jason – What are you doing with the building? Bobby – We are going to try to sell it and if not we will take it down. In general, if you drive down that road it looks like some gravel was dumped there and people are parking on the property at all times. John – It appears that you are intending to do streetscape and landscaping is that correct? Bobby – Yes. Heidi – Do we know how far back the houses along 8th Street are? Karen – No. Matt – Do we require screening between this and neighboring property? Karen – Yes. Matt – I want to make sure there is a buffer between this and the neighboring single family housing. David – We have to have 6 feet for trees and then sidewalk? Karen – Yes, a 6 foot sidewalk and 6 foot tree zone. David – Are the houses across the street on 8th Street occupied? Heidi – They appear to be. Gabe – Reducing from 30 feet to 10 feet is what I am having a problem with. Bobby – It gets to the point that if you go by the offsets it is not worth doing the project. We would just keep parking on the gravel. We have a lot of big trucks. The houses across the street are all rentals. John – It would be an improved sidewalk and additional trees. Bobby – We would lose a row of parking without the variance. David – This does not meet the intentions of the FBC. However this would be an improvement over existing.

Jason made a motion to approve Case #17-FB-00013 – 1225 and 1215 Flynn Street & 1226, 1224, & 1220 E. 8th 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.

Grace seconded the motion.

Heidi – Why are people not being suggested to rezone? Karen – Off-site parking is allowed in this zone.

The motion was unanimously approved.

Case #17-FB-00014 – 1411 Fort Street

PROJECT DESCRIPTION:

The applicant, Kathy Sok has applied for the following modifications:

- Sign Placement – skyline on 4 story building
- Sign Placement – projecting sign above second story window
- Area for Projecting Sign from 16 sf to 28 sf

Karen Hundt presented the PowerPoint presentation and staff report. As part of the 12 month proposed amendments we are looking to tighten up the guides on monument signs and allowing the blade signs as proposed here.

Staff Comments: None

Discussion: Kathy Sok addressed the Committee: Both signs will be lit and on a timer. They want people to be able to see the sign from Highway 27. The skyline sign would face Highway 27 but it would be visible from Chestnut. The blade sign would be on the corner of Fort and 14th. It used to be the Terminal Ice Cream Company. We want to keep the name but let people know it is open since it has been closed for so long.

Community Comments: None

Heidi – I like what you are doing and paying attention to the history of the City and the building. Matt – I have no concerns really. I was wondering how it compares to other signs in the City. Karen – It is in line with others in the City. John – This building is a good distance from Broad Street and somewhat at a disadvantage. I think the applicant has done a good job with the signs.

Eric Myers – I would like to make a recommendation for the Committee. I was involved in this project as a disclosure. I would like to see approval be subject to letter specifics. As we move forward, consider the size of signs. John – The FBC does regulate sign types. Matt – I was thinking about setting precedence on the blade signs. David – The current Code does not address blade signs at all? Karen – It does not. Heidi – Is the skyline sign on the parapet or on the wall? Kathy – On the wall.

Heidi made a motion to approve Case #17-FB-00014 – 1411 Fort 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: blade signs are not addressed in the FBC and applicant is not able to utilize a monument sign; the sign facing the interstate will be individualized letters.

David seconded the motion. The motion was unanimously approved.

Case #17-FB-00015 – 601 Market Street

PROJECT DESCRIPTION:

The applicant, Josh Neelands has applied for the following modifications:

- Sign Setback from 18 feet to 0 feet
- Sign increase maximum height of sign from 6 feet to 12 feet
- Increase maximum Monument Sign Area from 60 sf to 197 sf
- Allow 2 Monument Signs on property

Karen Hundt presented the PowerPoint presentation and staff report. The two monument signs already exist and both have 3 sides. The total signage already on the tower is 84 sf each. The building also has 2 skyline signs and 2 street signs currently.

Staff Recommendation: None

Discussion: Jim Teal with Ortwein Signs addressed the Committee: With everything going on it is difficult to take your eyes to the top of the building to read the signs. Regions felt the placement of the signs on the clock towers would be safer and more effective. John – That tower stays as is but sign panels will be added to the tower. There would be 3 signs added to each tower. Jim – Yes. It will be added to the upper portion of the granite portion of the sign towers.

Community Comments: None

Matt – This is asking for everything in opposition to what is in the FBC. I am sure the intention is not to move away from the Code. This is on two of the most important streets downtown. Heidi – The intent of the FBC was to avoid clutter. Grace – Could the name be added to the horizontal band above the door? Karen – They could bring that to the Committee.

David made a motion to deny Case #17-FB-00015 – 601 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: although the monument signs already exist, the proposed additions would exceed the size, placement and intent of the code.

Grace seconded the motion. The motion was unanimously approved.

Case #17-FB-00016 – 422 Harper Street

PROJECT DESCRIPTION:

The applicant, Gabe Thomas has applied for the following modifications:

- Setback (side common lot line) from 5 feet to 0 feet
- Parking interior island size from 13.5 feet wide (200 sf) to 10 feet (170 sf)
- Lot width from 50 feet to 40 feet (Ziegler) & 28.25 feet (Harper)
- Lot area from 5000 sf to 2882 sf (Ziegler) & 4309 sf (Harper)

Karen Hundt presented the PowerPoint presentation and staff report. The property has an 18 foot elevation change on the south end of the site. The Code does not require a certain amount of parking spaces for single family housing. They are proposing to subdivide this property.

Staff Recommendation: None

Gabe Thomas recused himself from the Committee for this case.

Discussion: Donna Shephard addressed the Committee: We did make some revisions based on the 6 month edits. We had several edits on the site plan as developing. We do not have alley access any more. Our new access would be along the lot on Ziegler. All of these lots will have a garage on the rear. We will have 2 parking spaces at the end for the Ziegler property house. With the change in the lot areas the variance for the parking setback and the parking island size will go away.

Community Comments: Fransie Cook – I own property around this property. If you put a 3 story house on that lot on Zeigler, it boxes in my lot. You put one behind me and one beside me it will box it in. I'm not opposed to development but this is not within keeping with the area. I have already had flooding at my house and this will only make it worse.

Randal Allison – We have concerns with this. We have asked for single family housing. We find that the Code is not good enough and we keep getting smaller and smaller. I don't think it is fair to the community. This is not in spirit of the Code to condense the property just for the economic gain of the developer.

Ethan Collier – We did meet with the neighborhood. The storm water requirements will have a look at the plans. There will be no additional runoff due to the development. The property is zoned for residential 3 story attached. When we attended the neighborhood meeting, they do not desire to have attached housing. We are asking for a decrease in lot width. I hear where the neighbors are coming from; we could limit the height on Zeigler to 2 stories. As far as density, we could put 5 townhomes there.

Matt – You are only asking for variance for lot width and area now? Ethan – Yes. Heidi – You could build fewer houses. Instead of one townhome building you have split it to 6 individual houses. If we attach them we would comply with FBC. John – The parking in the back is going away except the last two places. The rest of them will have garages. Ethan – We build a good product. Heidi – I did hear objection to the multi-unit building. Ethan – The original owner was going to build quadplexes and that is when we decided to buy it and build as we have proposed. David – The 12 month edit is 3,000 sq. ft. and you still won't meet it. Donna – No. Ethan – If we did we could do townhomes and get 7-8 units. If this is not approved we won't lose a lot. We would put 3 story townhomes and a single home on Zeigler. Matt – I don't like if we don't do what you want you will build the townhomes and a worse case than we are looking at. Ethan – I'm not threatening you. Matt – I'm searching for a way to allow you to do what you want. Ethan – Across the street is 4 stories. I am giving by saying I would only build a 2 story on Zeigler. John – Assuming the 12 month proposals go forward, then this would be acceptable and then they would only have to ask for the width variance. The 4 lots on Harper would be 2,800 sf. or so. Ethan – The first lot would meet the future edits and it is bigger because of the topo of the lot. The topo is what makes the lots a little smaller.

Heidi asked Jason if they met with the neighborhood. Jason – Yes and the response was favorable.

John – There are a lot of differences in the presentation from the application. Karen – They could still have some parking in the back but would have to meet the landscaping and setbacks. Heidi – How do we feel about the applicant changing the house on Zeigler from 3 to 2? John – That becomes a really narrow lot. Ethan will limit the height on Zeigler to 2 stories. We have to provide access to the other homes.

John – I walked the areas and it seems FBC is going toward smaller lots. I understand the opposition to it. We need to make a motion that answers the application.

Angela asked Donna & Ethan to please submit up-dated application and drawings to reflect what they have presented today. John - This motion needs to be made on the application that was made if there are parts of this that are not in the application it needs to be noted. Phil – The application is a good deal different. Anything that was in the application that is no longer needed you will need to deny. Jason – We could defer this until we receive updated drawings. Phil – Yes give them time to refine their drawings.

Donna – I would like to require the Board to vote on the lot widths on the application. John – I would like the Board to talk about voting on plans that were not accurate. Matt – What is on the application that does not match what they are asking for now? John – I think that is a legitimate concern.

Jason made a motion to defer Case #17-FB-00016 – 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. Conditions: the conditions of the project have changed considerably from the original application; we need an application with accurate information.

Matt seconded the motion. The motion was unanimously approved.

Gabe Thomas rejoined the Committee.

OTHER BUSINESS

John – We seem to be fighting a battle about application deadlines and changes. A final request is nailed down. Gabe – Just to be helpful, from the process I just witnessed, we submitted this application and then recommendations were made by staff. Why didn't staff bring the updated material? John – There are sometimes additional requests after the application is submitted. Gabe - I expected the changes to be included in the staff presentation.

Karen – We don't have a person on staff. John – I understand this but it is happening a lot. We have got to get to a certain point and stop taking changes. Gabe – We should tell the applicant if they are changing what is on the application they need to pull their application.

John – To be fair – to come up with a substantially different site plan you are creating issues. If it is a minor change ok but to come up with a totally different plan, you should have told them to forget it and come back next month. We just have to make it clear to the applicant and the Board needs to say only the application submitted will be considered. We really need to emphasize that hardships need to be presented and justified. If we continue to say what is the hardship we end up with determining what that hardship is. We need to be stricter with our applicants. Karen – The Code says a case on the basis of a hardship or the applicant has a better idea that would meet the intent of the Code. John – Very few of the applicants say here is my intent. I think setting hard and fast deadlines and making sure the applicant knows no changes will be entertained at the meeting will work. Karen – Maybe we need to do a checklist as we have talked about. John – That's ok but it is incumbent on the applicant that they become familiar with the Code. David – Maybe if there is a checklist it would help find the items you need to look at. Gabe – I think staff did a great job there is just a lot to look at.

Phil – Normally things get worked out as you go along the process. It is on the application why is your variance needed. Then you determine if that hardship is allowed. That would make the meeting shorter. Heidi – We need to be careful to let people make smaller and smaller lot size just to make money.

NEXT MEETING DATE: August 10, 2017

Heidi made a motion to adjourn.

Jason second the motion. The motion was unanimously approved.

The meeting was adjourned at **4:00** p.m.

John Straussberger, Chair

Angela S. Wallace, Secretary