

# **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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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. 28<sup>th</sup> 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.

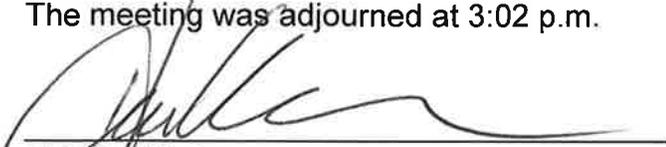
**Matthew Whitaker seconded the motion. The motion was unanimously approved.**

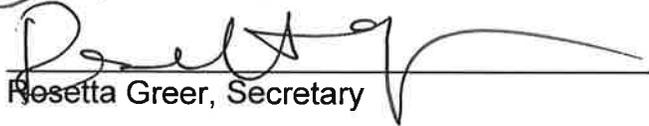
**OTHER BUSINESS:** None

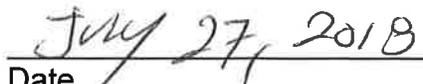
**NEXT MEETING DATE:** July 12, 2018

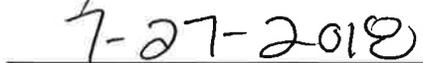
**William Smith made a motion to adjourn. Jason Havron seconded the motion. The motion was unanimously approved.**

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

  
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Heidi Hefferlin, Chair

  
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Rosetta Greer, Secretary

  
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