

# **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 3<sup>rd</sup> and 4<sup>th</sup> 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.

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

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