

FORM-BASED CODE COMMITTEE **MINUTES**

MARCH 8, 2018

The duly advertised meeting of the Form-Based Code Committee was held on March 8, 2018, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Chairman John Straussberger called the meeting to order. Development Review Planner Emily Dixon called the roll and Secretary Dottie McKinney swore in all those who would be addressing the Committee. Chairman John Straussberger explained the rules of procedures and announced that the meeting is being recorded.

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

Members Absent: Ladell Peoples, Gabe Thomas and William Smith

Staff Members Present: Development Review Planner Emily Dixon, City Attorney Misty Foy and Secretary Dottie McKinney

Applicants Present: Craig Peavy, Matt Hullender, Mike Kuebler, Matt Douglas, Dorris Shober and Craig Kronenberg

Minutes:

Matthew Whitaker made a motion to approve the January Minutes. The motion was seconded by Jason Havron and the motion was unanimously approved.

OLD BUSINESS

Case #18-FB-00001 – 1413 Chestnut Street – Skyline signage on building of 4 stories

Project Description:

The applicant, M. Craig Peavy has applied for the following modifications:

- Allow skyline signage on a 4 story building

Ms. Dixon presented the PowerPoint presentation. She said the site location is more than 300' from a neighborhood. The zoning is U-CX-4 mixed use. The proposed sign is 80 square feet and the tenant would like his sign to be visible from the road. Their building is not built yet and the distance from the building to the interstate is 937'.

Craig Peavy of 719 Cherry Street addressed the Board. Mr. Peavy said this is the anchor tenant who has taken up the first floor. All the other tenants will be facing towards Chestnut Street. He said the ground signs allowed on Chestnut Street are smaller ones. One of the items is that the majority of the skyline signs were rather large. They are not asking for one too large. Eighty (80) square feet is more than enough.

Matt Hullender of 710 E. Brainerd Road addressed the Board. Mr. Hullender said he would appreciate the consideration of the Committee.

Discussion: Mr. Havron asked if we would set a precedent if we allowed this sign to be approved. He said we had discussed signs like this on 4 story buildings before. The sign looks good according to the drawings. Is it just going to face the interstate? Mr. Hullender said yes and because of the topo, it will be 4 stories on Chestnut Street and on the back alley it will be 5 stories. The Turnbull is 5 stories and they have a sign in similar size. Ms. Hefferlin said that area is not really located on any major streets. So in order for them to be seen you have to go up levels. Mr. Whitaker said it meets the requirements to the Code. He said if we specify that on this side of the building it is 5 stories. Ms. Hefferlin said given the fact that we allowed Turnbull to do it, we should allow it. Chairman Straussberger asked if it was a parking level on the back side. Mr. Peavy said yes and above that is a mezzanine space with parking underneath it. It is the side away from Chestnut Street and faces the alley.

Community Comments: None

Heidi Hefferlin made a motion to approve Case #18-FB-00001 – 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 Based on the fact that it is 5 stories and the sign is smaller. Jason Havron seconded the motion. The motion was unanimously approved.

NEW BUSINESS

Case #18-FB-00003 – 1208 King Street – Canopy Size

Project Description:

The applicant, Michael Kuebler for Rivermont King Street LLC has applied for the following modifications:

- Canopy size

Ms. Dixon presented the PowerPoint presentation. She said their sign was posted. The zoning is U-IX-4 mixed use. Code 38-698 applies to this case. The hardship is existing development and structural deficiency. They are having to remove the entire structure to put a new one up.

Mike Kuebler of 1208 King Street, representing the developer, addressed the Board. Mr. Kuebler said the existing canopy is falling apart. It is a hazard and needs to come down. The new canopy will be in the exact same footprint.

Discussion: Mr. Whitaker said they are putting it in the same exact location. Ms. Hefferlin said the Form-Based Code Committee should support this. Ms. Dixon said we should not be seeing this anymore cases of canopies.

Community Comments: None

Matthew Whitaker made a motion to approve Case #18-FB-00003 – 1208 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: None Based on it is matching the existing canopy. Heidi Hefferlin seconded the motion. The motion was unanimously approved.

Case #18-FB-00004 – 406 Broad Street, Suite A – Canopy Size

Project Description:

The applicants, Dorris Shober and Matt Douglas, have applied for the following modifications:

- Canopy size

Ms. Dixon presented the PowerPoint presentation. She said the applicant wanted a reduction of the depth of the canopy from 6' projection to 5'. They were not within 300' of any Neighborhood Association. The zoning is D-SH-8 Downtown Shopfront Mixed Use. Sec. 38-698 applies to this case.

Matt Douglas of 1222 Solid Shot Court addressed the Board. Mr. Douglas said they are in the process of expanding to the suite next to them. They want to extend 5'.

Dorris Shober of 2606 Avalon Place addressed the Board. Ms. Shober said it is pretty straightforward.

Discussion: Mr. Havron asked if they were expanding Lupi's Pizza and going into the Greyfriar's Coffee House and Ms. Shober said yes. Mr. Whitaker said he was in support of this.

Community Comments: None

David Barlew made a motion to approve Case #18-FB-00004 – 406 Broad Street, Suite A 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

Based on the fact that it matches the canopies that are part of this same business and it provides enough cover for the rain. Grace Frank seconded the motion. The motion was unanimously approved.

Case #18-FB-00005 – 295 W. 19th Street – Setbacks, Lot Size and Lot Width

Project Description:

The applicant, Don Benedict has applied for the following modifications:

- Setbacks, Lot Size and Lot Width

Ms. Dixon presented the PowerPoint presentation. She said this project is under 5 residential neighborhood units so it did not require a neighborhood meeting. The zoning is U-RA-3. She said we are looking at this as a second dwelling unit. Their size exceeds ADU. They are exceeding the front setback from 30' to 68'. They are requesting a reduction in right setback from 5' to 0'. That would not be necessary if their neighbor was building a garage on the property line. They are asking for a reduction of the left setback street side 10' to 0' and a

reduction in rear setback from 5' to 0'. At the same time they are asking for a reduction of parking setback from 10' to 5', reduction in lot area for 2 units from 3,500 square feet to 2,205 square feet and a reduction of lot width for 2 units from 35' to 22.2'. Their hardship is that they began the development under C-3 and per those guidelines it would have been allowed. They had some storm drainage issues to take care of. Their permit expired after one (1) year so when they went to get another permit they had to come under Form-Based Code. The neighbors at the end of the alley do have garage alleys.

Ms. Hefferlin said she would not be voting.

Craig Kronenberg of 244 W. 18th Street, Architect with Hefferlin & Kronenberg addressed the Board. Mr. Kronenberg said he was the architect for the project and lives on the same block of this project. He read the guidelines used to allow modifications. He said 1900 Cowart is a 17 unit building. The units are 3 stories with front and rear porches. His client wants them to build a garage apartment. At one point the neighbors agreed to build 5 garage apartments simultaneously. Over the course of the project negotiations were made with the City officials. He said they applied for a land disturbance and building permit. The building permit was withdrawn in 2017 due to inactivity while they were still negotiating easements and encroachments. It was a long process. During this time they also obtained Board of Construction Appeals variances. The basic is under the C-3 Zoning Code. They want to build what they could in 2016. By building to the property line it adds value to the property.

Discussion: Chairman Straussberger asked if the balcony was within the property line and Mr. Kronenberg said no it overhangs but they met with Brandon Sutton in Transportation and received a building use permit. Mr. Barlew asked if there were mother-in-law suites behind the main house. Mr. Kronenberg said yes. He showed an exhibit to the Board. He said the inspiration for this is a project that he did for himself. Mr. Whitaker asked if it was existing and already had a 0 lot line and Mr. Kronenberg said yes. Mr. Barlew said all the commercial projects have a 0 lot line. Ms. Dixon said because it is residential zone you would want a little bit of green space. Ms. Hefferlin asked as a neighbor can she speak if she is not voting. City Attorney Misty Foy said not at this point. Ms. Frank said she thinks we should personally allow this as we did C-3 all over town. She thinks all of the downtown zoning and this should be changed and this is what we want in downtown. She said it was approved in C-3 when all this area was C-3. Based on C-3 zoning it is important to continue. It should be incorporated in the Form-Based Code. Mr. Whitaker asked if there were any variances when it was in the C-3. Mr. Kronenberg said there were no variances. He has the C-3 conditions. Ms. Frank said there were several buildings down in the Southside that were completed in the C-3. Chairman Straussberger asked how much taller would this garage be from the existing building. Mr. Kronenberg said 1 story and it matches in height to the townhouse on the same property. Chairman Straussberger asked what would be the difference between the garage and the north point. Mr. Kronenberg said 7'.

Community Comments: None

Grace Frank made a motion to approve Case #18-FB-00005 – 295 W. 19th 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

Based on the fact it was initiated through the C-3 zoning process and these modifications are not modifications under C-3. It meets the C-3 guidelines. It is an existing lot. The context of what is existing and the front buildings are already 0 lot lines. Matthew Whitaker seconded the motion. The motion was unanimously approved.

OTHER BUSINESS:

All the edits went before the Regional Planning Agency (RPA). John Bridger mentioned that some of the board members need to attend the next time so they can answer questions.

The Neighborhood Review - RPA's proposal was to get rid of the neighborhood meeting if they are in complete code compliance. No other area requires meetings.

Parking Maximums – RPA was not interested in this. We might revisit this at a later date. Their view was that if people were getting around landscape and parking modifications, the Form-Based Code Committee should act as a floodgate. Ms. Dixon said we do not have a parking maximum right now. Ms. Hefferlin said they wanted more parking. Ms. Dixon said they originally did have a parking maximum but got rid of it.

Perimeter Plantings – RPA's proposal is that if the parking lot is not visible from the ROW then it should not be required. You should not have to do perimeter planting. Mr. Whitaker is against this. Mr. Barlew said he thought it was for the heat effect. Ms. Hefferlin said we are creating all these little isolated areas. We should show up at this meeting and speak. Mr. Whitaker asked if a developer could come and tell the Board why they want to do away with the perimeter plantings. Ms. Hefferlin asked if staff weighed in on this. Ms. Dixon thanked the members of the community for their interest. She said if you feel strongly about it, show up at the council hearing. It should take place sometime in April. She will let everyone know.

Protective Buffer Requirements Between RA Zones - If you have an RA zone next to an RD zone you would not be required to have a buffer. RPA's proposal is to get rid of the buffer. It is a fence, building setback, landscaping and height requirement for these homeowners. The single family owner would get a protected buffer. A citizen asked if a side setback would go away. Ms. Dixon said it would follow the normal setbacks if they have an RA zone. It is no longer next to a protected zone.

Neighborhood Meeting Discussion:

Mr. Whitaker asked if the Neighborhood Association knew of this. Ms. Dixon said she is trying to make sure the Neighborhood Associations are aware of it. They are having a public hearing for this on March 27th so people can come and speak.

Mr. Havron and Ms. Hefferlin object to the no meetings anymore. Mr. Havron said it takes away the voice from the people. When they do not allow the developers to tell the neighborhood they are taking the voice away. Ms. Hefferlin said she understood a neighborhood review was going to be taken away unless you had a major modification. She does not agree with that either. She said she thinks it should be required. Chairman Straussberger asked what will be presented to the Council. Ms. Dixon said if you are deviating from the Code then it is required. Ms. Hefferlin said she will tell the Council their

comments. Ms. Dixon will put it on the calendar for the Board members. Chairman Straussberger said anyone asking for a major modification should get a meeting. It takes away goodwill and takes a voice away from the public. Ms. Frank said she has seen builders change their plans because of meetings from the public.

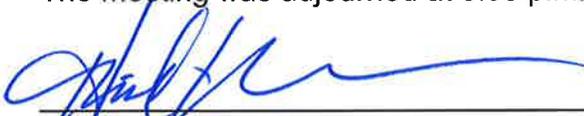
A citizen thanked the Committee and their stance on the major modifications. Another citizen said the Board of Directors expect to do the meetings. Ms. Dixon said they are aware of that.

Chairman Straussberger encouraged the citizens to talk to their council person. Ms. Dixon said the presentation is on line and it is always posted 15 days prior to the meeting. Go to the City of Chattanooga website, click on Economic Community Development, click on Land development Office then you click on Form-Based Code zoning.

NEXT MEETING DATE: April 12, 2018

**Heidi Hefferlin made a motion to adjourn.
David Barlew seconded the motion. The motion was unanimously approved.**

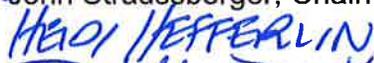
The meeting was adjourned at 3:08 p.m.



John Straussberger, Chairman

5-10-18

Date




Dottie McKinney, Secretary

5-10-18

Date