

# **FORM-BASED CODE COMMITTEE**

## **MINUTES**

January 12, 2017

The duly advertised meeting of the Form-Based Code Committee was held on January 12, 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 procedure and announced that the meeting is being recorded.

Members Present: David Barlew, Matthew Whitaker, Ladell Peoples, Jason Havron, William Smith, Grace Frank and John Straussberger

Members Absent: Heidi Hefferlin, Gabe Thomas

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

Applicants Present: David Barlew, Jr. and Michael Ramsey

Minutes not ready for review.

### ***OLD BUSINESS***

None

### ***NEW BUSINESS***

*David Barlew recused himself from this case.*

#### **Case #16-FB-00005 – 615 W. Bell Avenue**

##### **PROJECT DESCRIPTION:**

The applicant, David Barlew, Jr., has applied for the following modification:

- Set back variance due to parking relocation

Karen Hundt presented the PowerPoint presentation and staff report. Topography is an issue with this site.

No neighborhood association meeting has been done. They were on the agenda for a meeting last month and the meeting was canceled. Karen – Before a project can be reviewed the evidence of a neighborhood association meeting must be submitted. We told the applicant to schedule before submission. John – What is the distance that a neighborhood needs to be in? Karen – 300 feet. Technically, the code says the applicant is to meet prior to the submission of the project.

Discussion: David Barlew, Jr. addressed the Committee. The client wants to know if the plan will be acceptable before going any further so this is an intentional preliminary presentation. Putting the parking at the back is not feasible with the topography of the site. William – The purpose is to provide a safe, walking, urban environment. David – We have enough right-of-way to get the required parking, walkway, etc. in. We have landscaped that section also. We will have 3 stories with commercial on 1<sup>st</sup> and residential on 2<sup>nd</sup> and 3<sup>rd</sup> which would require 24 parking spaces. John – What percent of the building must be on the street to meet the lot frontage code? Karen – 60% of the primary street should be taken up by the building. John – Do you meet that requirement? David – No. Ladell – The minimum height is 2 stories and if you used that calculation what would it be? David - 17. Matthew - Has your landscaping plan changed with the requested variance of a 30' setback? David – Yes. It is just due to the topography. This plan would leave the site as it is now. Ladell - Is this a piece of property that is unbuildable except in an extreme case? Karen – Not necessarily.

Community Comments: Garnet Chapin – This is a site that is problematic. David did not meet the requirement of having a neighborhood association meeting. Why are you going ahead with this case? (John Bridger – We have relayed our thoughts on this to the chair.) West Bell is dangerous. There may be a toxic dump on this site. David has tried to get on the agenda for the association meeting. We are going to try to address them at our next meeting.

Frances Peacock – I live in area. I'm concerned about the access and the off street parking. I have tried to get the street closed. I'm concerned about the density. It is a blind curve.

John - I have been advised that the neighborhood association meeting is required. We can hear the case but cannot take action. Garnet, the third attempt of David getting on your agenda needs to happen. David, you need to have this meeting. If there are any other items that need to come before this Committee, try to bundle them together in one meeting.

William – I would also like to see what the building is going to look like and how it sits on the property. John – I think there needs to be a little more money put in the development portion of this case.

**No motion was made.**

***David Barlew rejoined the Committee.***

### **Case #16-FB-00008 – 1400 Market Street**

#### **PROJECT DESCRIPTION:**

The applicant, Michael Ramsey of LIV Development, has applied for the following modification:

- Parking lot landscape island placement – increase from 1 for 5 to 1 for 9 spaces
- Lot frontage percentage – reduce frontage from 80% to 53%

Karen Hundt presented the PowerPoint presentation and staff report. Owner will keep the same number of trees as if it was 1 for 5 spaces. 227 residential units – Code requires 1 space per unit (227) minimum. Owner wants to provide 1 space per bedroom. There are 3 apartment buildings.

John – They are asking for 2 variances. William – Is there a neighborhood association here? Karen – Yes and they did meet with them. Jason – So with this proposed plan, they will have the same number of trees as if they did one island for 5 spaces? Karen - Yes.

Discussion: Michael Ramsey and Adam Kinsey, President, of Choo Choo Partners addressed the Committee: We started work on the Choo Choo site last year. The new height restriction is 8 stories. The proposal is 4 stories. We are asking for 2 variances. The FBC requirement is 80% for lot frontage. If we include the setback section it would be 71.26%. I would ask the Committee to look at this with that set back portion moved out even with the rest of the building. Karen – If you do that, it is within 72% and staff can grant the variance. John – Staff could do that but we can go ahead and act on that today.

Community Comments: Franklin McCallie for the Neighborhood Association – I was asked to report and act for the association. I have written my presentation so it can go into the record. The neighborhood has good feelings about this presentation. The FBC for apartment buildings require 1 parking space per unit and 1 island per 5 spaces. They want to create more parking spaces than required and plant the original number of trees. This is a plus for the neighborhood.

John – Is there a maximum for parking spaces allowed? Karen – No. Ladell – Is there no requirement for a landscape buffer. Karna – I do not think they will need a landscape buffer. Jason – Is there a requirement on spacing of trees? Karen – No. There is a minimum size of the island. William – The perimeter planting is 30' on center. Will the placement be able to meet that? Karna – The owner would submit that and we would make sure that everything is as it needs to be. David – What is the design intent for a tree every 5 spaces? Karen – National guidelines require 15% cover. It is to provide shade and decrease the heat buildup and also to reduce the amount of asphalt coverage. Matt - We are setting a precedent on the first tree spacing request for variance and the increase we would be allowing/setting precedent for is 80%/almost doubling the number of spaces allowed under FBC. The trees that will be planted elsewhere would be going into landscaped areas that would have been planted anyway (some of those plants being trees) and therefore not really maintaining the same number of trees. Ladell – I have a hard time supporting this, we are setting precedent by cutting the requirement in half. Anything would be an improvement but I think we want more than just an improvement. Michael – What we have seen over the southeast, this is the strictest parking island requirement. We feel the intent is to provide for shade. This is a variance that I think you may need to adjust the Code as you go along. David – Is the intent of the code to mitigate the heat effect? If the trees are spaced at 10 spaces are they still effective at reducing the heat effect? Karna – I can't answer that specifically. It is a matter of scale.

**William made a motion to approve Case #16-FB-00008 – 1400 Market Street as submitted pursuant to the Chattanooga City Code, Chapter 38, Article XVI and pursuant to the Form-Based Code, subject to any and all conditions. Conditions: the lot frontage to be reduced from 80% to 71%. Number of trees over 9 spaces would be equivalent to the number of trees used if the islands were spaced at every 5 spaces.**

**Jason seconded the motion. The motion was approved with 5 in favor and 2 opposed.**

### ***OTHER BUSINESS***

If an applicant has more than one variance, I would like to see the applicant bring all the variances at once to the Committee.

David – I would like to clarify that I was not aware of the 60% requirement.

Linda – There is an issue to staff that applicants coming to this board prior to submitting for a building permit have things that may be found in that process that have not been taken to the board. John – The applications need to be complete and all materials submitted by the deadline. When there is a person on staff for this position it would help alleviate that problem happening. Linda – Without a full review, that is still possible. David – I think what Linda is proposing is viable. A lot of people do not want to invest in a full set of plans before they know they can do the project. John – I understand that issue. Dallas Rucker – We do not have a full time designee. But this gives us good guidance and it is true that people could spend thousands of dollars and then get denied. I think people need enough drawings when they come to the Board to present adequately. The applicant needs to schedule a meeting and if no one shows up, he has done his due diligence in scheduling a meeting. Grace – They need enough of a plan to see if there is FBC variance needs but not a full set of plans. Phil Noblett – Maybe you need to have 2 courses of plans review. Dallas – I'm hoping that will be taken care of with the hiring of an FBC person.

John – This would be another item for the 6 month review of the code – telling people what is required of them. That process needs to be more clearly defined.

### **Code Clarification/Recommended Edits**

Roof decks – The Committee was not conformable about granting a full story for roof top decks. We probably need to clarify more what will constitute a roof top deck vs. a full story addition. David – At what point is it an enclosed area? Dallas – There is question as to whether it is a roof and/or walls. Karen – Do you want us to make revisions to the code or do you just want to look at it? Several members – Yes I would like to see something in the code. Dallas – The building code does not address structure but egress from the roof top. Jason – Need to look at square footage and setbacks.

William – When we approve an exemption that is not setting a precedent is it? Karen – It can be. It will depend on how you state your motions and approvals. John – Is relaxing the landscape island requirement something that you are looking at? Karen – Yes we are. LaDell – I think the intent of FBC is to get away from the parking lot area and increase the number of trees. Planting more trees in a small area does not increase the advantage of having more trees. Trees planted close together does not allow for those trees to grow to their potential. David – I think we need to be asking more questions and announce any concerns.

## **FBC Six Month Edits Review**

Cases to FBC Committee – 5

FBC project to get building permits – applied 36 – approved 32

We sent an e-mail to various people in the community asking for feedback – didn't get a lot. We are having an open house on Thursday, January 26 from 1:00 to 7:00 p.m.

Karen went over a list of some of the items to edit - administrative solutions, housekeeping/cross references, clarification only, and content change.

We have already discussed the neighborhood meetings – we will watch that for the next 6 months and see where we are. It's encouraging to see a low number of applicants for variances. That means you are doing the job. Karen – Next Tuesday we will be briefing the City Council on these changes. It starts at 3 and if any of you could be there, that would be great

***NEXT MEETING DATE:*** February 9, 2017

**David made a motion to adjourn.**

**William seconded the motion. The motion was unanimously approved.**

**The meeting was adjourned at 3:45 pm.**

---

John Straussberger, Chair

---

Angela Wallace, Secretary