

FORM-BASED CODE COMMITTEE

MINUTES

November 10, 2016

The duly advertised meeting of the Form-Based Code Committee was held on November 10, 2016, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. Karen Hundt called the meeting to order. Angela Wallace called the roll and swore in all those who would be addressing the Committee. Karen explained the rules of procedure and announced that the meeting is being recorded.

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

Members Absent: None

Staff Members Present: Karen Hundt and Angela Wallace

Applicants Present: Vinicio J. Liriano, Michael Craig Peavy for Vision, and Marta Alder of St. George Holdings, LLC

OTHER BUSINESS

Adoption of By-laws for Committee: Who is voting vs all members? Phil – 5 people have to be voting to be a majority. With 9 members, 5 members have to be present to vote. Phil – It is up to the Committee if you want a majority of the present or a majority of the body (9). Heidi – A majority of the body. David – It says a majority of the body have to vote in the affirmative. Phil – This could cause repeat appearance if you don't have a majority of the body (5) vs. majority of the present. We can work on this along the way if you want. William – Roberts Rules says a majority of the voting members. John – The only issue is there is not usually perfect attendance at the meetings and that could cause an applicant to get frustrated in that they would have to return again and again to get a majority affirmative vote. Phil – All appeals would go to the City Council. Question about the year of the Committee should be changed to starting now instead of the July 1 date. Phil – It can be changed if you want. Can we modify the rule to be a majority of the present members? Phil – Yes you can. You may want to make it a 3 or 4 vote instead of 5.

John S. made a motion to adopt By-laws with amendments:

- 1. 5.03 modified so beginning date is November 1 and ending date October 31.**
- 2. than 4 total of the Committee voting in the affirmative**

Heidi seconded the motion. Motion was unanimously approved.

Election of Chair and Vice-Chair

Chair: Nominated - John Straussberger - Unanimously approved
Vice-Chair: Nominated - Heidi Hefferlin - Unanimously approved
Secretary: Nominated - Jason Havron - Unanimously approved

Assignment of Terms:

David Barlew	Architect	
Matthew Whitaker	Architect	
Heidi Hefferlin	Architect	
Gabe Thomas	Developer	
Ladell Peoples	Developer	
Grace Frank	Property Owner	
Jason Havron	Property Owner	
William Smith	Property Owner	
John Straussberger	Developer	

Motion was made to defer this till next meeting. Seconded and unanimously approved.

Karen spoke to the general obligations of the board and explained some about the Form-Based Code. Difference between NSDRC and FBC is that FBC does not have suggestive Guidelines – it is codes, rules and standards. All projects required to meet all codes. All cases will be reviewed by staff before going before the Committee. If a project meets all the codes, it will go directly to permitting and will proceed. This Committee reviews requests for major modifications and reviews appeals to any staff decision the applicant does not agree with. When reviewing these requests, the Committee refers to a set of principles.

OLD BUSINESS

None

NEW BUSINESS

Case #16-FB-00002 – 14 Frazier Avenue

PROJECT DESCRIPTION:

The applicant, Vinicio J. Liriano, has applied for the following work:

- Add 1 additional story to original building

Karen Hundt presented the PowerPoint presentation.

Discussion: Vinicio J. Liriano addressed the Committee. Vinicio passed out a new drawing. The building is 2 stories and the proposal is to add a 3rd and 4th floor. The 4th floor will be set back 10 feet from the edge all the way around. The bottom of the roof will be 47 feet. We want to increase the height for the 4th floor. With it being set back 10 feet from the edge, it will not impact the building next door. It will basically be the same height as the Nautilus building. The building will be residential on the 2nd, 3rd and 4th floor with the first floor offices and shops. We are not changing the historic value of the building. We will be using the same brick. John – What is on

the screen is different from what was handed out. Vinicio – The photo on the screen was initially approved by C7. There will be no roof garden as shown – just screening for equipment. We have a bike rack. We are going to work with Republic to provide parking spaces. All the residents of this area have an agreement with Republic to provide for parking. William – No. 9 on the application is blank – please address that. Vinicio – We are going for mixed use and make it more appealing to the neighborhood. We are addressing all the requirements for the mixed use.

Community Comments: Garnet Chapin – I’m speaking for Hill City Neighborhood Assoc. We met with the builders last week. They were totally unprepared and did not have answers to questions. We voted to oppose the current application. We would be happy to continue dialogue with these people. We ask that you defer this case.

Brooke Bradley King – I live on Cherokee Boulevard. What was sent in 30 days in advance? How is that different from what was passed out. Vinicio – The only difference was the submission of a roof garden and an outside stairs. Now there is no roof garden and no stairs. Brooke – What you wanted was to be presented 30 days in advance of the meeting so why was something different passed out today? Vinicio – It was in response to the meeting on Monday. Brooke – How is it different? The new drawings should go back through the process shouldn’t it? John – I don’t think his design has really changed. He is asking for one additional story. Vinicio – I have not changed the concept of 4 stories. The only thing we are asking for is an additional story to what is acceptable by Form-Based Code. The building will be about 2’ higher than the Nautilus building.

Committee Discussion: Heidi – What was your recommendation? Karen – The C-7 Board recommended the concept of the additional floor with setbacks. Within the Form-Based Code would be 4 stories with a 50’ maximum. David – What section in the code says 10’ setback? Karen – It is not in the FBC that was a C-7 requirement. William – Are we approving a rezoning? Karen – You are approving additional height. Heidi – I have a problem with the discrepancies in the drawings and the 10’ setback is not addressed in FBC. Phil – You can stipulate conditions in your decisions. John Bridger – Also realize that your decision will set a precedent for what is done in this code. David – Read code. Heidi – I didn’t see any reason addressed for needing that floor. Phil – There has to be reason how the modification would enhance the building. John – Would applicant like to offer what your burden is to add this floor? Vinicio – The additional floor would make it fiscally viable to do this project. What happens in the 10’ setback area? Vinicio – It would be a rooftop area and access to mechanical.

Phil – You need to address in your Rules of Procedure or By-laws what the return term will be for denied projects.

Heidi made a motion to defer Case #16-FB-00002 – 14 Frazier Avenue 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.

William seconded the motion. The motion was unanimously approved.

Case #16-FB-00003 – 515 Chestnut Street

PROJECT DESCRIPTION:

The applicant, Michael Craig Peavy for Vision, has applied for the following work:

- Urban drop off area

Karen Hundt presented the PowerPoint presentation. This is an appeal to a staff decision. They want to provide a pedestrian drop off area at the front of the hotel.

Discussion: Michael Craig Peavy addressed the Committee: This is a 7 story hotel. We have complied with all requirements of FBC. Where our building is located, there is a street section showing streetscapes and urban pull offs. The code shows a landscape strip and bike lane. We took what the code shows and developed this. This is at a point where the sidewalk jogs. We have talked with traffic, landscape and design review. What we are proposing encompasses all those points. We propose a 3 space drop off out of the drive lane and we have met and exceeded the tree requirements. Traffic is doing a traffic study in front of the building to see if this will work. We want to confirm that we can do this and when traffic completes their study they will confirm if we can do this.

Heidi – The code says to do this at the side – why not do that? Craig – If we pull the building back to have this on the side, it would not meet code. For us to have a drive thru plus a pull off on the side would put us outside the code. David – What is the definition of vehicular access? Brandon – It is any opportunity for a car to get off the street. David – Is the drop off in the right of way? Brandon – It is now in the right of way and it sets the other things back on the property. Craig – If it is a public sidewalk and it has to jog onto my property it is then our liability. We will have to get a definition of where the property line will be.

Community Comments: Helen Burns Sharp – I am with the Downtown Homeowners Association. It is great to have a FBC Committee. From a citizen's standpoint the city has a webpage and we would like to see these meetings posted on the page. There really needs to be some good reasons for a modification. Don't base your decisions on how many people are here to voice opposition. There is a concern that Chestnut is being used for biking and walking and this veers from the normal flow of pedestrian and bike flow. It is getting congested. Make sure there are compelling reasons for the decision you make.

Brooke Bradley King – Peak periods for the hotel is during festivals, etc. What is going to happen if 3 cars are there? Craig – The lobby is glass and that front portion is for check in or uber drop off. It is not meant to stage 10 cars. In peak times there is entry on one side and access to the alley in back. Brooke – Then will there be someone to direct these people to the back entrance? Craig – No. This is compliant with what is in the code. Staff wanted to study this and see what it would mean. There is not currently any tree canopy on Chestnut. We are doing this in compliance. Staff is studying the peak flow. Craig – This is a building that does what the code is requesting. There are other properties that have urban pull off, but we are proposing ours in complete compliance with the code.

Brandon, Transportation - When we first approached the plan, there were 3 issues with the plan. Loading, conflicts with bike lane and pedestrian traffic. We hear that it feels foreign for people to

walk through these zones. The bike lane we wanted to see if there were other ways to handle this without impacting the bike and pedestrian ways. It does not allow for the alternatives to work.

Committee comments – Staff Report – What would a minor modification be to this? Karen – That is spelled out in the administrative section (2-4) of the code – 4B. The staff can grant up to a 10% decrease of required lot frontage. Heidi – Have you looked at that? Craig – No we have not. We were right at the 85% frontage.

Item A of our code – based on what Brandon said this does not meet code. Craig – We are the first on this street to do this. It is a jog that meets the code. Outside of the transparencies, why could there not be a drop off at the back of the building? Craig – The amount of the space to do the parking garage, we would have to go another entire level for the garage to allow room for a drop off in the back. It would not be feasible to do that. Based on what you have, you have not run the numbers on the street frontage. Craig – We have tightened up the trees to allow for the cars. To the immediate left there is a transformer vault for EPB and that is the only place for it. All hotel garage access is on south side? Craig – Yes – on the right is the exit. If you had to redesign your building would that be a burden? Craig – Yes. Heidi – We are to consider the public realm, we have nothing to indicate the rest of the project. Doesn't your owner own both properties? Craig – Yes but that alley is a public access.

Matthew made a motion to approve Case #16-FB-00003 – 515 Chestnut 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:

Discussion – The cars in this project are not crossing where pedestrians walk.
Concern – To the south it is very narrow. Materials – Pedestrian way finding is done with materials. I would like to see some.

David B. seconded the motion. The motion was approved, 5 for, 3 opposed, 1 abstained.

Case #16-FB-00004 – 1445 Market Street

PROJECT DESCRIPTION:

The applicant, Marta Alder of St. George Holdings, LLC, has applied for the following work:

- Building height from 53' to 64'

Karen Hundt presented the PowerPoint presentation. Increase from 4 to 5 stories.

Discussion: Marta Alder, Nathan Hidad addressed the Committee: St. George footprint – the addition matches the existing hotel. To make it profitable there is a need to have a rooftop terrace. We need to have a bathroom to make it useable. The roof of St. George would be a roof terrace with a bar and event area. We need enclosed space for support – bathrooms and a spa. The façade of this addition is at the back of the St. George. We prepared a video to show you what we are talking about. It is about 32 feet from the front street. There would be a terrace on the left side. From the street you would not see any of the roof top except for the small terrace on the left side.

Community Comments: Cynthia Watson – We really want to see the hotel succeed. We have not seen these plans and we are having a meeting after this. We only heard about this yesterday. My concern is there is a lot of activity on that roof so there is a question of noise. The whole roof is going to be used. I've lived here for 10 years now and we live with sound. I am concerned about how sound carries from rooftops. We look forward to talking to everyone after this meeting.

Eric Cummings – My question is about procedure with this Board. If this gets passed what is being approved? Does that cover the whole building? What happens if this does not get built as it is drawn? There is a risk of a 5 story building in the future. I am a supporter of this development. There has been no discussion with the community yet. I want to make sure that the community understands what is being approved.

Stroud Watson – I think it is important to say we have been waiting a long time for this building to be done. I am equally concerned with what Eric said. Are you giving a block diagram approval? With an approval here someone could come in and develop a 5-6 story building. This is basically a penthouse. You have to be more specific about your decisions. You have issues about all the cases you have heard today.

Helen Burns Shape – Is this in a National Historic District. Karen – Yes, the guidelines only come into play if the developer is using federal funds.

Marta Alter – I want to address the notification. I was notified 2 weeks ago about this meeting. I immediately called to organize a meeting with my neighbors. It just takes time. This is a special project. The last thing I want is a noisy bar. This will be light jazz and very subdued atmosphere. I want to respect the neighbors.

Clarence – We are honored to bring this building back to life. We are honoring the 4 story feel and if the Committee wants to put restrictions on it, we will be glad to meet.

Part of the requirements is that there is a neighborhood review. Does that apply here? Karen – We are all learning this as we go. This being the first meeting there has been some dissention from the directives. William – It is not on the application that a meeting with the neighborhoods is required. (NEED TO ADD TO APPLICATION.)

Heidi – We can approve something with conditions. We are giving a volume right away to anyone. I feel we should be able to put conditions on decisions. John Bridger – I think we can put conditions on decisions to a point – but not to the point that the building has to be exactly like this building. Heidi – The height seems to be similar to the Choo Choo. I would like to stipulate there be a setback on 2 sides. John – Some conditions can be applied but not too specific. David – I agree that we put in stipulations. Also about the neighborhood meetings: We need to hear what they have to say collectively. William – Would the condition need to be within the code. John – how many square feet are enclosed – answer 3800. Structure on corner – the trellis does show. William – Are we changing the zoning? Karen – No we would just use the footage as used in other codes.

David made a motion to defer Case #16-FB-00004 – 1445 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 neighborhoods have opportunity to meet.

Gabe seconded the motion. The motion was unanimously approved.

NEXT MEETING DATE: December 8, 2016

Gabe made a motion to adjourn.

Heidi seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 4:15 pm.

John Straussberger, Chair

Angela Wallace, Secretary