

FORM-BASED CODE COMMITTEE

MINUTES

June 8, 2017

The duly advertised meeting of the Form-Based Code Committee was held on June 8, 2017, at 2:00 p.m. at the Development Resource Center, Conference Room 1A. John Straussberger called the meeting to order. Angela S. Wallace called the roll and swore in all those who would be addressing the Committee. John Straussberger explained the rules of procedures and announced that the meeting is being recorded.

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

Members Absent: David Barlew

Staff Members Present: Karen Hundt, Emily Dixon, Sarah Cook, Karna Levitt and Linda York-Guest

Applicants Present: Jimmy Hudson, Chris Anderson, Matt Houts

Jason Havron made a motion to approve the Minutes from the May meeting. The motion was seconded by William Smith and unanimously approved.

OLD BUSINESS

None

NEW BUSINESS

Case #17-FB-00007 – 345 Frazier Avenue

PROJECT DESCRIPTION:

The applicant, Jimmy Hudson, has applied for the following modifications:

- Sign Setback from 18 feet to 0 feet

Karen Hundt presented the PowerPoint presentation and staff report.

Discussion: Jimmy Hudson addressed the Committee. Jimmy informed the committee that he is owner the building and is the manager of the site. He stated that the locations on the site to add a sign are slim to none, and that the Northwest corner is a streetscape and will not be conducive for a sign. However, the Northeast corner would a good place because he has had a sign in place on the corner (location of the proposed sign) since 2009. In regard to the exact location of the newly proposed sign he stated that the sign would be on the east, or right side of the traffic box. Thus, it would not interfere with the underground utilities, and would ensure that they would not be disrupted by his sign. He then reiterated that this was the only location to put a sign to serve the drive-in located in the back of the building.

William Smith inquired about how the modification met or exceeded the Form Based code, as that was not filled out on the application. He also voiced concerns about visibility for cars and interference with pedestrians

Jimmy Hudson ensured the committee that the existing sign is larger than the proposed sign and that there have never been complaints in the 8 years that it has been erected.

William Smith points out that there are multiple principles in the code and is concerned because they are not being addressed by the applicant.

It was decided not to bring up the principles and to continue with the meeting.

William Smith raised concern for the level of completion of the application. Due to the lack of information he worries that there is not enough information to make an informed decision.

John Straussberger stated that he would like to move forward with the case despite the inconsistencies and lack of completion of the application. He then inquires if the sign is to be a Regions Bank sign.

Jimmy Hudson stated that the current plan is for the sign to be a regions bank sign, but that it has not been confirmed yet.

Heidi Hefferlin inquired if the applicant has communicated with the City about any alternatives to this sign.

Jimmy Hudson answered by saying that the current signage on the building is not working or effective enough to direct attention to the drive through. The only options for this site is a sign at ground level or a sign up high, such as a banner. He believes that the monument line at street level is a better option. He also stated that the smaller sign on the ground (as shown in the presentation on the eastern side of the building) would be removed.

John Straussberger confirmed that the smaller sign would be removed.

Jimmy Hudson agreed that it would be.

Heidi Hefferlin asked about visibility out of the window as the new proposed sign would be blocking it.

Jimmy Hudson confirmed that some of the view out the window would be obstructed by the sign, but that it was not a concern or worry in putting the sign there.

William Smith inquired if the new sign would have any other signage on it (besides Regions).

Jimmy Hudson said that it would not.

Heidi Hefferlin made a broad inquiry about sign permits and the Form Based Committee's role to review sign cases. She stated she does not feel fully comfortable reviewing these cases because she does not feel that that receive all the necessary information in order to make a decision. (Directed

towards Karen Hundt) Heidi asks for further clarification on the signage guidelines and intent of the code.

Karen Hundt informed the Committee that the sign information was pulled from Code Council, however, the old North Shore guidelines were taken into account and that the monument signs were added after the fact because some Land Development Office Staff felt that there were certain locations in the downtown area that could potentially have a non-obstructive monument sign.

Heidi Hefferlin stated that zero lot lines for structures do not accommodate 18 foot setback for monument signs.

Matthew Whitaker confirmed with Karen Hundt that 18 foot is not required if the sign is on the building. He also voiced agreement with Heidi about that the 18 foot setbacks for monument signs does not lend itself in an Urban setting with 0ft lot lines.

Gabe requests to know if CDOT would be involved in the approval process.

John asks about the setback from the cabinet. Hudson says that on that side it would not interfere with the existing box and would not impede opening, but would be three to four feet away. Jason says that it is a replacement of a sign with a smaller sign. Says he doesn't think they need to make the developer jump through hoops to change a larger sign to a smaller sign.

Gabe Thomas pointed out that they are just approving the setback from the right of way.

John Straussberger inquired if the existing sign was a permitted sign.

Jimmy Hudson stated that it was not a permitted sign.

Heidi Hefferlin pointed out that if they would be reducing two signs to one that it would be an improvement.

Grace Frank commented on the present visibility of signage and not knowing that there was even a Regions drive-through in that location.

John Straussberger asked if a condition can be added to the motion.

Karen Hundt confirmed that conditions can be added to the motion.

Gabe Thomas pointed out that this decision is important because they are setting precedence for future buildings and that they should be mindful of that when making the decision to allow a monument sign a 0ft setback to right of way.

John Straussberger referenced a similar case.

Matthew Whitaker addressed William Smith's concerns and stated that a zero foot setback is only okay because it is not affecting vehicle line of sight or pedestrian foot traffic.

Gabe Thomas asked Sarah Cook if CDOT will have the authority to make decisions about where the sign was actually located.

Sarah Cook confirmed that they would have to work with CDOT for sign placement and coordination.

Community Comments: None

Jason Havron made a motion to approve Case #17-FB-00007 – 345 Frazier 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. The hardship for this case was considered physical hardship as there is not enough room to put the sign in the correct setback. Conditions: CDOT is to direct the location of the sign for its placement and the 2 existing signs (the pole sign on the corner and smaller sign to the right of it) are to be removed when the new sign is erected.

Gabe Thomas seconded the motion. The motion was unanimously approved.

Case #17-FB-00011 – 1601 and 1603 Madison Street

PROJECT DESCRIPTION:

The applicant, Chris Anderson for GreenTech has applied for the following modifications:

- Front Setback to 10 feet
- Side Setback from 10 feet to 7 feet on corner side
- Rear Setback from 25 feet to 10 feet on corner lot
- Side Common Lot Line Setback from 5 feet to 4 feet
- Rear Setback from 25 feet to 17 feet on interior lot
- Increase maximum driveway width from 10 feet to 29 feet 7 inches
- Garage door facing Madison Street is not located 8 feet behind front wall of house

Karen Hundt presented the PowerPoint presentation and staff report.

Staff Comments: Sarah stated that wider street cuts in an urban setting hurt the cyclists and pedestrians.

Discussion: Chris Anderson addressed the Committee: There are many of curb cuts in the Jefferson Heights area. Presently in this location there is a 17 foot curb cut. The alleys in this area are prevalent with curb cuts and the alleys are used more like streets. Vehicular traffic in the alleys is just as traveled as streets in the area. Pictures were shown of Zachary Alley and demonstrated houses with side loading garages. Chris Anderson reasoned that due to this, his proposed plan fits with his proposed plan and the overall character of the Jefferson heights neighborhood. He presented another map showing the location and measurements of other curb cuts in the general area.

Heidi Hefferlin pointed out that multiple large curb cuts and largely concreted areas are not good to have in one area. A smaller curb cut in this location would not make a difference except in the length of the house, as it becomes shorter. She acknowledged that there is precedence for curb cuts in the area but reasons this might be why there are curb cut limits in the FBC. As for the overall design of the house, it would look better and make more sense to have a smaller curb cut and have garages facing the back of the lot. She further inquired why they need it.

Chris Anderson stated that the present curb cut is at a weird angle and that it is a challenge to get into. Due to the lot size limitations the rear facing garage would not be feasible or work for their project.

Additionally, in order to maintain the character of the neighborhood they will be hiding the other driveway from the street view.

John Straussberger inquired what the applicant's hardship is.

Chris Anderson stated that they want to orient the garage as shown in their plans to keep with the character of the neighborhood.

Heidi Hefferlin related that one driveway would not hurt their project because the houses would be the same size.

Matthew Whitaker inquired why this project would not be benefited by rotating the garage, as much less of the garage would be visible from the street.

Heidi Hefferlin agreed that having a rear facing garage would be better.

William Smith stated concern over the pedestrians in this area.

Chris Anderson argued that the preservation of community character was a purpose of the Form Based Code. Further, he would be the only one living next to the large curb cuts, as his house is situated to the rear of these properties. Based on his experience in the area pedestrians would not be impeded by the curb cuts and also have a large strip of grass beside the sidewalk.

Dell Peoples asked how rotating the garage would change the total square footage of the house.

Chris Anderson responded that he was not sure of the exact square footage decrease but that it would decrease the home.

Heidi Hefferlin requested for Chris Anderson to explain the lot hardships and the request for setback relief.

Chris explained that the current precedence in the area are reduced lot lines. His request is for the lot line setbacks utilized in the rest of the neighborhood.

Heidi Hefferlin responded that due to the existing setbacks that she agrees with the setback reductions he is asking for, however, she wants the garage entry to be rotated towards the back of the property because it would look better and would fit better with the fabric of the neighborhood.

Gabe Thomas confirmed that the side setbacks are the same as the houses built across the street.

Heidi Hefferlin asked for the specific hardships.

Chris Anderson stated that the hardship is the size of the lot in relation to the size of house that they are trying to build.

John Straussberger pointed out that there are 2 parts to the modifications requested, setbacks and the curb cut/orientation of the garage.

Heidi Hefferlin reiterated that filling in the vacant lot would help to define the street. Due to this, she supports the setbacks but wants the garage to be rotated to the rear of the lot. Even with rotating the garage Chris Anderson's current residence (to the rear of the property to be built upon) will still be very saleable.

Community Comments: None

Heidi made a motion to approve Case #17-FB-00011 – 1601 and 1603 Madison 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. The reason this variance was granted is to assist in the development of property on an unusually shaped lot. Decisions: 1. Front setback reduction not needed. 2. Side setback from 10 feet to 7 feet on the corner lot was approved 3. Rear setback reduced from 25 feet to 17 feet on the corner lot. 4. The currently zoned setback allows as little as 3 feet, the modification was not needed. 5. Rear setback from 25 feet to 17 feet approved 6. Increase in maximum driveway width was denied 7. Garage door facing Madison Street was denied. Conditions: There is to be a shared driveway for these houses with a shared curb cut. Both garages shall face the (rear) south of the property.

Matthew Whitaker seconded the motion. The motion was 7 approved. 1 opposed (William Smith).

Case #17-FB-00012 – 418 E. 16th Street

PROJECT DESCRIPTION:

The applicant, Matt Houts for 1823 Partners LLC has applied for the following modifications:

- Side Street Setback from 10 feet to 7 feet
- Decrease lot frontage from 80% to 62%
- Increase Curb Cut Width from 10 feet to 32 feet
- Increase maximum habitable square foot of ADU from 700 square feet to 1048 square feet
- Parking Setback from 10 feet to 7 feet
- Garage door is not located 8 feet behind front wall of structure
- Pedestrian Entrance to rear garage does not face primary street (Washington Street)

Karen Hundt presented the PowerPoint presentation and staff report.

Staff Recommendation: Sarah Cook stated that this area is a redeveloping corridor. The property has two primary streets. To keep with character of neighborhood garage door should not face the street.

Discussion: Matt Houts addressed the committee: the primary reason behind seeking the major modifications listed by Karen Hundt is due to the lot size. As stated in the presentation, it is impossible to meet the 80% frontage as required. If the garage was rotated it would be hard to navigate cars in and out if it was facing the house. According to CDOT the standard turning radius is 24 feet. If this standard was utilized it would not be possible to have the breezeway that they are currently hoping to have.

William Smith asked if the garage orientation or location of the garage relative to the house could be changed.

Matt Houts confirms with Linda York-Guest (in the audience) that they would be required to have two exits off the second floor due to their fire safety needs. If the garage orientation or location of the garage was changed they would struggle to find room for both of them.

Grace Frank inquired if the garage/apartment and the house could be put it together.

Matt Houts explains that the reason behind wanting to have two separate structures is because the apartment is intended for the children of the owners that have hardships.

John Straussberger drew a parallel to the previous case stating that there should be more than enough room to make the house and garage work if they rotate the garage to face the rear of the lot. The previous case was able to have a functioning garage with only 17 feet available between the garage and the lot line. It would likely be tight, but it would still be workable.

Matt Houts again stated that rotating the garage would make the required fire escapes from the second floor impossible with their current plans.

John Straussberger responded that they would change their floorplan.

Heidi Hefferlin asked why two fire escapes are needed.

Matt Houts informed the Committee that the requirements for fire safety have changed and that they are now required to have two means of escape from the second floor living unit.

Heidi Hefferlin responded that building code requirements are not their responsibility or issue.

John Straussberger r reiterated that they should change their plans.

Heidi Hefferlin stated that it was the responsibility of the Committee to be consistent in their decisions. She does not believe that there is a real hardship due to the size or the configuration of the lot because there are multiple options for the lot.

John Straussberger pointed out that the requested variances are needed because of self-imposed hardship due to the owners wishing to max out the lot with a large house and garage/apartment.

Karen Hundt further explained that for the unit over the garage to be considered an Accessory Living Unit it would have to be under 700 square feet. Due to the size it is considered a second dwelling unit on the property. A second unit is allowed in this zone and the size of the unit is not a problem, it is not however considered or defined as an Accessory Living Unit due to the size.

Community Comments: None

Matthew Whitaker made a motion to approve Case #17-FB-00012 – 418 E. 16th 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. The hardship listed for this case was the narrow lot shape. Committee Decisions: 1. Side Street Setback from 10 feet to 7 feet were both approved 2. Decrease lot frontage from 80% to 62% was approved 3. Increase Curb Cut Width from 10 feet to 32 feet was denied (this was denied to maintain consistency and adhere to principles of pedestrian friendliness and prevent a garage door located on a primary street. 4. Increase

maximum habitable square foot of ADU from 700 square feet to 1048 square feet was not needed 5. Parking Setback from 10 feet to 7 feet was Approved 6. Garage door is not located 8 feet behind front wall of structure was Denied 7. Pedestrian Entrance to rear garage does not face primary street (Washington Street) was denied Conditions: No conditions listed for approval.

Heidi Hefferlin seconded the motion. The motion was unanimously approved.

OTHER BUSINESS

Heidi asked to clean up the application process so that there is not continued confusion due to continuity errors.

NEXT MEETING DATE: July 13, 2017

Gabe made a motion to adjourn.

Heidi Hefferlin seconded the motion. The motion was unanimously approved.

The meeting was adjourned at 3:33 p.m.

John Straussberger, Chair

Angela S. Wallace, Secretary