

# CHATTANOOGA-HAMILTON COUNTY

## REGIONAL PLANNING COMMISSION

### MINUTES

**DATE:** March 17, 2016  
**TIME:** 5:30 p.m.  
**PLACE:** City Council Assembly Room at 1000 Lindsay Street

#### Present:

County Commissioner Joe Graham, City Councilman Yusuf Hakeem, Mr. Y. L. Coker, Mr. Todd Leamon, (representing County Mayor Jim Coppinger), Mr. Jason Farmer, Ms. Mary Kay Hiatt, Mr. David Mathews, Mr. Don Moon, Mr. Eric Myers, Mr. Jimmy Parks, Mr. Barry Payne, Ms. Velma Wilson, Mr. Adam Veron, Ms. Donna Williams (representing City Mayor Andy Berke) and Chairman Ethan Collier

#### Planning Commission Members

#### Others Present:

Mr. John Bridger, Ms. Karen Hundt, Mr. Greg Haynes, Ms. Sandra Harrison, Ms. Karen Rennich, Ms. Sarah Robbins, Ms. Pam Glaser and Mr. Justin Tirsun

#### Planning Agency Staff

#### Public Hearing

This was a meeting open to the public to provide everyone opportunity to ask questions about the Form-Based Code prior to beginning the adoption process.

Mr. John Bridger, Executive Director of Regional Planning Agency gave the presentation from the recent Open House Events and indicated there were several questions about the Parking Maximums proposed in the draft FBC.

Commissioner Joe Gram and Commissioner David Mathews questioned how property owners would go about getting removed from the boundary of the FBC.

Mr. Bridger explained that one the FBC is adopted, it will work the same way as a rezoning request does today and that between now and then the owner should contact the RPA.

Chairman Collier opened the floor for public comments.

Mr. Dennis Mobley of 554 Riverstreet, Riviera Villas 7 homeowner wants to confirm Riviera Villa's height change from 6 to 4 stories. Staff approved that changed and that

property has high value for redevelopment. He is concerned about the topography of the North Shore. A maximum of 4 stories along the River will keep views of the river open for others on the North Shore.

Mr. Lee Helena of 1122 Flynn Street stated that he lived in a city that adopted the FBC and is therefore familiar with FBC's. He is in construction industry and is working on Douglas Street development. He supports the FBC because it helps streamline the process for the development of community. Recommend adding to the code: Don't put the cost to bury utilities all on the developer. It is too costly, but it is necessary for implementation for this code. He is excited about this code and all that it entails for the commercial and residential districts.

Ms. Jean Smith of 913 Park Avenue indicated that designation of RA-3 in MLKing neighborhood and main corridor concerns residents. They don't want churches and schools built in this single-family neighborhood, MLKing corridor/around the Magnolia/Palmetto area. The recommended RA zone is OK, but that zone should not allow civic/institutional uses such as churches and schools.

Attorney Ron Felman, Representing ADM Milling Company on King Street stated that the company was originally constructed in the 1900's. Now it delivers flour & mill feed all over TN, GA & AL. They are a large employer. They are concerned that the new zoning could jeopardize the operations of the local facilities. The IN (Industrial Zone) should specifically allow rail cars and tractor trailers (fleet storage). ADM desires to continue operations as they are today. They are also concerned that the "grandfather" clause in the FBC for legal nonconforming use may not be sufficient. Section 12.2.2.A needs to include the site as well as the building. Mr. John Bridger pointed out that the FBC references Article VII, Sections 38-541, 38-542, 38-543, 38-544 and 38-545 of the Chattanooga Zoning Ordinance, which elaborates on the "grandfathering" of legal non-conforming uses.

Ms. Terry Green of Homebuilders Association of Chattanooga stated that the RM (Residential Multi-Unit Zone) is too limiting to accommodate some existing residential developments. The building setback requirement is too small. The transparency requirement is too high and should be limited to primary streets. She said that residential is very different than commercial. Forty foot maximum building height in RA zone may not be adequate. Walnut Hill has 45 feet and building heights in the Urban Core should not be restricted. Building height should be measured from the finished first floor plate. Limiting access to alleys for RA (Residential Attached) is problematic. Setbacks for garage door that front the street should not be included. Standards relating to porches and stoops are not necessary. They do not support standards for Plan Material in the Landscape section; it implies that irrigation is not desired. Requirements for the ground floor elevation of residential development may conflict with ADA. There should be no parking Maximums for single-family residential. Add another builder to the FBC Committee. Clarify the "grandfathered" clause in the FBC. The City Council is responsible to the voters and should not be limited to basing their decisions regarding Appeals to the guidelines in the FBC. The City Council should require an annual review of the FBC. There is concern that the FBC goes beyond the form of buildings to address architectural design. (She submitted a letter which is attached and made part of these minutes.

Mr. Mike Moon of 127 E. Third Street and Walnut Hill townhomes requested changing the Zone for Walnut Hill Townhomes to RA (Residential Attached) instead of RM (Residential Multi-Unit). Under the RM zone, they would need up to 9 variances

(porches, plant material, building height, ground floor elevation, parking, sidewalks, transparency, setbacks, etc.)

Ms. Karen Hundt of RPA indicated that staff has recommended changing the recommended zoning for the Walnut Hill Townhomes to RA as well as removing ground floor transparency requirements and parking maximums of single-family residential zones.

Ms. Becky Cope English of Greater Chattanooga Association of Realtors (GCAR) indicated that GCAR's Governmental Affairs Committee has prepared a position statement on the FBC for the organization. The Committee has studied the FBC and have met with local organizations, residents, RPA and others. They have tested the FBC against some current projects. Comments: 1) Timing - The public review process has been too rushed and should be extended by 30-60 days. 2) The FBC has limited flexibility. The City Council should have final authority over code modifications and should not have to base their decisions on the guidelines contained in the FBC. 3) Parking maximums are not good. They could encourage sprawl by discouraging development in the FBC district. The amount of parking to be provided should be the developer's decision. Four parking spaces per 1000 square feet is what the market demands. Lending institutions will not finance projects that can not provide sufficient parking. Requirements for bike parking are beyond the scope of the draft FBC's objectives. 4) Administration - The composition of the proposed FBC Committee should include professionals with more practical development experience (banker, engineer, realtor and developer.) 5) Annual Review - The City Council should implement a bi-annual review of the code for the first two years after its adoption to study how it is being implemented and progressing and an annual review thereafter. The FBC should be tested against some existing buildings such as The Chattanooga and the Tallan Building. The GCAR's position is that they are supportive of the FBC with the modifications listed. The FBC should also address historic preservation as that is an expressed goal. Section 1.15 (Applicability) needs clarification.

Mr. Mike Price of MAP Engineers and representing Ken DeFoor who owns 600 River Street handed out a drawing indicating the development plans for this site. Mr. DeFoor has already made a substantial investment in this site and is requesting that 600 River Street be removed from the FBC boundary. He is ready to get a Land Disturbing Permit. His property is at the very edge of the district and has no neighbors on the north, west and south sides. Mr. Price informed the Commission that he has experience with the FBC in Knoxville. He is overall supportive of the FBC's but his Knoxville project required too many variances to their code, which was burdensome and slowed the process down.

Chairman Collier asked what specifically in our FBC has triggered Mr. DeFoor to request removal from the FBC boundary? He stated that specifics are needed and Mr. Price indicated that he will ask Mr. DeFoor to send that information to staff.

Mr. Eric Myers of Planning Commission along with Mr. John Bridger, said that after the FBC is adopted by the City Council, there will be a grace period of 60 to 90 days during which time developers could opt to use either the current zoning or the new FBC. This will give some flexibility to projects that are already underway.

Ms. Cynthia Watson of 1431 Market Street, Apartment A said that she has seen a huge amount of new development in the Southside. The FBC gives good guidance. They greatly disapprove of the proposed 7-story building on Cowart Street, which will overshadow the nearby existing buildings, but was recently approved by the City Council. She supports the FBC. Parking, trash, and alleys are real problems that affect

the people who live nearby and they need to be addressed by someone if not in the FBC. The FBC is excellent. Conversations are needed and need to hear comments from all representatives in the FBC area regarding the code's creation. She said that we should be very careful about building height considerations in the future and that we do need more green spaces in the City of Chattanooga and that the existing green space on 14<sup>th</sup> Street between Market and Cowart Streets should be designated as Park by the City Council.

Chairman Collier announced that next month is everyone's opportunity to work with the staff to resolve these issues and that tonight people are expected to speak to their issues, but please do not sit silently and only speak up at the final hour. Also, that between now and April reach out to the RPA and make issues known. Also to make issues known to the Planning Commission because in May, the Planning Commission will vote on the FBC project.

Mr. Joh Bridger thanked everyone for comments and attendance and that comments will be posted on the project website next week ([www.cha-fbc.com](http://www.cha-fbc.com)) and to please also use the comment phone number of 423-643-5948.

**Adjournment:**

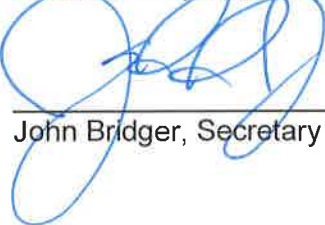
**Adjourn**

There being no further business, the meeting adjourned at 6:42 p.m.

Respectfully submitted,



Ethan Collier, Chairman



John Bridger, Secretary

EC:JB:sh