



# FORM-BASED CODE COMMITTEE

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## MEETING MINUTES

September 26th 2024

The duly advertised meeting of the Form-Based Code Committee was held on September 26th, 2024, at 2:00 p.m. in conference room 1A of the Development Resource Center Building. Chairman Jim Williamson called the meeting to order at 10:35 a.m..

**Roll Call:** Admin Support Shelby Ogle called the roll.

### Members Attendance:

- ☒ Alex Reyland
- ☒ Beverly Bell
- ☒ David Hudson
- ☒ Jim Williamson
- ☐ Lee Helena
- ☐ Reginald Ruff
- ☐ Sarah Brogdon
- ☒ Tenesha Irvin
- ☐ Thomas Palmer

### Staff Attendance:

- ☒ Presenter: Akosua Cook
- ☒ Admin: Shelby Ogle
- ☒ Admin: Karen Murphy Cannon
- ☒ City Attorney: Harolda Bryson

**Swearing In:** Admin Support Shelby Ogle swore in people addressing the Committee.

**Applicant(s) Present:** David Fidati, Michael Price, Cody Quick,

**Rules and Regulations:** Chairman Jim Williamson explained the rules and procedures, order of business, Form-Based Code Intent, and principles and purpose.

**Approve Minutes:** Chairman Jim Williamson presented the August 8th, 2024 Meeting Minutes to be voted on. No amendments need to be made. *Alex Reyland* motioned to **APPROVE** the August minutes. *Beverly Bell* seconded the motion. **All in favor. The motion carries 5-0.**

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## **OLD BUSINESS**

### **- FBC-24-1: 811 Palmetto St. - Setback Waiver**

**Development Review Planner Akosua Cook presented to the Committee.**

**Major Modification Request(s):**

1. Requesting parking setback to be decreased from 10' min to 3' min on primary street  
Section 38-716 (Building Setbacks)  
(3)(A) Primary Street 10' minimum setback

**Zoning:** U-RM-3 (Residential Multi-Unit Zone)

**Applicant Presentation:** Applicant David Fidati with Wise Construction presents to the Committee that they are requesting a reduction in setback from 10 feet to 3 feet; to match the existing footprint of the building. When the case was first presented, the community was concerned about the way the building would look and since then, the Applicant has worked with the community as well as the Councilwoman to come up with a design that the neighborhood is okay with. The Committee asked the Applicant some questions about the existing stairs and the footprint for the building. They also asked the Applicant about the rezoning and the condition that was placed on the parcel to keep the existing windows.

**Community Response:** No Community Comments.

**Discussion:** The Committee asked Staff about if the stairs can be in the setback and it was confirmed that they can be. The Committee then had a conversation about the addition and the requirements of the code as well as if the new portion of the building is considered a new build. The Committee discussed the setback requirements and the Applicant stated that if they have more units then that allows them to have lower rents.

**Board Motion and Vote:**

- David Hudson made a motion to **APPROVE** case #: **FBC-24-1: 811 Palmetto St.** as submitted, for a setback reduction from 10 feet to 3 feet due to the existing wall having to be demolished and the existing stairs extend into the setback.  
Tenesha Irvin seconded the motion.

**All in favor. The motion carries 5-0.**

### **- FBC-24-4: 1846 Market St - New Construction**

**Development Review Planner Akosua Cook presented to the Committee.**

**Major Modification Request(s):**

1. Requesting reduction in building frontage from 80% (160ft) to 27% (54ft) due to lot size and shape.  
Section 38-717 (3)(E) Building Placement  
Primary Street 80% minimum frontage
2. Requesting reduction of the parking setback on primary street from 30' to 6' due to lot size, shape and parking need.  
Section 38-717 (4)(A) Building Placement  
Parking Setbacks primary street 30' min
3. Requesting a reduction in minimum building height from 2 stories to 1 story with a 5ft high parapet wall, for a total building height of 19'-6" due to proposed use as a restaurant only.  
Section 38-717 (5)(B) Height and Mass  
Minimum height: A Street - 2 stories
4. Request to exceed the allowed 4 parking spaces maximum by 12 spaces for a total of 16 proposed spaces.  
Section 38-741 (1)(E) Vehicle Parking  
The number of spaces provided shall not exceed the required number of spaces, before discounts, by more than twenty percent (20%).
5. Request to allow the parking and sidewalk to encroach the 6' perimeter parking landscape area. Minimum area required = 2,256 +/- SF, Total Area Provided = 1,948 +/- SF.  
Section 38-748 (4) Parking Lots  
Perimeter planting is required along the outer perimeter of the parking area except any perimeter that is adjacent to the building the parking supports. Breaks for pedestrian, bicycle and vehicular access are allowed.
6. Request to allow the landscape islands as shown with widths and areas less than the required minimum 13.5' width, and minimum 243 SF area due to lot size and shape and parking need.  
Section 38-748 (2)(C) Parking Lots  
An interior island abutting a single row of parking spaces must be a minimum of thirteen and a

half (13.5') feet in width and two hundred sixteen (216') square feet in soil surface area for islands along compact parking spaces and two hundred forty three (243') square feet for islands along standard parking spaces.

7. Request to exceed the 15' maximum allowed building setback from Market St. by 32.2, for a total setback of 47.2.  
Section 38-717 (3)(A) Building Setbacks  
Primary street: 0' min/15'max
8. Request to exceed the 15' maximum allowed building setback from E 19th St. by 115.1, for a total setback of 130.1.  
Section 38-717 (3)(A) Building Setbacks  
Side street: 0' min/15'max
9. Request to not provide access to the alley.  
Section 38-698 (3)A Access and Parking Location  
Vehicular access must be provided via an alley when the alley is determined to be open or accessible by the Director of the Land Development Office

**Zoning:** U-CX-3 (Commercial Mixed Use Zone)

**Applicant Presentation:** Applicant Michael Price of 7380 Applegate Ln presented to the Committee that the second story appearance of the building is fake to comply with the code. He stated that they have moved the parking off the alley and they would like to have 16 parking spaces. He presented that they are asking relief from some of the landscape requirements. But plan to put landscaping in other areas. They also are requesting to not provide access to the alley per the request of the neighbors. He stated that they have met with the Councilwoman and worked with the neighborhood to come up with a good compromise for the project.

**Community Response:** Cherilyn Bryant of 1725 Mitchell Ave presented that she lives right behind the proposed project and she thanked the Applicant for coming back to the community and taking their desires into consideration. She spoke on the patio that is presented and expressed concern about people sleeping on the patio during the night. She also spoke on how she did not want the alley to be used/accessed for the property in question.

Eric Myers of 850 Market St, an architect for Chattanooga Design Seal, expressed concern that the Applicant has requested 9 modifications to the code and that that is a lot of changes to the code. He stated that he believes there can be a balance that could be reached that would not require as many modifications.

Brett Weaver of 1731 Mitchell Ave presented to the Committee that he lived behind the property where the proposed project is and he wants to keep the back alley from being used by the Applicant at all. He stated that he was concerned about the stormwater drainage as well as the safety of having an exit on the alley. He said that he is much happier with the new proposed site plan and that he would like to not allow exit/usage of the back alley. Concern over the dumpster location was also brought up and he stated that it was resolved at a neighborhood meeting.

Jackie Miller of 27 W 19th St presented to the Committee that he likes the newly proposed site plan much more and likes the fact that the structure comes all the way to the front of the street like the code requires.

**Applicant Response:** Applicant Michael Price stated to the Committee that they tried everything to find a balance and meet the code requirements, but that the community did not agree with the proposed plan. He presented that due to the neighborhood's hullabaloo, they made the decision to pivot and tried to then find a balance between meeting the neighborhood's desires and still falling within the intent of the code. He presented a suggestion that the Committee go through each request and approve or deny each individual request. He then stated that in regards to the open patio - they are planning to add some type of rod iron fence that should not be easy to climb over.

**Discussion:** Upon further discussion with the Applicant, the Applicant requested to defer some of the requests to allow for some more time to work with the design. The Committee discussed with the City Attorney about whether that is an option for the Applicant. The Applicant requested that the Committee discuss request #1: Requesting reduction in building frontage from 80% (160ft) to 27% (54ft) due to lot size and shape, request #3: Requesting a reduction in minimum building height from 2 stories to 1 story with a 5ft high parapet wall, for a total building height of 19'-6" due to proposed use as a restaurant only, and request #9: Request to not provide access to the alley and vote on those with the plan to defer the rest.

#### **Board Motion and Vote:**

- Alex Reyland made a motion to **APPROVE** the following requests for case #: FBC-24-4: 1846 Market St as submitted:
  - Request #1: Requesting reduction in building frontage from 80% (160ft) to 27% (54ft) due to lot size and shape.
  - Request #3: Requesting a reduction in minimum building height from 2 stories to 1 story with a 5ft high parapet wall, for a total building height of 19'-6" due to proposed use as a restaurant only.
  - Request #9: Request to not provide access to the alley.
- And to **DEFER** the following requests for 30 days:
  - Request #2: Requesting reduction of the parking setback on primary street from 30' to 6' due to lot size, shape and parking need.
  - Request #4: Request to exceed the allowed 4 parking spaces maximum by 12 spaces for a total of 16 proposed spaces.

- Request #5: Request to allow the parking and sidewalk to encroach the 6' perimeter parking landscape area. Minimum area required =2,256 +/- SF, Total Area Provided =1,948 +/- SF.
- Request #6: Request to allow the landscape islands as shown with widths and areas less than the required minimum 13.5' width, and minimum 243 SF area due to lot size and shape and parking need.
- Request #7: Request to exceed the 15' maximum allowed building setback from Market St. by 32.2, for a total setback of 47.2.
- Request #8: Request to exceed the 15' maximum allowed building setback from E 19th St. by 115.1, for a total setback of 130.1.

David Hudson seconded the motion.

**All in favor. The motion carries 5-0.**

## **NEW BUSINESS**

### **- FBC-24-14: 641 N. Market St - New Pole Sign**

Development Review Planner Akosua Cook presented to the Committee.

#### **Major Modification Request(s):**

1. Decrease in setback for monument signs from 18' to 13.7'  
     Section 38-753 Sign Types(4)(A)3 Location  
     Monument signs cannot be located closer than 18' to any public right-of-way, and cannot be located in the pedestrian or street tree zone.

**Zoning:** U-CX-3 (Commercial Mixed Use Zone)

**Applicant Presentation:** Applicant Cody Quick with Professional Sign Services presented before the Committee that there is already a pole sign in existence and the company is rebranding; they just want to update the existing sign. He stated that they are planning to use the existing pole and just replace the faces of the sign.

**Community Response:** No community members were present.

**Discussion:** The Committee spoke with Staff about whether or not this would be considered a repair or renovation of a sign and Staff said that it would not be, because the sign is nonconforming. The Committee discussed how there are not a lot of options for the Applicant to put another type of sign, given the topography.

#### **Board Motion and Vote:**

- Beverly Bell made a motion to **APPROVE** case #: FBC-24-14: 641 N. Market St. as submitted, for the allowance of a pole sign and a decrease in the setback from 18 feet to 13.7 feet..

Tenesha Irvin seconded the motion.

**All in favor. The motion carries 5-0.**

## **OTHER INFORMATION**

**Next Meeting Date:** October 24th, 2024 (Application deadline is September 27th, 2024 at 4pm).

**Other Information:** Development Review Planner Akosua Cook stated that she will send out another survey to check to see if there are better dates and times for the meetings.

***David Hudson* motioned to adjourn the meeting.**

***Alex Reyland* seconded the motion.**

**All in favor, meeting adjourned at 12:18 p.m..**

  
Jim Williamson, Chairman

11/14/2024  
Date

  
Shelby Ogle, Admin

11/15/2024  
Date