The Tennessee Technology Corridor Development Authority (TTCDA) Board of Commissioners met in regular session on April 6, 2009, in the Main Assembly Room of the City County Building. Attendance was as follows:

Board of Commissioners:

- Brad Anders  Absent
- David Collins  Present
- Orlando Diaz  Present
- Allen Edwards  Present
- Ben Pethel  Present
- Frank Robinson, Vice Chair  Absent
- Terry Shupp, Chair  Present

Others:

- Buz Johnson, TTCDA Executive Director
- Jeff Beckett, Cannon & Cannon

1. **DECLARATION OF QUORUM**

Terry Shupp called the meeting to order at 4:00 p.m. It was determined that a quorum of the TTCDA Board of Commissioners was present. A copy of the meeting agenda is attached to the record copy of these minutes.

2. **ADOPTION OF MINUTES**

_Orlando Diaz made a motion to approve the minutes for the March 9, 2009, meeting._
_David Collins seconded the motion._
The motion was adopted by a unanimous vote.

3. **APPLICATIONS**

4-A-09-TOR RONALD A. WATKINS

_Staff Recommendation:_
Based on the application as submitted, the staff recommends APPROVAL of a Certificate of Appropriateness to rezone the property from PC/TO to PR/TO, limited to no more than 72 dwelling units. (Applicant had requested rezoning to OB.)

Background:

The requested OB zoning and the staff recommended PR zoning, at an intensity of no more than 72 dwelling units, both would be consistent with the recently amended Comprehensive Development Plan and the Northwest County Sector Plan. The basis, however, for recommending PR is that it would allow for public review of a site plan, where access and project design, among other development issues, could be addressed to ensure the project's compatibility with the surrounding area. Access to the realigned Yarnell Road will be critical to ensure that an effective pattern of traffic circulation is maintained. In keeping with the objective to foster and encourage high-quality design in the Technology Corridor, site plan review in some manner, whether by TTCDA, or by MPC, should be required for all major development projects. The applicant plans to add no more than 72 dwelling units to the Lovell Crossing Apartments.

Buz Johnson presented the staff report and explained the rationale behind the staff recommendation. He noted that this was a request for a rezoning for OB. This is part of a tract of land that has been developed with offices and multi-family housing. The property was rezoned to OB and PC. The OB part was to allow the offices and multifamily development. The initial purpose of the Planned Commercial was to have a small retail center primarily oriented to the neighborhoods in the surrounding area. They have developed multifamily to the northwest. Purpose of this rezoning is to be able to extend the residential development to that area. They contemplate 72 units. About three years ago we determined that in the Technology Overlay and based on state legislation, this body does not have the authority to review residential developments. Now we have reviewed one or two, and this might have been one of the last that came in. We looked at it again and determined that we do not have authority to review residential development. That takes TTCDA out of the picture; however, you still have MPC that can review residential developments under the zoning ordinance. Although this was developed under OB, we talked about the fact that it would make sense to consider being able to review residential developments in that they can have just as much an impact on the area. At some point in the future, we may look at how we can change the state legislation or the zoning ordinance to give TTCDA this opportunity. Although the OB permits residential and would be similar to what is there, I as TTCDA staff and MPC staff would like to see the opportunity to review the development of this property under the planned residential zone. We recommend PR (Planned Residential) instead of the OB zone at a density of 72 dwelling units for the entire tract. This would give MPC the opportunity to
look at access, signage and landscaping. Access to Yarnell Road will be aligned with road. I think the applicant is okay with this.

Jeff Beckett, Cannon and Cannon, 8550 Kingston Pike, identified himself as the applicant’s representative. He noted that the applicant is okay with PR zoning and the recommended intensity of 72 units, instead of a density, because the boundary survey is not finished.

Dave Collins, stated that he always thought of PR came with a density, and not a dwelling unit limit. He asked if this was appropriate.

Buz Johnson, responded that this was not typical, but it is legal. They still do not have the final boundary information, and this will be a comfortable way to deal with it. We feel 72 units is consistent with mixed uses of commercial, office and medium density residential and would be in the area of 12 to 15 units per acre.

Terry Shupp asked if the board had any questions, or if they were ready to make a motion.

Orlando Diaz said that he was recused from discussion, or voting on this item.

Dave Collins made a motion to approve the request for a Certificate of Appropriateness per staff recommendation.
Allen Edwards seconded the motion.
The motion was adopted by a 4-0-1 vote.

4-B-09-TOA  CONRY, TAYLOR & MORROW

Sign Permit (Administrative Approval)

APPLICATION APPROVED, March 23, 3009, pursuant to Article 5, Section 5.90.11 (Revisions to Development Plans) of the Knox County Zoning Ordinance.

Buz Johnson presented the staff report and explained the rational behind the staff action. This is an administrative approval, and this is the required report. They had a sign approved less than 2 years ago. What you see on the elevation is what was approved. They are asking for illumination, which they did not propose at the time of approval. The illumination is backlit creating a halo effect around the letters and consistent with the guidelines.

Terry Shupp accepted the report and thanked Buz Johnson.
4. OTHER BUSINESS

CONTINUED DISCUSSION OF POSSIBLE CHANGES TO THE DESIGN GUIDELINES

Buz Johnson pointed out that he was giving a Power Point presentation as a backdrop to review of the actual changes. The slides were meant to describe the issues we have been trying to deal with. He first reviewed lighting issues with the slides and noted that one requirement is that the height of lighting should not exceed 30 feet. Some of the ordinances and guidelines we have looked show a bigger range of height, depending on the type of lighting and where it is. He pointed out the graphics that showed full cut-off lights and foot candle power differences in pictures of service station canopies. He next showed pictures of various signs that are allowed in the corridor, as well as signs that have been approved with variances to the design guidelines and signs not allowed at all. Regarding setback standards, the staff was looking at ways to allow opportunities for smaller setbacks to promote more pedestrian-oriented areas and pedestrian connections. He then showed the concept of bringing the buildings closer to the street line and moving parking to rear of buildings.

Terry Shupp pointed out that with the park plan, we have greenways and bike connectors to the greenway system. She thought it would be most helpful in the whole County to have a pedestrian bicycle network for the county so that you can lay down a basic network so it is not isolated and so you could get from one place to another. She asked if we could take a look at the corridor and what would be a bare bones network. We talk about providing pedestrian access, and lots of times it turns out to be sidewalks to nowhere without pedestrian connections.

Buz Johnson continued by showing minimum and maximum parking requirement standards as an attempt to cut down on parking spaces on the site.

Ben Pethel brought up the notion of not just overall landscaping, but also looking at requirements for parking lot landscaping. The slides showed ways to break up parking lots with islands.

Terry Shupp asked if there had been any drainage swale studies for standards.

Buz Johnson said they are looking at it now, although the first draft may not have addressed that, but it will. He showed hillside parking examples to minimize disturbance and tree cover removal. He finished by showing that the tree species list will be used as a reference in the appendices to the Design Guidelines.
Dave Collins said that he noticed the parking stall size is less than the County requirement. Do we have the ability in the corridor to be able to override county zoning with respect to parking stall sizes without a variance?

Buz Johnson responded by saying that right now, you have to use the variance process to get a smaller stall size. We have been routinely approving waivers to the smaller stall size. At the same time, we have had to consider variances to stall sizes. We can require and approve a variance. The more restrictive requirement applies.

Dave Collins noted that he and others tried to get County Commission to look at smaller stall sizes, but it did not go through.

Buz Johnson continued by reviewing previous changes to Article 3. He said that he had hoped he had addressed the Board’s concerns. He noted additions to Section 3.3.5 where he added the phrase, “To the extent that they can enhance energy efficiency, exterior building materials and colors consistent with the requirements for LEED building certification may be used.” This is a new statement.

Orlando Diaz commented that in Section 3.3.2, Buz mentioned several materials, and one that is not mentioned and that might come up a lot in one way or another is the use of synthetic stucco. It would be nice if we either encourage or discourage the use. Designers may want to weigh in on that.

Dave Collins responded that it is a cost saving measure in a lot of buildings. I would assume we would prefer it over metal panels. It looks sort of like precast and even a Syncast, which is sort of a super efface. It is tougher and looks more like a precast. It should not be ruled out because in some projects it is viable. Individual building owners ought to weigh the pluses and minus in terms of long term if they want to have it on their building.

Terry Shupp noted that our goal is to make sure it does not look shabby and deteriorate in a short term. She said that she thought it has to do with the installation part of it.

Dave Collins said that the product will last for a long time if properly installed. He asked Allen Edwards if Pellissippi State had any efface and he said no.

Orlando Diaz said that there are the “goods” and the “bads” and maybe we should look at the in betweens for each case. Maybe quality or permanence means that you have to have a certain level of performance. Since you say use of non decorative materials covers a lot, and you say they are to have good weathering qualities, we speak to that already.
Buz Johnson continued by noting that the last page was an older change dealing with loading docks and overhead doors. We are still trying to require them not on front or side, but to the rear. We do have some situations where we have smaller lots where it is impractical to be hard nosed with that requirement. Maybe landscaping and design can reduce the impact.

He proceeded with the parking section which was new. Section 2.7 says we do not want parking on slopes greater than 25%, but it may be permitted on 15% to 25% or less, depending on use and how the parking is designed. The idea is to reduce disturbances and footprint. Section 2.7.3 expands stall requirements. Tried to list major uses we have seen in our development plan reviews. Our current requirement is 3.3 spaces per 1,000 square feet. Minimum requirement is going down, but we are also adding a range and going above that with most of the uses. We looked at parking standards based on the type of uses in the Dayton, Ohio area. Parking for restaurants is still high and we may want to look at the range of 7.5 to 15 spaces per 1,000 square feet in more detail.

Ben Pethel noted he did not understand the section on parking on steep slopes, but the graphics showed him. It seemed to say that the parking lots can be extremely steep.

Orlando Diaz said that you cannot build a parking lot on a 15% slope. You want to minimize disturbance of the slope.

Terry Shupp commented that the way it is worded makes it should as if you have area of 15 to 25% slope, you are going to have to work within that. This makes it sound like you are going to start parking on steep slopes. The point is when in that steep area, one should minimize the impacts by doing special treatments. Should it just say parking is prohibited on slopes of 25% or more?

Orlando Diaz said that a parking lot would have a maximum of about 5% slope, so you are going to be disturbing the ground on anything that would exceed 5% in theory. It should be understood you are going to be disturbing the slopes, but minimize the amount of disturbance.

Buz Johnson continued by saying that we are going from requiring a flat 200 sq. ft. to providing a range based on angle of parking or type of parking, whether to wall, curb or interlock and range of aisle widths based upon whether it is one–way or two-way. Final page provides detail with regard to landscaping as far as what, how and when to landscape a parking area.

Orlando Diaz noted that he first thought small, medium or large was very vague and then he saw the graph of the tree species.
Buz Johnson went on to the lighting changes, which provides additional standard sizes. We are looking at how high light poles should be, and making it clearer that wall mounted lights should be cut-off luminaires, or directly shielded fixtures.

Ben Pethel pointed out that the graphic for Section 2.8.1 shows the pedestrian lights at 12 to 15 feet and text omits that. This should be consistent.

Buz Johnson said that regarding Section 2.8.4, we are now saying LED illumination is okay. Enough sources have suggested we should pay more attention to lighting intensity rather than the source of lighting. Metal halide does provide a truer representation of color. With LED right now, the issue is the expense.

Dave Collins noted that it is just not a powerful enough light source yet, but technology will get there.

Orlando Diaz commented that when looking at lighting on a campus, it is whether the lighting is consistent such as yellow halide, and you do not have a mish mash of yellow and blue.

Buz Johnson continued by saying that on intensities, we added 5 & 6 where we talk about within 20 foot of residential zones allowing no more than 0.2 footcandles and within 20 foot of all other zones requiring 1.5 footcandles. One addition is looking at limiting the amount of footcandles and intensity under canopies.

Terry Shupp said she remembered we had a case that at a gas station they had to increase the lighting because were not able to read receipt and being safe at night. Do these levels meet that concern?

Buz Johnson responded that from a safety standpoint, you get enough illumination for safety. As to whether you can read your receipt that I cannot answer. That request may have been a bank.

Orlando Diaz said he had seen a lot of lighting studies for parking lots for safety purposes on campuses, and these appear to be acceptable. Where we may end up with conflict is a parking lot near residential zone where need footcandles are needed for appropriate lighting. There are fixtures that can completely cut off light from leaving the property line. Farragut has a rule about no light leaving your property.

Buz Johnson said that we added a requirement about lighting reduced in power and intensity by 50% no more than 30 minutes after the close of business. We did see this requirement in some ordinances we looked at. Asked for comments.
Allen Edwards thought that he like it, but wonder if there might be enforcement problems. What if someone is working late?

Ben Pethel asked if there would be legal issues because the foot candles are reduced and something could happen.

Buz Johnson proceeded to review signage. Section 5.1.6 would allow flexibility and make it clearer that applicants could submit a sign plan with more than the three colors. If a business or a group has a logo that is well done, there needs to be flexibility to allow that to be considered with waivers. We still the requirement for indirect or backlight illumination, but we have departed from that over the past several years and allowed the LED internal illumination to be used if it is does not distract from the overall sign and building. This makes it clear that we are allowing LED lighting.

He continued with a minor change that would allow subdivision entrance signs not to exceed 2 signs on street frontage. The square footage of the message area would be no more than 300 square feet. Right now signs cannot go above 200 sq. ft. and height of the sign is 12 feet. This allows a little bit more to take place.

Orlando Diaz had a question about the change in 5.3.5 about how one would calculate that measurement. If 12 feet is to be limits of the letters or signage, the structure could be larger than that.

Buz Johnson responded that the total structure could not be more than 12 feet tall. Then individual yard signs are meant to be no taller than 6 feet. He included a new requirement. The setback has always been 50 feet, and with smaller tracts, it makes it difficult to place it or see it. He proposes for property of 5 acres of less to allow a 25 foot setback and for properties 5 acres or greater, a 50 foot setback.

Orlando Diaz responded that acreage should not make a difference. Having problem seeing a sign from 50 feet would still be a problem no matter what the size of the acreage is.

Terry Shupp wanted to know if we would you hold to 50 feet unless visibility due to site conditions create a problem and then can take it down to 25 feet or no less than 25 feet? It makes a significant difference in the visual feel. If going to 25 feet then that visual feel has been brought in tight. If you have a much larger parcel, you have bigger setbacks and more of a large expansion. If we are seeing smaller parcels and narrowing of the field, maybe being consistent is more equitable.

Orlando Diaz said if I have a large parcel and have to have a 50 foot setback, and my smaller neighbor can get 25 feet from the road, then I would not be happy.
Terry Shupp said that she would like to see when you come back with your recommendation what the impacts are on the visual quality of the corridor.

Buz Johnson said that we have a statement that makes it clear on how we measure signage. This is consistent with how the city and county do it. He currently uses the actual area of the message. We do not include supporting members of the structure, but the area with the actual message. Could argue on why you would penalize them if they wanted to add architectural features to the signs.

Terry Shupp said she would be concerned that proposals might come in with huge supporting systems with large columns. The design guidelines were developed to reduce visual clutter driving down the road. What is the impact on the visual character? We do not want a return to clutter and overwhelming feeling of signs as we drive down the corridor.

Buz Johnson responded that he did not think we have had a problem with that. We will measure actual signs out there we have approved.

Orlando Diaz asked if the 6 foot height is to the top of the structure.

Buz Johnson finally mentioned Section 5.4.3 about how we measure wall signs. We only measure the size of the outer limits of the individual letters. He did not want to discourage the use of letters.

DISCUSSION OF CHANGES TO THE ADMINISTRATIVE RULES AND PROCEDURES

Buz Johnson referred to the changes in the Administrative Rules and Procedures. Page 7 adds the alternative compliance statement where if someone does want to come in and present a proposal that does not fit the design guidelines, we would require them to have a preconference with this board to tell us why, what and how they are going to do the proposal and how it would better. An alternative compliance provision is included in the South Waterfront Guidelines.

Orlando Diaz said he thought it was a good addition so we do not get into a situation where we are forced to make a decision.

Terry Shupp responded that she did not want to be doing this on a regulation basis.

Buz Johnson talked about how interim signs are temporary signs needed quickly and suggest that we allow administrative approval as long as they do not deviate from the
requirements. They may need the sign right of way and by the time we get board approval, it may be too late. He recommends approval of the proposed changes.

**Allen Edwards made a motion to approve the changes to the Administrative Rules and Procedures.**
**Ben Pethel seconded the motion.**
**The motion was adopted by unanimous vote.**

5. **ADJOURNMENT**

There being no further business, the meeting as adjourned at 5:20 p.m.

Approved by:  Terry Shupp, Chairperson

Approved by:  Ewing M. Johnson, Executive Director