

FARRAGUT BOARD OF ZONING APPEALS AGENDA

July 22, 2020
7:00 p.m.

This meeting can be viewed live on Charter channel 193 and TDS channel 3." The meeting will be held virtually, as authorized by Governor Lee's executive orders regarding the COVID19 pandemic.

1. Approval of Minutes for the March 27, 2019 meeting
2. Election of Officers
3. Public hearing on a request for an administrative review related to terminal island landscaping provisions in the Farragut Zoning Ordinance (Josh Holden, Applicant)

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865966-7057 in advance of the meeting.

**MINUTES
FARRAGUT BOARD OF ZONING APPEALS**

March 27, 2019

Present: Scott Meyer, Michael Wilson, and Jim Holladay
Absent: Keith Alley and Jennifer Collins
Staff: Mark Shipley, Community Development Director

Item 1. Approval of Minutes for the November 28, 2018 meeting

A motion was made by Meyer to approve the minutes. The motion was seconded by Holladay and the motion passed 3-0.

Ayes: Wilson, Holladay, and Meyer
Nays: None
Absent: Alley and Collins
Abstaining: None

Item 2. Public hearing on a request for a variance from the building and total lot coverage requirements as applied to Lot 54R-1, 11270 Matthews Cove Lane, .279 Acres, Zoned R-1/OSR (Thomas G. Johnson, III, Applicant)

After introducing the item, staff noted that the issue concerning coverage was being addressed through a text amendment process. Consequently, a motion was made by Meyer to table action on this item since it was being addressed legislatively. The motion was seconded by Holladay and the motion passed 3-0.

Ayes: Wilson, Holladay, and Meyer
Nays: None
Absent: Alley and Collins
Abstaining: None

The meeting adjourned at 7:25 p.m.

Jennifer Collins, Secretary _____

FARRAGUT BOARD OF ZONING APPEALS

July 22, 2020 Meeting - Staff Recommendations

3. **Public hearing on a request for an administrative review related to terminal island landscaping provisions in the Farragut Zoning Ordinance (Josh Holden, Applicant)**

This item involves a request for an administrative review (see in attached ORNL Memorandum and Exhibits file provided by the applicant) on whether the term “terminal islands,” as defined in Chapter 2 of the Farragut Zoning Ordinance (Exhibit A) would include the end of parking rows that abut a building. Though the applicant has provided in their Memorandum and Exhibits a detailed site-specific analysis related to the ORNL building 11405 Municipal Center Drive, this matter is not site specific and should not be addressed as such.

Staff would note that, with regards to the site referenced, the conversion of landscaped islands to solid concrete was completed without review and approval from the Town through its site plan review process. In fact, on the ORNL Design Review Checklist that was submitted for the Planning Commission’s review of the proposed exterior modifications, it is specifically noted in relation to landscaping and surface parking that “existing site work is to remain unchanged.” Had the staff known about such intended conversion ahead of time, the landscaping of these spaces would have been noted and reviewed with the applicant along with the other objectives that the applicant states that they were trying to accomplish. The issue in question, that the islands are now solid concrete rather than landscaping, would have likely been avoided had the staff known this ahead of time.

Staff would also note that, with the exception of one site, which the staff will be addressing, the other properties included as exhibits in the submittal as not having landscaped terminal islands, pre-date the current landscaping requirements and were not part of a site plan approval process.

Again, the question at this time is how the language of the ordinance has been interpreted and applied by staff and the Visual Resources Review Board as the body that reviews and approves landscape plans. Staffs’ position is that the islands terminate a row of parking within a parking lot and, by definition, and as stated in Chapter 4., Section XII., - Landscaping, Subsection D., 3., *Landscaping within parking lots* (Exhibit B), shall be landscaped with grass and/or trees, shrubs, or ground cover in combination with mulch.

Consistent with its application in other comparable sites, staff considers the islands in question as terminal islands and subject to the landscaping requirement. Staff does not have the authority to make an interpretation that is inconsistent with the staffs’ reading of the statute and how it has been applied where projects have been subject to the landscaping requirements currently adopted by the Town.

Story: That portion of a building included between the upper surface of a floor and upper surface at the floor or roof next above. As applied to a story, height means the vertical distance from top to top of two successive finished floor surfaces.

Exhibit A

Street: A public thoroughfare (street, avenue, boulevard, road, drive, parkway, lane) which may provide primary access to the fronts of buildings and is open to the public for transportation uses.

Street, intersecting: Any street which joins another street at an angle, whether or not it crosses the other.

Street line: A lot line dividing a lot from a street.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Substantial improvement: For a structure built prior to the enactment of this ordinance, any repair, reconstruction, or improvement of such structure the costs of which equals or exceeds 50 percent of the total replacement cost of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Terminal islands: A landscaped area located at the end of each parking row within a parking lot as shown in Illustration 5 (see Chapter 1).

Total impervious surface: The sum of all impervious surface areas on a lot.

Tourist cabins: See Motel.

Tourist court: See Motel.

Trailer: See Mobile home.

Trailer, travel or camping: A portable or mobile land based living unit used for temporary human occupancy away from the place of residences of the occupants, and not constituting the principal place of residence of the occupants.

Tree pruning: The selective removal of certain limbs based on the structure, crown form, and growth of the tree.

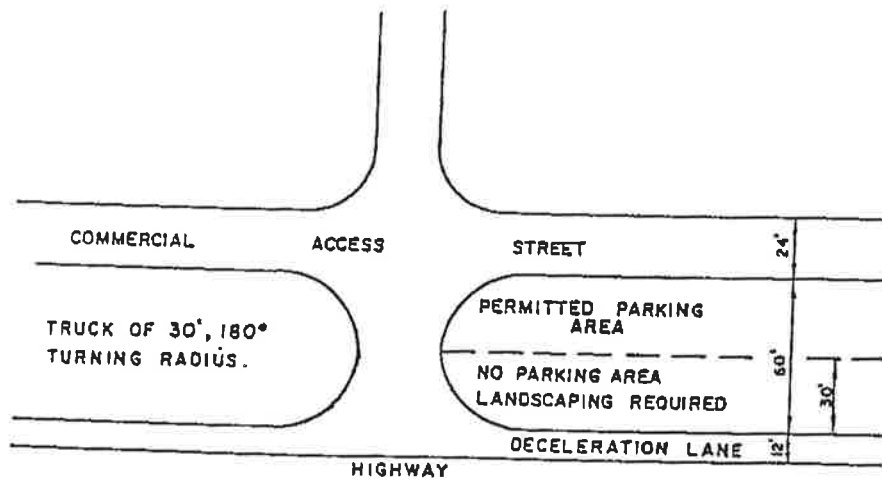
Tree topping: The excessive and arbitrary removal of all parts of the tree above and beyond a certain height with no regard for the structure or growth of the tree. The vertical stem or main leader and the upper primary limbs on trees are cut back to stubs at a uniform height.

Use: The specific activity or purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance: A variance is a relaxation of the regulations of the ordinances where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, which situation(s) or condition(s) was not created or exacerbated by the applicant, the strict application of any regulation enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property.

Way: A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Windmill: A machine that is powered by the energy generated by a series of blades or vanes rotated by the wind. For purposes of this ordinance, windmills are to be used to operate machinery and are not to be used for ornamental purposes. This definition is not designed to alter typical applications of windmills for agricultural purposes; however, windmills used in commercial, office, neighborhood service or whole and light industrial zones must have such a functional purpose as pumping water or producing electrical energy.



SCALE 1" = 50'

Illustration 4 - Front Yard Commercial Parking and Minimum Small Truck Turning Radius

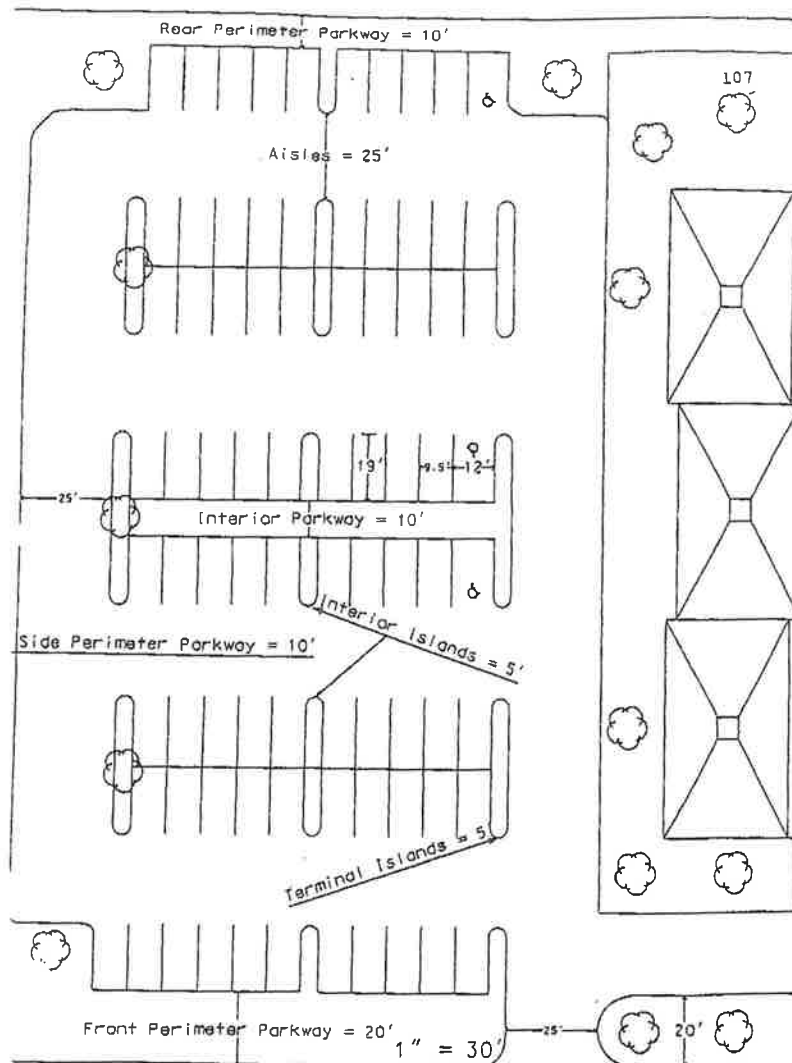


Illustration 5

principle building and adjacent public rights-of-way.

- e. *Shade tree substitutions.* Where, because of an obvious potential for interference with buildings, utilities, or other similar considerations, or where a more creative landscape design would be promoted, the VRRB may permit smaller understory trees to be substituted for shade trees. However, these understory trees shall either be listed on the VRRB's recommended "Understory Tree List" or approved by the VRRB as comparable trees. At the time of planting, these understory trees shall meet the following minimum size requirements: deciduous understory trees shall have at least a two-inch caliper, as measured six inches above the ground; evergreen understory trees shall be at least six feet tall; and, multi-stem understory trees shall be at least eight feet tall. In addition, all understory trees shall be located so as not to create any view obstructions and such trees shall not constitute more than 20 percent of the total required number of shade trees.

Due to variations in caliper for different tree species, the VRRB may also permit certain understory deciduous species to be planted at an initial caliper of 1½ inches, provided that the overall required total of caliper inches based on two-inch caliper trees is satisfied and the design intent is clearly not compromised.

- f. *Parking lot design requirements related to shade trees.* Where shade trees are planted in parking lot islands, at least 100 square feet of pervious land area shall be provided for each tree within the island. Smaller square footage requirements may be considered by the VRRB where understory trees are used to fulfill a portion of the shade tree requirements. Islands shall be designed with an appropriate width to prevent bumper damage to trees and to allow for car doors to swing open without interference to either the car or the tree.

Raised curbs shall be provided between all landscaped areas and areas devoted to vehicular movement.

2. *Landscaping between buildings and parking lots.* A landscaped area between all buildings and any abutting parking lots and vehicular access ways is required. The minimum landscaped area shall be determined by multiplying 2½ feet by the building's length facing a parking lot or vehicular access way. Landscaping within parking lot islands and/or under canopies and building overhangs shall not count toward fulfilling this requirement. In multiple building complexes, the required landscaped area must be provided for each building.

All portions of the landscaped area required between buildings and parking lots shall contain live plant materials. At least 25 percent of this required landscaped area shall contain live plant materials other than grass, such as ground cover, shrubs, and/or understory trees in combination with mulch. The VRRB may consider commonly recognized hard forms of landscaping, such as landscape stone, only where such material would be essential to and would notably enhance the design of the project. Such areas, however, must not exceed 25 percent of the overall required landscaped area and must be combined with live plant material, such as ground cover, shrubs, and/or understory trees, so that the intent of softening the appearance of hardscape elements is not compromised.



3. *Landscaping within parking lots.* Perimeter parkways, interior parkways, terminal islands, and interior islands shall be planted with grass and/or trees, shrubs, or ground cover in combination with mulch. The VRRB may consider commonly recognized hard forms of landscaping, such as landscape stone, only where such material would be essential to and would notably enhance the design of the project. Such areas, however, must be limited in size and scope and must be combined with live plant material, such as ground cover, shrubs, and/or trees, so that the intent of softening the appearance of hardscape elements is not compromised.
4. *Landscaping of stormwater basins.*
 - a. *Planting requirements.* For new or enlarged stormwater detention basins, a minimum of one tree shall be planted for every 20 linear feet around the top of the basin. Shrubs may be substituted for trees along a portion of or the entire basin rim, provided all of the following criteria are met:
 - (1) A minimum of one large shrub, as defined in these requirements, is planted for every five linear feet around the top of the basin along the basin section(s) where such shrubs are proposed;
 - (2) The shrub is either listed on the VRRB's recommended "Large Shrub" list or is approved by the VRRB as a comparable shrub; and
 - (3) A minimum of one tree is planted for every 40 linear feet around the top of the basin along the basin section(s) where such shrubs are proposed.

IN THE BOARD OF ZONING APPEALS
FOR THE TOWN OF FARRAGUT, TENNESSEE

ORNL FEDERAL CREDIT UNION)
Owner/Applicant,)
)
)
Re: Appeal/Request for Administrative)
Review filed July 6, 2020 regarding Property)
at 11405 Municipal Center Drive, Farragut,)
TN 37934.)
)



OWNER/APPLICANT ORNL FEDERAL CREDIT UNION'S MEMORANDUM
IN SUPPORT OF APPEAL/REQUEST FOR ADMINISTRATIVE REVIEW

Comes the Owner/Applicant, **ORNL FEDERAL CREDIT UNION** (hereinafter "**Owner**" or "**ORNL FCU**"), by and through counsel, and hereby files this Memorandum In Support of its Appeal/Request for Administrative Review, scheduled to be heard on July 22, 2020 before the Board of Zoning Appeals for the Town of Farragut, Tennessee (hereinafter "**BZA**"), and would say as follows:

INTRODUCTION

Following completion of construction on modifications of the Owner's building at its property located at **11405 Municipal Center Drive, Farragut, TN 37934** (hereinafter the "**Building**" or the "**Property**"), the Town of Farragut has denied issuance of a permanent Certificate of Occupancy ("**CO**") due to alleged violation of the requirements for landscaping parking lot islands under the Town of Farragut Zoning Ordinance. A Temporary Certificate of Occupancy ("**TCO**") was issued in February of 2020 and the Owner conducted a Grand Re-Opening on February 13, 2020 and is currently occupying the Building and conducting business at that location. The Building Permit for the Building renovations was issued, and has been

extended through December 6, 2020, pending resolution of the alleged Zoning Issue concerning Terminal Island Landscaping per communications with the Community Development Director.

[See e-mails attached as **Collective Exhibit 1.**]

FACTS

On May 22, 2019, ORNL FCU sought and obtained Building Permit #BP-2019-2 for renovations to its Building, which is directly across the street from the Farragut Town Hall. In making modifications to the Property, ORNL FCU updated its exterior, as well as making interior improvements, and moved its existing ATM and drive-through lanes and canopies from the side of the Building to the rear of the Building, out of sight from the street per the Town of Farragut's requirements for Zone C-1/MUTC overlay area. Such modifications also required changes to the parking lot and exterior of the Building.

In making those changes, ORNL FCU sought to comply not only with the Town of Farragut's aesthetic requirements, but also the mandates for the number of parking spaces required for the size of the Building [Town of Farragut Zoning Ordinance, Municipal Code, Appendix A, Part 4, Section XX(A)(6)(d)], as well as to comply with the requirements for handicapped parking spaces and access aisles required by the Federal Americans with Disabilities Act (ADA), as well as the laws of the State of Tennessee (T.C.A. §55-21-105) and the Town of Farragut Zoning Ordinance, Municipal Code, Appendix A, Part 4, Section XX(A)(6)(b). ORNL FCU was also required to provide bicycle rack(s) pursuant to Town of Farragut Zoning Ordinance, Municipal Code, Appendix A, Part 4, Section XX(A)(3).

The current configuration of the Property, **as built**, including the Building, ATM/drive-through lanes & canopies, parking lot and perimeter, is shown by the surveyor's illustration attached hereto as **Exhibit 2**. Notably, the entire perimeter area of the Property is fully landscaped

with grass, shrubs, bushes and trees, to the point where the Building is predominantly obscured from view from the street and adjoining properties, and the intention of the Zoning Ordinance to “soften the appearance of the hardscape” is achieved by said perimeter landscaping. Furthermore, new landscaping has been installed next to the Building as required by the Zoning Ordinance. See photos attached hereto as **Collective Exhibit 3**.

In order to provide the required number of parking spaces for the size of the Building, ORNL FCU has parking spaces along the inside of the perimeter border landscaping, but in order to reach the building, customers parking there must cross the parking lot in order to reach the sidewalk to the front door. In addition, in order to provide handicapped parking spaces, and required access aisles for two (2) regular handicapped spaces and one (1) van accessible handicapped parking space, ORNL FCU needed to reconfigure the parking spaces as shown on **Exhibit 2**. In order to accommodate those requirements, as well as to provide perimeter parking customers an access point to access the sidewalk without having to walk between cars, ORNL FCU reconfigured the islands at the end of the rows of the interior parking spaces (next to the Building) as 4 foot wide, concrete sidewalks. This also includes a bicycle parking rack as required by the Town of Farragut.

All construction was completed and the parking lot repaved and lined off to provide the required number of total parking spaces and handicapped parking spaces prior to the Grand Re-opening on February 13, 2020. On February 4, 2020, the Town of Farragut Community Development Director, Mark Shipley (“**Mr. Shipley**”) advised ORNL FCU by e-mail that the islands next to the Building were “terminal islands,” and took the position that the concrete sidewalk islands would have to be ripped out and reconfigured to a width of five (5) feet (measured from back of curb to back of curb) filled with dirt and landscaped with trees, bushes, shrubs and/or

grass. On February 27, 2020, ORNL's Assistant Vice President for Facilities, Lynn Holt, advised Mr. Shipley that the sidewalk islands were intended to provide improved access for members and/or employees covered by the ADA, and also provided safe access for members parking across the parking lot along the perimeter. On March 6, 2020, Mr. Shipley responded by e-mail with the terse reply "Just let me know when the islands are corrected to comply with our requirements. Thanks."

Subsequently on March 17, 2020, counsel for ORNL FCU communicated with Mr. Shipley and stated ORNL FCU's position: (1) Questioning the Town's interpretation of the definition of "terminal island" with reference to Illustration No. 5 in the Zoning Ordinance, which is **ambiguous** in that it does not coincide with or provide for the types of islands/sidewalks and configuration shown on Exhibit 2 attached hereto; (2) Puzzling over the Town's taking a position against ORNL FCU making itself **more accessible to members with disabilities under the ADA**; (3) Pointing out that the changes brought ORNL FCU into **compliance with other provisions of the Zoning Ordinance with regard to providing handicapped accessible spaces**; and (4) That aesthetically the parking lot was **improved in appearance** by the changes, and that ORNL FCU had **expended a large sum of money** to improve the appearance of the facility and it would be a **terrible waste of resources to undo such work** in order to comply with the ambiguous provision and illustration of the Zoning Ordinance and Illustration No. 5 (see point 1 above). In response, Mr. Shipley indicated by e-mail dated March 26, 2020 that ORNL FCU's options were to "bring the terminal islands in compliance or appeal the staff's interpretation and application of the Zoning Ordinance provisions that relate to this matter." See the e-mail string evidencing this correspondence attached as **Exhibit 4**.

Due to the COVID-19 pandemic, ORNL FCU did not proceed with either of those options at that time, but further e-mail correspondence continued between counsel for ORNL FCU and Mr. Shipley through the following months, including the observation that another financial institution within a stone's throw of ORNL FCU (First Citizens Bank at 100 South Campbell Station Rd.) had the exact same configuration and concrete sidewalk next to its handicapped accessible parking space. [See photo submitted by ORNL FCU's counsel to Mr. Shipley attached as **Exhibit 5**.] No explanation has been given by Mr. Shipley why First Citizens Bank was allowed this configuration but not ORNL FCU. Since that time ORNL FCU has identified a dozen other sites in the Town of Farragut that contain the same or similar concrete islands (or concrete and stone), as shown by the photos attached as **Collective Exhibit 6**.

The e-mail correspondence between ORNL FCU's counsel and Mr. Shipley was eventually expanded to include correspondence with the Town Attorney Tom Hale. A proposal for a compromise was put forward by ORNL FCU for the placing of planters containing trees or other plant materials on the concrete sidewalk islands, but by e-mail dated June 17, 2020, Mr. Shipley indicated that (1) No plans for such proposal had been submitted to him; (2) Such proposal would be inconsistent with how islands have been landscaped in the past; and (3) Such planters would not comply with the requirement for 5 foot landscaped islands. See e-mail exchange attached hereto as **Exhibit 7**.

POSITIONS OF ORNL FCU AND THE TOWN OF FARRAGUT ON PARKING ISLANDS AND LANDSCAPING REQUIREMENTS

Mr. Shipley indicates that the structures within the parking lot are "terminal islands" and must be landscaped, relying on provision and definitions of the Zoning Ordinance, with reference to Illustration No. 5 contained in the Zoning Ordinance. ORNL FCU takes the position that the Zoning Ordinance is ambiguous with regard to the application of the term "terminal island" (with

reference to Illustration No. 5) to the structures within ORNL FCU's parking lot, because Illustration No. 5 does not show the type of structures in ORNL FCU's parking lot.

A. Zoning Ordinance – Landscaping Within Parking Lots

The language of the Farragut Zoning Ordinance in regard to Landscaping within Parking Lots states as follows:

Landscaping within parking lots. Perimeter parkways, interior parkways, terminal islands, and interior islands shall be planted with grass and/or trees, shrubs, or ground cover in combination with mulch. The VRRB may consider commonly recognized hard forms of landscaping, such as landscape stone, only where such material would be essential to and would notably enhance the design of the project. Such areas, however, must be limited in size and scope and must be combined with live plant material, such as ground cover, shrubs, and/or trees, so that the intent of softening the appearance of hardscape elements is not compromised.” ***Farragut Zoning Ordinance, Chapter 4, Section XII, Par. D(3).***

Within this provision, the Zoning Ordinance addresses, *inter alia*, terminal islands and interior islands, as well as perimeter parkways and interior parkways, all of which are defined terms under Chapter 2 of the Zoning Ordinance. Those terms are defined as follows:

Terminal islands: A landscaped area located at the end of each parking row within a parking lot as shown in Illustration 5 (see Chapter 1).

Interior islands: A landscaped area located between parking spaces in a parking row within a parking lot as shown in Illustration 5 (see Chapter 1).

Perimeter parkways: An area with continuous cover of live landscaping materials that is located adjacent to front, side, and rear property lines or access easements.

Interior parkways: A landscaped area located between parking rows within a parking lot as shown in Illustration 5 (see Chapter 1).

All of these terms are defined by reference to a single illustration, Illustration No. 5, which appears in the Zoning Ordinance, Chapter 1, Section III, as follows:

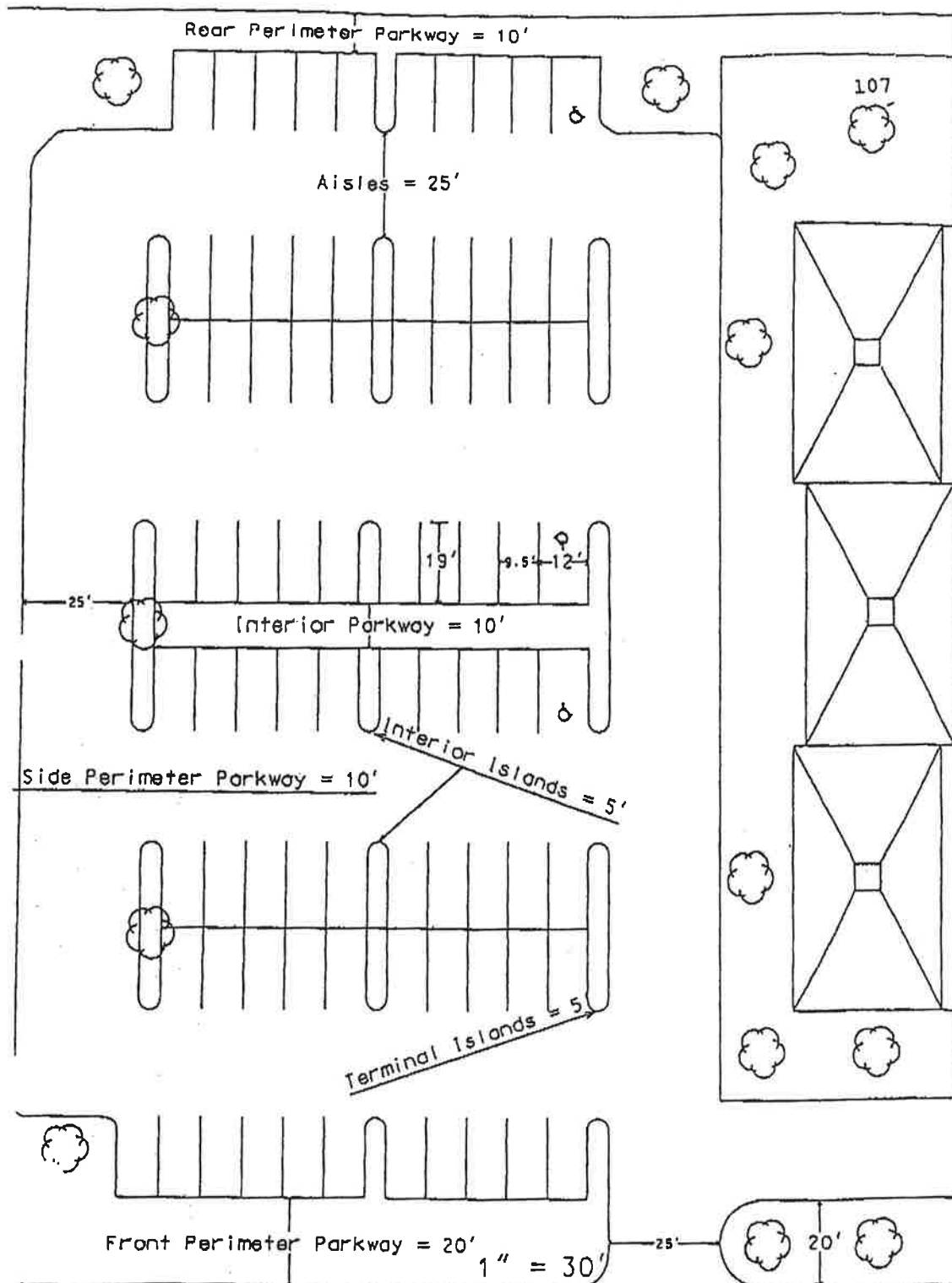


Illustration 5

Critically, **nowhere** on said Illustration (or in Chapter 4, Section XII) is there anything squarely addressing the type of “island” that previously existed or currently exists on ORNL FCU’s Property, including specifically the L-shaped peninsula jutting from the corner of the Building where the handicapped accessible parking spaces are located. Indeed, Illustration No. 5 does not feature **any** islands emanating from the four corners of the building. The “islands” at issue on ORNL FCU’s Property are not what is identified as “terminal islands” or other structures shown on Illustration No. 5. At best, the Zoning Ordinance is **ambiguous** on the type of “islands” existing on ORNL FCU’s Property, and at worst, it simply **fails to address** it at all.

Further, it does not appear that there is any requirement in the provisions or definitions that require ORNL FCU to maintain such an island should it simply have chosen to remove it. There is no authority under the Zoning Ordinance for the Town to require ORNL FCU to replace an “island” that was not required in the first place.

Nevertheless, Mr. Shipley contends that the structures in place on ORNL FCU’s parking lot are “terminal islands” and must be landscaped. Nothing represented on Illustration No. 5 matches the structures in place on ORNL FCU’s parking lot, and that the Town staff is attempting (at unnecessary cost and expense to ORNL FCU) to stretch the meaning of “terminal island” to encompass items that are not included within the definition. **If the Town wishes to expand what is considered a “terminal island” then it must either amend the illustration, or add different illustrations. But for purposes of this appeal, the term is ambiguous.**

Case law supports the Credit Union. In the case of *McBride v. Farragut Board of Zoning Appeals*, 2012 Tenn. App. LEXIS 832 (Tenn. App. 2012), the Tennessee Court of Appeals, in regard to the interpretation and application of zoning ordinances, stated as follows:

“Zoning ordinances must be construed and applied "with some deference toward a property owner's right to the free use of his or her property." *Lions Head*

Homeowners' Ass'n v. Metro. Bd. of Zoning Appeals, 968 S.W.2d 296, 301 (Tenn. Ct. App. 1997). Courts will seek to interpret a zoning ordinance in a way that is "most consistent with the ordinance's general purposes," but **any ambiguity will be resolved "in favor of the property owner's right to the unrestricted use of his or her property."** 421 Corp. v. Metro. Gov't of Nashville & Davidson Cnty., 36 S.W.3d 469, 475 (Tenn. Ct. App. 2000). It has been held that because zoning ordinances are an attempt to limit the use of land by a property owner, they are in derogation of the common law, and, therefore, are to be **strictly construed in favor of the property owner.** See Anderson Cnty. v. Remote Landfill Servs., Inc., 833 S.W.2d 903, 909 (Tenn. Ct. App. 1991)." **McBride v. Farragut Board of Zoning Appeals**, 2012 Tenn. App. LEXIS 832 (Tenn. App. 2012). [Emphasis added.]

In light of the ambiguity present in the Zoning Ordinance with regard to Illustration No. 5 and structures in the parking lot on the Property of ORNL FCU, the Town's staff has erred in its interpretation and application of the Zoning Ordinance by requiring ORNL FCU to tear out the completed sidewalks/islands and install dirt-filled and landscaped islands, and ORNL FCU appeals that interpretation and application of the Zoning Ordinance to this Board of Zoning Appeals.

B. Town's Interpretation and Application of Zoning Ordinance Conflicts with Federal, State and Town's Own Provisions for ADA and Safety Compliance.

Pursuant to regulations under the Federal Americans with Disabilities Act, 42 U.S.C. §§12101, et seq., and Tennessee Code Annotated §55-21-105 and Town of Farragut Zoning Ordinance, Municipal Code, Appendix A, Part 4, Section XX(A)(6)(b), ORNL FCU was required to comply with the requirements of those laws for handicapped parking spaces and access aisles in order to make its Building readily accessible to customer and/or employees with disabilities. In order to provide the required number of handicapped parking spaces, and required access aisles for two (2) regular handicapped spaces and one (1) van accessible handicapped parking space, ORNL FCU was forced to reconfigure the parking spaces as shown on Exhibit 2. To accommodate those requirements, as well as to provide perimeter parking customers an access point to access

the sidewalk without having to walk between cars, ORNL FCU reconfigured the islands at the end of the rows of the interior parking spaces (next to the Building) as concrete sidewalks. This also includes a bicycle parking rack as required by the Town of Farragut.

If ORNL FCU is required to tear out the existing concrete sidewalks/islands and install landscaped islands 5 feet in width from back of curb to back of curb, it will lose one of the handicapped spaces OR if required to move and re-line its parking spaces, it will not meet the required number of parking spaces for a building of its size, as also required by the Zoning Ordinance.

ORNL FCU constructed the concrete sidewalks/islands in order to better serve its handicapped customers, to improve access, and to make access safer for customers crossing from perimeter parking spaces, so as not to have to walk between cars to reach the sidewalks. It appears the Town of Farragut favors the planting of trees over ORNL FCU's commitment (and requirement) to provide its ADA customers with safe and ready access to ORNL FCU's facilities. The Town's interpretation and application of the Zoning Ordinance provision regarding the landscaping of parking islands is in conflict with Federal, State, and even its own provisions and requirements for ADA compliance and other parking regulations. In a conflict between the landscaping requirements and ADA compliance, the ADA and other safety concerns must prevail. **If it is a question of whether plants or disabled customers are more important, ORNL FCU must stand for its customers.** Accordingly, ORNL asks the BZA to overturn the Town's position and allow ORNL FCU to maintain its completed construction and obtain a final Certificate of Occupancy for its Building and Property.

C. Application of Zoning Ordinance to Other Properties Inconsistent with Town's Position Regarding ORNL FCU's Property.

As noted, *supra*, another financial institution, within walking distance of ORNL FCU, has the same kind of configuration of a concrete sidewalk/island next to a handicapped accessible parking space. First Citizens Bank, located at 100 South Campbell Station Rd., Farragut, TN 37934, is shown on the aerial photo of that property attached hereto as **Exhibit 5**. Counsel for ORNL FCU requested Mr. Shipley to explain why the Town allows a similar barrier at First Citizens Bank, when there appears to be no logical distinction. In looking at the photograph, First Citizens Bank appears to have a nearly identical concrete peninsula jutting from the corner of its building. However, no response has been given by Mr. Shipley. Further, since the time ORNL FCU asked for an explanation of such a dichotomy in interpretation and application of the Zoning Ordinance, ORNL FCU has investigated and found twelve (12) more locations in which parking lot islands of either concrete (or concrete and stone) exist within the Town of Farragut, similar to the configuration of the structures on ORNL FCU's Property. Those locations are shown in the photos attached as Collective Exhibit 6, and include the following:

1. 11140 Kingston Pike – BB&T Bank Building;
2. 110 North Campbell Station Road – Pain Medicine of the South;
3. 136 North Campbell Station Road – LCUB Customer Service Center;
4. 120 West End Avenue – Don Delfis Pancake House;
5. 126 West End Avenue – Subway, et al.;
6. 11220 West Point Way – Farragut Pediatrics;
7. 11217 Kingston Pike – Taco Bell;
8. 11341 Campbell Lakes Drive – Clarion Inn & Suites;
9. 707 North Campbell Station Road – Campbell Station Wine & Spirits;
10. 701 Concord Road – TDS Telecom;
11. 11220 Outlet Drive – Cotton Eyed Joe's;
12. 11210 Outlet Drive – Next Level Training, et al.

ORNL FCU points out that such properties have been allowed to maintain concrete (or concrete and stone) parking lot islands, many in order to accommodate handicapped accessible parking spaces, and many less than 5 feet in width, but the Town refuses to allow ORNL FCU

to maintain its parking structures as constructed. Such unequal interpretation and application of the Zoning Ordinance is unfair to ORNL FCU, and asks the BZA to grant ORNL FCU the right to maintain its completed construction and be granted a final CO for its Property and Building.

D. Intention of Zoning Ordinance Regarding Landscaping Aesthetics Met by ORNL FCU's Perimeter Parkways and Foundation Plantings.

The provision of the Zoning Ordinance on which the Town staff relies [*Farragut Zoning Ordinance, Chapter 4, Section XII, Par. D(3)*] includes a statement regarding the intention of the Zoning Ordinance with regard to the landscaping aesthetics it seeks to encourage, of “softening the appearance of hardscape elements...” The intention of the Zoning Ordinance is fully satisfied by the landscaping of its perimeter parkways, such that the Building is scarcely visible from the street, and of its new landscaping along the outside of the Building, within the space between the sidewalk and the foundation of the exterior walls of the Building. The newly constructed sidewalk/islands are aesthetically more pleasing than the dirt-filled islands that were previously in existence. Between weather erosion and customers overshooting the parking space and driving up onto the dirt, the islands were constantly rutted and unsightly. Also, it was hard to keep plants alive in those conditions, such that trees or other plants that may have been located therein died and had to be removed. [See photos comparing completed concrete sidewalk/island to dirt-filled islands attached as **Collective Exhibit 8.**]

The new concrete sidewalk/islands are not only safer and more accessible for both handicapped customers and customer crossing the parking lot from perimeter parking spots, but also are cleaner and more attractive, and less maintenance than a dirt-filled island, while the intention of softening the hardscape elements is achieved by the other landscaping present on the Property. As such, the Town staff's interpretation and application of the Zoning Ordinance

to require ORNL FCU to rip out the completed construction of the concrete sidewalk/island structures if in error.

E. Alternatively, ORNL FCU Requests the Town of Farragut to Consider a Compromise Short of Requiring ORNL FCU to Tear Out the Completed Sidewalk/Island Structures

Prior to going to the trouble and expense of appealing the Town's position on the completed sidewalk/island structures in its parking lot, ORNL FCU proposed a compromise which might obviate the need for tearing out the completed concrete structures. In discussions between ORNL FCU's counsel and Town Attorney Hale, a conversation was begun about whether large planters containing dwarf trees, or shrubs, bushes, groundcover and/or grass and placed on the concrete sidewalk/island structures would satisfy the intention of the Zoning Ordinance provision for "softening the hardscape elements."

Upon further inquiry by ORNL FCU's counsel, Mr. Shipley indicated he had not seen any plans for such a proposal, but that it was inconsistent with the way the Town staff had interpreted and applied the Zoning Ordinance, and that it would have to comply with the 5 foot width requirements for terminal islands [found at Farragut Zoning Ordinance, Chapter 4, Section XX, Par. (6)(j).] Town Attorney Hale clarified that it was not within the Town staff's authority to compromise the Town's regulations, and that was why an appeal to the BZA was necessary. See E-mails dated 6/17/2020 attached as Exhibit 7.

In the event the BZA determines upon appeal and administrative review that the Town staff's interpretation and application of the Zoning Ordinance was not technically in error, or otherwise determines the appeal against ORNL FCU, then and in that event, ORNL FCU would request the BZA to consider whether, under the circumstances a compromise short of tearing out the completed construction is warranted and appropriate under the Zoning Ordinance.

CONCLUSION

It is the position of the Owner/Applicant that this is the type of situation the Board of Zoning Appeals is uniquely situated to utilize its powers to grant ORNL FCU relief from the Town staff's interpretation and application of the Zoning Ordinance as set forth above. To the extent the relief requested by ORNL FCU is only available under a Special Exception or Variance, ORNL FCU requests the BZA to consider this Appeal and Request for Administrative Review to also be an Appeal and Request for Special Exception or Variance. In conclusion, ORNL FCU Federal Credit Union hereby appeals and requests Administrative Review (or other appropriate proceedings) in regard to the Town of Farragut staff's interpretation and application of the Zoning Ordinance, under the facts, circumstances and law set forth above, and to grant ORNL FCU relief from said interpretation and application of the Zoning Ordinance, and provide ORNL FCU with a final Certificate of Occupancy on its Building and Property at 11405 Municipal Center Drive, Farragut, Tennessee 37934, and for such other and further relief to which it may be entitled.

This the 6th day of July, 2020.

**ORNL FEDERAL CREDIT UNION,
Owner/Applicant**

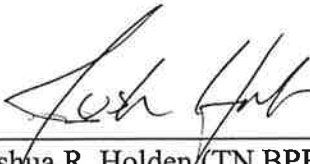
By: 
Joshua R. Holden, TN BPR No. 020791
E. Brian Sellers, TN BPR No. 011317
Attorneys for Owner/Applicant
Winchester, Sellers, Foster & Steele P.C.
P.O. Box 2428
Knoxville, TN 37901-2428
Phone: (865) 637-1980
E-mail: jholden@wsfs-law.com
E-mail: bsellers@wsfs-law.com

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July, 2020, a copy of the foregoing Owner/Applicant's Memorandum in Support of Appeal and Request for Administrative Review has been delivered to all parties in interest in this cause by hand delivering a copy of same, or by sending same by e-mail to the following persons:

Mark Shipley, Community Development Director
Town of Farragut
Farragut Town Hall
11408 Municipal Center Drive
Farragut, TN 37934
E-mail: mshipley@townoffarragut.org

Thomas M. Hale, Esq.
Town Attorney, Town of Farragut
Kramer Rayson LLP
First Horizon Plaza, Suite 2500
800 S. Gay Street
Knoxville, TN 37929
E-mail: tomhale@kramer-rayson.com



Joshua R. Holden (TN BPR #020791)

EXHIBIT 1

Brian Sellers

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Friday, March 6, 2020 8:14 AM
To: Lynn Holt
Subject: [EXT]-RE: Farragut Location

Follow Up Flag: Follow up
Flag Status: Flagged

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Just let me know when the islands are corrected to comply with our requirements. Thanks.

From: Lynn Holt <lholt@ORNLFcu.com>
Sent: Thursday, February 27, 2020 5:11 PM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Lynn Holt <lholt@ORNLFcu.com>; Joy Wilson <jwilson@ORNLFcu.com>
Subject: Farragut Location

Mark,

ORNLF feels that the sidewalks allow improved accessibility for members and/or employees using the ADA parking. We intentionally placed the sidewalks to support ADA member use. The parking lot gets very congested and members that park across from the front entrance use these sidewalks in order to access our facility safely.

Thank you,

Lynn Holt
Assistant Vice President
Facilities



ORNLF Federal Credit Union

t: 865.220.1044 m: 865.806.4643
f: 865.482.3838 tf: 800.676.5328
lholt@ornlfcu.com/www.ornlfcu.com

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Brian Sellers

From: Josh Sullins <jsullins@jenkinsstiles.com>
Sent: Thursday, April 2, 2020 11:09 AM
To: Lynn Holt
Subject: [EXT]-FW: Attached Image
Attachments: 2148_001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Josh Sullins
Project Manager
Jenkins & Stiles, LLC *your project, our passion*
10617 Deerbrook Drive Knoxville, TN 37922
p: 865.671.0130 f: 865.671.0150 c: 865.300.6138
w: www.jenkinsstiles.com e: jsullins@jenkinsstiles.com

From: Mark Shipley [mailto:mshipley@townoffarragut.org]

Sent: Tuesday, February 4, 2020 8:23 AM
To: Josh Sullins <jsullins@jenkinsstiles.com>
Cc: Bart Hose <bhose@townoffarragut.org>
Subject: FW: Attached Image

Hope you're doing well. I went by the ORNL site after work yesterday and have one question related to the as-built. Attached is the scope of work conveyed to me from the designers early on as to the exterior changes at the ORNL. Consequently, this is all I looked at in terms of exterior work and that was discussed with the Planning Commission. I was unaware of any modifications to parking lot islands. However, based on my site visit yesterday, it appears that the two terminal islands on the south side of the building have been completely re-constructed as solid concrete islands. We require islands to be landscaped and you cannot convert a landscaped island to a solid concrete island. This was never conveyed to me as a change to the site.

These terminal islands will have to be converted back to landscaped islands (minimum of 5 feet in width inside of curb to inside of curb). There are also requirements in our landscape ordinance for the amount of stone that can be used around the building. I provided your landscape contractor with those specs a few days ago. It would actually be a good idea for the landscaper to send me what they intent to do and how they will landscape the terminal islands to restore them to compliance before moving forward.

From: scan1@townoffarragut.org <scan1@townoffarragut.org>
Sent: Tuesday, February 4, 2020 8:03 AM

Brian Sellers

From: Josh Sullins <jsullins@jenkinsstiles.com>
Sent: Thursday, April 2, 2020 11:19 AM
To: Lynn Holt
Subject: [EXT]-FW: ORNL FCU Farragut Branch
Attachments: C1.0.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Josh Sullins
Project Manager
Jenkins & Stiles, LLC *your project, our passion*
10617 Deerbrook Drive Knoxville, TN 37922
p: 865.671.0130 f: 865.671.0150 c: 865.300.6138
w: www.jenkinsstiles.com e: jsullins@jenkinsstiles.com

From: Josh Sullins

Sent: Monday, February 3, 2020 3:47 PM

To: 'Mark Shipley' <mshipley@townoffarragut.org>

Cc: 'Eric Corti' <ecorti@sf.services>; 'Lynn Holt' <lholt@ORNLFCU.com>; Steve Humbard <shumbard@jenkinsstiles.com>; 'Adam James' <ajames@designcollaborative.com>; 'Hiebel, Katie' <khiebel@designcollaborative.com>; 'Warner, Kelli' <kwerner@designcollaborative.com>

Subject: RE: ORNL FCU Farragut Branch

Mark,

Please, see attached plan showing what's actually out there. I just received this and wanted to verify you did as well. It shows building footprint, curb lines, parking spaces, ADA parking, parking spots, driveways, and drive thru aisles. If there is anything else required please let us know in detail. If you find acceptable let us know and I will have the site superintendent schedule a final and fire inspection. Look forward to hearing from you.



Josh Sullins
Project Manager
Jenkins & Stiles, LLC *your project, our passion*
10617 Deerbrook Drive Knoxville, TN 37922
p: 865.671.0130 f: 865.671.0150 c: 865.300.6138
w: www.jenkinsstiles.com e: jsullins@jenkinsstiles.com

From: Josh Sullins

Sent: Friday, January 31, 2020 2:09 PM

To: Mark Shipley <mshipley@townoffarragut.org>

Cc: Eric Corti <ecorti@sf.services>; Lynn Holt <lholt@ORNLCU.com>; Steve Humbard <shumbard@jenkinsstiles.com>; Adam James <ajames@designcollaborative.com>; Hiebel, Katie <khiebel@designcollaborative.com>
Subject: RE: ORNL FCU Farragut Branch

Mark,

We will have you an architectural as built layout asap, so we can schedule a building and fire final thank you for your help.



Josh Sullins
Project Manager
Jenkins & Stiles, LLC *your project, our passion*
10617 Deerbrook Drive Knoxville, TN 37922
p: 865.671.0130 f: 865.671.0150 c: 865.300.6138
w: www.jenkinsstiles.com e: jsullins@jenkinsstiles.com

From: Mark Shipley [<mailto:mshipley@townoffarragut.org>]

Sent: Friday, January 31, 2020 2:00 PM
To: Josh Sullins <jsullins@jenkinsstiles.com>
Subject: Re: ORNL FCU Farragut Branch

I think the main objective is to have a plan showing what's actually out there. This could be a baseline for anything that may be proposed in the future

Sent from my iPhone

On Jan 31, 2020, at 1:30 PM, Josh Sullins <jsullins@jenkinsstiles.com> wrote:

Mark,

I believe we've built all per the plans. Other than the a few feet of concrete islands attached to sidewalks / HC curb changes.

Are you requiring a formal survey or can Design Collaborative(architect) show the site work as complete per the plan or show the concrete islands attached to sidewalks / HC curb changes.

The reason I ask: I don't know if I need a surveyor out there or the architect's main level floor plan as-built. Please let me know so I can get this scheduled to be completed ASAP, so Final Inspection can be scheduled.

<image003.jpg>

Josh Sullins
Project Manager
Jenkins & Stiles, LLC *your project, our passion*
10617 Deerbrook Drive Knoxville, TN 37922
p: 865.671.0130 f: 865.671.0150 c: 865.300.6138
w: www.jenkinsstiles.com e: jsullins@jenkinsstiles.com

From: Mark Shipley [<mailto:mshipley@townoffarragut.org>]

Sent: Friday, January 31, 2020 10:21 AM

To: Josh Sullins <jsullins@jenkinsstiles.com>

Subject: Re: ORNL FCU Farragut Branch

It would be a basic survey to reflect the post -construction conditions. Basically show changes to parking lot and building. Would not need to as built landscaping.

Sent from my iPhone

On Jan 31, 2020, at 8:19 AM, Josh Sullins <jsullins@jenkinsstiles.com> wrote:

Mark,

We were told that before we could schedule a final inspection on this project, we have to submit a final as-built survey for this project to you. With this being at retro fit to existing business and not a ground up or new construction project, please advise requirements of as-built survey.

<image002.jpg>

Josh Sullins

Project Manager

Jenkins & Stiles, LLC *your project, our passion*

10617 Deerbrook Drive Knoxville, TN 37922

p: 865.671.0130 f: 865.671.0150 c: 865.300.6138

w: www.jenkinsstiles.com e: jsullins@jenkinsstiles.com

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EXHIBIT 2



All concepts, designs, plans and drawings shown on this document are the sole property of Design Collaborative, Inc., and shall not be used for any purpose without their expressed written consent. The owner shall be permitted to retain copies for information and reference.

**ORNL
FEDERAL
CREDIT UNION**
FARRAGUT BRANCH
FARRAGUT, TENNESSEE

No.	Description	Date
1	As Built Drawings	2020.02.03

DATE	PROJECT
06/10/2019	2018.0122

TITLE

Site Plan

SHEET

C1.0

ADDRESS:
11405 MUNICIPAL CENTER DRIVE
FARRAGUT, TN 37934
PARCEL #: 142 13713

 **1 Site**
SCALE: 1/8" = 1'-0"

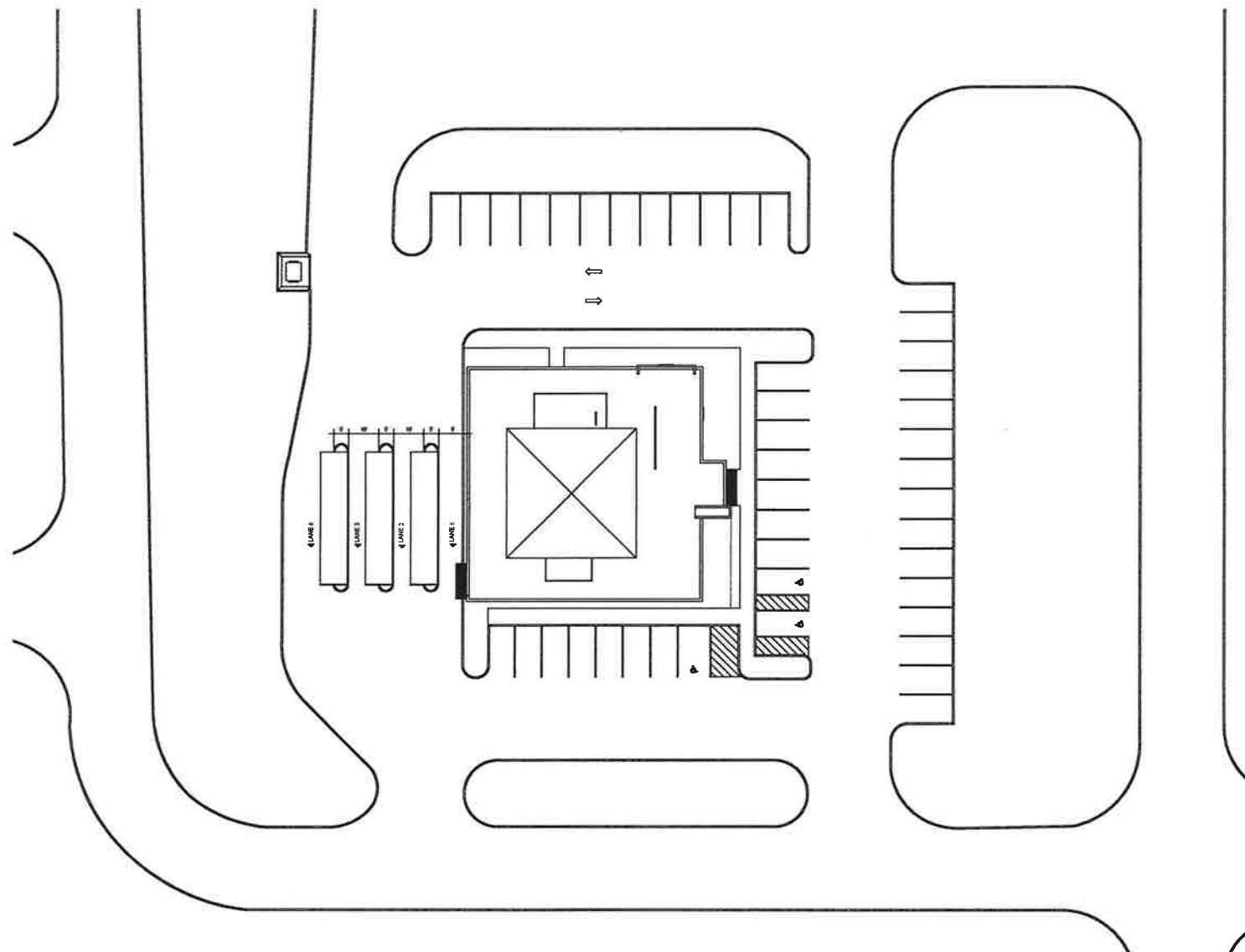
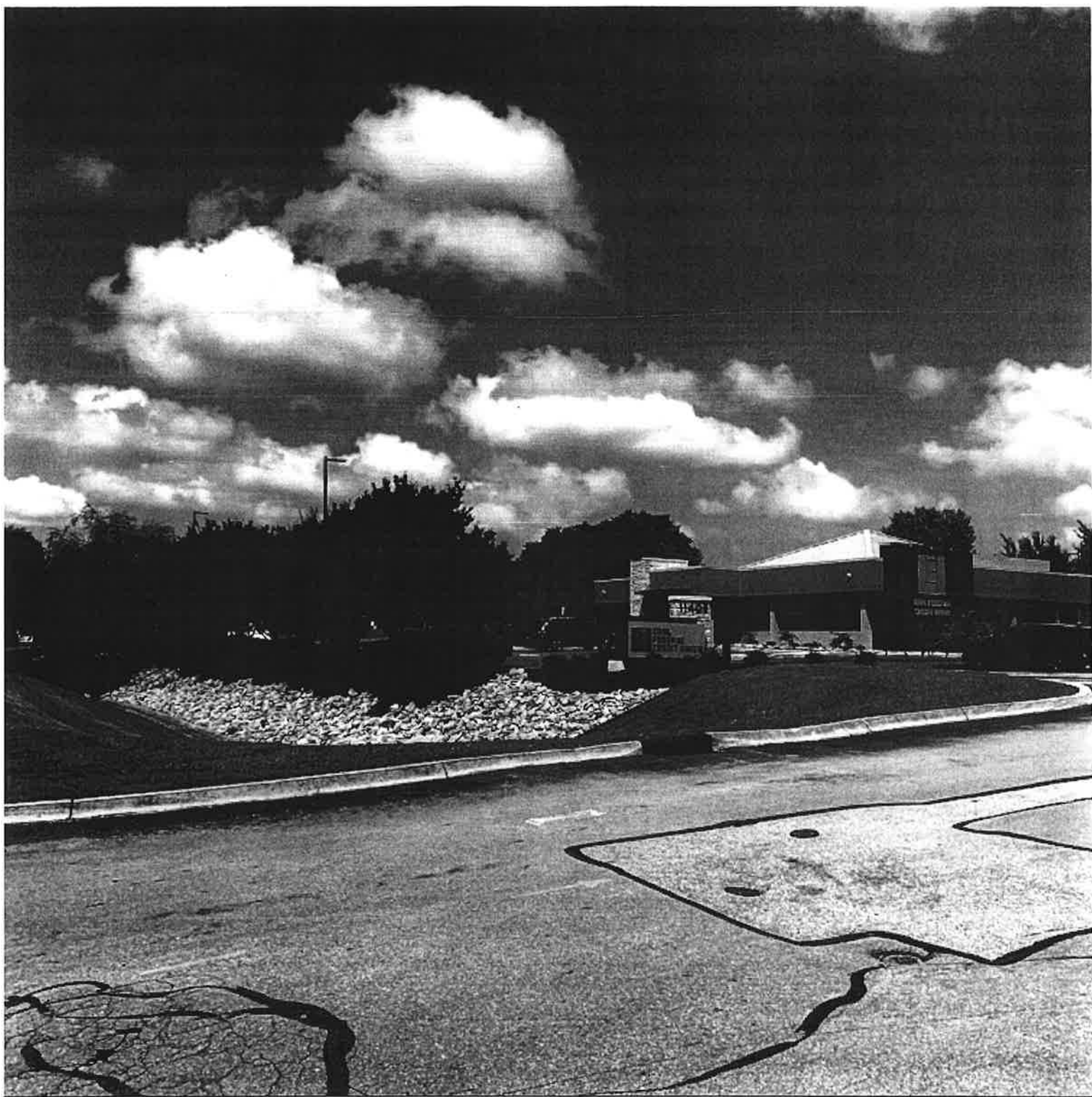


EXHIBIT 3











Mike Winchester

From: Club LeConte <club.leconte@myclubleconte.com>
Sent: Thursday, July 2, 2020 5:02 PM
To: Mike Winchester
Subject: Mask Mandate and Holiday Hours

Dear Members,

As we head into this holiday weekend we wanted to inform you of precautions that we will be following starting tomorrow. Effective Friday July 3rd, it will be a requirement per Knox County Board of Health that masks must be worn inside any public spaces. This means that upon entering the First Horizon building you will be required to wear a mask and keep the mask on when entering the Club. There is a 4 person maximum occupancy limitation in all of the elevators in the building, so please make sure both you and your guest are following these limits. Once you are seated at your table and social distanced from other parties you will then be able to remove your mask. Please remember that you will need to put your mask back on once you are up from your table. As always, our members and employees health and safety are of our utmost concern and appreciate your cooperation as we adjust to these new standards. Club LeConte will continue to be a safe and socially distanced environment for all of your business and entertainment needs!

As a reminder the club will be closed Monday July the 6th in observance of Independence Day. We hope that you enjoy this time with your families and have a safe and happy 4th!

Please refer to the link below for further details on the mask mandate from the Knox County Board of Health.

<https://covid.knoxcountyttn.gov/>



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EXHIBIT 4

Brian Sellers

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Thursday, March 26, 2020 4:32 PM
To: Josh Holden
Cc: Lynn Holt; Bart Hose; Tom Hale
Subject: RE: Farragut Location

As with any ordinance provision, we are simply applying the language of the statute. These are terminal islands at the ORNL. They were landscaped and replaced with non-landscaped terminal islands without approval. The statute states the following applicable to this matter: "Perimeter parkways, interior parkways, **terminal islands**, and interior islands **shall** be planted with grass and/or trees, shrubs, or ground cover in combination with mulch." When an island does not now satisfy this requirement we cannot say that this is okay because it clearly is not compliant with the statute.

To me, the statute is very clear but you certainly have the opportunity to have this evaluated by the BZA should you choose to do so.

From: Josh Holden <jholden@wsfs-law.com>
Sent: Thursday, March 26, 2020 1:33 PM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Lynn Holt <lholt@ORNLFCU.com>; Bart Hose <bhose@townoffarragut.org>; Tom Hale <tomhale@kramer-rayson.com>
Subject: RE: Farragut Location

Mark:

What is the basis for the staff's interpretation?

Can you expound on why you disagree with the Credit Union's views?

My client is happy to appeal, but it would be nice to have some understanding of why our views do not align.

Regards,

Joshua R. Holden, Attorney
WINCHESTER, SELLERS, FOSTER & STEELE, P.C.
800 South Gay Street, Ste. 1000
First Tennessee Plaza
P.O. Box 2428
Knoxville, TN 37901-2428
Telephone: 865.637.1980
Fax: 865.637.4489
E-mail: jholden@wsfs-law.com

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Thursday, March 26, 2020 11:26 AM
To: Josh Holden <jholden@wsfs-law.com>
Cc: Lynn Holt <lholt@ORNLFCU.com>; Bart Hose <bhose@townoffarragut.org>; Tom Hale <tomhale@kramer-rayson.com>
Subject: RE: Farragut Location

Thank you again for your summary below. At this point, the options from the staffs' perspective would be to either bring the terminal islands into compliance or appeal the staffs' interpretation and application of the Zoning Ordinance provisions that relate to this matter. If your client wishes to appeal, please go to the Town's web site and do so electronically. This would be a Board of Zoning Appeals application for an interpretation and application of the Zoning Ordinance. If you have any other questions please let me know. At this point, due to COVID-19, we will likely conduct the BZA meeting via Webex. The next BZA meeting would be April 22 and the filing deadline would be April 6. Thank you.

From: Josh Holden <jholden@wsfs-law.com>
Sent: Tuesday, March 17, 2020 9:52 AM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Lynn Holt <lholt@ORNLFUCU.com>
Subject: RE: Farragut Location

3.17.2020

Dear Mr. Shipley:

Please be advised that my law office represents ORNL FCU and that I have been authorized and directed by the Credit Union to contact you regarding this matter. Going forward, please copy me on any communications with the Credit Union. If you wish for me to communicate with your attorney, please let me know his or her name and I will happily do so.

While the Credit Union wishes to work with you in a collaborative and cooperative effort, it is not amenable to immediately undoing (at great cost) what has just been completed (again at great cost). First, the provisions of the Farragut Code that you have cited (attached) have no application here. I assume from your email below that you are relying on subparagraph (3), "*Landscaping within parking lots*," but if that is not correct then please let me know. As you well know, that provision addresses, *inter alia*, **terminal islands** and **interior islands**, as well as **perimeter parkways** and **interior parkways**, all of which are defined terms under the Code:

Interior islands: A landscaped area located between parking spaces in a parking row within a parking lot as shown in Illustration 5 (see Chapter 1).

Interior parkways: A landscaped area located between parking rows within a parking lot as shown in Illustration 5 (see Chapter 1).

Perimeter parkways: An area with continuous cover of live landscaping materials that is located adjacent to front, side, and rear property lines or access easements.

Terminal islands: A landscaped area located at the end of each parking row within a parking lot as shown in Illustration 5 (see Chapter 1).

As you can plainly see, all of these matter are defined by reference to a single illustration (copy attached). Critically, NOWHERE on said illustration (or in App. A, Ch. 4, Section XII) is there anything squarely addressing the type of "island" that previously existed here, to wit: an L-shaped curb jutting from the corner of the building. Indeed, the illustration does not feature ANY islands emanating from the four corners of the building. Moreover, there is nothing in said definitions that affirmatively requires the Credit Union to maintain such an "island" should it choose to remove it. We therefore perceive that at best the Code is ambiguous on this type of "island" and at worst it simply fails to address it all. Regardless, there is no authority under the Code for the Town to require the Credit Union to replace an "island" that was not required in the first instance.

Second, it is puzzling to us that the Town would wish to be seen as taking a position of chastising the Credit Union for making itself MORE accessible to members with disabilities. Certainly, it is in the best interests of the Town to encourage all businesses to voluntarily make themselves as accessible as possible. It would be an outrage to those disabled members of the Credit Union that are presently enjoying the improved accessibility of the Farragut Branch for them to be told that that Credit Union must become LESS accessible in order to comply with a dubious interpretation of an illustration regarding "terminal islands."

Third, we note that by making this change to the parking lot, the Credit Union has actually brought itself INTO compliance with other provisions of the Code. Section XXA(6)(b) mandates that each handicap space have an adjacent 5-foot wide access lane. Before, two (2) handicapped spaces shared a single lane, but now the Credit Union has provided a separate lane for each space. From a pragmatic standpoint, it would seem to us that the Town would be more concerned with compliance vis-à-vis ADA-related matters than it would be about the Credit Union maintaining an L-shaped sliver a mulch with a single tree in it.

Lastly, from an aesthetic standpoint, the parking lot simply looks better than it did before. In comparing the two (2) attached photos, there can be no doubt that the changes made by the CU are certainly the kind of improvements that benefit the overall beauty and appeal of the Town. Indeed, the Credit Union has expended a large sum of money to improve the appearance of the facility and it would be a terrible waste of resources to undo such work in order to comply with an ambiguous illustration.

In view of the foregoing points my client would respectfully ask that the Town reconsider its position on this matter. Please review and let me know your thoughts.

Best regards,

JRH

Joshua R. Holden, Attorney
WINCHESTER, SELLERS, FOSTER & STEELE, P.C.
800 South Gay Street, Ste. 1000
First Tennessee Plaza
P.O. Box 2428
Knoxville, TN 37901-2428
Telephone: 865.637.1980
Fax: 865.637.4489
E-mail: jholden@wsfs-law.com

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Friday, March 6, 2020 8:14 AM
To: Lynn Holt <lholt@ORNLCU.com>
Subject: [EXT]-RE: Farragut Location

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Just let me know when the islands are corrected to comply with our requirements. Thanks.

From: Lynn Holt <lholt@ORNLFcu.com>

Sent: Thursday, February 27, 2020 5:11 PM

To: Mark Shipley <mshipley@townoffarragut.org>

Cc: Lynn Holt <lholt@ORNLFcu.com>; Joy Wilson <jwilson@ORNLFcu.com>

Subject: Farragut Location

Mark,

ORNLF feels that the sidewalks allow improved accessibility for members and/or employees using the ADA parking. We intentionally placed the sidewalks to support ADA member use. The parking lot gets very congested and members that park across from the front entrance use these sidewalks in order to access our facility safely.

Thank you,

Lynn Holt

Assistant Vice President

Facilities



ORNLF Federal Credit Union

t: 865.220.1044 m: 865.806.4643

f: 865.482.3838 tf: 800.676.5328

lholt@ornlfcu.com/www.ornlfcu.com

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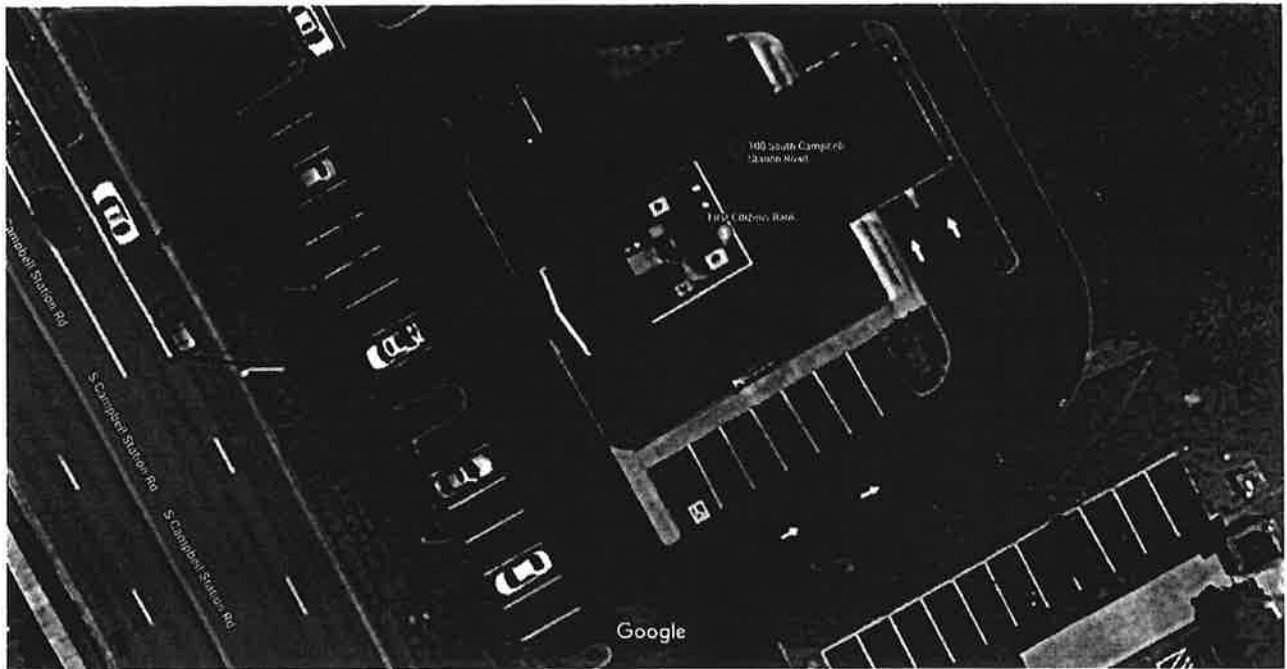
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WARNING

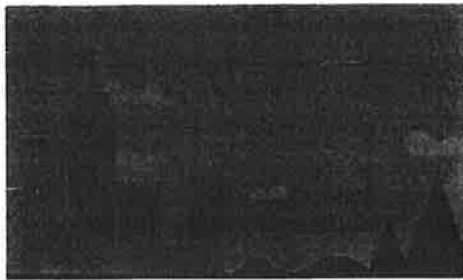
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EXHIBIT 5

Google Maps 100 S Campbell Station Rd



Map data ©2020, Map data ©2020 20 ft



100 S Campbell Station Rd

Farragut, TN 37934



At this location

Carpet Cleaning Services of Farragut
Carpet store · 100 S Campbell Station Rd #26
Open until 6:00 PM

First Citizens Bank
Bank · 100 S Campbell Station Rd
Open until 5:00 PM



EXHIBIT 6

Google Maps Farragut, Tennessee

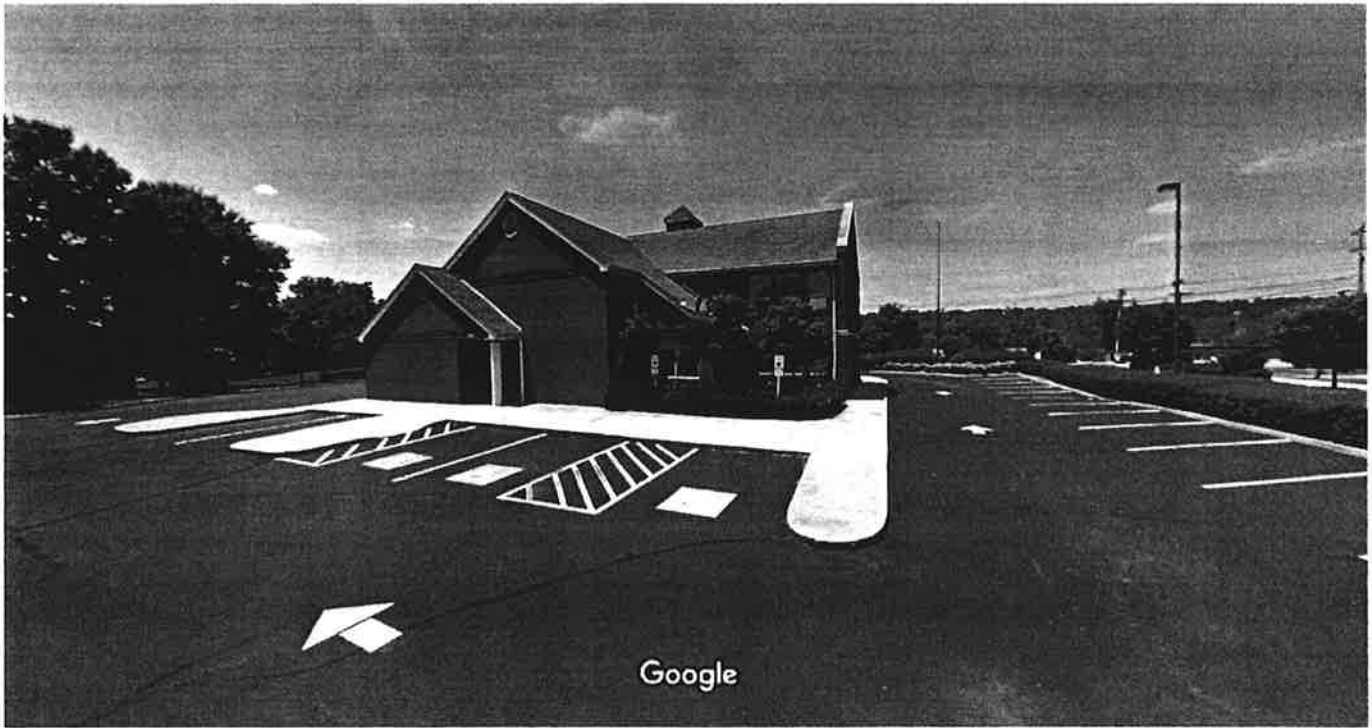


Image capture: May 2016 © 2020 Google

Google

Street View

Google Maps Farragut, Tennessee

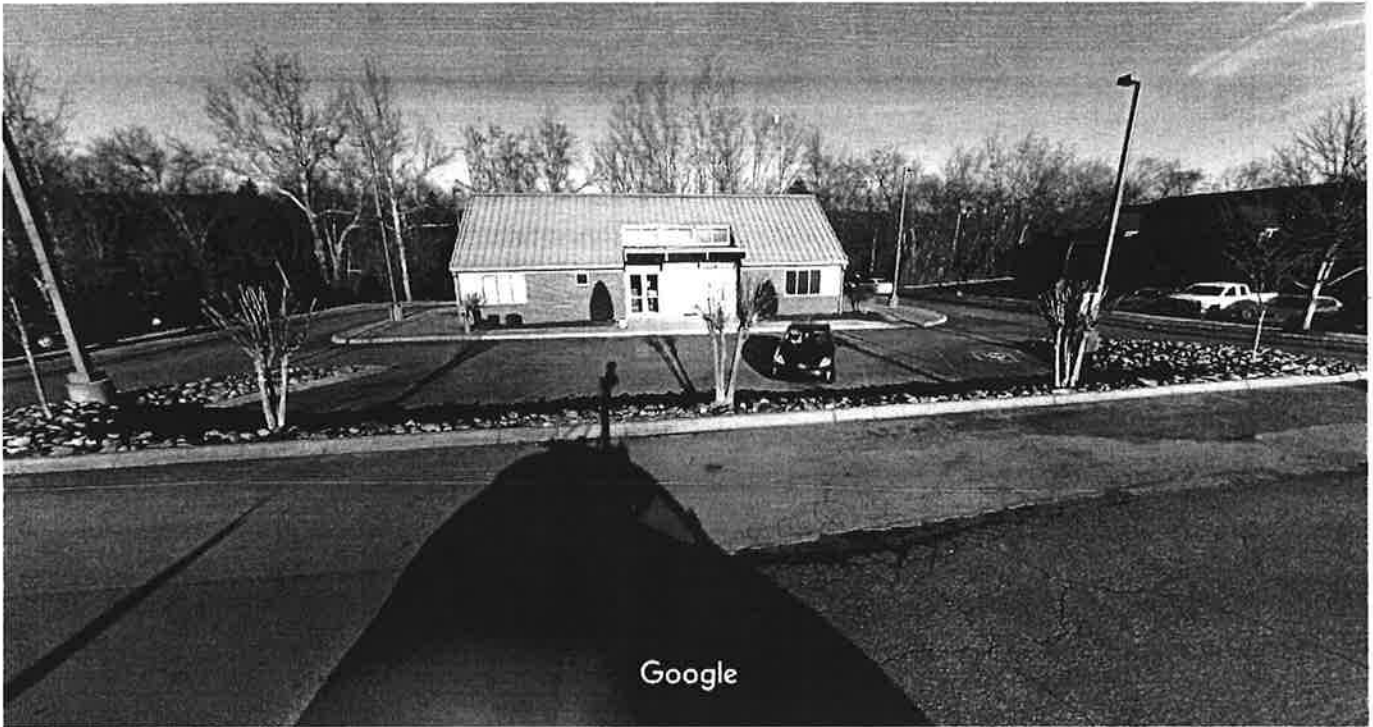


Image capture: Feb 2017 © 2020 Google

Google

Street View

Google Maps Farragut, Tennessee

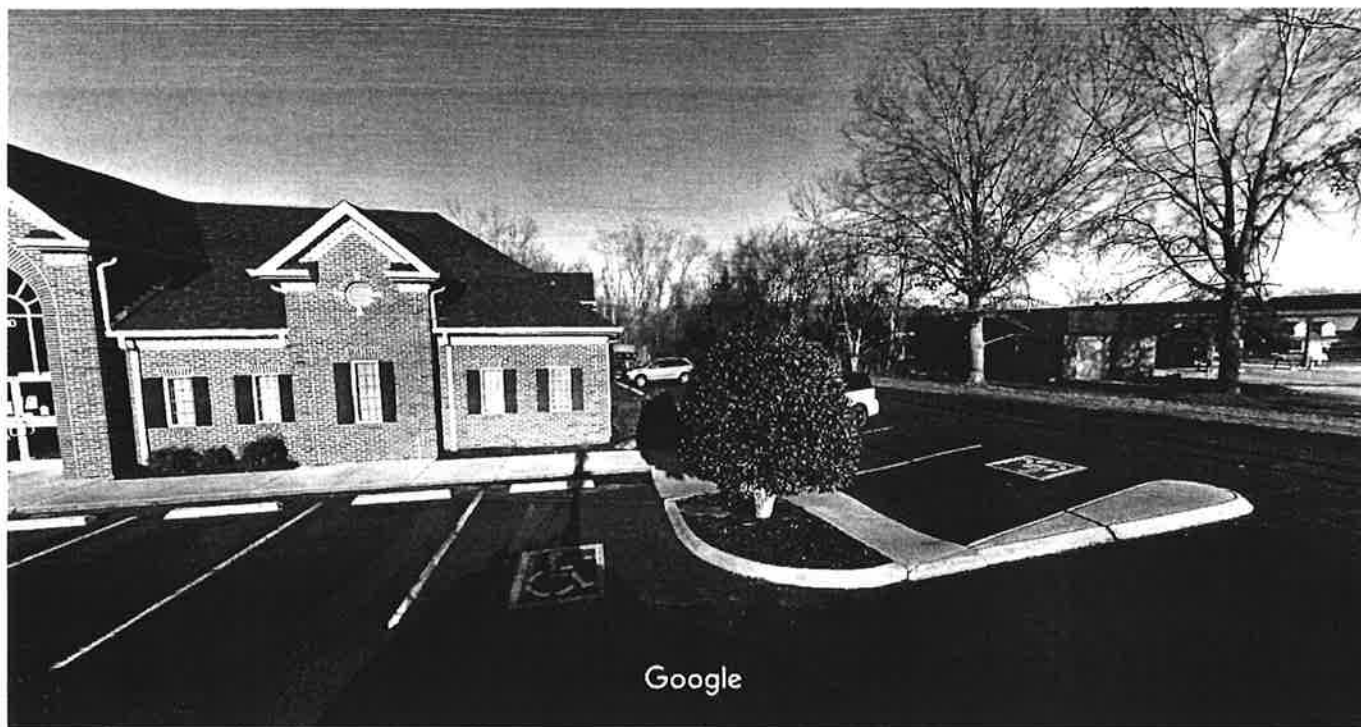


Image capture: Feb 2017 © 2020 Google

Google

Street View

Google Maps Farragut, Tennessee

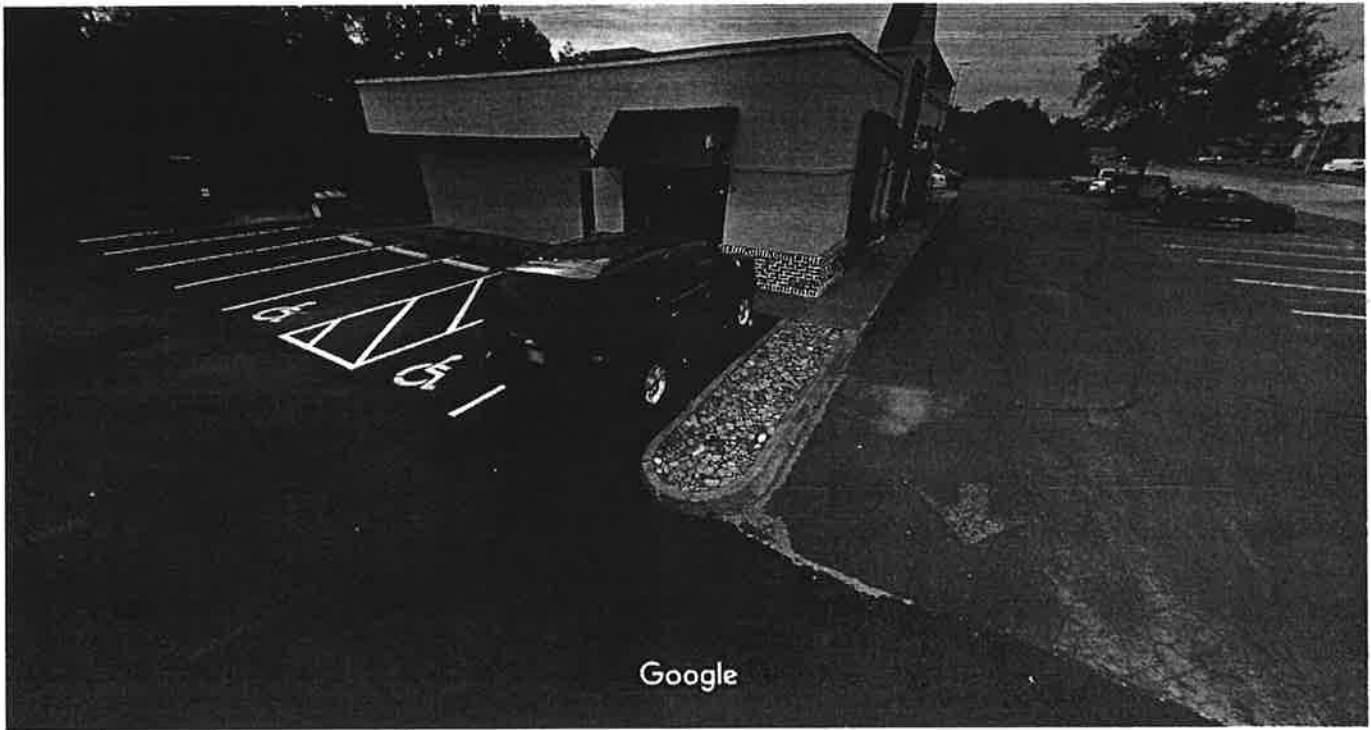


Image capture: May 2018 © 2020 Google

Google

Street View

Google Maps Farragut, Tennessee



Image capture: May 2018 © 2020 Google

Google

Street View

Google Maps 11220 W Point Dr

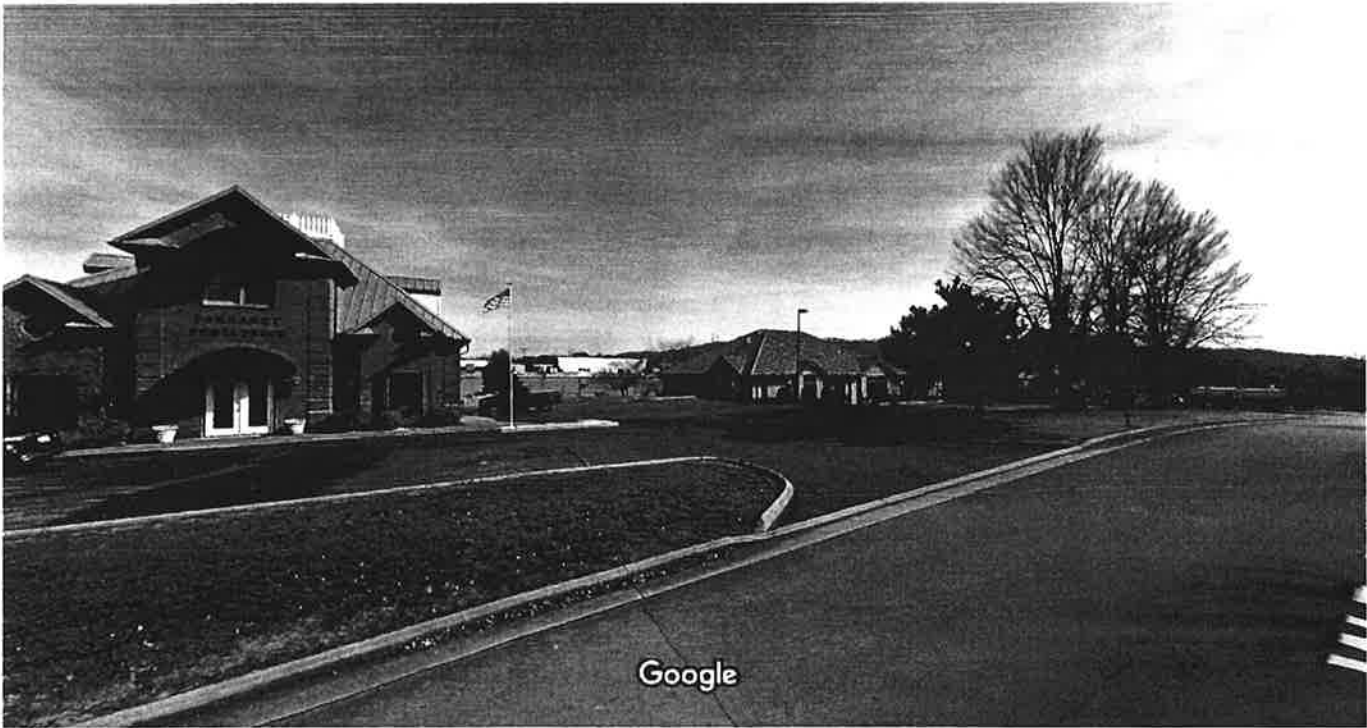


Image capture: Jan 2018 © 2020 Google

Farragut, Tennessee

Google

Street View

Google Maps 11298 W Point Dr



Image capture: Jan 2018 © 2020 Google

Farragut, Tennessee

Google

Street View

Google Maps Farragut, Tennessee

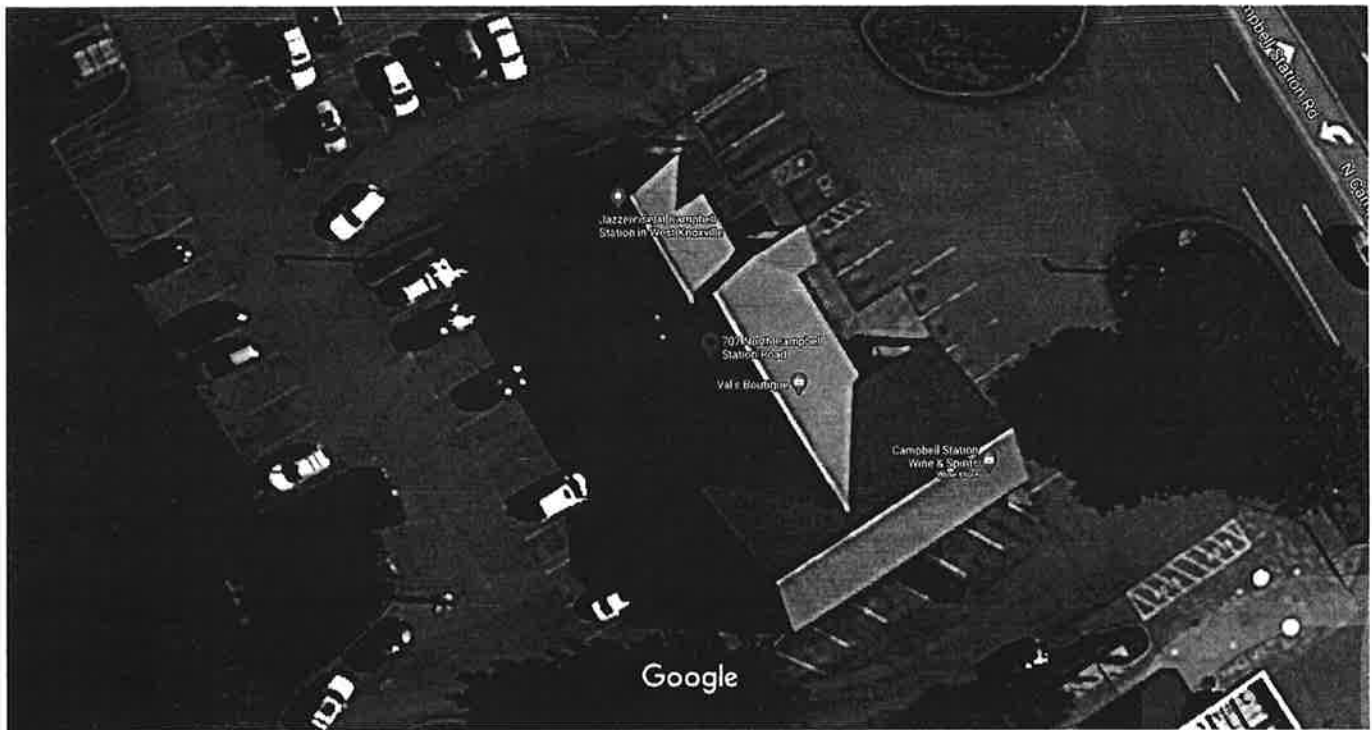


Image capture: Jul 2015 © 2020 Google

Google

Street View

Google Maps 707 N Campbell Station Rd



Map data ©2020, Map data ©2020 20 ft



707 N Campbell Station Rd

Knoxville, TN 37934



Directions



Save



Nearby



Send to your
phone



Share

VRWF+7V Knoxville, Tennessee

Photos

Google Maps 701 Concord Rd



Map data ©2020, Map data ©2020 20 ft



701 Concord Rd

Knoxville, TN 37934



Directions



Save



Nearby



Send to your
phone



Share

Photos

Google Maps Knoxville, Tennessee



Image capture: Mar 2019 © 2020 Google

Google

Street View

Google Maps Knoxville, Tennessee

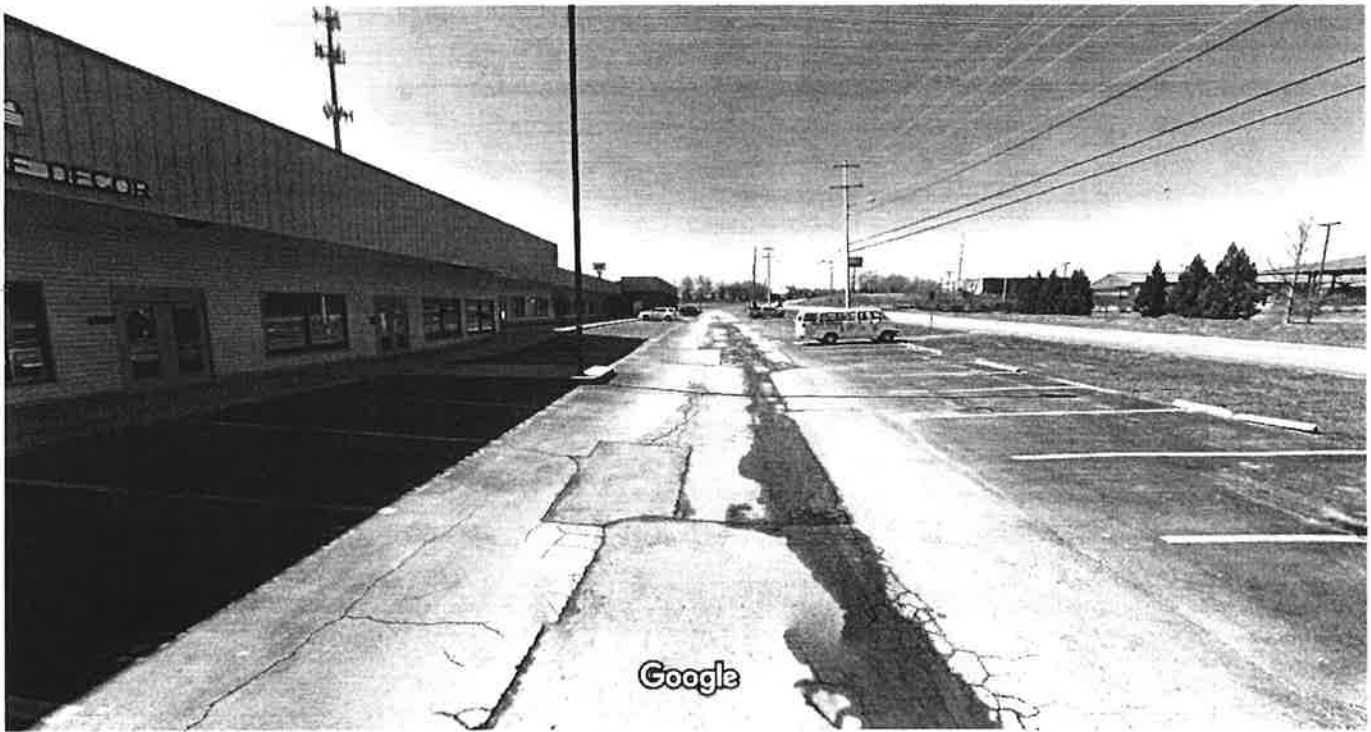


Image capture: Mar 2019 © 2020 Google

Google

Street View

EXHIBIT 7

Brian Sellers

From: Tom Hale <tomhale@kramer-rayson.com>
Sent: Wednesday, June 17, 2020 8:48 PM
To: Mark Shipley
Cc: Josh Holden; Brian Sellers
Subject: Re: Farragut Location

Josh,

I want to be clear. The town's regulations are what they are and they are passed by either the Board or the Planning Commission. The staff does not have the authority to compromise those regulations. That is why there is an appeal to the BZA. The idea about the planters may be something that the BZA sees as a reasonable solution and it may not, but the suggestion that the a Town employee has rejected something that he had no authority to deal with in the first place is not a correct statement.

I am hopeful that a solution can be reached that avoids the expense of taking the built islands out and reconstructing it as required.

Tom

Sent from my iPhone

On Jun 17, 2020, at 4:52 PM, Mark Shipley <mshipley@townoffarragut.org> wrote:

I haven't seen a specific design for the large planters but that would be inconsistent with how terminal islands have been landscaped. For it to contain a tree you probably would have to make it similar to tree wells that you see for street trees in more urban settings. The width of the terminal island is also required to be 5 feet from back of curb to back of curb. I could look at such a design if you would like. The ordinance says terminal islands shall be planted with grass and/or tree, shrubs, or ground cover in combination with mulch.

The permit was actually extended by our building official until Dec 9 so they should be good on that.

From: Josh Holden <jholden@wsfs-law.com>
Sent: Wednesday, June 17, 2020 2:18 PM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Tom Hale <tomhale@kramer-rayson.com>; Brian Sellers <bsellers@wsfs-law.com>
Subject: RE: Farragut Location

Mark:

Thanks. Just to confirm before we go forward, we are under the understanding that the Town has disapproved our proposal to put very large "planters" on the location at issue, with small trees inside (dogwood, dwarf holly, etc.) Is that correct?

Also, I am told that ORNL's contractor was issued a citation of some sort for having an expired permit. I would assume that matter (the expired permit) would be held in abeyance pending resolution of the

appeal. Is that the case? If not, is an extension available? The permit issue seems like it will resolve itself one way or the other at the BZA hearing.

Best,

Joshua R. Holden, Attorney
WINCHESTER, SELLERS, FOSTER & STEELE, P.C.
800 South Gay Street, Ste. 1000
First Tennessee Plaza
P.O. Box 2428
Knoxville, TN 37901-2428
Telephone: 865.637.1980
Fax: 865.637.4489
E-mail: jholden@wsfs-law.com

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Tuesday, June 16, 2020 8:35 AM
To: Josh Holden <jholden@wsfs-law.com>
Cc: Tom Hale <tomhale@kramer-rayson.com>; Brian Sellers <bsellers@wsfs-law.com>
Subject: RE: Farragut Location

Meetings in July will likely be in person. The filing deadline for the July 22 BZA meeting is July 6. If you are appealing the staff's interpretation of the statute then it would be an administrative review. All of our applications are now to be filed through our web site. Thanks.

From: Josh Holden <jholden@wsfs-law.com>
Sent: Monday, June 15, 2020 4:51 PM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Tom Hale <tomhale@kramer-rayson.com>; Brian Sellers <bsellers@wsfs-law.com>
Subject: RE: Farragut Location

Mark:

In spite of our sincere efforts to reach a compromise, it appears we will have to file a formal appeal. A few questions on that point:

- Are these being held in-person or electronically?
- Is July 22nd an available date? If not, when?
- Is this considered an administrative review, a request for a variance, or a request for a special exception?

Regards,
JRH

Joshua R. Holden, Attorney
WINCHESTER, SELLERS, FOSTER & STEELE, P.C.
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First Tennessee Plaza
P.O. Box 2428
Knoxville, TN 37901-2428
Telephone: 865.637.1980
Fax: 865.637.4489

E-mail: jholden@wsfs-law.com

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Thursday, April 23, 2020 11:48 AM
To: Josh Holden <jholden@wsfs-law.com>
Cc: Lynn Holt <lholt@ORNLFCU.com>; Bart Hose <bhose@townoffarragut.org>; Tom Hale <tomhale@kramer-rayson.com>; Karl Swierzko <kswierzko@townoffarragut.org>; Elliott Sievers <esievers@townoffarragut.org>; Dan Johnson <djohnson@townoffarragut.org>
Subject: RE: Farragut Location

As I have stated before. Your options are to correct the issue or go to the BZA to appeal your case.

From: Josh Holden <jholden@wsfs-law.com>
Sent: Thursday, April 23, 2020 11:32 AM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Lynn Holt <lholt@ORNLFCU.com>; Bart Hose <bhose@townoffarragut.org>; Tom Hale <tomhale@kramer-rayson.com>; Karl Swierzko <kswierzko@townoffarragut.org>; Elliott Sievers <esievers@townoffarragut.org>; Dan Johnson <djohnson@townoffarragut.org>
Subject: RE: Farragut Location

Mark:

Thanks for the email. Respectfully, I miss disagree. As I indicated previously, by definition the concrete barrier at issue is very clearly NOT a terminal island.

A "terminal island" is **defined only by reference to the attached illustration**. That's it. The illustration does not match the structure erected at the CU's building. Indeed, there are also no "interior islands" on the Credit Union's property, nor is there an "interior parkway" as set out in the diagram. Therefore, my client is in compliance with the regulation. From our standpoint, the Town is attempting (at unnecessary cost and expense to my client) to stretch the meaning of "terminal island" to encompass items that are not included without the definition. If the town wishes to expand what is a considered a "terminal island" then it must amend the illustration.

As things stand now, the Town is using a tortured interpretation of "terminal island" to punish my client for expanding its handicapped accessibility. Does that make any sense at all?

Moreover, no explanation has been provided as to why the Town allows a similar barrier at a Bank within walking distance, yet not for my client. I raised this issue in a prior missive and received no reply. There appears to be no logical distinction, yet the Town permits one but not the other? First Citizens Bank appears to have a nearly identical concrete peninsula jutting from the corner of its building. Please refer to the attached photograph. As you can see, the concrete structure is also adjacent to a handicapped parking space, just as it is with ORNL FCU.

Lastly, I am aware that the Town utilizes attorney Tom Hale. His opinions are universally well-respected and I am happy to see him copied on your missive. Because this is essentially an issue of statutory construction, I would be grateful to hear his thoughts before we go much further.

Best regards,
JRH

Joshua R. Holden, Attorney
WINCHESTER, SELLERS, FOSTER & STEELE, P.C.

800 South Gay Street, Ste. 1000
First Tennessee Plaza
P.O. Box 2428
Knoxville, TN 37901-2428
Telephone: 865.637.1980
Fax: 865.637.4489
E-mail: jholden@wsfs-law.com

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Thursday, April 23, 2020 10:43 AM
To: Josh Holden <jholden@wsfs-law.com>
Cc: Lynn Holt <lholt@ORNLFUCU.com>; Bart Hose <bhose@townoffarragut.org>; Tom Hale <tomhale@kramer-rayson.com>; Karl Swierzko <kswierzko@townoffarragut.org>; Elliott Sievers <esievers@townoffarragut.org>; Dan Johnson <djohnson@townoffarragut.org>
Subject: RE: Farragut Location

Hope you are doing well. I just wanted to follow up and indicate that, due to the zoning related issues, this project has not received final approval (in the form of a Certificate of Occupancy) from the Town. If you plan to appeal I would ask that you please go ahead and do so. If not, please provide a site plan for correcting the parking lot terminal island issues so that it can be approved and this correction can be completed by Friday, May 29. Thanks for your help.

From: Mark Shipley
Sent: Thursday, March 26, 2020 4:32 PM
To: Josh Holden <jholden@wsfs-law.com>
Cc: Lynn Holt <lholt@ORNLFUCU.com>; Bart Hose <bhose@townoffarragut.org>; Tom Hale <tomhale@kramer-rayson.com>
Subject: RE: Farragut Location

As with any ordinance provision, we are simply applying the language of the statute. These are terminal islands at the ORNL. They were landscaped and replaced with non-landscaped terminal islands without approval. The statute states the following applicable to this matter: "Perimeter parkways, interior parkways, **terminal islands**, and interior islands **shall** be planted with grass and/or trees, shrubs, or ground cover in combination with mulch." When an island does not now satisfy this requirement we cannot say that this is okay because it clearly is not compliant with the statute.

To me, the statute is very clear but you certainly have the opportunity to have this evaluated by the BZA should you choose to do so.

From: Josh Holden <jholden@wsfs-law.com>
Sent: Thursday, March 26, 2020 1:33 PM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Lynn Holt <lholt@ORNLFUCU.com>; Bart Hose <bhose@townoffarragut.org>; Tom Hale <tomhale@kramer-rayson.com>
Subject: RE: Farragut Location

Mark:

What is the basis for the staff's interpretation?

Can you expound on why you disagree with the Credit Union's views?

My client is happy to appeal, but it would be nice to have some understanding of why our views do not align.

Regards,

Joshua R. Holden, Attorney
WINCHESTER, SELLERS, FOSTER & STEELE, P.C.
800 South Gay Street, Ste. 1000
First Tennessee Plaza
P.O. Box 2428
Knoxville, TN 37901-2428
Telephone: 865.637.1980
Fax: 865.637.4489
E-mail: jholden@wsfs-law.com

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Thursday, March 26, 2020 11:26 AM
To: Josh Holden <jholden@wsfs-law.com>
Cc: Lynn Holt <lholt@ORNLFUCU.com>; Bart Hose <bhose@townoffarragut.org>; Tom Hale <tomhale@kramer-rayson.com>
Subject: RE: Farragut Location

Thank you again for your summary below. At this point, the options from the staffs' perspective would be to either bring the terminal islands into compliance or appeal the staffs' interpretation and application of the Zoning Ordinance provisions that relate to this matter. If your client wishes to appeal, please go to the Town's web site and do so electronically. This would be a Board of Zoning Appeals application for an interpretation and application of the Zoning Ordinance. If you have any other questions please let me know. At this point, due to COVID-19, we will likely conduct the BZA meeting via Webex. The next BZA meeting would be April 22 and the filing deadline would be April 6. Thank you.

From: Josh Holden <jholden@wsfs-law.com>
Sent: Tuesday, March 17, 2020 9:52 AM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Lynn Holt <lholt@ORNLFUCU.com>
Subject: RE: Farragut Location

3.17.2020

Dear Mr. Shipley:

Please be advised that my law office represents ORNL FCU and that I have been authorized and directed by the Credit Union to contact you regarding this matter. Going forward, please copy me on any communications with the Credit Union. If you wish for me to communicate with your attorney, please let me know his or her name and I will happily do so.

While the Credit Union wishes to work with you in a collaborative and cooperative effort, it is not amenable to immediately undoing (at great cost) what has just been completed (again at great cost). First, the provisions of the Farragut Code that you have cited (attached) have no application here. I assume from your email below that you are relying on subparagraph (3), "*Landscaping within parking lots,*" but if that is not correct then please let me know. As you well know, that provision

addresses, *inter alia*, **terminal islands** and **interior islands**, as well as **perimeter parkways** and **interior parkways**, all of which are defined terms under the Code:

Interior islands: A landscaped area located between parking spaces in a parking row within a parking lot as shown in Illustration 5 (see Chapter 1).

Interior parkways: A landscaped area located between parking rows within a parking lot as shown in Illustration 5 (see Chapter 1).

Perimeter parkways: An area with continuous cover of live landscaping materials that is located adjacent to front, side, and rear property lines or access easements.

Terminal islands: A landscaped area located at the end of each parking row within a parking lot as shown in Illustration 5 (see Chapter 1).

As you can plainly see, all of these matter are defined by reference to a single illustration (copy attached). Critically, NOWHERE on said illustration (or in App. A, Ch. 4, Section XII) is there anything squarely addressing the type of “island” that previously existed here, to wit: an L-shaped curb jutting from the corner of the building. Indeed, the illustration does not feature ANY islands emanating from the four corners of the building. Moreover, there is nothing in said definitions that affirmatively requires the Credit Union to maintain such an “island” should it choose to remove it. We therefore perceive that at best the Code is ambiguous on this type of “island” and at worst it simply fails to address it all. Regardless, there is no authority under the Code for the Town to require the Credit Union to replace an “island” that was not required in the first instance.

Second, it is puzzling to us that the Town would wish to be seen as taking a position of chastising the Credit Union for making itself MORE accessible to members with disabilities. Certainly, it is in the best interests of the Town to encourage all businesses to voluntarily make themselves as accessible as possible. It would be an outrage to those disabled members of the Credit Union that are presently enjoying the improved accessibility of the Farragut Branch for them to be told that that Credit Union must become LESS accessible in order to comply with a dubious interpretation of an illustration regarding “terminal islands.”

Third, we note that by making this change to the parking lot, the Credit Union has actually brought itself INTO compliance with other provisions of the Code. Section XXA(6)(b) mandates that each handicap space have an adjacent 5-foot wide access lane. Before, two (2) handicapped spaces shared a single lane, but now the Credit Union has provided a separate lane for each space. From a pragmatic standpoint, it would seem to us that the Town would be more concerned with compliance vis-à-vis ADA-related matters than it would be about the Credit Union maintaining an L-shaped sliver a mulch with a single tree in it.

Lastly, from an aesthetic standpoint, the parking lot simply looks better than it did before. In comparing the two (2) attached photos, there can be no doubt that the changes made by the CU are certainly the kind of improvements that benefit the overall beauty and appeal of the Town. Indeed, the Credit Union has expended a large sum of money to improve the appearance of the facility and it would be a terrible waste of resources to undo such work in order to comply with an ambiguous illustration.

In view of the foregoing points my client would respectfully ask that the Town reconsider its position on this matter. Please review and let me know your thoughts.

Best regards,

JRH

Joshua R. Holden, Attorney
WINCHESTER, SELLERS, FOSTER & STEELE, P.C.
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First Tennessee Plaza
P.O. Box 2428
Knoxville, TN 37901-2428
Telephone: 865.637.1980
Fax: 865.637.4489
E-mail: jholden@wsfs-law.com

From: Mark Shipley <mshipley@townoffarragut.org>
Sent: Friday, March 6, 2020 8:14 AM
To: Lynn Holt <lholt@ORNLFcu.com>
Subject: [EXT]-RE: Farragut Location

CAUTION

This email originated from outside of the organization. **DO NOT CLICK** links or open attachments unless you recognize the sender and know the content is safe.

Just let me know when the islands are corrected to comply with our requirements. Thanks.

From: Lynn Holt <lholt@ORNLFcu.com>
Sent: Thursday, February 27, 2020 5:11 PM
To: Mark Shipley <mshipley@townoffarragut.org>
Cc: Lynn Holt <lholt@ORNLFcu.com>; Joy Wilson <jwilson@ORNLFcu.com>
Subject: Farragut Location

Mark,

ORNLF feels that the sidewalks allow improved accessibility for members and/or employees using the ADA parking. We intentionally placed the sidewalks to support ADA member use. The parking lot gets very congested and members that park across from the front entrance use these sidewalks in order to access our facility safely.

Thank you,

Lynn Holt
Assistant Vice President
Facilities

<image001.jpg>
ORNLF Federal Credit Union

t: 865.220.1044 m: 865.806.4643
f: 865.482.3838 tf: 800.676.5328
lholt@ornlfcu.com/www.ornlfcu.com

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EXHIBIT 8













Farragut Architectural Design Standards

Design Review Checklist



Final

February 12th, 2016

Project Information

Provide the following information regarding the development project under review. The grey boxes below indicate the area in which you are able to type information into.

CASE NUMBER

PROJECT NAME ORNL Federal Credit Union - Farragut Branch

PROJECT ADDRESS

Name: ORNL Federal Credit Union
Address: 11405 Municipal Center Drive, Farragut TN
Zip Code: 37934

CONTACT INFORMATION FOR LEAD PROJECT PROFESSIONAL

Name: Adam James
Address: 200 East Main Street, Fort Wayne IN
Zip Code: 46802
Phone #: 260-422-4241
Email Address: ajames@designcollaborative.com

CONTACT INFORMATION FOR PROPERTY OWNER

Name: Lynn Holt
Address: 215 S Rutgers Ave, Oak Ridge TN
Zip Code: 37830
Phone #: 865-220-1044
Email Address: lholt@ORNLFCU.com

SECTION 1:

Introduction to the Design Review Process



Introduction

This document is designed to summarize compliance with the Town's Architectural Design Standards. It is intended to be used in conjunction with that document, and is organized into these sections:

Section 1: Introduction to the Design Review Process

This section describes the review system, the process that is followed, and provides links to other submittal requirements.

Section 2: Design Guidelines Checklist

This section summarizes each of the design guidelines that appear in the Design Standards document.

Section 3: Summary of Findings

This section provides a narrative of the degree to which a proposal meets the design guidelines and serves as the basis for formal decision-making.

Using the Checklist

This document is to be used by the applicant, town staff and applicable boards and commissions, in the following steps:

Step 1: Applicant gathers submittal requirements.

The applicant should review the information provided in Section 1 of this document, "Introduction to the Design Review Process." After review the applicant will gather all necessary submittal requirements which are listed on page 9.

Step 2: Applicant provides initial comments.

The applicant completes the checklist, providing comments in the "Comments" column in Section 2, "Design Guidelines Checklist."

Step 3: Staff assessment of the proposed project.

Using Section 3, staff will provide short descriptions of their findings in each of the sub-categories of the design guidelines. They also will provide their recommendation for action at the end of this section.

The Design Guidelines Review Process

This chart illustrates the overall design review process from application to obtaining permit.

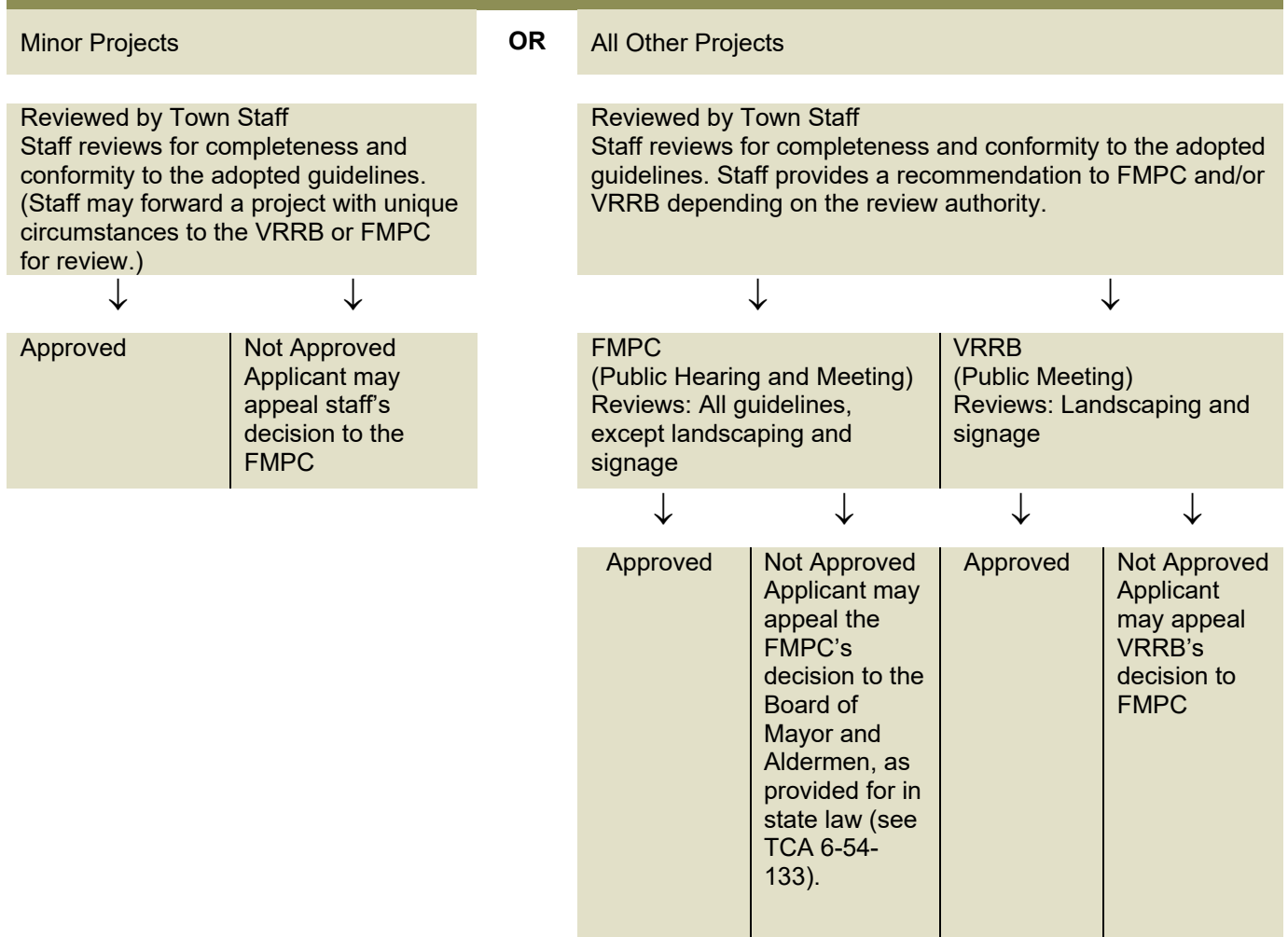
STEP 1: PRE-APPLICATION CONFERENCE WITH TOWN STAFF

This is an opportunity for the applicant and staff to discuss the proposal and for staff to provide guidance related to the guidelines.

STEP 2: APPLICATION FOR REVIEW – SUBMIT APPLICATION

The type of application submitted will depend on the scope of the project proposed. Town staff will provide guidance on application type to be submitted during the Pre-Application Conference.

STEP 3: REVIEW AND APPROVAL



STEP 4: REVIEW AND APPROVAL

Complete any remaining items necessary to secure all applicable permits.

Roles in the Design Guidelines Review Process

Town staff, the Visual Resources Review Board (VRRB), and the Farragut Municipal Planning Commission (FMPC) each play a role in the design review process. Town staff review and approve minor projects¹ and the VRRB and FMPC review and approve all other projects as summarized in the chart below.

	Town Staff	VRRB	Planning Commission
MINOR PROJECTS	✓		
» Replacement of, or improvements to, existing landscaping » Modification of existing parking lots » Changes to utilities, mechanical equipment or service areas » Renovation or improvements to an existing façade (i.e., new awnings and canopies or changes to exterior building color) » New or modified accessory buildings	» Review & approve overall project ¹	» Review Landscape Plan component of projects forwarded by Town staff ¹	» Review projects forwarded by Town staff¹ » Review appeal of staff decisions
ALL OTHER PROJECTS		✓	✓
» A new building, or additional square footage added to an existing building » Projects including land disturbance or new landscaping » Projects to be completed in phases » Projects in the Mixed Use Town Center, McFee Park Roundabout, Lakefront/Concord Road, I-40 and Outlet Drive subareas as defined in the Architectural Design Standards, as amended.	» Provide recommendations to the VRRB and Planning Commission	» Review & approve the Landscape Plan	» Review & approve overall project » Review appeal of VRRB decisions

¹Note that Town Staff may determine that a minor project that is eligible for staff approval should instead be subject to review by the Visual Resources Review Board or Farragut Municipal Planning Commission because the project involves unique circumstances.

*An applicant may appeal the Farragut Municipal Planning Commission's decision to the Board of Mayor and Aldermen as provided for in state law (see TCA 6-54-133).

Design Review Checklist - Submittal Requirements

These documents must be submitted along with this checklist for design review. For further details on the standards required for development projects, please follow the link to the Farragut Architectural Design Standards page on the Town's website:

<http://townoffarragut.org/design>

SITE PLAN	
http://townoffarragut.org/DocumentCenter/Home/View/366	Scale: Not less than 1" = 20' for small tracts and 1" = 50' for large tracts
LANDSCAPE PLAN	
http://townoffarragut.org/DocumentCenter/View/363 The landscape plan shall be submitted as part of a separate landscape application process.	Scale: Not less than 1" = 20' for small tracts and 1" = 50' for large tracts Landscape plan shall be submitted as part of a separate landscape application process.
MATERIAL SAMPLES	
COLOR SAMPLES	
SIGN PLAN	
http://townoffarragut.org/DocumentCenter/View/365	The sign plan shall be submitted as part of a separate sign application process.
PHOTOGRAPHS AND RENDERINGS	
- Existing Site Photographs - Simulation Photo Renderings	

SECTION 2:

Design Guidelines Checklist



Chapter 1: Site Design Guidelines

STREETSCAPE

Intent Statement: Streetscape features should be functional and durable while helping to affirm or establish the identity of a neighborhood, district, or development.

Note: Page numbers refer to the "Farragut Architectural Design Standards" document.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 14	1.1	Integrate functional pedestrian improvements into the streetscape.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 14	1.2	Coordinate streetscape elements along public frontages surrounding a development.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 14	1.3	Coordinate streetscape elements on internal streets and lanes within a development.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 14	1.4	Use streetscape elements that invite a high level of activity along a commercial street frontage.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 14	1.5	Use streetscape elements that invite passive pedestrian and recreational activity along a residential street frontage.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

BUILDING SETBACKS & FRONTAGE:

Intent Statement: Whenever possible, buildings should be aligned along the street to hide parking and promote active sidewalks. A uniform alignment of buildings helps to define a "street wall," which provides a sense of enclosure and a comfortable scale for pedestrians.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 16	1.6	Design the street frontage to promote pedestrian activity.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

pg. 16	1.7	Design the street frontage to be compatible with the surrounding context.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
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CONNECTIVITY:

Intent Statement: Future development should help create a more active, and inter-connected environment throughout Farragut.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 18	1.8	Provide pedestrian and bicycle connections into and between properties.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 18	1.9	Provide vehicular connections into and between adjoining properties.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

OUTDOOR OPEN SPACE:

Intent Statement: New development should incorporate outdoor open space that projects a vibrant image and invites pedestrian activity with durable furnishings and visual elements such as public art to add interest.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 20	1.10	Locate outdoor open space to provide a focal point.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 20	1.11	Locate and orient outdoor open space to be actively used.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 21	1.12	Furnish outdoor open spaces to encourage active use.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 21	1.13	Design outdoor open space to incorporate Low Impact Development (LID) principles for stormwater management.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

PUBLIC ART:

Intent Statement: Public art is encouraged as a way of bringing visual interest and special identity to individual sites and neighborhoods. The guideline provided below is voluntary and is not meant to imply a requirement for inclusion of public art.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 22	1.14	Use public art to add interest to an outdoor open space.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

LANDSCAPING:

Intent Statement: Sites should be landscaped to enhance community image, invite pedestrian activity, preserve mature trees and highlight distinctive topographic or other site features. In general, indigenous or well-acclimated and noninvasive species should be used. Landscape design within a site should also help to establish a sense of visual continuity. The guidelines below are intended to complement landscaping requirements in the Farragut Zoning Ordinance.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 23	1.15	Design sites to highlight landscape areas.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 23	1.16	Use a coordinated landscape palette to establish a sense of visual continuity.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 23	1.17	Preserve and maintain mature trees and significant vegetation.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 23	1.18	Use hardy plant and tree species.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 23	1.19	Use landscaping to enhance pedestrian improvements.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 23	1.20	Integrate landscaping and stormwater management systems.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

SURFACE PARKING:

Intent Statement: Surface parking lots should not be a visually prominent feature of sites in Farragut, especially those along high-traffic corridors, such as Kingston Pike, or in locations intended for strong pedestrian orientation such as the Town Center District.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 24	1.21	Minimize the visual impact of surface parking.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 24	1.22	Locate and design parking lots to allow for pedestrian access.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 24	1.23	Design parking access to minimize potential negative impacts on pedestrians.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

SITE LIGHTING:

Intent Statement: The character and level of site lighting should help establish a sense of identity and cohesion. Site lighting should help create a sense of place, highlight distinctive architectural details, and reinforce the overall form, massing, and spatial characteristics of the building or site. Note that streetlights are an important feature of the overall streetscape as addressed on page 14 of the design guidelines.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 25	1.24	Scale site lighting to its purpose.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 25	1.25	Shield site lighting to minimize off-site glare.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

WORKING WITH TOPOGRAPHY:

Intent Statement: Where possible, site design should preserve and work within existing topography. Any re-grading should maintain pedestrian and vehicular connectivity while minimizing potential negative visual impacts of large retaining walls.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 26	1.26	Design a site to take advantage of existing topography.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 26	1.27	Design a retaining wall to minimize impacts on the natural character of the site.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 26	1.28	Design a building foundation to conform to the existing topography.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 26	1.29	Design a site to minimize vulnerability to sinkholes.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

SERVICE AREAS & UTILITIES:

Intent Statement: Service areas and utilities should be located and designed to be visually unobtrusive and integrated with the design of the site and the building. Service areas are typically most appropriate when located to the rear of a building and not visible from the public right-of-way.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 27	1.30	Locate a utility or service area to minimize visual impacts from the street and sidewalk.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 27	1.31	Locate and design a utility building or shed to minimize the visual impacts from the street and sidewalk.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 27	1.32	Locate buildings and other site improvements to allow for potential future undergrounding of utility lines.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 27	1.33	Enclose a free-standing utility or service area.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

STORMWATER MANAGEMENT & LOW-IMPACT DEVELOPMENT:

Intent Statement: The guidelines for stormwater management and low-impact development are intended to complement landscaping requirements in the Farragut Zoning Ordinance by promoting the use of low-impact development principles to meet those requirements while also providing site amenities that help enhance community image.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 28	1.34	Maintain pre-development hydrologic features to minimize stormwater impacts.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 28	1.35	Incorporate Low Impact Development (LID) principles to address stormwater as close to the source as possible.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 28	1.36	Incorporate stormwater management systems to maximize water quality.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 28	1.37	Use stormwater management systems as site amenities.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

INCREMENTAL SITE DESIGN IMPROVEMENTS:

Intent Statement: While improvements should consider long term objectives for the area and site, flexibility in the application of the design guidelines is appropriate for such projects to ensure that development is able to respond to current market conditions.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 29	1.38	Locate incremental improvements to anticipate future development.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 29	1.39	Locate and design incremental improvements to enhance the pedestrian environment of an existing development.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

NEIGHBORHOOD SITE DESIGN TRANSITIONS:

Intent Statement: Site design adjacent to an existing or future residential neighborhood should provide a compatible transition that minimizes potential negative impacts while promoting positive connections. Designs that incorporate compatible uses and designs, and which link commercial and mixed-use areas with the adjacent residential neighborhoods are generally preferred as illustrated in “Strategies to Promote a Compatible Transition to Adjacent Neighborhood/Agricultural Land” on page 32 of the design guidelines.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 31	1.40	Design a commercial or mixed-use site to be compatible with adjacent neighborhoods.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 31	1.41	Design landscape buffer areas to provide shared amenities.	☐	☐	☒	Comment: Existing sitework to remain unchanged.
pg. 31	1.42	Provide pedestrian, bike and vehicular connections to adjacent neighborhoods.	☐	☐	☒	Comment: Existing sitework to remain unchanged.

Chapter 2: Building Design Guidelines

BUILDING HEIGHT:

Intent Statement: New development and redevelopment should meet zoning requirements while recognizing traditional height variations in Farragut and stepping down towards adjacent lower-scale buildings.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 37	2.1	Provide variation in building heights.	☒	☐	☐	Comment: Roof is unchanged, we have added exterior elements of varying materials for visual interest.
pg. 37	2.2	Position taller building elements to minimize visual impacts.	☒	☐	☐	Comment: Roof is unchanged, we have added exterior elements of varying materials for visual interest.
pg. 37	2.3	Design floor-to-floor heights to establish a sense of scale and reflect Farragut traditions.	☐	☐	☒	Comment: Floor to floor heights have not changed.

BUILDING ARTICULATION:

Intent Statement: New development and redevelopment in Farragut should incorporate articulation techniques that promote a sense of human scale and divide the mass and scale of a larger building into smaller parts that relate to traditionally-scaled buildings.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 38	2.4	Use vertical articulation techniques to add visual interest and express traditional façade widths.	☒	☐	☐	Comment: We have added exterior elements of varying materials for visual interest.
pg. 38	2.5	Use horizontal articulation techniques to establish a sense of human scale in the design of a larger building.	☐	☐	☒	Comment: Building height is remaining unchanged.

ICONIC DESIGN FEATURES:

Intent Statement: New development and redevelopment in a highly-visible location, such as the intersection of arterial roads, should incorporate iconic design features to foster a unique sense of place, add visual interest and help differentiate Farragut from surrounding areas. In most cases, large-scale new development projects in any location should also incorporate iconic design features.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 40	2.6	Use iconic design features to foster a unique sense of place.	☒	☐	☐	Comment: We have incorporated ORNL's stone wall and blue accent wall to establish their brand.
pg. 40	2.7	Locate iconic design features to maximize their visibility and impact.	☒	☐	☐	Comment: We have incorporated ORNL's stone wall and blue accent wall to establish their brand.

ROOF FORM:

Intent Statement: New development and redevelopment should incorporate roof forms that convey compatible mass and scale, add visual interest and are appropriate to a building's use.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 40	2.8	Create a sense of visual interest by using a variety of roof forms along the street.	☐	☐	☒	Comment: Roof will remain unaltered.
pg. 40	2.9	Consider incorporating a roof form that provides a "cap."	☐	☐	☒	Comment: Roof will remain unaltered.

OVERALL FAÇADE CHARACTER:

Intent Statement: Visible building façades that incorporate high-quality design features enhance Farragut's community image and convey an active and vibrant appearance to passing vehicles and pedestrians. The design guidelines for overall façade character below apply to visible façade areas that face public streets, sidewalks, pedestrian areas or parking lots.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 42	2.10	Design a building façade to enhance community image.	☒	☐	☐	Comment: We updated the exterior of the existing building with fresh painted brick & exterior wall materials.
pg. 42	2.11	Design a building façade to be compatible with its context.	☒	☐	☐	Comment: The function of the space remains unchanged. We added new exterior materials to update the look.

pg. 42	2.12	Design a building façade to convey visual interest.	☒	☐	☐	Comment: We added new exterior materials to freshen the façade.
pg. 42	2.13	Design a building façade to promote an active appearance.	☒	☐	☐	Comment: By adding color to the exterior, we are bringing life to the former exterior.

GROUND FLOOR DESIGN:

Intent Statement: Ground floor building design should incorporate features that help create a pedestrian-friendly street level. In a commercial area, it is especially important to incorporate active features such as ground floor storefront windows. In a multi-family residential area, the ground floor may incorporate other design features, such as porches and stoops, to engage the sidewalk and street.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 44	2.14	Design the ground floor of a building façade to engage the public realm and promote pedestrian activity.	☒	☐	☐	Comment: Lots of windows at the space to promote activity and bringing people in.
pg. 44	2.15	Use high quality, durable materials to define the ground floor and add visual interest.	☒	☐	☐	Comment: A mix of durable materials allows for longevity and low maintenance.

BUILDING MATERIALS & COLORS:

Intent Statement: Exterior building materials and colors provide a sense of scale and texture and are used to convey design quality and visual interest. Building façades should use high-quality, durable, materials that contribute to the visual continuity of the context and convey high quality in design and detail. Masonry should be used as a significant façade element on new construction.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 46	2.16	Use compatible materials to enhance community image.	☒	☐	☐	Comment:
pg. 47	2.17	Use masonry materials to promote a cohesive community image.	☒	☐	☐	Comment: In addition to painting the existing brick, we have added a stone to the exterior.

pg. 48	2.18	Use accent materials to enhance visual interest.	☒	☐	☐	Comment: We have a blue metal panel wall and wood look metal siding to enhance visual interest.
pg. 48	2.19	Use materials to convey a sense of human scale and visual interest to pedestrians.	☒	☐	☐	Comment: With the mix of new materials, we've added additional visual interest to the exterior.
pg. 48	2.20	Use exterior material, paint and roof colors that are compatible with the surrounding context.	☒	☐	☐	Comment: We have adhered to the colors provided to us from the Architectural Design Standards

FAÇADE RENOVATION:

Intent Statement: Façade renovations are encouraged to enhance community image and help attract tenants to aging commercial or office buildings. Renovations may include ground floor improvements to attract pedestrian activity, the addition of iconic design features or complete replacement of an existing façade. When possible, such incremental improvements should anticipate future phases of development that may include new buildings, parking areas and pedestrian paths.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 50	2.21	When possible, renovate an aging commercial or office façade to enhance community image.	☒	☐	☐	Comment: We are updating the exterior with painted brick and new exterior materials
pg. 50	2.22	Anticipate future phases of development when renovating a façade.	☐	☐	☒	Comment: There are no plans to add on to the existing space

ADAPTIVE REUSE:

Intent Statement: Preserving and adapting a structure to a new use has environmental benefits and may help preserve the existing character of an area. Re-using a building preserves the energy and resources invested in its construction, and removes the need for producing new construction materials. Adaptive reuse projects are encouraged.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 51	2.23	Adapt an existing structure to a new use as an alternative to demolition whenever possible.	☒	☐	☐	Comment: We are updating and renovating the inside and exterior as opposed to tearing down and building new.

pg. 51	2.24	Consider future objectives for the site when adapting an existing structure to a new use.	☒	☐	☐	Comment: We are keeping the bones of the building intact so that adapting to a new structure is less painful.
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NEIGHBORHOOD BUILDING DESIGN TRANSITIONS:

Intent Statement: The design of buildings adjacent to an existing or future residential neighborhood should provide a compatible transition that minimizes potential negative impacts while promoting visual connections. Where possible, buildings located near an adjacent neighborhood should have a lower-scale residential character to provide a compatible transition.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 52	2.25	Provide a compatible scale transition adjacent to a residential neighborhood.	☐	☐	☒	Comment:
pg. 52	2.26	Incorporate residential design features adjacent to a residential neighborhood.	☐	☐	☒	Comment:

Chapter 3: Guidelines for Specific Subareas

TOWN CENTER SUBAREA – SITE DESIGN:

Intent Statement: New construction and redevelopment should incorporate site design features that are consistent with the vision for a pedestrian-oriented Town Center. Note that the site design case study on page 10 illustrates a redevelopment concept that is consistent with this vision.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 54	3.1	Design streets to promote safe bicycle and pedestrian activity in the Town Center.	☐	☐	☒	Comment: existing streets to remain.
pg. 54	3.2	Coordinate streetscape elements throughout a Town Center development.	☐	☐	☒	Comment: existing elements to remain
pg. 54	3.3	Design the street frontage to promote pedestrian activity throughout a Town Center development.	☐	☐	☒	Comment: existing sidewalk to remain
pg. 54	3.4	Provide high-quality pedestrian and bicycle connections throughout a Town Center development.	☐	☐	☒	Comment: existing to remain
pg. 55	3.5	Provide a highly-active pedestrian area between buildings and streets classified as “primary” in the Town Center.	☐	☐	☒	Comment: existing to remain
pg. 55	3.6	Provide a landscaped pedestrian area between buildings and streets classified as “secondary” in the Town Center.	☐	☐	☒	Comment: existing to remain
pg. 55	3.7	Locate and furnish outdoor open spaces to encourage pedestrian activity in the Town Center.	☐	☐	☒	Comment: existing to remain
pg. 56	3.8	Locate and design surface parking areas to minimize visual impacts on the Town Center.	☐	☐	☒	Comment: existing to remain
pg. 56	3.9	Design parking lots to promote pedestrian access in the Town Center.	☐	☐	☒	Comment: existing to remain

TOWN CENTER SUBAREA – BUILDING DESIGN:

Intent Statement: New construction and redevelopment should incorporate building design features that are consistent with the vision for a Town Center that creates a more urban downtown for Farragut.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 57	3.10	Scale buildings to help create an “urban” street edge in the Town Center.	☐	☐	☒	Comment: existing to remain
pg. 57	3.11	Articulate buildings into a base, middle and cap.	☐	☐	☒	Comment: existing to remain
pg. 57	3.12	Incorporate architectural features that promote the Town Center as a memorable downtown destination.	☐	☐	☒	Comment: existing to remain
pg. 57	3.13	Design a storefront to engage the public realm and promote pedestrian activity.	☐	☐	☒	Comment: existing to remain
pg. 58	3.14	Minimize the visual impacts of a parking structure on nearby pedestrian areas or major streets.	☐	☐	☒	Comment: existing to remain
pg. 58	3.15	Use compatible, high-quality façade materials in the Town Center.	☐	☐	☒	Comment: existing brick to remain. new stone, woodlook metal siding, and blue metal panel
pg. 59	3.16	Preserve significant historic resources, such as the Campbell Station Inn, in the Town Center.	☐	☐	☒	Comment:
pg. 59	3.17	Integrate historic resources, such as the Campbell Station Inn, into the design of a new Town Center development.	☐	☐	☒	Comment: no new structure to be built

KINGSTON PIKE SUBAREAS

Intent Statement: New development and redevelopment in the Kingston Pike/Watt Road subarea should support additional medium density residential development while remaining compatible with existing neighborhoods. It should also incorporate design elements that preserve natural vistas and provide a welcoming gateway for motorists, bicyclists and pedestrians entering Farragut on Watt Road or Kingston Pike.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 61	3.18	Provide high quality streetscape and landscape features along Kingston Pike.	☐	☐	☐	Comment:
pg. 61	3.19	Design the street frontage to promote pedestrian activity along Kingston Pike.	☐	☐	☐	Comment:
pg. 62	3.20	Incorporate design elements that provide a welcoming community gateway in the Kingston Pike/Watt Road and Kingston Pike/Lovell Road areas.	☐	☐	☐	Comment:
pg. 62	3.21	Provide a high-quality, interconnected pedestrian environment in the Central Kingston Pike subarea.	☐	☐	☐	Comment:
pg. 62	3.22	Incorporate a consistent landscape setback along Kingston Pike in the Kingston Pike/Lovell area.	☐	☐	☐	Comment:

LAKEFRONT/CONCORD ROAD SUBAREAS

Intent Statement: New development and redevelopment in the Lakefront/Concord Road subarea should help create a welcoming gateway to Farragut while maintaining compatibility with the natural and very low-scale residential surroundings. New design should also incorporate features that reference the nearby historic Concord Village area, which is outside of the town boundary to the east of the Lakefront/Concord Road subarea.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 63	3.23	Ensure that new development in the Lakefront/ Concord Road subarea is compatible with the existing, predominantly very low-scale residential character.	☐	☐	☐	Comment:

pg. 63	3.24	Maintain the existing naturalistic feel along the Concord Road frontage in the Lakefront/Concord subarea.	☐	☐	☐	Comment:
pg. 63	3.25	Incorporate design elements that provide a welcoming community gateway near Concord Road and Lake Ridge Drive in the Concord/Lakefront subarea.	☐	☐	☐	Comment:
pg. 64	3.26	Incorporate design elements that reference the adjacent historic Concord Village in the Concord/Lakefront subarea.	☐	☐	☐	Comment:

MCREE PARK ROUNDABOUT SUBAREA

Intent Statement: New development and redevelopment in the McFee Park Roundabout subarea should help create a pedestrian-oriented center while maintaining compatibility with the residential surroundings.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 65	3.27	Incorporate design elements that promote development of a pedestrian-oriented mixed-use neighborhood center in the McFee Park Roundabout subarea.	☐	☐	☐	Comment:
pg. 65	3.28	Incorporate design elements that relate to existing recreational amenities in the McFee Park Roundabout subarea.	☐	☐	☐	Comment:

OUTLET DRIVE SUBAREA

Intent Statement: New development and redevelopment in the Outlet Drive subarea should help raise the design quality of the area and incorporate iconic features that enhance community image as viewed from the Interstate and surrounding areas.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
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pg. 66	3.29	Design a larger office or light industrial building in the Outlet Drive subarea to enhance community image.	☐	☐	☐	Comment:
pg. 66	3.30	Design a larger office or light industrial building in the Outlet Drive subarea to incorporate iconic features.	☐	☐	☐	Comment:

Chapter 4: Guidelines for Signs

GENERAL SIGN GUIDELINES

Intent Statement: A sign should be in character with the materials, colors and details of the building. Its content should be visually interesting and clearly legible. Illumination sources should be shielded to minimize glare and light pollution.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 68	4.1	Locate and design a sign to be subordinate to the overall site and building design.	☐	☐	☒	Comment: There are no exterior signs that are part of this project.
pg. 68	4.2	Use sign materials that are compatible with the architectural character and materials of the building.	☐	☐	☒	Comment: There are no exterior signs that are part of this project.
pg. 68	4.3	Use colors for the sign that are compatible with those of the building façade.	☐	☐	☒	Comment: There are no exterior signs that are part of this project.
pg. 68	4.4	Use simple, legible characters that enhance the visibility of sign content.	☐	☐	☒	Comment: There are no exterior signs that are part of this project.

GUIDELINES FOR SPECIFIC SIGN TYPES

Intent Statement: The guidelines below supplement the general design guidelines with additional information regarding the use of several specific sign types. Sign types are defined and illustrated on page 70 of the design guidelines.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 69	4.5	Locate and design a wall sign to promote design compatibility among buildings.	☒	☐	☐	Comment: The sign flows with the rest of the building and allows passersby to locate the bldg appropriately
pg. 69	4.6	Locate and design a ground-mounted sign to be in character with its setting.	☐	☐	☒	Comment: There are no new freestanding exterior signs that are part of this project.

pg. 69	4.7	Locate and design a directional parking sign to be subordinate to other on-site signage.	☐	☐	☒	Comment: There are no new directional signs that are part of this project.
pg. 69	4.8	Locate and design an address sign to clearly indicate the property address.	☐	☐	☒	Comment: There are no new address signs that are part of this project.

SIGN ILLUMINATION

Intent Statement: Illumination should occur in a manner that is subordinate to the overall building, its site, and neighborhood while meeting the functional needs of the business. Within this framework, the creative use of lighting to add accent and interest to the street for pedestrians is encouraged.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 72	4.9	Use a compatible shielded light source to illuminate a sign.	☒	☐	☐	Comment: The exterior sign on the blue wall has lights above to illuminate the logo
pg. 72	4.10	If internal illumination is used, design it to be subordinate to the overall building composition.	☐	☐	☒	Comment: No internal illumination is used

SIGN GUIDELINES FOR TOWN CENTER

Intent Statement: Signs that are scaled to the pedestrian are especially encouraged. Signs that appear to be custom-designed and fabricated and convey visual interest in the urban setting are preferred.

Page #	Guideline #	Guideline Description	Met	Not Met	NA	Brief description of how the guideline is achieved:
pg. 73	4.11	Locate and design a sign to coordinate with façade design in the Town Center.	☐	☐	☒	Comment:
pg. 73	4.12	Design a sign to convey visual interest to pedestrians in the Town Center.	☐	☐	☒	Comment:
pg. 73	4.13	Locate and design a perpendicular wall sign to relate to building entries and convey visual interest in the Town Center.	☐	☐	☒	Comment:

pg. 74	4.14	Use a directory sign to consolidate small individual signs on a larger building in the Town Center.	☐	☐	☒	Comment:
pg. 74	4.15	Locate and design an under canopy sign to highlight building entries in the Town Center.	☐	☐	☒	Comment:
pg. 74	4.16	If necessary use an external light source to illuminate a sign in the Town Center.	☐	☐	☒	Comment:

SECTION 3:

Summary of Findings (For Staff Use)



The chart below is a summary of findings for a project under review. Each guideline that is met is checked, and a description of the appropriateness of the design under the guideline topic is included in the finding section.

PROJECT NAME

Chapter 1: Site Design Guidelines	
STREETSCAPE	
Finding:	Key Guidelines Met
	☐ 1.1 ☐ 1.2 ☐ 1.3 ☐ 1.4 ☐ 1.5
BUILDING SETBACKS & FRONTAGE	
Finding:	Key Guidelines Met
	☐ 1.6 ☐ 1.7
CONNECTIVITY	
Finding:	Key Guidelines Met
	☐ 1.8 ☐ 1.9
OPEN SPACE	
Finding:	Key Guidelines Met
	☐ 1.10 ☐ 1.11 ☐ 1.12 ☐ 1.13
PUBLIC ART	
Finding:	Key Guidelines Met
	☐ 1.14
LANDSCAPING	
Finding:	Key Guidelines Met
	☐ 1.15 ☐ 1.16 ☐ 1.17 ☐ 1.18 ☐ 1.19 ☐ 1.20

SURFACE PARKING	
Finding:	Key Guidelines Met
	☐ 1.21 ☐ 1.22 ☐ 1.23
SITE LIGHTING	
Finding:	Key Guidelines Met
	☐ 1.24 ☐ 1.25
WORKING WITH TOPOGRAPHY	
Finding:	Key Guidelines Met
	☐ 1.26 ☐ 1.27 ☐ 1.28 ☐ 1.29
SERVICE AREAS & UTILITIES	
Finding:	Key Guidelines Met
	☐ 1.30 ☐ 1.31 ☐ 1.32 ☐ 1.33
STORMWATER MANAGEMENT & LOW-IMPACT DEVELOPMENT	
Finding:	Key Guidelines Met
	☐ 1.34 ☐ 1.35 ☐ 1.36 ☐ 1.37
INCREMENTAL SITE DESIGN IMPROVEMENTS	
Finding:	Key Guidelines Met
	☐ 1.38 ☐ 1.39
NEIGHBORHOOD SITE DESIGN TRANSITIONS	
Finding:	Key Guidelines Met
	☐ 1.40 ☐ 1.41 ☐ 1.42

Chapter 2: Building Design Guidelines

BUILDING HEIGHT

Finding:

Key Guidelines Met

- ☐ 2.1
- ☐ 2.2
- ☐ 2.3

BUILDING ARTICULATION

Finding:

Key Guidelines Met

- ☐ 2.4
- ☐ 2.5

ICONIC DESIGN FEATURES

Finding:

Key Guidelines Met

- ☐ 2.6
- ☐ 2.7

ROOF FORM

Finding:

Key Guidelines Met

- ☐ 2.8
- ☐ 2.9

OVERALL FAÇADE CHARACTER

Finding:

Key Guidelines Met

- ☐ 2.10
- ☐ 2.11
- ☐ 2.12
- ☐ 2.13

GROUND FLOOR DESIGN

Finding:

Key Guidelines Met

- ☐ 2.14
- ☐ 2.15

BUILDING MATERIALS AND COLORS

Finding:

Key Guidelines Met

- ☐ 2.16
- ☐ 2.17
- ☐ 2.18
- ☐ 2.19
- ☐ 2.20

INCREMENTAL BUILDING DESIGN IMPROVEMENTS	
Finding:	Key Guidelines Met
	☐ 2.21 ☐ 2.22
ADAPTIVE REUSE	
Finding:	Key Guidelines Met
	☐ 2.23 ☐ 2.24
NEIGHBORHOOD BUILDING DESIGN TRANSITIONS	
Finding:	Key Guidelines Met
	☐ 2.25 ☐ 2.26

Chapter 3: Guidelines for Specific Subareas

TOWN CENTER SUBAREA – SITE DESIGN

Finding:

Key Guidelines Met

- ☐ 3.1
- ☐ 3.2
- ☐ 3.3
- ☐ 3.4
- ☐ 3.5
- ☐ 3.6
- ☐ 3.7
- ☐ 3.8
- ☐ 3.9

TOWN CENTER SUBAREA – BUILDING DESIGN

Finding:

Key Guidelines Met

- ☐ 3.10
- ☐ 3.11
- ☐ 3.12
- ☐ 3.13
- ☐ 3.14
- ☐ 3.15
- ☐ 3.16
- ☐ 3.17

KINGSTON PIKE SUBAREA

Finding:

Key Guidelines Met

- ☐ 3.18
- ☐ 3.19
- ☐ 3.20
- ☐ 3.21
- ☐ 3.22

LAKEFRONT/CONCORD ROAD SUBAREA

Finding:

Key Guidelines Met

- ☐ 3.23
- ☐ 3.24
- ☐ 3.25
- ☐ 3.26

MCFEE PARK ROUNDABOUT SUBAREA	
Finding:	Key Guidelines Met
	☐ 3.27 ☐ 3.28
OUTLET DRIVE SUBAREA	
Finding:	Key Guidelines Met
	☐ 3.29 ☐ 3.30

Chapter 4: Guidelines for Signs

GENERAL SIGN GUIDELINES

Finding:

Key Guidelines Met

- ☐ 4.1
- ☐ 4.2
- ☐ 4.3
- ☐ 4.4

GUIDELINES FOR SPECIFIC SIGN TYPES

Finding:

Key Guidelines Met

- ☐ 4.5
- ☐ 4.6
- ☐ 4.7
- ☐ 4.8

SIGN ILLUMINATION

Finding:

Key Guidelines Met

- ☐ 4.9
- ☐ 4.10

SIGN GUIDELINES FOR THE TOWN CENTER

Finding:

Key Guidelines Met

- ☐ 4.11
- ☐ 4.12
- ☐ 4.13
- ☐ 4.14
- ☐ 4.15
- ☐ 4.16

Recommendation:

Staff will provide their recommendation for action here:

Recommendation:

DATE: