



FARRAGUT BOARD OF MAYOR AND ALDERMEN AGENDA

January 28, 2021

WORKSHOP

5:45 PM

Introduction of Form Based Code
Discussion of Housing need demand study

BMA MEETING

7:00 PM

- I. Roll Call
- II. Approval of Agenda
- III. Approval of Minutes
 - A. January 14, 2021
- IV. Mayor's Report
- V. Business Items
 - A. Approval of Supplemental Request from Kimley Horn for additional engineering services for the Union Road Improvement Project
- VI. Ordinances
 - A. Public Hearing & Second Reading
 - 1. **Ordinance 21-01**, an ordinance to amend the future land use map in the Comprehensive Land Use Plan Update for a portion of Parcel 003.19, Tax Map 143 (a portion of the property referenced as 133 Concord Road) associated with the Farragut Town Center at Biddle Farms project from Medium Density Residential to Town Center (CHM, LLC, Applicant)
 - 2. **Ordinance 21-02**, an ordinance to amend the Farragut Zoning Map in association with the Farragut Town Center at Biddle Farms project, 11230 and 11240 Kingston Pike and 133 Concord Road, Parcels 3.02, 3.03, 3.10, and a portion of 3.19, Tax Map 143, from General Commercial (C-1) and General Single-Family Residential (R-2) to

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WWW.TOWNOFFARRAGUT.ORG

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 contact the ADA Coordinator at jcurry@townoffarragut.org or 865-966-7057 in advance of the meeting.

Planned Commercial Development (PCD), 43.63 Acres (CHM, LLC, Applicant)

3. **Ordinance 21-03**, an ordinance to amend the Farragut Zoning Ordinance, Chapter 3., Section XII. F. Mixed Use Town Center, associated with the Farragut Town Center at Biddle Farms project, 11230 and 11240 Kingston Pike and 133 Concord Road, Parcels 3.02, 3.03, 3.10, and a portion of 3.19, Tax Map 143, 43.63 Acres (Budd Cullom, Applicant)

- VII. **Town Administrator's Report**
- VIII. **Town Attorney's Report**
- IX. **Citizens Forum**

This meeting can be viewed live on the Farragut YouTube Channel, www.townoffarragut.org/livestream, Charter channel 193 and TDS channel 3. The meeting will be held virtually, authorized by Governor Lee's executive orders regarding the COVID-19 pandemic. Meeting comments, including your name and address, may be emailed to comments@townoffarragut.org and must be received by 12:00pm on **Wednesday, January 27** to be included in the record of the meeting.

The Board of Mayor and Aldermen welcomes and invites Farragut residents to participate in public meetings.

At the end of each business meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Town Recorder or staff member. This time is set aside specifically for comments on items that are not on the Board of Mayor and Aldermen regular agenda for the meeting. Each speaker will be given five (5) minutes to speak on his/her topic.

During the regular agenda portion of the meeting there may be an allowance for public comment for each agenda item. The Mayor may recognize individuals for public comment based on the following guidelines.

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment;
2. Any Farragut resident interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn in to the Town Recorder or a staff member;
3. Speakers shall come to the podium and identify themselves by name and street address;
4. Public comment shall be limited to five (5) minutes per individual. Time for public comment may be amended at the discretion of the Mayor. Time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy; each speaker should have their own original viewpoint;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose issues or measures, but the motives of those with differing views shall not be questioned or attacked;
8. Personal attacks and malicious comments shall not be tolerated;
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The five (5) minute limitation shall not apply. However, the Mayor may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Town of Farragut Planning Staff

SUBJECT: Introduction of Form Based Code

INTRODUCTION:

Members of the Board have expressed interest in the topic of Form Based Zoning and requested a workshop on the subject.

Form Based Zoning is an approach to regulating development that emphasizes the “form”, or the layout, look, and feel of a place or area, as opposed to the uses allowed in that place. The relationship between the public realm (streets, sidewalks, parks and gathering spaces) and the private realm (privately owned buildings and development sites) is a principle focus. It seeks to identify what combination of physical elements make a place identifiable and desirable, and then to code them into regulatory development requirements for that place.

Video: “What is a Form Based Code”, Planetizen Courses, YouTube

<https://www.youtube.com/watch?v=644gz7maHdM>

DISCUSSION & QUESTIONS:

A. General thoughts and questions on/from the video.

B. Other Possible Discussion Points:

1. What elements of the Town’s current regulatory approach might be considered form based in nature, and how do they differ from what might be implemented in a true form based code?
2. What area or areas within the Town would the Board consider the use of form based zoning requirements in? Is the Board comfortable with the idea of mandating such codes within those areas?
3. What are the potential public “management” considerations for the types of places the Town might want to create and how might they be handled?
4. How would form based codes be developed for identified areas within the Town?

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Trevor Hobbs, Assistant to the Town Administrator

SUBJECT: Housing Need & Demand Study

INTRODUCTION: The purpose of this workshop discussion is to review the general process for conducting a housing need and demand study, what types of information would be collected, how information is analyzed, as well as the types of results presented in a study, the potential cost and duration of a study.

BACKGROUND: Private research firms typically conduct housing need and demand studies in order to determine the viability of a specific development project, or more generally, the number of housing units that could be absorbed by a specific housing market. Housing need and demand studies typically take several months to complete, and may cost anywhere in the range of \$25,000 or more, depending on the complexity and scope of the study. They are most commonly required by lenders as part of a loan approval process, where the lender seeks to verify that the project will be successful in selling/leasing new housing units, thereby guaranteeing the borrower will be able to repay the loan.

A wide range of information is collected and analyzed as part of conducting a housing need and demand study. Key information typically includes:

- **Demographics:** Data on the target market including age, income, population and projected population growth, household makeup and projected household growth.
- **Economic Conditions:** Major employers, their employee totals, Job availability and employment rates, including new jobs created by major employers, as well as other information about potential future business growth that may increase the demand for workers.
- **Housing Market:** Information on the number of existing housing units (of a given type), the corresponding vacancy rate, absorption rate, current occupancy rates, and the number of units that will become available due to development projects in the pipeline, average cost/rent, and cost trends over time.
- **Demand Projections:** An estimated number of housing units (of a given type) which are projected to be needed in order for the given housing market to be balanced.

Some key terms:

Absorption Rate- The percentage of new housing units leased within a specified period of time, or more generally, the number of months it takes for a housing development to be leased to full occupancy levels.

Vacancy Rate- The percentage of all units in a housing development which are not occupied, at a specific time.

Occupancy Rate- The percentage of all units in a housing development which are occupied, at a specific time.

DISCUSSION:

Generally, housing need and demand studies are of one of two types: “Market” or “project specific”. Both types of studies determine the total number of households in a defined market area that would potentially move into any newly constructed housing units, either in the defined market area, or in the proposed project. Using principles of macro-economics, studies of this type evaluate market information to determine the number of housing units people will want to “demand”, and at what price developers will want to “supply” them.

Indicators of Low Demand

- Low household and population growth estimates
- Low absorption rates
- High vacancy rates
- Low rents
- Low numbers of income qualified households

Indicators of High Demand

- High household and population growth estimates
- High absorption and occupancy rates
- High rents
- High numbers of income qualified households

In the Town of Farragut, absorption and occupancy rates are high for existing multi-family developments, as are rents. These factors, though not necessarily precisely measured, are all indicators of high demand for multi-family housing. There are also a number of approved housing units that have yet to be constructed. And although the exact impact these new units may have on the Town’s multi-family housing market demand is yet unknown, a study would only indicate whether the market is balanced or whether additional units may be needed to reach equilibrium as defined by the principles of economics. The question of whether the Town wants to zone additional land to allow for more multi-family housing units remains a question for the Board to discuss.

In conclusion, staff seek direction from the Board of Mayor and Alderman as to whether the Town wants to pursue hiring a consultant to conduct a housing need and demand study for the Town. If there is a desire to pursue a study, staff will need guidance on the scope of the study to be conducted.

RECOMMENDATION BY: For workshop discussion purposes only

PROPOSED MOTION:

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>BURNETTE</u>	<u>PINCHOK</u>	<u>MEYER</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

BMA Meeting Minutes January 14, 2021

Mayor Williams called the meeting to order at 7:00 PM.

Roll Call

Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; in addition to staff and members of the press. The meeting was held via WebEx Governor Lee's orders and the Knox County Health Department's orders regarding the COVID-19 pandemic.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman Povlin, seconded by Alderman Burnette; roll call vote, Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Alderman Burnette, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Minutes

Motion was made to approve the minutes of December 10, 2020 as presented. Moved by Alderman Pinchok, seconded by Mayor Williams; roll call vote, Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Mayor Williams, yes; Alderman Povlin, abstained; no nays; motion passed.

Business Items

Approval of Resolution R-2021-01, Appointment of Municipal Judge

Motion was made to approve Resolution R-2021-01 to appoint Keith Alley as the Town of Farragut Municipal Judge. Moved by Alderman Povlin, seconded by Alderman Pinchok; roll call vote, Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Alderman Burnette, yes; Mayor Williams, yes; no nays; motion passed.

Ordinances

Public Hearing & Second Reading

Ordinance 20-25, an ordinance to amend Appendix A – Zoning, Chapter 3., Specific District Regulations, Section XII., General Commercial District (C-1), B., 3., as it relates to the outdoor display and or storage of general farm implements and lawn care equipment, riding lawn mowers, and related accessories (Farragut Lawn and Tractor, Applicant)

Motion was made to approve Ordinance 20-25 on second and final reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; roll call vote, Alderman Pinchok, yes; Alderman Povlin, yes; Alderman Burnette, yes; Alderman Meyer, yes; Mayor Williams, yes; no nays; motion passed.

Ordinance 20-26, an Ordinance Amending the General Fund and Capital Investment Program for the Fiscal Year 2020-2021 Budget, Passed by Ordinance 20-07

Motion was made to approve Ordinance 20-26 on second and final reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; roll call vote, Alderman Povlin, yes; Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

First Reading

Ordinance 21-01, an ordinance to amend the future land use map in the Comprehensive Land Use Plan Update for a portion of Parcel 003.19, Tax Map 143 (a portion of the property referenced as 133 Concord Road) associated with the Farragut Town Center at Biddle Farms project from Medium Density Residential to Town Center (CHM, LLC, Applicant)

Motion was made to approve Ordinance 21-01 on first reading. Moved by Alderman Povlin, seconded by Alderman Meyer.

The following citizens submitted comments for this agenda item:

Penny Scott
11157 Hughlan Drive

Daniel Hereford
109 Jamestowne Blvd

Jamie Wray
700 Fox Dale Lane

Robby Eddins
238 W. Heritage Dr.

Mario Vela
306 Johnsons corner road

Yuliya Webb
11826 Lakehurst In

Rosemary Portwood
811 Sailview Road

Ashli Hurley
12341 Comblain Road

Joy Riggelman,
113 Jamestowne BLvd. 37934

Mary Ann Aiken
569 Windham Hill Rd

John Aiken
12144 Brookstone Drive

Maria Shafer
11325 Woodcliff Dr.
Pamela S Hill
319 Cashmere Lane

Randal Roberts
11905 Butternut Lane

Elise Harris
11929 W Kingsgate Rd,

Gloria Dyer
10808 Farragut hills blvd

Douglas Dillon
338 Axton Dr

Tim Wojtowicz
11113 Windward Dr

Mindy Clark
12406 comblain rd.

Joyce Carmack
11140 Hughlan Drive

Jane Roberts
East Fox Den Dr

Mike and Susan Bartell
607 Gwinhurst Rd

Desirée Keener
11431 Woodcliff Drive

Patrick Lee
405 Ensign Ln

Hayden Oakley
11103 Crown Point Dr.

Jack and Christine Goebel
11104 Crown Pt. Dr.

Theodora Callahan
11630 S. Monticello Dr.

Sherri Bolen
321 Battle Front

John Lunn
533 Hidden Grove Rd

Gloria and Jeff Gorss
11626 Channing

Michelle Cox
12033 Broadwood Dr

Lee Ann Newman
825 Spinnaker Rd

Robert Hierholzer
208 Woodland Trace Drive

Michelle Boze
12117 Aspenwood Drive

Josh and Cecille Skeens
12121 Aspenwood Drive

After much discussion, a roll call vote was taken, Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

Ordinance 21-02, an ordinance to amend the Farragut Zoning Map in association with the Farragut Town Center at Biddle Farms project, 11230 and 11240 Kingston Pike and 133 Concord Road, Parcels 3.02, 3.03, 3.10, and a portion of 3.19, Tax Map 143, from General Commercial (C-1) and General Single-Family Residential (R-2) to Planned Commercial Development (PCD), 43.63 Acres (CHM, LLC, Applicant)

Motion was made to approve Ordinance 21-02 on first reading. Moved by Alderman Povlin, seconded by Alderman Burnette.

The following citizens submitted comments for this agenda item:

Mike Mitchell
716 Brixworth Blvd.

Therese K Barn
347 Barnsley Road

Michael Wilson
412 Eisenhower Street

Dave Sandoval
417 Ferret Rd.

Terri and Bruce Savage
417 Cutlass Rd

Doug and Chesney Anderson
12109 N. Fox Den Drive

Jeanne Dotts Brykalski
Robert Edward Brykalski
329 Crestview Road

Tiffany DaVanzo
11329 Woodcliff Dr



A motion was made to insert the following into Ordinance 21-02:

Consistent with the contents of Note 6 of sheet CP-1 of the Concept Plan submitted by the applicant, a condition upon the approval of this rezoning imposed by the Town of Farragut is that the proposed multi-story, multi-dwelling unit residential buildings represented and depicted on the Concept Plan shall be the only such similar residential buildings allowed to be constructed on the property subject to Ordinance 20-01, including on the Future Development Tracts 1 & 2, the development of which shall be limited to a density of no more than four (4) dwelling units per acre, and the further condition that the rezoning would not become effective until the foregoing restrictions upon the property being rezoned are memorialized by a restrictive covenant executed by the applicant that will run with the land binding all future owners of such property.

Moved by Alderman Povlin, seconded by Alderman Burnette.

After much discussion, a motion was made to revert to the original motion and not include the condition on the rezoning. Moved by Alderman Povlin, seconded by Alderman Burnette.

A roll call vote was taken on the original motion with no amendments, Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Alderman Burnette, yes; Mayor Williams, yes; no nays; motion passed.

Ordinance 21-03, an ordinance to amend the Farragut Zoning Ordinance, Chapter 3., Section XII. F. Mixed Use Town Center, associated with the Farragut Town Center at Biddle Farms project, 11230 and 11240 Kingston Pike and 133 Concord Road, Parcels 3.02, 3.03, 3.10, and a portion of 3.19, Tax Map 143, 43.63 Acres (Budd Cullom, Applicant)

Motion was made to approve Ordinance 21-03 on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok.

The following citizens submitted comments for this agenda item:

Mike Mitchell
716 Brixworth Blvd.

Michael Wilson
412 Eisenhower Street

After much discussion, a roll call vote was taken, Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Alderman Burnette, yes; Mayor Williams, yes; no nays; motion passed.

Meeting adjourned at 10:45 PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Supplement Request from Kimley-Horn and Associates, Inc. for Additional Engineering Services for the Union Road Improvement Project

INTRODUCTION: The purpose of this item is the approval of a supplement request from Kimley-Horn and Associates, Inc. for additional engineering services required to complete plans for improvements to Union Road, from Hobbs Road to Everett Road.

BACKGROUND: The Board of Mayor and Aldermen approved an agreement with Kimley-Horn in 2017 to develop plans for improvements to Union Road from Hobbs Road to Everett Road. Since that time, the Town requested additional design and study to include three roundabouts (two of which were later eliminated after public input), which resulted in a supplement request approved by the Board in 2018.

Development of the Swan and Ivey Farms by Goodall Homes was approved in 2019, with an agreement that Goodall would construct a roundabout between the two developments on Union Road. Goodall's engineers completed design of the roundabout based upon Kimley-Horn's preliminary design, and the roundabout has now been constructed. While the roundabout has been completed based upon the preliminary plan, actual as-built horizontal and vertical alignment need to be verified and incorporated into the final design. Additionally, grading of the two developments has changed the topography, and plan revisions are now necessary to "marry" our design to Goodall's actual construction. This will require additional survey and design by Kimley-Horn and a request for supplemental fees is in order.

The attached supplement request from Kimley-Horn outlines the scope of additional services required, with a total fee of \$52,600. The scope of services is broken into four tasks: coordination of Kimley-Horn's design with Goodall's (\$12,000), field surveys (\$21,400), Right of Way and Construction Plans revisions (\$10,700) and preparation of up to 15 revised acquisition exhibits by the surveyors (\$8,500). Staff believes these fees are appropriate.

With approval of this request, Kimley-Horn's total fees for this project are not to exceed \$541,285. Please note that all fees related to the Design phase are funded through the Knoxville Regional Transportation Planning Organization (L-STBG funding), with a local match of 20%. The Town's responsibility for this supplement request is \$10,520. The Town will be responsible for payment of the total fee but will be reimbursed 80% (\$42,080) in federal funding as the design work is completed.

FINANCIAL SECTION:

Project: Union Road Improvements			
<u>Project Budget (PE & ROW)</u>	<u>Requested Amount</u>	<u>Contracted Amount</u>	<u>Remaining Amount</u>
\$980,000	\$52,600	\$488,685	\$438,715
<i>A. Myers</i>			
Approved By: _____			

RECOMMENDATION BY: Darryl Smith, Town Engineer, for approval.

PROPOSED MOTION: Approval of the attached request for supplement from Kimley-Horn and Associates, Inc. for additional engineering services for the Union Road project.

BOARD ACTION:

MOTION BY:_____ **SECONDED BY:**_____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>POVLIN</u>	<u>PINCHOK</u>	<u>MEYER</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

**AMENDMENT NUMBER 02 TO THE AGREEMENT BETWEEN CLIENT AND KIMLEY-HORN
AND ASSOCIATES, INC.**

This is Amendment number 02 dated January 19, 2021 to the agreement between Town of Farragut ("Client") and Kimley-Horn and Associates, Inc. ("Consultant") dated February 23, 2017 ("the Agreement") concerning Union Road Improvements (the "Project").

The Consultant has entered into the Agreement with Client for the furnishing of professional services, and the parties now desire to amend the Agreement.

The Agreement is amended to include Additional Services to be performed by Consultant for additional compensation as set forth below in accordance with the terms of the Agreement, which are incorporated by reference.

The services currently authorized to be performed by Consultant in accordance with the Agreement and previous amendments, if any, shall be modified as followed:

Task 1.0 Project Management

Kimley-Horn provided project coordination, meeting attendance, design revisions, and adjacent development plan review for the inclusion of the roundabout at the Ivey and Swann developments. This work was completed outside of the scope of services as stated in the Agreement dated February 23, 2017.

Kimley-Horn will coordinate with the Town and property developer on the proposed design revisions based on the newly constructed roundabout and future development of the Ivey and Swann properties.

Task 2.2 – Field Survey

Cannon & Cannon, Inc. will perform a topographic survey at the newly constructed roundabout along Union Road. The survey corridor will follow the centerline of Union Road and be 125' in width - 100' to the north and 25' to the south of the centerline west of the roundabout and 100' to the south and 25' to the north of the centerline east of the roundabout. The survey will begin approximately 660' to the west of the roundabout and end approximately 775' to the east as detailed in Attachment A.

As part of this task, Cannon & Cannon, Inc. will utilize design CAD files from SITE, Inc. and onsite surveyed information and will provide property boundaries for up to 15 tracts. The right-of-way acquisition table will be revised to contain up to 15 properties and will consist of property owner names, acreage, tax map, parcel, and deed information. Cannon & Cannon, Inc. will review the remaining properties within the Union Road Widening project corridor and update property owner names, acreage, tax map, parcel, and deed information as needed.

In addition, Cannon & Cannon will locate drainage structures outside of the existing survey limits at the intersections of North Hobbs Road and Kingston Pike and Union Road and Brochardt Boulevard in order to provide the needed information to complete the drainage design of Union Road.

Task 6.1 Construction Plans

Kimley-Horn will utilize the survey from Task 2.2 and revise the right-of-way design plans accordingly. These revisions will consist of updates to the vertical geometry (if needed), slope and construction easements per the new topographic information, drainage design revisions for the adjacent developments, and the incorporation of up to 15 properties in the right-of-way plan set.

Kimley-Horn will provide coordination and design of a mid-block crossing at the greenway connection west of Little Turkey Creek. It is anticipated the mid-block crossing will not require rapid

reflective beacons or a HAWK system as part of the design. If required, these services will be provided through the additional services clause of the Agreement dated February 23rd, 2017.

Task 8.1 Acquisition Plats

Cannon & Cannon, Inc. will prepare acquisition plats for up to 15 properties for the required right-of-way and easements on the project. Legal Descriptions will be provided for each property anticipated to require easement and/or right-of-way acquisition.

Consultant and Client agree to the following general schedule in connection with the Additional Services set forth above:

Additional services to be completed in a mutually agreed upon schedule.

For the Additional Services set forth above, Client shall pay Consultant the following additional compensation:

Task 1.0 - \$12,000

Task 2.2 - \$21,400

Task 6.1 - \$10,700

Task 8.1 - \$8,500

Total Fee - \$52,600

CLIENT:

TOWN OF FARRAGUT

By: _____

Title: _____

Date: _____

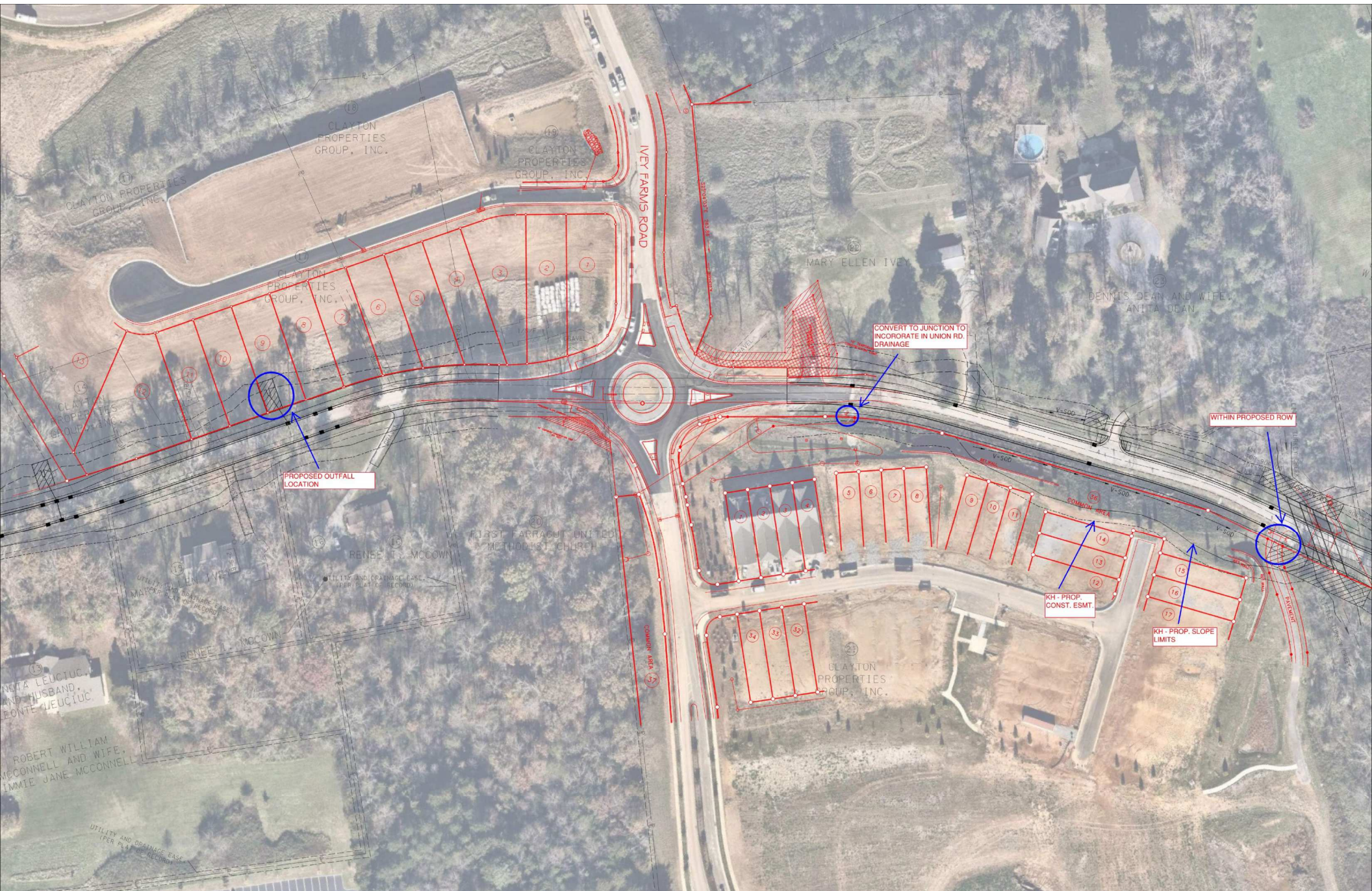
CONSULTANT:

KIMLEY-HORN AND ASSOCIATES, INC.

By:  _____

Title: Vice-President

Date: 01/19/21



REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 21-01, an ordinance on second reading to amend the future land use map in the Comprehensive Land Use Plan Update for a portion of Parcel 003.19, Tax Map 143 (a portion of the property referenced as 133 Concord Road) associated with the Farragut Town Center at Biddle Farms project from Medium Density Residential to Town Center (CHM, LLC, Applicant)

INTRODUCTION AND BACKGROUND: This item involves a project, the Town Center at Biddle Farms, that has been discussed at a number of Planning Commission and Staff/Developer meetings since March 2020. As conditionally approved through a master concept plan in July, the project would include a Town Center commercial area on the north portion of the property and transition to a multi-family residential development on the southern portion of the property with a large lawn gathering space between the two and a linear park area with a greenway loop on the eastern portion of the development along the floodplain. Collectively, this will be a Planned Commercial Development that will also involve a requested amendment to the Zoning Map.

DISCUSSION: In terms of the future land use map, most of the development proposed for the Town Center at Biddle Farms is shown in an area that is designated as Mixed-Use Town Center. A small area in the southeast portion of the development where some improvements associated with the project are planned is shown as Medium Density Residential. For consistency purposes, the applicant is requesting the area shown as Medium Density Residential be amended to Mixed Use Town Center.

One clarification to note regarding the lines shown on the future land use map is that, unlike a line on a zoning map which typically follows property lines or can be dimensioned and tied to a specific location, the lines on the future land use map are only intended to generally define areas for purposes of demonstrating a certain development vision. Thus, the lines on the future land use map may appear irregular and do not necessarily follow property lines.

In the case of the area envisioned as the Mixed Use Town Center on the future land use, the Board of Mayor and Aldermen has adopted by ordinance both the map and text portion of this particular land use designation because of its importance in encouraging the realization of Strategy 1 in the Comprehensive Land Use Plan Update which is to “Bring About a Downtown.”

RECOMMENDATION: Included in your packet is Ordinance 21-01 which would amend the future land use map for the area requested by the applicant. As noted during the presentation to the Planning Commission at their meeting in November, in relation to the Eight Key Strategies identified in the Comprehensive Land Use Plan Update, changing the future land use as provided for in Ordinance 21-01 would help facilitate a project that would address the following:

1. Bringing About a Downtown (the project would create a main street with many components consistent with a downtown);
2. Repairing Aging Shopping Centers (the project would result in the removal of the old Kroger building and the creation of a new development with a town center street grid with building placement and streetscaping that encourage pedestrian activity, a large central gathering space for community events, a linear park, and improvements to outdated infrastructure);
3. Encouraging Greater Housing Choice (the project would provide for housing in a density, form, and location that would help support the downtown and create a more dynamic and active town center area);

4. Increasing Connectivity (the project includes numerous connections, both vehicular and pedestrian, that tie the project together internally and externally);
5. Enhancing our Identity (the project would create a unique type of development that would focus on activated spaces and pedestrian engagement along with provisions for public gatherings and community events); and
6. Planning for the Remaining Vacant Parcels (the project not only repairs an existing aging shopping center and infrastructure but it also addresses abutting areas and incorporates them into the project to help sustain the project and create an area that will be identified as downtown Farragut).

For these reasons, the Planning Commission unanimously recommended approval of Ordinance 21-01 (formally referenced as 20-26) at their meeting on November 19. At the Board of Mayor and Aldermen meeting on January 14, 2021, Ordinance 21-01 was approved on first reading. Community Development Director, Mark Shipley, recommends approval of Ordinance 21-01 on second reading.

PROPOSED MOTION: To approve Ordinance 21-01 on second reading.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	21-01
PREPARED BY:	Shipley
REQUESTED BY:	CHM, LLC
CERTIFIED BY FMPC:	November 19, 2020
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE LAND USE PLAN UPDATE FOR A PORTION OF PARCEL 003.19, TAX MAP 143 (A PORTION OF THE PROPERTY REFERENCED AS 133 CONCORD ROAD)

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, through the Farragut Municipal Planning Commission, created and adopted the Farragut Comprehensive Land Use Plan Update and Future Land Use Map; and,

WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission adopted the Farragut Comprehensive Land Use Plan Update and Future Land Use Map by Resolution PC-12-18 on December 20, 2012; and

WHEREAS, the Tennessee Code Annotated, Section 13-4-202 et seq, provides that the Municipal Planning Commission and the chief legislative body may adopt parts of the Comprehensive Land Use Plan Update that correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan; and

WHEREAS, the Board of Mayor and Alderman of the Town of Farragut has adopted the Mixed-Use Town Center portion of the Future Land Use Map of the Farragut Comprehensive Land Use Plan Update; and

WHEREAS, the Board of Mayor and Alderman of the Town of Farragut may periodically amend the map of the Mixed-Use Town Center Land Use of the Farragut Comprehensive Land Use Plan Update;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut that the Future Land Use Map in the Comprehensive Land Use Plan Update is amended as follows:

SECTION 1.

Changing the property referenced as a portion of Parcel 003.19, Tax Map 143 (a portion of the property referenced as 133 Concord Road) from what is currently shown as Medium Density Residential on the Future Land Use Map to Mixed Use Town Center (see Exhibit A).

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2021, with approval recommended.

Rita Holladay, Chairman

Scott Russ, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION



**Exhibit A
Ordinance 21-01**

**Future Land Use Map Amendment
A portion of Parcel 3.19
Tax Map 143
A Portion of the Property
133 Concord Road**

From
Medium Density Residential

to

Mixed Use Town Center

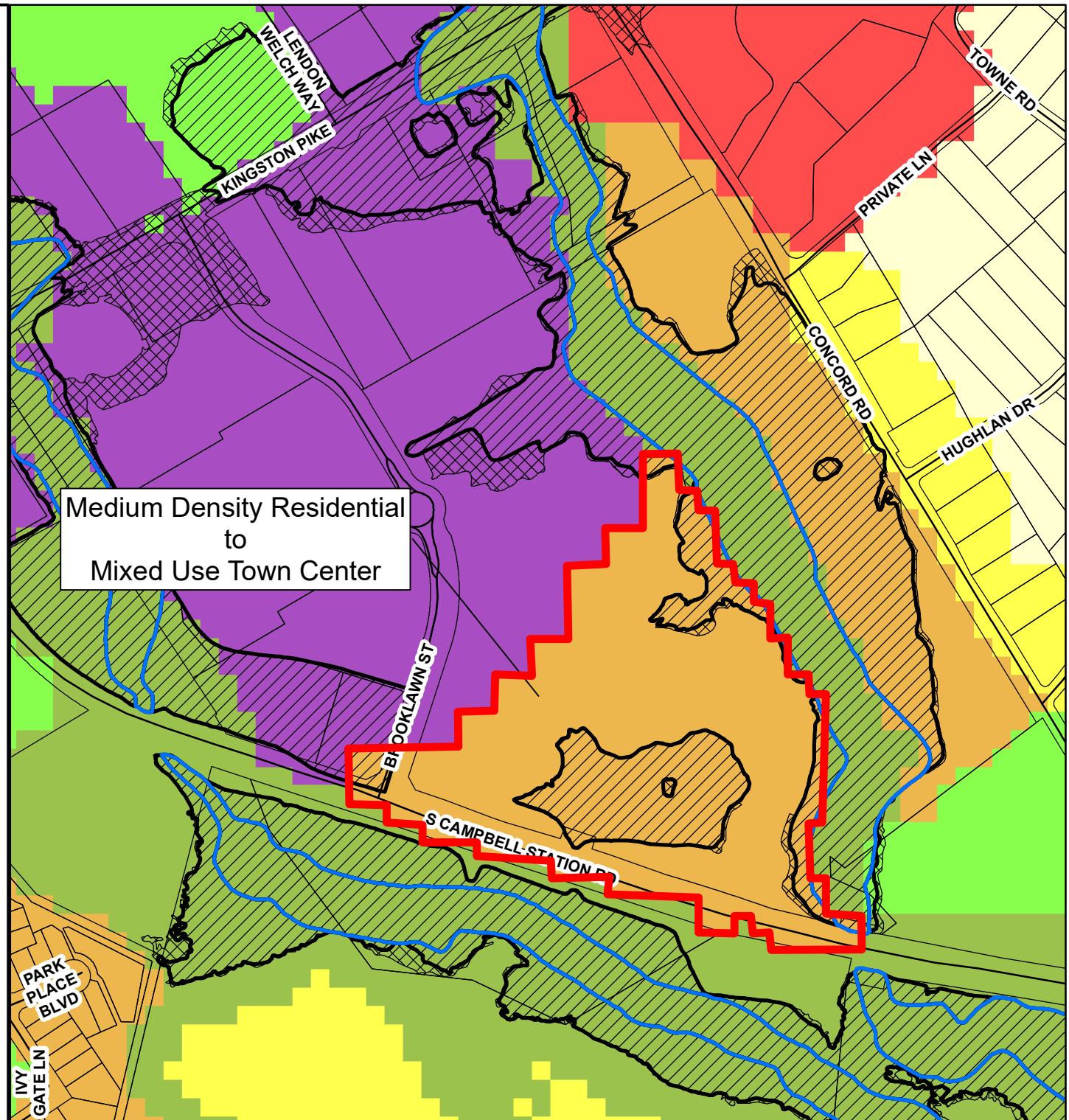
Medium Density Residential
to
Mixed Use Town Center

Legend

-  Subject
-  Floodway
-  100 year Flood Zone
-  500 year Flood Zone
-  Streets
-  Parcels
-  Commercial
-  Open Space
-  Parks and Rec
-  Very Low Density Residential (2-4 DUs /
-  Low Density Residential (3-6 DUs /
-  Med Density Residential (6-8 DUs / Acre)
-  Mixed Use Town Center (8-15 DUs /



1 in = 400 ft



REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 21-02, an ordinance on second reading to amend the Farragut Zoning Map in association with the Farragut Town Center at Biddle Farms project, 11230 and 11240 Kingston Pike and 133 Concord Road, Parcels 3.02, 3.03, 3.10, and a portion of 3.19, Tax Map 143, from General Commercial (C-1) and General Single-Family Residential (R-2) to Planned Commercial Development (PCD), 43.63 Acres (CHM, LLC, Applicant)

INTRODUCTION AND BACKGROUND: Related to the previous agenda item, the applicant pursuing the Town Center at Biddle Farms project is requesting a zoning map amendment that would establish the Planned Commercial Development District (PCD) as the zoning district for their planned mixed-use project. Having more than one zoning district can create confusion in terms of what regulations apply and, since this is a planned commercial/residential project, the PCD is the logical choice.

As shown as part of Ordinance 21-02, a small portion of the project is currently zoned PCD. However, most of the project is zoned General Commercial (C-1) with the southeast end of the project, which does not include any proposed buildings, zoned General Single-Family Residential (R-2).

DISCUSSION: After a lengthy discussion at the staff/developer meeting on August 4, the general consensus that emerged was that the Town Center at Biddle Farms project, with its unique characteristics and surrounding plan of development, would be a good candidate for a Planned Commercial Development, especially given that a concept plan has already been presented and conditionally approved. The idea of using the PCD for this project was presented to the Planning Commission at their meeting on August 20 and was favorably received.

Since that time, the applicant has been working on putting together the information required for a rezoning request for the PCD District. Concurrent with this, the applicant also identified some existing text that they asked to be amended through Ordinance 20-29.

For purposes of this agenda item, staff would note that a rezoning to PCD would permit the applicant to develop under the existing language. The applicant understands that if the requested text amendments are not approved the project will need to be amended to comply with the established provisions.

RECOMMENDATION: Included in the packet is the applicant's rezoning package. This includes the Traffic Impact Study and a third-party review of the study.

As noted in the previous item, in relation to the Eight Key Strategies identified in the Comprehensive Land Use Plan Update, changing the zoning map as provided for in Ordinance 21-02 would help facilitate a project that would address the following:

1. Bringing About a Downtown (the project would create a main street with many components consistent with a downtown);
2. Repairing Aging Shopping Centers (the project would result in the removal of the old Kroger building and the creation of a new development with a town center street grid with building placement and streetscaping that encourage pedestrian activity, a large central gathering space for community events, a linear park, and improvements to outdated infrastructure);

3. Encouraging Greater Housing Choice (the project would provide for housing in a density, form, and location that would help support the downtown and create a more dynamic and active town center area);
4. Increasing Connectivity (the project includes numerous connections, both vehicular and pedestrian, that tie the project together internally and externally);
5. Enhancing our Identity (the project would create a unique type of development that would focus on activated spaces and pedestrian engagement along with provisions for public gatherings and community events); and
6. Planning for the Remaining Vacant Parcels (the project not only repairs an existing aging shopping center and infrastructure but it also addresses abutting areas and incorporates them into the project to help sustain the project and create an area that will be identified as downtown Farragut).

For these reasons, the Planning Commission recommended approval of Ordinance 21-02 (formally referenced as 20-27) at their meeting on November 19. At the Board of Mayor and Aldermen meeting on January 14, 2021, Ordinance 21-02 was approved on first reading. Community Development Director, Mark Shipley, recommends approval of Ordinance 21-02 on second reading.

PROPOSED MOTION: To approve Ordinance 21-02 on second reading.

BOARD ACTION:

MOTION BY:_____ **SECONDED BY:**_____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	21-02
PREPARED BY:	Shipley
REQUESTED BY:	CHM, LLC
CERTIFIED BY FMPC:	November 19, 2020
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended as follows:

SECTION 1.

The Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended by rezoning 11230 and 11240 Kingston Pike and 133 Concord Road, Parcels 3.02, 3.03, 3.10, and a portion of 3.19, Tax Map 143, from General Commercial (C-1) and General Single-Family Residential (R-2) to Planned Commercial Development (PCD) (See Exhibit A).

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2021,
with approval recommended by the Farragut Municipal Planning Commission (FMPC).

Rita Holladay, Chairman

Scott Russ, Secretary



**Exhibit A
Ordinance 21-02**

**Rezone
Parcel 3.02, 3.03, 3.10,
and a portion of 3.19
Tax Map 143
11230 and 11240 Kingston Pike
and 133 Concord Road**

From
C-1 (General Commercial) and
R-2 (General Single-Family Residential)
to

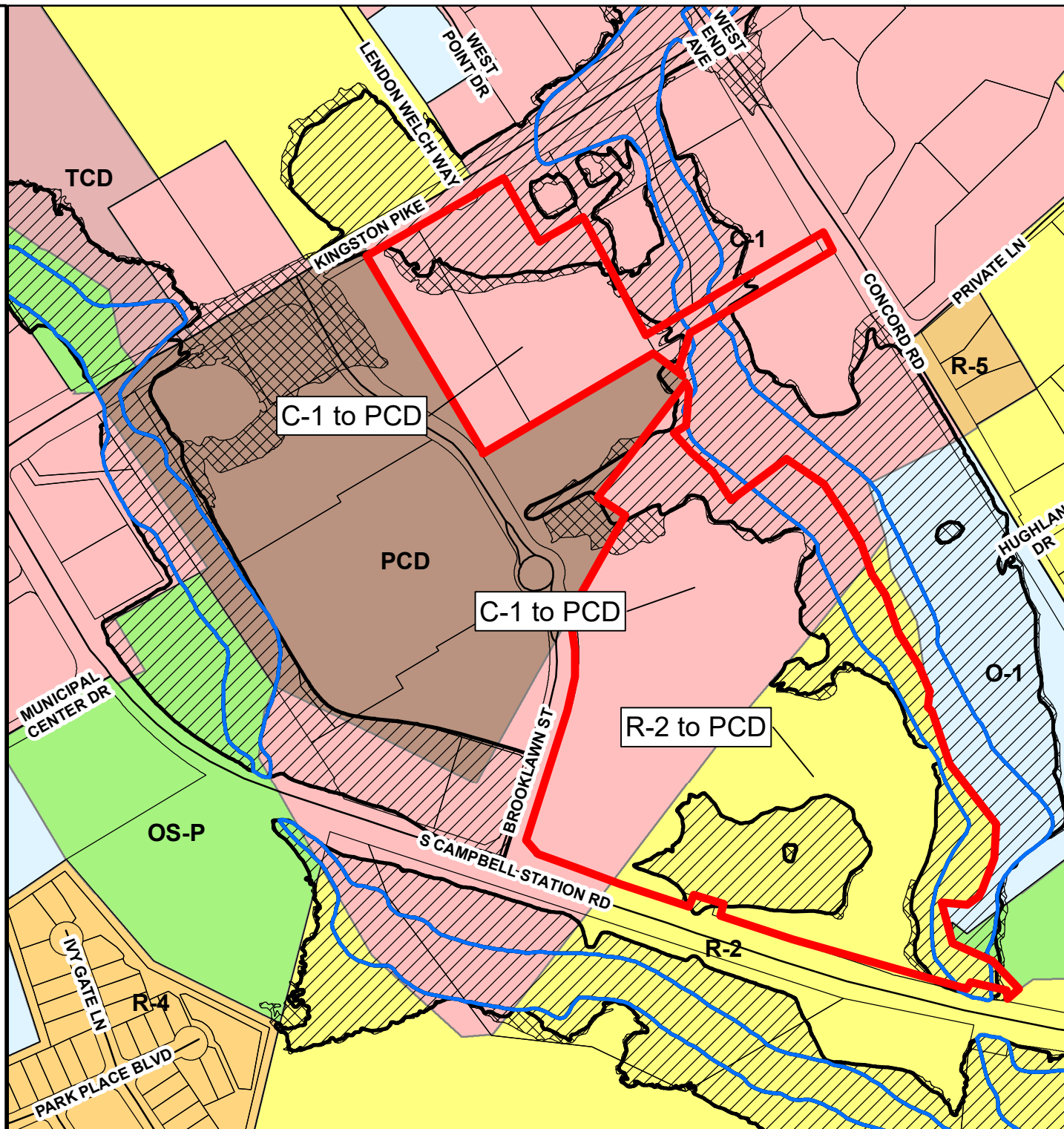
PCD (Planned Commercial Development)

Legend

-  Subject Property
-  Floodway
-  100 year Flood Zone
-  500 year Flood Zone
-  Streets
-  Parcels
-  OS-P, Open Space/Park
-  R-2, General Single-Family Residential
-  R-4, Attached Single-Family Residential
-  R-5, Two-Family Residential
-  O-1, Office
-  Town Center District
-  C-1, General Commercial
-  PCD, Planned Commercial Development



1 in = 400 ft



REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 21-03, an ordinance on second reading to amend the Farragut Zoning Ordinance, Chapter 3., Section XII. F. Mixed Use Town Center, associated with the Farragut Town Center at Biddle Farms project, 11230 and 11240 Kingston Pike and 133 Concord Road, Parcels 3.02, 3.03, 3.10, and a portion of 3.19, Tax Map 143, 43.63 Acres (Budd Cullom, Applicant)

INTRODUCTION AND BACKGROUND: At the Planning Commission meeting in November, an ordinance to amend the future land use map and an ordinance to amend the zoning map in association with the Farragut Town Center at Biddle Farms project were recommended for approval. The amendment to the future land use map would designate the area within the development as Mixed-Use Town Center (MUTC), with the exception of the floodway – which is currently and would remain as Open Space. The amendment to the zoning map would designate the area within the development as Planned Commercial Development (PCD), with the Flood Plain District Overlay being retained.

The PCD District was selected due to the nature of the project and that it is a planned development with a master concept plan. As noted during the meeting, along with the map related amendments, the applicant has requested some text amendments that have been discussed informally during previous meetings. At the December 1 staff/developer meeting, staff noted that it was not uncommon for larger complex projects to have requested text amendments. As an example, this was seen during the review of the Top Golf project north of the Interstate. Staff also noted that, in the PCD District, where the future land use map shows a property as Mixed Use Town Center, the permitted uses and associated requirements refer to the Mixed-Use Town Center section of the General Commercial (C-1) Zoning District. In this manner, all new commercial or planned developments have a consistent look and feel. Consequently, concurrent with the requested map amendments, the text amendments would relate to the Mixed-Use Town Center section of the C-1 Zoning District. Specifically, the amendments would include the following:

- 1) Clarification of where residential may be permitted in the MUTC and how it may be allowed on all stories of buildings that are part of a horizontally configured mixed-use town center development plan within the PCD District. This would acknowledge the reality that mixed-use developments may be vertical or horizontal but, if horizontal, the residential must be part of the master concept plan process required for a PCD rezoning and that such plan must be a mixed use town center development;
- 2) Clarifying that on-street parking is exempt from the standard setbacks applied to parking lots; and
- 3) Amending the height for accessory buildings from 15 feet to 25 feet. This would be the same height currently permitted for amenities buildings in the PCD District.

In addition to these amendments, Ordinance 21-03 will also update the MUTC portion of C-1 to acknowledge that the recently adopted sign ordinance would replace some of the existing wall sign provisions in this section. Also updated is the language which addresses “Building Façade Requirements.” The existing language was developed prior to the adoption of the Architectural Design Standards. The proposed language refers to the Architectural Design Standards for the applicable requirements while retaining the additional requirements specific to new buildings to be constructed in the MUTC land use area. These additional requirements namely prescribe for new buildings to include a cornice, upper façade, and storefront and face brick on at least 75% of each building wall. Outside the MUTC, the requirement is an average of 75% on the net façade area of all building walls.

RECOMMENDATION: Included in your packet is Ordinance 21-03. At their meeting on December 17, the Planning Commission unanimously recommended approval of Ordinance 21-03 (formally referenced as 20-29). At the Board of Mayor and Aldermen meeting on January 14, 2021, Ordinance 21-03 was approved on first reading. Community Development Director, Mark Shipley, recommends approval of Ordinance 21-03 on second reading.

PROPOSED MOTION: To approve Ordinance 21-03 on second reading.

BOARD ACTION:

MOTION BY:_____ **SECONDED BY:**_____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:
PREPARED BY:
REQUESTED BY:
1ST READING:
2ND READING:
PUBLISHED IN:
DATE:

21-03
Shipley
Bud Cullom

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING THE FARRAGUT MUNICIPAL CODE, APPENDIX A., ZONING, CHAPTER 3., SECTION XII. F., MIXED USE TOWN CENTER

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 3., Section XII. F. Mixed Use Town Center, of the Farragut Zoning Ordinance, Ordinance 86-16,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance is hereby amended by replacing it in its entirety as follows:

SECTION 1.

Section XII. F., Mixed Use Town Center

1. *General Description and Purpose.*

In the Town's adopted Comprehensive Land Use Plan (CLUP), Strategy 1 describes the community's desire to Bring About a Downtown. Also included in the CLUP are land use descriptions related to the intent, uses, and character of what is described as a Mixed Use Town Center (MUTC). The CLUP also includes a future land use map which identifies locations for a MUTC.

The purpose of this section is to ensure that properties zoned C-1 that are within (i.e., at least half of the existing parcel) the area shown as Mixed Use Town Center are developed and redeveloped in a manner that is consistent with the CLUP.

Where a property is zoned C-1 and is shown to be within the area identified as MUTC on the Future Land Use Map, the following provisions shall apply.

2. *Permitted Principal and Accessory Uses and Structures.* (If a use is not listed below it shall not be permitted unless it is approved by the Board of Zoning Appeals as a Special Exception and the proposed use is consistent with the CLUP as it relates to the MUTC.)
- Generally recognized retail sales. This excludes all outdoor sales or storage (unless part of an approved Farmers Market or similar seasonal pedestrian oriented use) and any "big box" entities where the total gross square footage exceeds 25,000 square feet.

- b. Restaurants, tea rooms, cafes, coffee houses, bistros, or other similar establishments serving food or beverage that is primarily consumed within the principal building or in designated outdoor seating areas associated with the principal building. A drive-through lane may be permitted provided the following criteria are satisfied:
 1. The property is a minimum of two acres and is a lot of record that has existing frontage on a street classified as a major arterial on the Major Road Plan;
 2. The drive-through is limited to one lane;
 3. The drive-through is located to the rear of the building or behind the building so that it is not visible from any abutting public rights-of-way;
 4. The drive-through is limited to one menu board which shall be permitted provided all of the following criteria are satisfied:
 - a) The menu board and any associated apparatus shall be architecturally compatible with the principal building;
 - b) The menu board and any associated apparatus shall be screened with opaque materials (which may include evergreen plant material) so that, throughout the year, they are not visible from adjacent properties and/or rights of ways;
 - c) The screening plan for such menu board and associated apparatus shall be reviewed as part of the site and landscape plan review with the applicable standards in the Architectural Design Standards (ADS) also being applied; and
 - d) The menu board shall not exceed 36 square feet in size and 6 feet in overall height.
 5. The entrance and exit to the drive-through leads to a parking area or service drive. The drive-through lane shall not be directly connected to a public street; and
 6. The design shall minimize vehicle/pedestrian conflicts. The drive-through lane shall not separate parking lots from rear building pedestrian access doors or other pedestrian access ways.
 7. The planning commission may approve alternative drive-thru lane configurations and minor modifications to the requirements of parts 1 - 6 above where an existing permitted establishment is being remodeled/redeveloped without a change of use. This includes but is not limited to the addition of split ordering lanes; the use of more than one menu board provided, however, that the aggregate square footage (sign area) of all such boards per lane shall be restricted to 30 square-feet with no single board to exceed 20 square-feet; and a relaxation of the menu board screening requirement. In granting such approvals, the planning commission shall consider and ensure that they are based on the following:
 - a) The physical nature of the preexisting site;
 - b) The extent of the redevelopment project;
 - c) A finding that the proposed alternative design and/or modifications serve a related public purpose, such as improved traffic flow; and
 - d) That the alternative design/modification is consistent with the general intent of these standards and represents the minimum modification necessary given the nature of the site and project.

- c. Financial and real estate services. This excludes drive-through service lanes and windows.
- d. Professional, personal, and business services.
- e. Public, governmental, and general offices.
- f. Medical, dental, and veterinary facilities (indoors only).
- g. Medical spas.
- h. Adult education and training facilities, indoors only.
- i. Cultural activities.
- j. Theaters.
- k. Indoor recreational facilities.
- l. Parks and community facilities.
- m. Residential, provided it is located in the upper floors of a building that has been designed and constructed for a mix of uses, or on any floors if it is part of an approved horizontally configured mixed-use town center development plan that is within the Planned Commercial Development (PCD) Zoning District.
- n. Bed and breakfasts/inns.
- o. Hotels, provided the gross square footage does not exceed 25,000 square feet.
- p. Churches and other places of worship, provided they are not located in freestanding buildings.
- q. Day care facilities, provided they are not located in freestanding buildings.
- r. Schools, public and private, provided they are not located in freestanding buildings.
- s. Utility uses. This excludes substations and telecommunication towers. These utility uses shall not be permitted.
- t. Other uses similar to any of the above, as approved by the Board of Zoning Appeals as a Special Exception. Any use approved as a Special Exception in this section shall be compatible with the CLUP as it relates to the Mixed-Use Town Center.

3. *Building Facade Requirements.*

New construction shall comply with the Town of Farragut Architectural Design Standards, as amended and, in addition, the requirements provided for in Chapter 107, Article 2. – Town Center Design Requirements, Sections 107-26 and 107-27, as amended.

Where re-development involves improvements (interior and/or exterior) to an existing building(s) which exceed 50 percent of the current value (as determined by a certified appraisal) of such building(s), the building(s) facade(s) shall be modified to use high-quality, durable, materials that are architecturally compatible and include a significant masonry element. Such building facades shall not use fabricated metal panels or vinyl siding and shall include only very limited use of synthetic stucco (EIFS) or panelized brick.

4. *Low Impact Development Requirements.* Any new development or redevelopment where at least half of the existing site improvements are being modified (e.g., half of the existing parking

lot is being altered from its current configuration), shall incorporate a minimum of one of the following Low Impact Development (LID) practices into the design:

- a. Twenty-five percent of the parking lot being constructed with permeable pavers;
- b. Stormwater runoff draining to rain gardens;
- c. A building(s) being constructed with a vegetated roof, commonly referred to as a green roof;
- d. Stormwater draining to bioswales/bioretenion facilities; or
- e. Rainwater being harvested for irrigation or gray water uses.

5. *Area Regulations.*

a. *Front yards.*

1. All principal buildings shall be set back a minimum of ten feet from all property lines and access easements.
2. Unless otherwise provided, all accessory structures, such as parking garages, dumpsters, HVAC units and generators, shall be set back a minimum of 20 feet from all property lines and access easements. This excludes signage, detention basin structures (if associated with a low impact development measure), or structures typically associated with a store front or furnishing zone as described in the TCD Zoning District.

Where abutting an arterial street, no portion of a parking lot shall be closer to such street than the principal building(s). The minimum setback for a parking lot shall be 20 feet from all property lines and access easements. On street parking shall be exempt from setback requirements.

b. *Side and rear yards.*

1. All principal buildings shall be set back a minimum of zero feet if part of a larger plan to join a building on an adjoining property. Where a building is planned to be joined with another building to form a series of buildings the design requirements provided for in Title 14, Chapter 3 [see now chapter 107, article 2] of the Farragut Municipal Code shall apply.

Where the adjacent property is zoned residential or agricultural, principal buildings shall be set back from the nearest point of any side or rear property line a minimum of 35 feet.

2. All accessory structures shall be set back a minimum of ten feet, unless a greater setback is otherwise required in this ordinance or the [Farragut] Municipal Code.

6. *Buffer Strips.*

- a. There shall be a buffer strip a minimum of 35 feet in width on all side and rear property lines when the abutting property is zoned residential or agricultural.

7. *Maximum Lot Coverage.* Total lot coverage: 80 percent.

8. *Land Area.* Minimum lot size of one acre.

9. *Height Regulations.*

- a. Unless provided for otherwise, buildings shall be a minimum of two stories in height or have the appearance, as viewed from all building elevations, of a building that is at least two stories in height. Buildings shall not exceed four stories in height. The minimum height requirement shall apply only to new buildings.
- b. For existing lots of record that are not part of a larger development and that are less than three acres, the planning commission may consider allowing a building height that is less than two stories. This shall only be permitted if the proposed building is in compliance with all other building facade requirements that apply to the Mixed-Use Town Center and the applicable provisions of the Architectural Design Standards. An applicant shall also clearly demonstrate that the building(s) will advance and be consistent with the building design objectives of the Town Center District.
- c. Whenever the adjacent property is zoned residential (other than multi-family), or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s).
- d. Parking garages shall not exceed three stories or 45 feet in height. Parking garages may not access streets classified as arterial. Other accessory structures shall not exceed 25 feet in height.

10. *Parking spaces required.*

- a. *Number of parking spaces required.* Unless the building is mixed use, the number of parking spaces required shall be as regulated by Chapter 4, Section XX of the Zoning Ordinance.

Mixed use buildings shall be governed by the following parking space provisions:

1. One parking space per 250 square feet of gross floor area for the first [ground] floor;
 2. One parking space per 500 square feet of gross floor area for the second floor; and
 3. One parking space per 750 square feet of gross floor area for the third and fourth floors.
- b. *Required bicycle parking.* One bicycle space per 5,000 square feet of gross floor area. Bicycle racks shall be provided in desirable locations and shall be conveniently located at each building. The rack placement should not impede pedestrian movement and should not cause conflicts between bicycles and pedestrians.
 - c. *Shared parking.* Shared parking within the area identified as MUTC shall be encouraged. The parking and access easements must be identified as part of the site plan review and a plat prepared and recorded which memorializes such easements prior to the issuance of a building permit.
11. *Streetscape and Outdoor Open Space.* An active and interconnected streetscape with visually appealing and functional public spaces shall be provided and specifically addressed in the site plan submittal. Some specific design objectives are as follows:
- a. Provide for pedestrian and bicycle connections between properties and connections to existing pedestrian and bicycle facilities. Provide for a development that creates a pleasant and functional pedestrian experience.

- b. Encourage vehicular connections between adjoining properties.
- c. Locate and orient outdoor open space (e.g., plazas, courtyards, patios, outdoor seating and benches, small park spaces or landscaped features) to provide a focal point to be actively used.
- d. Provide landscape enhancements (e.g., bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.

12. *Outdoor Site Lighting.* As regulated in Chapter 4, Section XIII of the Zoning Ordinance with the following additional provisions in the MUTC:

- a. New exterior lighting associated with new development or re-development within the MUTC shall have a consistency.
- b. Street lighting shall follow the requirements in Chapter 3, Section XXVII.K.2. of the Zoning Ordinance.
- c. Parking lot lights shall have decorative posts and brackets and a decorative fixture, such as a bell shaped style fixture. The bulbs shall be contained within the fixture so that they are not visible.
- d. Building mounted lights shall be decorative, such as the acorn, lantern, or bell shaped styles. The bulbs shall be contained within the fixture so that they are not visible.
- e. Bollard lighting shall be permitted provided the bulbs are contained within the fixture so that they are not visible.

13. *Signage.* As regulated in the Farragut Sign Ordinance, with the following additional provisions which shall specifically govern all wall signage:

- a. Box or cabinet style signs on new buildings shall not be permitted;
- b. Lighting for all new wall signs shall be consistent and shall be limited to external or back lit illumination; and
- c. Signage shall be consistent with the applicable provisions of the Town's Architectural Design Standards.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2021, with approval recommended.

Rita Holladay, Chairman

Scott Russ, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

AMENDED LANGUAGE IS NOTED IN RED AND WITH STRIKETHROUGHS

Section XII. F., Mixed Use Town Center

1. *General Description and Purpose.*

In the Town's adopted Comprehensive Land Use Plan (CLUP), Strategy 1 describes the community's desire to Bring About a Downtown. Also included in the CLUP are land use descriptions related to the intent, uses, and character of what is described as a Mixed Use Town Center (MUTC). The CLUP also includes a future land use map which identifies locations for a MUTC.

The purpose of this section is to ensure that properties zoned C-1 that are within (i.e., at least half of the existing parcel) the area shown as Mixed Use Town Center are developed and redeveloped in a manner that is consistent with the CLUP.

Where a property is zoned C-1 and is shown to be within the area identified as MUTC on the Future Land Use Map, the following provisions shall apply.

2. *Permitted Principal and Accessory Uses and Structures.* (If a use is not listed below it shall not be permitted unless it is approved by the Board of Zoning Appeals as a Special Exception and the proposed use is consistent with the CLUP as it relates to the MUTC.)

- a. Generally recognized retail sales. This excludes all outdoor sales or storage (unless part of an approved Farmers Market or similar seasonal pedestrian oriented use) and any "big box" entities where the total gross square footage exceeds 25,000 square feet.
- b. Restaurants, tea rooms, cafes, coffee houses, bistros, or other similar establishments serving food or beverage that is primarily consumed within the principal building or in designated outdoor seating areas associated with the principal building. A drive-through lane may be permitted provided the following criteria are satisfied:
 1. The property is a minimum of two acres and is a lot of record that has existing frontage on a street classified as a major arterial on the Major Road Plan;
 2. The drive-through is limited to one lane;
 3. The drive-through is located to the rear of the building or behind the building so that it is not visible from any abutting public rights-of-way;
 4. The drive-through is limited to one menu board which shall be permitted provided all of the following criteria are satisfied:
 - a) The menu board and any associated apparatus shall be architecturally compatible with the principal building;
 - b) The menu board and any associated apparatus shall be screened with opaque materials (which may include evergreen plant material) so that, throughout the year, they are not visible from adjacent properties and/or rights of ways;
 - c) The screening plan for such menu board and associated apparatus shall be reviewed as part of the site and landscape plan review with the applicable standards in the Architectural Design Standards (ADS) also being applied; and

- d) The menu board shall not exceed 36 square feet in size and 6 feet in overall height.
- 5. The entrance and exit to the drive-through leads to a parking area or service drive. The drive-through lane shall not be directly connected to a public street; and
- 6. The design shall minimize vehicle/pedestrian conflicts. The drive-through lane shall not separate parking lots from rear building pedestrian access doors or other pedestrian access ways.
- 7. The planning commission may approve alternative drive-thru lane configurations and minor modifications to the requirements of parts 1 - 6 above where an existing permitted establishment is being remodeled/redeveloped without a change of use. This includes but is not limited to the addition of split ordering lanes; the use of more than one menu board provided, however, that the aggregate square footage (sign area) of all such boards per lane shall be restricted to 30 square-feet with no single board to exceed 20 square-feet; and a relaxation of the menu board screening requirement. In granting such approvals, the planning commission shall consider and ensure that they are based on the following:
 - a) The physical nature of the preexisting site;
 - b) The extent of the redevelopment project;
 - c) A finding that the proposed alternative design and/or modifications serve a related public purpose, such as improved traffic flow; and
 - d) That the alternative design/modification is consistent with the general intent of these standards and represents the minimum modification necessary given the nature of the site and project.
- c. Financial and real estate services. This excludes drive-through service lanes and windows.
- d. Professional, personal, and business services.
- e. Public, governmental, and general offices.
- f. Medical, dental, and veterinary facilities (indoors only).
- g. Medical spas.
- h. Adult education and training facilities, indoors only.
- i. Cultural activities.
- j. Theaters.
- k. Indoor recreational facilities.
- l. Parks and community facilities.
- m. Residential, provided it is located in the upper stories floors of a building that has been designed and constructed for a mix of uses, or on any floors if it is part of an approved horizontally configured mixed-use town center development plan that is within the Planned Commercial Development (PCD) Zoning District.
- n. Bed and breakfasts/inns.
- o. Hotels, provided the gross square footage does not exceed 25,000 square feet.

- p. Churches and other places of worship, provided they are not located in freestanding buildings.
- q. Day care facilities, provided they are not located in freestanding buildings.
- r. Schools, public and private, provided they are not located in freestanding buildings.
- s. Utility uses. This excludes substations and telecommunication towers. These utility uses shall not be permitted.
- t. Other uses similar to any of the above, as approved by the Board of Zoning Appeals as a Special Exception. Any use approved as a Special Exception in this section shall be compatible with the CLUP as it relates to the Mixed-Use Town Center.

3. *Building Facade Requirements.*

New construction shall comply with the Town of Farragut Architectural Design Standards, as amended and, in addition, the requirements provided for in Chapter 107, Article 2. – Town Center Design Requirements, Sections 107-26 and 107-27, as amended. ~~Title 14, Chapter 3, Section 14-305 and Section 14-306(1) and (2) [see now §§ 107-26 and 107-27] of the Farragut Municipal Code. The street-facing building facade that does not have the storefront must provide windows or some other type architectural feature so the wall is not blank.~~

Where re-development involves improvements (interior and/or exterior) to an existing building(s) which exceed 50 percent of the current value (as determined by a certified appraisal) of such building(s), the building(s) facade(s) shall be modified to use high-quality, durable, materials that are architecturally compatible and include a significant masonry element. Such building facades shall not use fabricated metal panels or vinyl siding and shall include only very limited use of synthetic stucco (EIFS) or panelized brick.

4. *Low Impact Development Requirements.* Any new development or redevelopment where at least half of the existing site improvements are being modified (e.g., half of the existing parking lot is being altered from its current configuration), shall incorporate a minimum of one of the following Low Impact Development (LID) practices into the design:

- a. Twenty-five percent of the parking lot being constructed with permeable pavers;
- b. Stormwater runoff draining to rain gardens;
- c. A building(s) being constructed with a vegetated roof, commonly referred to as a green roof;
- d. Stormwater draining to bioswales/bioretenion facilities; or
- e. Rainwater being harvested for irrigation or gray water uses.

5. *Area Regulations.*

a. *Front yards.*

- 1. All principal buildings shall be set back a minimum of ten feet from all property lines and access easements.
- 2. **Unless otherwise provided**, all accessory structures, such as parking garages, dumpsters, HVAC units and generators, shall be set back a minimum of 20 feet from all property lines and access easements. This excludes signage, detention basin

structures (if associated with a low impact development measure), or structures typically associated with a store front or furnishing zone as described in the TCD Zoning District.

Where abutting an arterial street, no portion of a parking lot shall be closer to such street than the principal building(s). The minimum setback for a parking lot shall be 20 feet from all property lines and access easements. **On street parking shall be exempt from setback requirements.**

b. *Side and rear yards.*

1. All principal buildings shall be set back a minimum of zero feet if part of a larger plan to join a building on an adjoining property. Where a building is planned to be joined with another building to form a series of buildings the design requirements provided for in Title 14, Chapter 3 [see now chapter 107, article 2] of the Farragut Municipal Code shall apply.

Where the adjacent property is zoned residential or agricultural, principal buildings shall be set back from the nearest point of any side or rear property line a minimum of 35 feet.

2. All accessory structures shall be set back a minimum of ten feet, unless a greater setback is otherwise required in this ordinance or the [Farragut] Municipal Code.

6. *Buffer Strips.*

- a. There shall be a buffer strip a minimum of 35 feet in width on all side and rear property lines when the abutting property is zoned residential or agricultural.

7. *Maximum Lot Coverage.* Total lot coverage: 80 percent.

8. *Land Area.* Minimum lot size of one acre.

9. *Height Regulations.*

- a. Unless provided for otherwise, buildings shall be a minimum of two stories in height or have the appearance, as viewed from all building elevations, of a building that is at least two stories in height. Buildings shall not exceed four stories in height. The minimum height requirement shall apply only to new buildings.
- b. For existing lots of record that are not part of a larger development and that are less than three acres, the planning commission may consider allowing a building height that is less than two stories. This shall only be permitted if the proposed building is in compliance with all other building facade requirements that apply to the Mixed-Use Town Center and the applicable provisions of the Architectural Design Standards. An applicant shall also clearly demonstrate that the building(s) will advance and be consistent with the building design objectives of the Town Center District.
- c. Whenever the adjacent property is zoned residential (other than multi-family), or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s).

- d. ~~No accessory building structure shall generally exceed 15 feet in height.~~ Parking garages shall not exceed three stories or 45 feet in height. Parking garages may not access streets classified as arterial. **Other accessory structures shall not exceed 25 feet in height.**

10. *Parking spaces required.*

- a. *Number of parking spaces required.* Unless the building is mixed use, the number of parking spaces required shall be as regulated by Chapter 4, Section XX of the Zoning Ordinance.

Mixed use buildings shall be governed by the following parking space provisions:

- 1. One parking space per 250 square feet of gross floor area for the first [ground] floor;
- 2. One parking space per 500 square feet of gross floor area for the second floor; and
- 3. One parking space per 750 square feet of gross floor area for the third and fourth floors.

- b. *Required bicycle parking.* One bicycle space per 5,000 square feet of gross floor area. Bicycle racks shall be provided in desirable locations and shall be conveniently located at each building. The rack placement should not impede pedestrian movement and should not cause conflicts between bicycles and pedestrians.

- c. *Shared parking.* Shared parking within the area identified as MUTC shall be encouraged. The parking and access easements must be identified as part of the site plan review and a plat prepared and recorded which memorializes such easements prior to the issuance of a building permit.

11. *Streetscape and Outdoor Open Space.* An active and interconnected streetscape with visually appealing and functional public spaces shall be provided and specifically addressed in the site plan submittal. Some specific design objectives are as follows:

- a. Provide for pedestrian and bicycle connections between properties and connections to existing pedestrian and bicycle facilities. Provide for a development that creates a pleasant and functional pedestrian experience.
- b. Encourage vehicular connections between adjoining properties.
- c. Locate and orient outdoor open space (e.g., plazas, courtyards, patios, outdoor seating and benches, small park spaces or landscaped features) to provide a focal point to be actively used.
- d. Provide landscape enhancements (e.g., bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.

12. *Outdoor Site Lighting.* As regulated in Chapter 4, Section XIII of the Zoning Ordinance with the following additional provisions in the MUTC:

- a. New exterior lighting associated with new development or re-development within the MUTC shall have a consistency.
- b. Street lighting shall follow the requirements in Chapter 3, Section XXVII.K.2. of the Zoning Ordinance.
- c. Parking lot lights shall have decorative posts and brackets and a decorative fixture, such as a bell shaped style fixture. The bulbs shall be contained within the fixture so that they are not visible.

- d. Building mounted lights shall be decorative, such as the acorn, lantern, or bell shaped styles. The bulbs shall be contained within the fixture so that they are not visible.
 - e. Bollard lighting shall be permitted provided the bulbs are contained within the fixture so that they are not visible.
13. *Signage.* As regulated in the Farragut Sign Ordinance, with the following additional provisions which shall specifically govern all wall signage:
- a. Box or cabinet style signs on new buildings shall not be permitted;
 - ~~b. Each tenant shall be permitted a primary wall sign facing an abutting major arterial street not to exceed a ratio of 1:1 (sign area to lease space frontage on which the sign is to be mounted);~~
 - ~~c. Each tenant shall be permitted a secondary wall provided the following criteria are satisfied:~~
 - ~~a. The property shall directly front along a major arterial street;~~
 - ~~b. There is no surface parking in the front yard area(s) between the building and the major arterial street;~~
 - ~~c. The secondary wall sign shall not exceed a ratio of 0.75:1 (sign area to lease space frontage on which the sign is to be mounted)~~
 - ~~d. The secondary sign shall only be placed on the wall where the primary entrance is located and shall face the primary parking lot area;~~
 - b. d) Lighting for all new wall signs shall be consistent and shall be limited to external or back lit illumination; and
 - c. e) Signage shall be consistent with the applicable provisions of the Town's Architectural Design Standards.