

**MINUTES  
KNOXVILLE HISTORIC ZONING COMMISSION  
KNOX COUNTY HISTORIC ZONING COMMISSION  
MEETING OF MARCH 7, 2011**

**City HZC Present**

Sean Bolen  
Scott Busby  
Faris Eid  
Lorie Huff  
Melissa McAdams  
Andie Ray  
Finbarr Saunders  
Melynda Whetsel

**Others Present:**

Anne Wallace  
Anita Cash  
Bob Whetsel  
John Craig  
Richard Wozniak  
Heath Brownlee  
Ann Bennett  
Charlotte West

Chair Finbarr Saunders called the meeting to order and reminded members regarding conflicts of interest.

Certificate of Appropriateness

**KNOXVILLE HISTORIC ZONING COMMISSION**

**Market Square H-1**

**37 Market Square** – Robert A. Speck, President Blue Coast Burrito (tenant) – Certificate No. 22411MKT

**Work Description**

Construct raised, level seating area on north side of building, terminating at the façade (east elevation) and at the western end of the building. The width of the raised area will be approximately 8 feet, and will be topped by a shelf awning with a 9 foot width, with end panels. (A shelf awning was approved in Certificate 80409MKTA; the proposed shelf awning, like the one originally approved, will be divided into sections that frame each bay of the reconstructed north elevation using indentations but retaining a continuous appearance.)

The purpose of the proposed patio is to provide a level surface that allows for the decreased ground elevation at the western end of the building; the height of the proposed patio will be approximately 3 feet at its highest elevation. The raised section of the deck will begin approximately 10'3" back of the northeast corner of the building, with a sloped plate that transitions up to the deck floor, and will continue approximately 67'9" to the west. It will be decked with 6" Trex decking and will have a metal railing that is 36" tall broken by solid panels with a brick surface, spaced evenly with the existing building pilasters. Steps at the western edge of the building will provide access to the sidewalk level, edged with a 42" railing.

The railing will consist of 1/2" top and bottom rails and pickets with a 4" spacing. An intermediate vertical rail will be spaced to match the window mullions on the building. Trex facial board will wrap the new deck, with T1-11 boards applied vertically and painted black filling in the space between the deck skirt boards and the sidewalk.

### **Staff Recommendation**

APPROVE Certificate 22411MKT. The proposed seating area is a modification from the original that was approved, but is consistent with the Market Square Design Guidelines, and with the Secretary of Interior's Standards.

### **Additional Comments**

The Market Square Design Guidelines require that if awnings are used, they should be broken on their top surface so they frame each individual storefront window. The Secretary of Interior's Standards (See #9 and #10) which call for additions to be appropriate in size, scale and materials with adjacent buildings, and provide that they should not destroy significant material and should be done so that they can be removed in the future without impairing the basic form and integrity of the building.

Bennett stated that the staff report was revised after the meeting last week at the site. She discussed the work description. She talked with the architect, and they might use a stucco-painted service that would match the brick better. She is recommending approval because of consistency of awnings with the *Secretary's Standards*.

Saunders thanked the ones who attended the walk-through last week at 37 Market Square.

Richard Wozniak, 7003 Chadwick Drive, Brentwood, Tennessee, stated that Blue Coast Burrito feels the latest design is the safest way to go on this project.

John Craig, 29 Market Square, stated the Market Square District Association is glad Blue Coast will be on the Square, but these plans appear to be against the guidelines. They recommend that the original plan that has the least impact and is the most consistent with what has been approved in the past be used. The Association has tried to make this sidewalk attractive. There are approximately 600,000 people who visit the Square yearly. Planting trees along this sidewalk was even discussed, but it was decided that there should not be additions to the sidewalk. The proposal puts a permanent temporary structure on the sidewalk. These clients might not always be there, and if the deck is removed, it would leave a door 3 feet in the air. The Association wants to see consistency on the Square. The city has supported this more than any other tenants on the Square. The doors on all other buildings are recessed except this building. In keeping with the character of the mall we recommend that the original current approved plan be adopted.

Anne Wallace, City of Knoxville, 400 Main Street, stated that in 2009 the city started looking at Wall Avenue as a streetscape and from a pedestrian perspective walking from the garage to the Square. The city worked with the Design Center and the Market Square Association. They

involved the owners of 36 and 37 Market Square. Trees, parking, etc. were considered. The city codes and building department have been working with Glen Lakin, owner of 37 Market Square. City Council feels this deck is an appropriate use of public space.

Eid stated that he is fine with the canopy. Bennett added that the signs above the window were approved at the last meeting. Saunders asked about the piers that match up with the piasters. The revised drawing shows this.

Busby is concerned about the treatment of the railing and height of it, stating that he likes the design but is not sure it is the appropriate thing to do historically. His concerns include the interior steps that access the door on the north elevation and have been concreted over, the lack of Commission approval about how the interior steps were done or which way the door would swing. He feels the slope is not bad. The servers will have to come down steps to serve the people on the patio if it remains at sidewalk height, but suggested leaving the door and slab and building a small landing without the raised deck.

Heath Brownlee, 3409 Henson Road, contractor for project, stated that they changed the door location and closed the interior steps so they could get to the other parts to work on the building, but noted that the interior steps are still present.

Ray stated she had suggested the tables and chairs be there for the meeting last week so the commission could see what it would look like. She does not like the railing and agrees with Busby's suggestion.

Mr. Browning does not think removing the steps would be an option. Reynolds does not want to see steps inside. Eid stated that the ramp on the front is O.K., and the steps on the back are fine. Whetsel added that at the site visit, the size with the awning does not seem to be that big. She feels side steps would look tacked on. She could visualize this as looking like it has been there for a while.

Bolen stated that the raised addition impedes the guidelines. He cannot see any reason to deny, although the commission did not approve the modification to the door. If the commission approves a door that is 3' up, it would be a permanent temporary modification to the sidewalk. Bennett responded that the door height has not been included, and noted that the north wall is not original. There may not ever been a door there. Ray remembers a door was there, and was elevated somewhat. Mr. Wozniak stated that the servers would be going straight out on the patio and not going down stairs if the plan is approved.

Eid added that the railing is overkill. If the deck was over 30" off the ground the rail would be required, but it is not needed since it is lower than 30" and asked if a redesigned railing could be considered at the March 17 meeting of the commission. Bennett noted that this item cannot be heard at the March 17 meeting because there is not time for a public notice. Bolen stated that the commission cannot dictate railings.

**MOTION BY WHETSEL AND SECOND BY MCADAMS TO ACCEPT THE STAFF RECOMMENDATION AND ASK THE DESIGNERS TO WORK WITH THE REDESIGN OF THE RAILING AND THAT IT BE CONSISTENT WITH OTHER RAILINGS ON THE SQUARE. THE DECK CAN BE HARDIPLANK OR BRICK.**

**MOTION BY EID AND SECOND BY MCADAMS TO AMEND THE ORIGINAL MOTION THAT A DIFFERENT RAILING DESIGN BE PRESENTED. THE AMENDMENT TO THE MOTION CARRIED UNANIMOUSLY.**

**THE COMMISSION THEN VOTED ON THE ORIGINAL MOTION.**

**BOLEN – NO; BUSBY – NO; EID – YES; HUFF – YES; MCADAMS – YES; RAY – NO; SAUNDERS – YES; WHETSEL – YES. THE MOTION PASSED 5-3.**

Mr. Craig stated that the approved plan had the door at sidewalk level and asked if a redesign could be done before March 17 to provide a Level 1 certificate for railing. Bennett responded that this railing, because it is attached to the building, falls under something that should be reviewed for the *Secretary's Standards*. Eid would like to have another called meeting to approve or not the railing. The railing could be redone and made more open and lower. Saunders stated that it appears the railing on the western end is higher than the rest of it. Mr. Wozniak responded that they have no problem with how high the railing is or how wide the pickets are. They want to comply with codes. Eid asked if they construct the deck and the railing on the back stairs and landing could they rope off the portion without railing. Mr. Wozniak replied they would like to use the whole deck.

Saunders stated that he wants the designers to come back to the commission with the plans for a revised railing.

There being no further business the meeting was adjourned.