

Downtown Design Review Board
August 15, 2007
4:00 p.m.
Small Assembly Room

Agenda

- Welcome, Agenda Review, and Introductions.
Amy Haynes called the meeting to order and called the roll. There was a quorum present, Board members present are shown in italics.

Present:

Anne Wallace
Amy Haynes
John Sanders
Finbarr Saunders
Joe Petre
Kim Henry
Madeleine Weil
David Dewhirst
Bob Alcorn
Gregg White
Mark Donaldson
Roger Byrd
Mike Carberry
Michele Hummel
Charlotte West

Organization:

MPC
Resident
AIA
Historic Zoning Commission
Conversion Properties
SITE, Inc.
City
Dewhirst Properties
Fletcher Architects, Inc.
GWE, LLC
MPC
KFD
MPC
CBID
MPC

- Introduction of Ex Officio Members and Visitors - the members and audience introduced themselves.
- Approval of Meeting Minutes

A motion was made by Finbarr Saunders and seconded by Kim Henry to approve the July 18 minutes. The motion carried unanimously.

- Certificates of Appropriateness
- Staff Report

Applications for Certificate of Appropriateness:

Properties

106 S. Central Street – Club 106 (Leigh Burch, III., Applicant; Blount Avenue, LLC.) – Certificate No. 8-DT-07-S

Description of Work

This sign plan has been developed to utilize the building's address as the name for the building and business. "Club 106" shows three proposed signs in white neon, a smaller scale one on the front of the building and two larger scale signs on the back of the building. This sign plan is aesthetically clean and simple.

Staff Recommendation

APPROVE Certificate No. 8-DT-07-S. Proposed signs are not consistent with the recommended pedestrian signs; however, they are appropriate in scale and size for non-pedestrian oriented signs.

Additional Comments

Consideration should be given to the intensity of the neon lighting.

Discussion:

Amy Haynes stated that lighted signs are not the type of signs that are in the area. Anne Wallace stated the board has "recommended" types of signs that can be used. If the sign meets the city guidelines, it can be approved on the staff level. Our guidelines recommend signs that are oriented to pedestrians. Mr. Burch still has to obtain a sign permit after this board's approval. The sign meets the Knoxville Zoning Codes, but not the pedestrian oriented sign recommended in the guidelines. David Dewhirst asked what Mr. Burch would do if this board turns down his application. Mark Donaldson stated the applicant could go to the Board of Zoning Appeals.

Anne Wallace stated that the Steering Committee creating the guidelines did not create comprehensive sign guidelines but made recommendations for pedestrian oriented signs and recognized that Article 5 Section 7 of the zoning ordinance stipulates the types of signs that are allowed in C-2 zones. Finbarr Saunders added that the Board may be setting a precedent. Kim Henry noted there are no dimensional requirements within the guidelines. Amy Haynes asked if it is appropriate to put a lighted neon sign in a historic area. John Sanders answered that the JFG neon sign is very large and bright and is in the same National Register Historic District.

Mr. Burch stated that the sign is painted white with the "106" highlighted in neon; the signs on the rear of the building can easily be seen from James White Parkway.

Anne Wallace asked if there was a concern by the board members that the sign is too bright, can the board members go to him to change it? Mr. Burch added that the sign has acrylic over the neon, which will help keep it from being intense. John Sanders stated that the back faces James White Parkway and the signs for the back seem appropriate. However, it might be better to put the sign on the front inside the building, which would make it less intrusive or provide a perpendicular shingle sign oriented to pedestrians.

A motion was made by John Sanders, seconded by Kim Henry to approve the staff recommendation. The motion carried unanimously.

Mike Carberry of the MPC staff stated a concern that when the guidelines were written, the Steering Committee did not want black tinted glass so that pedestrians could see inside the businesses from the sidewalk. Mr. Burch responded that the windows have a black film on them so the customers can watch TV at the bar without glare from the sun because the building faces west. Anne Wallace stated that the guidelines require a transparency standard, but since the windows were not replaced (only the film covering them) it was probably not an issue the Board could review.

Amy Haynes stated that any venture that is undertaken, the Board should consider the use and the reality of the businesses needs. For instance, she would not want to watch a TV with light shining behind it. Until/unless Mr. Burch replaces the windows, the Board should not try to change the film on the windows. Finbarr Saunders added that we maintain consistency within the district, but the use should not dictate Board approval. Anne Wallace stated that you have to have a building permit, if the repair is over \$100.

Staff Report:

Madeleine Weil stated that the Regal Theater is opening at the end of the month. They have installed chasing lights around their sign. The zoning ordinance currently prohibits chasing lights. City Administration has requested MPC address chasing lights within the D-1 overlay. The Board will be asked to approve these types of signs. Mark Donaldson stated there is a prohibition for blinking/chasing lights, and MPC will amend the City Zoning Ordinance in September to add H-1 and D-1 overlays as an exception to this rule. There is an agreement that if this request is not approved, the owners of the Regal Riviera Theater will bring the sign into compliance. Anne Wallace stated that when it came for staff review before this Board was formed, staff said chasing lights will not be allowed.

Certificate of Appropriateness was issued for 123-125 S. Central St.

Discussion related to 428 Gay Street, Sapphire's awning sign.

Questions to address:

- 1) Does the Review Board want to see all awnings before approval?
- 2) Are there other specific minor improvements/changes that should be forwarded to the Board for review?
- 3) Would the Board like to see/weigh-in on staff approval prior to issuing a certificate of appropriateness (i.e. via an e-mail)?

Anne Wallace stated that an e-mail was sent with pictures of the sign at 428 Gay Street. The Board cannot vote on this item today because it was not advertised, but can discuss the situation. Additionally, staff cannot ask for Board votes by e-mail because of the public process requirements. Staff can forward applications for Board members' awareness. Bob Alcorn asked why one sign came before the board and other did not. Anne Wallace answered that awning signs are recommended in the guidelines for historic districts and for pedestrians; as such the

staff interpretation was that we could review Sapphire's sign, whereas the other sign type was not recommended in the guidelines and staff felt it was important that the Board provide comment on the 106 sign. Ann Bennett, the historic preservation staff, has reviewed the awning and sign and said it would meet the criteria for National Register guidelines.

Gregg White stated that it is important to see the awning before a staff decision is made. It looks like the awning blocks the Art Market sign from some locations. Kim Henry stated that if an applicant is adding a sign to an existing awning, the Board would not need to see it. However, since the addition of an awning changes the face of a building, the Board would like to see those applications. If an awning sign burns, are owners required to replace it in kind? The majority of the Board agreed that they want to see awning designs before they are installed. David Dewhirst stated that the Board should not become designers and asked how we are going to define and implement awning approval. Amy Haynes answered that the guidelines state new work should be compatible with surrounding buildings. This awning obscures the existing Hope Brothers sign on the building.

Anne Wallace has spoken with the owner of the Downtown Grill, and his concern was that the process seemed unfair. The Sapphire's sign that was approved by staff was different from the sign approval he received. The sign for his building had specific requirements because he received tax credits for renovating a historic building. The staff decision for the Downtown Design Review Board can be appealed to the Board within 16 days and the Board's decision can be appealed to MPC. Anne Wallace told Mr. McCord that he could appeal this decision, and he replied that since the sign is already up, it was not worth appealing now. There was a question as to who would force the owners of the Sapphire sign to take it down and redesign it. John Sanders stated that if Ann Bennett does not have a problem with it, it should be fine. Joe Petre stated that a business could end up having their sign covered up by someone putting an awning on both sides.

Tom Reynolds stated that he got a complaint about the Sapphire's sign being installed without a building permit. He does not have a permit for an awning, but a sign permit had been issued. Anne stated that staff approval (CoA) would cover both the sign and the awning, but if the tenant did not get a building permit that is an issue to be addressed with code enforcement. A question was asked about the material of the sign and Tom added that it is a fire retardant material.

Mark Donaldson stated there is a provision in the zoning ordinance that allows any person to appeal to the Board of Zoning Appeals. Madeleine Weil asked where the Board's power ends. Can we decide we do not like the looks of something and deny it? We need to reference our guidelines dealing with historic buildings. Amy Haynes asked what the effect is on other buildings. This awning does impact the neighboring properties.

Kim Henry asked how many people know what we are going to review. Anne Wallace stated that it is published as a public notice in the News Sentinel and that it is available on the Board's website. One of the challenges is what is appropriate for staff review and what needs Board review. We may advertise staff review applications also. A question was raised regarding the timeline of staff review. Mark Donaldson stated that we try to answer them immediately (upon notice and reply of staff), if possible.

The appeal process will be discussed at the next meeting after staff meet with Steve Wise, MPC's lawyer.

There being no further business, the meeting was adjourned.