

Downtown Design Review Board
September 19, 2007
4:00 p.m.
Small Assembly Room

- 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. Everyone introduced themselves.

Present:

Anne Wallace
Amy Haynes
John Sanders
Finbarr Saunders
Joe Petre
Kim Henry
Madeleine Weil
David Dewhirst
Gregg White
Mark Donaldson
Roger Byrd
Tom Reynolds
Charlotte West
Steve Wise

Organization:

MPC
Resident
AIA
Historic Zoning Commission
Conversion Properties
SITE, Inc.
City
Dewhirst Properties
GWE, LLC
MPC
KFD
City of Knoxville
MPC
MPC Attorney

- Approval of Meeting Minutes

A motion was made by Kim Henry and seconded by Anne Wallace to waive reading the minutes. The motion carried unanimously.

A motion was made by Kim Henry and seconded by Finbarr Saunders to approve the August 15 minutes. The motion carried unanimously.

- Certificates of Appropriateness

Certificate No. 9-A-07-DT

221 Cumberland Ave – Deka Bakari Gallery, Inc. (Jane E. George, Applicant)

Description of Work

This sign plan includes a request for an awning sign over the primary entrance and a directional shingle sign at the corner of Cumberland Ave. and Gay St. Both of these signs are pedestrian in scale and appear appropriate. Additionally, the applicant requests approval for planters to be attached to the face of the building between 36” and 40” above the sidewalk and extending no more than 10” over the sidewalk.

Staff Recommendation

APPROVE Certificate No. 9-A-07-DT. Proposed signs are consistent with the recommended pedestrian signs. Proposed planters will break up a monochromatic façade and provide landscaping, see page 8, A4a.

Amy Haynes stated that the staff recommendation is to approve. She asked whether the anchors for the sign that are already there are going to be used. Anne Wallace said no, new anchors will be installed.

A motion was made by Finbarr Saunders and seconded by Kim Henry to approve the staff recommendation. The motion carried unanimously.

Certificate No. 9-C-07-DT **WITHDRAWN BY APPLICANT**
531 S. Gay Street – Regions Bank, (Ellen Bryant, The InSite Group, Applicant)

Certificate No. 9-D-07-DT
116 & 118 S. Central St. – Knoxville Cigar Company. (Thomas Caldwell Architect, Applicant)
Pre-development meeting: 8-21-07

Description of Work

This project includes a major façade renovation of two existing structures within the Old City National Register Historic District. The intent of the owners is to move an existing business and to use the first floors of these buildings as a cigar shop and a restaurant/lounge. The plan includes refinishing, restoring and repainting several of the key elements of these building facades. The applicant also intends to reuse the existing signs (one neon sign that will be attached to a sign board on the left façade and a shingle sign proposed between the two buildings) that are currently located at 120 S. Central Street.

Staff Recommendation

APPROVE Certificate No. 9-D-07-DT. Proposed renovations are consistent with the recommended guidelines for historic structures. Proposed signs are also consistent with the character of signs within the district.

John Sanders stated that the window glass needs to be not less 60 percent transparency. He asked if it was an H-1, and Anne Wallace stated it is a National Register district. Ann Bennett has reviewed the application and did not note any problems with an aluminum storefront, if it was painted. Anne Wallace stated that the windows will be left as is. Kim Henry asked about removal of the wrought iron under the windows. The owners were worried about damaging the brick, so they are going to leave the wrought iron. Anne Wallace will include a note on the Certificate of Appropriateness to the owner stating the wrought iron can be left in place, but that it is an existing inappropriate addition.

John Sanders expressed concerned about the 60% window transparency statement on the plans. Anne Wallace stated that the application meets the guidelines. John Sanders recommended that the windows be transparent glass and that a note on the Certificate of Appropriateness should be included. Anne offered to do research on the window transparency. Mark Donaldson asked that

staff come back next month with examples. A concern was raised as to whether or not the business owners felt it necessary to have tinted glass to protect their product. Anne Wallace will contact the applicant to find out and share that information with the Board.

A motion was made by Finbarr Saunders and seconded by John Sanders to accept the staff recommendation, including the comments regarding the use of tinted glass and the iron balconies. The motion carried unanimously.

Kim Henry requested that the staff reports include information as to whether or not signs and other applications meet the zoning ordinance as well as the guidelines.

In regards to the withdrawn application, 9-C-07-DT, David Dewhirst asked if someone built a new building, could they install an internally lit sign. Madeleine Weil stated that she does not think the board wants to constrain a new building by not allowing internally lit signs. Amy Haynes stated that “you have to look at the building and its use and consider whether a sign is several stories up or at pedestrian level.” Joe Petre stated that when development takes place on Jackson Avenue, which is a National Register District, the owners will want internally lit signs. Amy Haynes stated that these are just guidelines and are not set in stone. Madeleine Weil stated that the guidelines are not consistent concerning internally lit signs. Mark Donaldson stated that these are guidelines, not standards or regulations. We should be reviewing the codes to keep the guidelines or consider writing sign standards. Problems could arise especially with the retail uses that could be hindered by the lack of internally lit signs. Anne Wallace stated that an option would be to designate the historic districts as H-1, and they would have to go to Historic Zoning Commission for sign approval. David Dewhirst asked why you could not have a new sign on an old building, and Mark Donaldson answered that guidelines would state “should” and standards would say “shall.”

Madeleine Weil suggested that the Board make notes on issues that come up during the process and possibly consider making changes to the guidelines after unforeseen issues come up. Once there are a number of changes, then the changes could be brought to City Council. The Board should use flexibility and common sense in approving certificates because City Council does not want things held up due to technicalities. The guidelines may need to be amended as it is applied. Madeleine Weil asked that Anne Wallace to create a running list from discussions for future changes to the guidelines.

Issued Certificates of Appropriateness

8-DT-07-S, 106 S. Central Street – Board Approval, 8-15-07

9-B-07-DT, 310 W. Church Street – Staff Approval, 8-24-07, Board notification 8/27/07

Other Business:

1. Anne stated that the Certification of Appropriateness application has been updated, including the fee schedule, and a note was included to make checks payable to MPC, with one hard copy of an application and one PDF or ten copies.

A motion was made by David Dewhirst and seconded by Kim Henry to adopt the new form. The motion carried unanimously.

2. Revision to the Board Composition – recommendation to make the MPC Board member a non-voting exofficio member.

A motion was made by Greg White and seconded by Finbarr Saunders to approve making the MPC Board member an ex officio non-voting member. The motion carried unanimously.

Anne Wallace introduced Steve Wise, MPC's attorney.

3. Revision to the Administrative Rules and Procedures, regarding the appeal process.

Steve Wise stated that there are discrepancies in the staff decision-making process from the guidelines and the zoning ordinance. Any developer who wants to appeal has 16 days after the meeting. There was discussion with Mark Donaldson and Steve Wise about how many days afterward that an appeal could be filed, and they suggested reducing the days to seven for staff and board decisions.

Steve stated that any decision made at the meetings is policy decision, not a legal matter. The aggrieved party may not only the developer but can be by a third party. Mark Donaldson stated that in our zoning ordinances, any person who is aggrieved can appeal. The subdivision regulations state that the applicant or any person who was at the meeting can appeal. Steve stated that they do not have to have been at the meeting to appeal. It could do away with a citizen wanting to appeal. David Dewhirst sent an email to Anne Wallace concerning the appeal process and the board having to review every new awning in downtown.

Any appeal could be made to go to Chancery Court if the board denied the request, but this would be a deterrent to many individuals and would be highly rare (because of the associated costs). Mark Donaldson stated that the Planning Commission is the appeal board for the Design Review Board items. Bill Lyons wanted to know on what basis appeals would be resolved since the items are based on guidelines and not policy. Anne Wallace stated that it would be heard at MPC except for an H-1 and NC-1 with state legislation that directs them to court. Chancery Court does not usually overturn rulings by the administrative body that denied the request. Bill Lyons is concerned that one citizen could tie up something for an excessively long time.

David Dewhirst asked if everything we are approving is a new bar to jump over, why we would allow people to appeal. A scenario was raised regarding internally lit signs in downtown that impacts someone else. Anne Wallace mentioned that Scott Brenneman is the City Sign Inspector, and if he approves a sign, it is approved and there is no appeal, according to the C-2 zoning. Anne Wallace stated that the Board has not set a fee for appeals; it was determined that the MPC existing fee would be applicable. Mark Donaldson stated that if a person is interested, they will come to the meeting and provide comments to the Board and provided an appeal process.

A motion was made by John Sanders and seconded by Kim Henry that if an applicant or aggrieved party is at the meeting, they can appeal the process (using the Subdivision

Regulations as an example). The applicant or property owner has seven days to appeal to MPC. The fee will be the same as the MPC appeal fee. The motion carried unanimously.

4. Revision to the issued Certificate of Appropriateness form to include, “This certificate is not final or enforceable until the expiration or exhaustion of all rights of appeal.”

A motion was made by Kim Henry and seconded by Madeleine to approve the revision to the Certificate of Appropriateness form adding the above sentence. The motion carried unanimously.