

MINUTES
KNOXVILLE DOWNTOWN DESIGN REVIEW BOARD
MEETING OF NOVEMBER 18, 2009
SMALL ASSEMBLY ROOM

Present:

Kim Henry
David Dewhirst
Anne Wallace
John Sanders
Joe Petre
Jeffrey Nash
Bob Alcorn
Mike Reynolds
Mark Donaldson
Aaron Kline
Tom Reynolds
Scott Brenneman
Tim Hill
Dian Trosclair
Fritz Thumler
Gene Burr
Linn Slocum
Mary Bogart
Lynn Flatford
Frances Hall
Gloria Ray
Michele Hummel
Hannah Parker
Bob Whetsel
Tony Norman
Joyce Feld
Jay Nevans
Charlotte West

Organization:

APA Representative
Dewhirst Properties
City of Knoxville
AIA Representative
Business Representative
CBID Representative
Downtown Resident
MPC
MPC
City Engineering
City of Knoxville
City of Knoxville
500 Block LLC
Lenny's Sub Shop
Superior Signs
Scenic Knoxville
Blue Slip Winery
Knoxville Convention Center
Knoxville Convention Center
Hall Communications
Knoxville Tourist/Sports Corp.
Downtown Knoxville
City of Knoxville
City of Knoxville
Knox County Commission
Scenic Knoxville
Scenic Knoxville
MPC

Kim Henry, Chair, called the meeting to order. There was a quorum present, and they introduced themselves. Board members present are shown in italics.

A motion was made by Bob Alcorn and seconded by Anne Wallace to approve the October 21 minutes. The motion carried unanimously.

Certificates of Appropriateness:

Certificate No. 11-A-09-DT

105 W Jackson Ave - Blue Slip Winery (Blue Slip Winery)

Pre-development meeting: N/A

Description of Work

This request is for a projecting sign in the Old City near the intersection of Jackson and Central. The sign is made of wood and is non-illuminated. The sign is 2ft. by 2ft. or 4 sq. ft. The sign is hung from an existing bracket and has a clearance with the sidewalk of 7 feet 8 inches.

Staff Comments

Article V, Section 10.A.19 of the City of Knoxville Zoning Ordinance states that signs shall maintain a clear height of ten (10) feet.

Staff Recommendation

APPROVE Certificate 11-A-09-DT with the following condition: Move the sign bracket higher on the storefront pilaster to achieve a sidewalk clearance of ten (10) feet, however, the bracket shall not be required to be higher than the top of the pilaster even if this sign clearance is less than ten (10) feet.

Mike Reynolds stated that the ordinance is 10' sidewalk clearance and Scott Brenneman, City Sign Inspector, agreed. David Dewhirst does not feel it has to be 10' if it is not practical and fits architecturally. It should not go into the glass of the transom. Linn Slocum, Blue Slip Winery, responded that is where the bracket was and the chain could be shortened.

Mike stated that the board has the ability to approve a lower clearance but would have to be careful that it is not in the way. Mark Donaldson read from Article 4, Sec 5.5 of the Zoning Ordinance that states an applicant can vary the dimension of the base zone and then go through the variance process. Aaron Kline from City Engineering stated they prefer 10' or as high as practical. Joe Petre added that it should be pedestrian friendly.

A motion was made by Anne Wallace to make it the minimum height of 9', which is the same as awnings, contingent on City Engineering and the City Sign Inspector's approval. There was no second.

A motion was made by David Dewhirst and seconded by Jeffrey Nash to approve the sign and hang it on the existing bracket as high up as possible. The motion carried with Anne Wallace opposing.

Certificate No. 11-B-09-DT

522 S Gay St. - Lenny's Sub Shop (Superior Signs)

Pre-development meeting: N/A

Description of Work

This proposal is for a 10 square foot projecting sign, 48 inches by 30 inches. The sign bracket will be centered over the entrance of the restaurant. The sign faces will be made of metal and have acrylic lettering and detailing. The sign will be externally illuminated with two lights extending from the sign box. The sign box will be 3 inches deep. The sign will project 5 feet from the façade at its furthest point.

Staff Comments

Section 2.B.1b states that projecting signs of 9 square feet, maximum, are allowed; a larger sign must be approved by the board.

Section 1.C.7 states that a primary concern for signs in Historic Districts are location, size, material and illumination. The Board has considered and approved signs of similar size in the Gay Street Commercial Historic District. This sign appears appropriate for the location.

Staff Recommendation

APPROVE Certificate 11-B-09-DT without conditions.

Fritz Thumler, Superior Signs, representing Lenny's, stated that Lenny's wants a neon sign with two lights. Mike Reynolds stated that the request changed today so staff has not been able to make a new staff recommendation. The awning will not be able to be approved today because the applicants did not submit it with the original request. Kim Hill, 500 Block LLC, stated they intend to use the sign that was submitted but are adding neon. The awning will have a valence and lettering on the valence. They would like to have the name on the sides and the front. Mike Reynolds stated the name on the side of the awning may conflict with the guidelines.

Joyce Feld, Scenic Knoxville, stated that the city is filled with nonappropriate signs because many variances have been granted over the square footage allowed. Businesses should design their sign to fit the space and should adhere to the guidelines.

John Sanders asked Scott Brenneman if the sign area for oval signs are calculated by the height and width or by the actual area of the oval. Scott said it can be calculated either way. John stated that in this case, if the applicant calculated the area of the oval instead of by the height and width, the sign would not be over the square footage requirement.

A motion was made by Joe Petre and seconded by Jeffrey Nash to approve the staff recommendation, adding the proposed neon to the sign. The motion carried unanimously.

Certificate No. 9-A-09-DT

301 S Gay St. - Knoxville Tourism and Sports Corp (Knoxville Tourism & Sports Corporation)
Pre-development meeting: N/A

Description of Work

This request is for the approval of an existing electronic message center for the Knoxville Tourism and Sports Corporation (KTSC). The sign is located in the sign board area of the storefront. The sign is 16 inches tall and has a length of 37ft 3 inches along Gay Street and 9ft 5 inches along Summit Hill Drive. The text height is 14 inches tall. The sign has continuous scrolling messages at 720 characters per minute (the max speed is 1,090 characters per minute). KTSC installed the sign when their building was renovated in the spring of 2004.

Staff Comments

Article V. Section 10.A.4 of the Zoning Ordinance states that "No sign shall have scrolling, intermittent, flashing, running or blinking lights or animated illumination except: A sign within the D-1 (downtown design overlay) district, which has received approval from the downtown design review board as being compatible and in character with the downtown design guidelines and surrounding established development."

Article V. Section 10.E.2.a states tat "EMC's legally existing on April 10, 2009, shall be allowed to continue operation subject to the meeting the operational standards as required by subsection (m) herein." Subsection (m) requirements: 1) Each display on an EMC shall hold constant for a minimum of sixty (60) seconds. 2) Daytime maximum brightness - 3,000 nits; Nighttime maximum brightness - 750 nits. 3) The images and messages displayed must be static. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign. 4) The transition form one display to another must be instantaneous without any special effects.

Staff Recommendation

APPROVE Certificate 9-4-09-DT with the following condition: 1) The sign meet the required brightness standards, and 2) The sign scrolling speed be determined by the Board.

Anne Wallace stated that all existing EMCs were grandfathered but it was determined that the downtown area has different operational standards. The KTSC is seeking a variance from operational standards from the Zoning Ordinance for EMCs. The Design Review Board can determine the standards.

Gloria Ray with KTSC, 301 S. Gay Street, stated she now has the operational information from the manufacturer of the sign. Ms. Ray stated the maximum brightness of the sign is 5500 to 6000 NITs. The sign is currently operated from 7-7p.m. at 2750-3000 NITs. At 7 p.m. the brightness is reduced to 550 NITs. She stated the sign can be turned off at night if needed.

Ms. Ray stated the sign scrolls at 720 characters per minute. They checked the police department records regarding wrecks on the corner of Summit Hill and Gay Street, and the sign was not listed as a cause. The sign was installed in 2004 before the first set of EMC standards were set and the sign is used to promote activities in the community.

Gene Burr, architect, stated that he understands the guidelines but when the Board approved the Tennessee Theatre sign, it was justified because the building is historic. The scrolling on the Tourism sign is too fast and hard to read. When City Council decided what type of sign they wanted for downtown, it should have set a precedent for EMCs in the downtown area.

Joyce Feld, Scenic Knoxville, stated the sign is unsightly and a hazard. City council passed what the public wanted and in the best interest of the city. The purpose of the exemption was to protect the Tennessee Theatre sign. Downtown will not remain as it is if more ugly signs are approved. Pigeon Forge is ugly because of the EMCs.

Frances Hall stated on behalf of the KTSC Board, we understand that our mission is tourism. She applauds the restoration of downtown. Knoxville is different than Pigeon Forge and Sevierville. We want our sign to be grandfathered in without any restrictions. We promote many activities on this sign.

Anne Wallace asked if that is the slowest the sign can go. Ms. Ray stated that the sign can go slower but only to the preset speeds the manufacturer picked when the built the sign.

John Sanders stated that as a pedestrian he feels the speed is too fast. He knows that freezing it would cause problems, but he would like to be able to read it. Ms. Ray stated that they are trying to mainly speak to people in the cars. She agrees that from underneath it is hard to read. Anne asked if the speed could be reduced 10-15 percent.

Mrs. Ray stated that the sign can only be reduced in speed to the presets from the manufacturer, so no it can not be reduced only 10-15 percent. The next speed slower is about 50% slower than the current speed. She stated she will have to inquire with the manufacturer to see if they can reprogram the sign to be able to go at the requested speed.

A motion was made by Anne Wallace and seconded by David Dewhirst to approve the certificate for the sign to meet the brightness standards that are set in the operational standards in the EMC ordinance and reduce scrolling speed, if possible, 10-15 percent below the current operational speed. Joe Petre proposed an amendment, seconded by David Dewhirst, to add that the current operating speed is 720 characters per minute. The motion carried unanimously.

Ms. Ray stated that they will keep the brightness at 550 NITs at night and if future tenants across the street find it is offensive, they will work with them to reduce the brightness or limit the sign operating hours at night. She also added, the next slowest speed option is 342 characters per minute.

Tom Reynolds stated that he wanted to be sure the motion was specific because he has to enforce it.

Certificate No. 9-B-09-DT

415 S Gay St - 415 S Gay St (Rafik Hanna)

Pre-development meeting: N/A

Description of Work

This proposal is for the rehabilitation of a façade and storefront. The building was extensively altered with the old façade covered entirely with tiles and the storefront removed and replaced with windows only, no doors (see attached Image 1). A previous owner removed the tiles and storefront to expose the condition of the original façade and which had been extensively damaged (see attached Image 2). The owner proposes to clean and repair the brick façade.

The second story windows will have double hung windows with a fixed bottom window and a half round window on top. The original window openings were reduced in size approximately one foot from the sides and the arch. The sill was raised approximately two feet (see Image 3). This proposal fills in the bottom of the window opening approximately an additional 2 feet, raising the window sill. The existing window opening is recessed approximately four inches from the façade and this will be retained (see attached Image 3). The dimension of the windows will be approximately 7 feet tall by 4 feet wide. The glass in the windows will be clear.

The storefront will be made of wood and clear glass. The storefront opening is 12 feet 9 inches tall. The bulkhead will be made of wood and will be approximately 24 inches tall. The doors will be recessed four feet from the façade and will be 6' 7 1/2" tall. The main entrance, with the double doors, will have a transom above the door. The secondary entrance does not have a transom. Above the doors and transoms there will be a band of 4 inch ceramic tile that is 2 feet 8 inches all and is the width of the storefront.

Staff Comments

Section 1.C.2 of the Downtown Knoxville Design Guidelines state that "storefronts are divided horizontally into three sections: bulkheads, solid or opaque, usually 18-24 inches tall; a plate glass storefront window 6-8 feet tall; and above it, a clear or patterned glass transom."

Section 1.C.3a,b,c states "Establish recessed entries... Allow for multiple entries on the first floor of the building.. (and) Maintain original height and materials for doors that are consistent with the use of the building."

Section 1.C.4c states "Insert windows with the same pane configuration, materials and size as other buildings of the same general construction date, if no original windows are present."

Staff Recommendation

APPROVE Certificate No. 09-B-09-DT with the following conditions: 1) Retain and repair the existing cornice line, 2) The second story windows should fill the entire existing window opening as one double hung window unit (a separate half round window on top is appropriate), 3) The second story windows shall have a wood exterior, 4) The brick and mortar shall be cleaned, repaired and, if necessary, replaced according to Preservation Brief #2 from the National Park Service, 5) The band of ceramic tile above the storefront shall be a glass transom broken up in to multiple evenly sized pains, 6) The secondary entrance shall have a glass transom that matches the transom above the main entrance, 7)The secondary door should swing open the opposite direction shown.

Mike Reynolds stated that this application was before us previously because the board wanted to see a more detailed front.

Rafik Hanna, 415 S. Gay Street, stated that he agrees with staff recommendation. The floors have been raised and that is why they want the windows that far down. They will clean the brick around the windows. David Randall is the contractor.

David Dewhirst stated that the entire plywood infill needs to fill in the whole opening. If the brick cannot be cleaned, maybe it could be painted. Anne Wallace responded that the guidelines state not to paint masonry that has never been painted. David added that this brick was not made necessarily made to be seen.

A motion was made by Anne Wallace and seconded by Bob Alcorn to approve the staff recommendation with the exception that once the brick has been cleaned, the applicant has the option to paint it, if necessary. The motion carried unanimously.

Joe Petre reminded them not to use vinyl windows.

Certificate No. 11-D-09-DT

701 Henley St - Convention Center (Knoxville Convention Center)

Pre-development meeting: N/A

Description of Work

This proposal is for the continued operation of an existing Electronic Message Center as it had operated before the new EMC regulations were adopted. The Knoxville Convention Center (KCC) operates two EMCs. There is one at the corner of Henley St. and Clinch Ave. that is 13'8" wide and 6' tall and has 67.6 square feet of viewable space. The other is at the corner of Cumberland Ave. and 11th St. that is 11'8" wide and 6' tall and has 58.58 square feet of viewable space.

Both signs are operated at a dimmed brightness of 5000 nits. The signs can run images and video content. The signs can run separate programs or the same program at the same time. The slide length can range from 1/20th of a second, up to 60 minutes.

Staff Comments

Article V. Section 10.A.4 of the Zoning Ordinance states that "No sign shall have scrolling, intermittent, flashing, running or blinking lights or animated illumination except: A sign within the D-1 (downtown design overlay) district, which has received approval from the downtown design review board as being compatible and in character with the downtown design guidelines and surrounding established development."

Article V. Section 10.E.2.a states that "EMCs legally existing on April 10, 2009, shall be allowed to continue operation subject to the meeting the operational standards as required by subsection (m) herein."

Staff Recommendation

APPROVE Certificate 11-D-09-DT with the following conditions: 1) The signs meet the EMC brightness standard, 2) The signs can have a display frequency as determined by the Board, 3) The sign can have animation as determined by the Board, and 4) Subject to rezoning approval of parcel 094MG041 to D-1.

Anne Wallace made a disclosure statement that she was the city staff that requested the rezoning of the World's Fair Park property to include the D-1 overlay. Kim Henry asked if City Council rezoned the property. Anne Wallace stated the property the EMC's are on for Convention Center are both in the base zone C-2, but only one has the D-1 overlay. The EMC on the corner of Henley and Clinch has the D-1 overlay. The EMC on the corner of Cumberland and 11th does not have the D-1 overlay, but the City is going through the process to get the D-1 overlay added to the property. When the rezoning went to City Council, Council wanted to change the base zone to OS-1 because the use of the property is a park. MPC postponed the rezoning request of City Council at the request of City Staff because of concern that the base zoning change may have unintended consequences such as limiting for profit concerts or outdoor sales. Mark Donaldson stated that MPC has recommended a D-1 over all of the World's Fair site, but a final determination has not been made with regards to the overlay or base zone.

Mary Bogart and Lynn Flatford with KCC, 701 Henley, stated the Convention Center is in

compliance with the ordinance. They removed the animation to be in compliance and reduced the frames and only advertise what is going on in the building. All the ads are on a 60 second static hold. You have to watch seven minutes to see everything that is happening.

Lynn stated the EMC displays are set at 5,000 nits but are probably dimmer than that because the brightness of the display diminishes over time. They can operate the two signs independently.

The Convention Center uses the sign as a marketing tool and need to be able to showcase the events because they are in competition with other cities.

Gene Burr stated that this is a different situation and are city-owned signs. The Convention Center staff has come into compliance with the city ordinance and it should remain in compliance with the new regulations.

Joyce Feld, stated that they try to justify having their signs, but they are eyesores, and the public stated they did not want them. We need to keep our city attractive and not add detriment to the city.

Jeffrey Nash responded that we should have thought about all this when the Convention Center was built. We need to attract events into the city.

Scott Brenneman, City Sign Inspector, stated that he is concerned about what authority the Downtown Design Review Board has to vary from the ordinance. Article 5 Section 10.A states that the board cannot decide on how bright and the height of characters. They have to meet the standards of brightness and the sign will need to be able to automatically dim. The Board can vary the 60 second hold, blinking and scrolling lights, only. Mark Donaldson stated that MPC recommended a 10 second hold time so travelers would only see one transition. This is the static hold time spacing requirement in order to minimize the number of transitions a motorist would be able to see.

Scott Brenneman stated that the original EMC standards were adopted in December 2004, after the Convention Center EMC's were installed.

David Dewhirst stated that downtown is different and is a special condition from the rest of Knoxville. Years ago signs were even bigger. He would like to see quality signs.

A motion David Dewhirst and seconded by Joe Petre to allow the operation of the existing signs the way they were before the regulations were adopted subject to rezoning approval of parcel 094MG041 to D-1. The motion carried unanimously.

Gene Burr asked how to appeal a Board decision and Mark Donaldson replied that appeals are made to the Metropolitan Planning Commission (MPC) and that if an appellant does not find satisfaction at MPC the MPC decision can be appealed to City Council.

Certificate No. 11-C-09-DT

117 S Central St. - Plat in Old City (Courtland Group, LLC)

Pre-development meeting: N/A

Description of Work

This proposal is a replating of two parcels in the Old City. The owner is not changing anything on the buildings as part of this proposal, just moving one parcel line to the rear of the buildings. The new parcel line will include the cooler as part of Lot 21R. The cooler is currently on Lot 19R. The replating of this parcel requires the approval of a front setback variance of 5ft. for both lots since the existing buildings were built on the property lines.

Staff Comments

These buildings are in the National Register Jackson Avenue Warehouse Historic District and were built before the implementation of the front setback requirement of 5ft in the C-2, Central Business District.

Staff Recommendation

APPROVE Certificate 11-C-09-DT as submitted.

Mike Reynolds explained that this plat needs a front setback variance because the two existing buildings encroach within the front yard setback. The buildings were built before the zoning ordinance was adopted. The buildings were built inline with all the other building in the Old City area.

A motion was made by Anne Wallace and seconded by Joe Petre to approve the certificate. The motion carried with Jeffrey Nash recusing.

Staff Report:

- 9-D-09-DT (612 Union Avenue) – Replacement of a window in-kind.

Other Business:

- Minimum sign clearance with the sidewalk.
 - Kim Henry asked what the minimum height that a sign can be installed, and why does it differ from awnings. She asked that staff come back with an amendment to the zoning ordinance.

There being no further business, the meeting was adjourned.