

**MINUTES  
KNOXVILLE DOWNTOWN DESIGN REVIEW BOARD  
MEETING OF JULY 17, 2013  
MAIN ASSEMBLY ROOM  
4:00 P.M.**

<i>Bob Alcorn</i>	Downtown Resident/Architect
<i>Chad Boetger</i>	Downtown Resident/Architect
<i>Kim Henry</i>	APA Planning Representative
<i>Mark Heinz</i>	Downtown Developer/Architect
<i>Lorie Matthews</i>	Knoxville HZC
<i>Brandon Pace</i>	AIA Representative
<i>Joe Petre</i>	Business Representative
<i>Anne Wallace</i>	City of Knoxville
Daniel Andrews	Knox Focus
Mark Donaldson	MPC
Faris Eid	Design Innovation Architects
Rick Emmett	City of Knoxville
Kaye Graybeal	MPC
Chris Morris	Design Innovation Architects
Charles Swanson	City of Knoxville
Kim Trent	Knox Heritage
Mike Reynolds	MPC
Bob Whetsel	City of Knoxville
Dori Caron	MPC

The meeting was called to order by Chair Kim Henry. It was established that there was a quorum. Chair Kim Henry asked that the Board members introduce themselves. Ex Officio Members and Visitors present were introduced: Ex Officio Members: Mark Donaldson, MPC, Rick Emmett, City of Knoxville, and Charles Swanson, City of Knoxville; Visitors Bob Whetsel, City of Knoxville and Kaye Graybeal, MPC. Attendees who wished to speak were asked to sign in. Board members present are shown in italics.

**Action: A Motion was made by Anne Wallace and seconded by Chad Boetger to approve the June 19, 2013 Minutes. The Motion carried unanimously.**

Chair Kim Henry noted a slight modification to the Agenda is being proposed. Charles Swanson, Law Director for the City of Knoxville, has requested to speak to the Board.

**Action: A Motion was made Anne Wallace and seconded by Joe Petre to amend the Agenda to allow Mr. Charles Swanson to address the Board. The Motion carried unanimously.**

Mr. Swanson stated he wanted to address the Board to present questions and concerns based on a Certificate of Appropriateness (CoA) coming before the Board today involving demolition. He clarified that the Board's role is administrative and its obligation is to apply the facts received regarding any particular request for a CoA to the law as it exists. He clarified specifics of the law as it exists and the Board with regards to demolition and stated he did not find any guidelines, standards or basis to apply their judicial capacity in the granting or denial of a CoA for demolition. He noted the Board did have the authority under Administrative Rules, which state that the Board shall adopt Administrative Rules and submit those rules to the MPC for adoption... the rules shall outline... the application requirements regarding CoA's. He stated the Board has the authority to create the rules, to create a body of law that

would be applied to these situations but it appears to him that the board has not yet done that. Mr. Swanson noted he found no language that describes guidelines for approval or denial of a demolition. He suggested the Board develop those guidelines in the immediate future. He felt in court there would be no way to establish what a decision by the Board, in either granting or denying a CoA for demolition, would have been based on. It was noted by Kim Henry that at the June Board meeting staff were asked to put in motion a more definitive guideline for demolition and that there would be public involvement/input in that process. Mr. Swanson noted he was happy to hear that.

Mark Donaldson noted that generally the MPC does not generally consider demolition requests though noted they are the next step in the appeal process to this Board, and further, would use the same guidelines as this Board. It was clarified that for the H-1 and NC-1 overlay districts, the City of Knoxville Zoning Ordinance gives the authority to consider demolition requests to the Historic Zoning Commission (HZC). Further discussion continued to revolve around the Board's needing to establish clear guidelines surrounding demolition. Kaye Graybeal offered that the HZC utilizes findings of fact for each application. It was noted that staff have already begun conversations with the City administration. Mark Donaldson clarified that the initial charge of the Downtown Design Review Board was to review the design of new construction and remodeling of existing buildings. The provision for considering demolitions was added after the initial adoption of the D-1 overlay district. Discussion then ensued regarding the procedure involved in the asking the City to consider a moratorium on demolition requests pending adding clarification to the current guidelines. It was noted any Motion approved by the Board for such a request would be put in letter form and presented to the Mayor.

**Action: A Motion was made by Chad Boetger and seconded by Mark Heinz to recommend to the City Administration that they consider a Moratorium on future Certificate of Appropriateness Applications for Demolition permits until such time as MPC staff and the Downtown Design Review Board develop guidelines that clarify demolition.**

Joe Petre stated these decisions are based on law and that the Motion imposes a moratorium on something currently allowed under the law. Mark Donaldson stated there is some guidance within the guidelines allowing demolition; what is lacking is guidance for denial of demolition.

**Chair Kim Henry called for a vote on the Motion on the floor. The Motion carried with Joe Petre voting no.**

### **Certificates of Appropriateness:**

#### ***Certificate No. 7-A-13-DT***

100 N Central St. – Patrick Sullivan's (Design Innovation Architects) Pre-development - N/A

#### **Description of Work**

This application is a revision to CoA #6-F-13-DT that was a Staff approval for general repairs to the 100

N. Central Street.

108 N. Central Street - Demolition of the 1 story building.

106 N. Central Street - Replace the existing non-historic windows and doors with historically appropriate windows and doors. Remove the existing stucco on the first floor and clean and repoint the brick as necessary to return the front façade to its oldest documented state. Remove internal egress stairs that lead to the door between the two storefronts and add a new painted steel external stair on the north elevation. Create a new door opening on the second floor of the

north elevation for access to the new stair. Close openings on the north elevation that connected the interiors of 106 & 108 N. Central Street. The filler wall for the closed openings will be clad with painted cement siding and inset from the exterior brick wall. The cement siding will that of the proposed addition. Repaint the historic sign on the north elevation.

100 N. Central Street - Repair existing stained glass windows and large storefront windows on the first floor where feasible and replacing other non-original windows with historically appropriate windows on the N. Central and Jackson Avenue facades.

Addition - The addition will be constructed behind and attached to both 100 & 106 N. Central Street. It will not be visible from the street. The addition will be two stories and clad with painted cement siding.

See the attached sketches and photographs for additional information.

The renovation of the existing courtyard and its expansion will be submitted as a separate

### **Staff Comments**

The Historic Resources section of the guidelines apply to these structures because 100 N. Central Street (Patrick Sullivan's) is in the Jackson Avenue Warehouse (National Register) Historic District and 106 & 108 N. Central Street are in the Southern Terminal and Warehouse (National Register) Historic District. Both 106 & 108 N. Central Street are listed as non-contributing structures.

In regard to the demolition request for 108 N. Central Street, section 1.C.12 of the guidelines states "Allow demolition of existing buildings or additions that do not contribute to the district, evaluated on a case-by-case basis". The structure is circa 1925 but has been altered beyond reasonable means of restoration or repair.

With the proposed restoration of the storefront at 106 N. Central Street, this structure could potentially be considered contributing to historic district in the future since the original description noted the alteration to the storefront as a reason for its non-contributing status.

### **Staff Recommendation**

APPROVE Certificate 7-A-13-DT subject to the following condition: 1) All visible unutilized building material must be removed and the site must be vegetated after demolition (108 N. Central Street).

**Discussion:** Mike Reynolds noted that the guidelines address the demolition of structures within a National Register Historic District are on a case by case basis. He noted according to the guidelines, demolition is acceptable when the structure is non-contributing to the district or is damaged or altered beyond any reasonable means of restoration or repair.

Faris Eid, Design Innovation Architects, was present and noted their intent at 106 N. Central was to restore and preserve the building. He noted that they have found an alternative plan for the originally proposed external stairway that is completely internal and they are withdrawing that part of the application. Mr. Eid clarified that there will not be a new door in the non-original recessed entry and that they will be restoring that to the original, flush

storefront. Mr. Eid stated they have not prepared elevations for 106 N. Central as they are simply matching the original design of the building.

Mr. Eid stated that they have looked at alternatives to demolishing the building at 108 N. Central including hiring a structural engineer to ensure their judgment was correct. He stated the engineer noted that the roof framing was not capable of holding even the minimum code roof weight requirements, nor would the roof be able to hold any rooftop mechanical equipment in the future. He noted the remnant component of the concrete block at the front is in extensive need of tuck-pointing and is most likely not reinforced. Mr. Eid noted to repair the building would basically be to rebuild it. As such they are requesting to be able to move forward with the demolition. He noted they do not know what the use of the space will be going forward and subsequently they have not designed anything specific for the space. He stated they will follow through with vegetating the space in the immediate future. He then noted they will be designing a non-permanent courtyard for the space and that they will bring that proposed design before the Board for approval.

Kim Trent, Executive Director, Knox Heritage, stated they had been meeting with the owner and architect on this project and agrees with them that the building had lost all historical integrity. She also noted that is noncontributing in the district. She noted they did not support additional surface parking and was happy to see that they have plans to develop a courtyard and ultimately another building.

There was discussion surrounding lack of elevations and subsequent perceived lack of clarity in the proposal. Mr. Eid noted there were no elevations on the Patrick Sullivan building was because their intent was to duplicate the attached photograph which would include maintaining the same window and door openings, tuck-pointing the brick, replacing non historic windows with historically appropriate ones of the same size and character, repairing existing historic windows keeping the leaded glass and putting a storm type window over them. He stated the entire 2<sup>nd</sup> story windows on that building will be replaced with one-over-one windows. He clarified the arched windows would be repaired.

Mr. Eid, referring to 106 N. Central, noted the current front façade contains the original storefront system. He noted they are removing the existing doors and replacing them with double doors. It was clarified that there were, are and will be three doorways. With regards to the sign on the side of the building, he noted they will be tuck-pointing and cleaning the brick. He was unsure of how much of the sign would still be there after that happens. He stated there is no direction from the owner at this time regarding that Coca Cola sign. He stated Kim Trent had indicated there may be some funding available to the owner to repaint the sign although he was open to removing the sign altogether from the application at this point until they have a more clear direction. There was discussion on the best way to proceed given the nature of the application and that Mr. Eid would like to proceed on certain parts of the proposal being open to returning with additional information as requested by the Board.

Mr. Eid clarified that he would return with a proposal for the courtyard as well as an elevation of the side of the building (west) where the sign is now depicting that side without the building currently located at 108 N. Central. He further clarified that side of the building would be brick with the 2 existing openings closed as previously noted. He stated the brick

where the building proposed for demolition is located also be tuck-pointed and cleaned. The opening for the stairs, as previously noted, is no longer required. The Board agreed to split the application's components for consideration of Action. Kim Henry clarified those to be as follows:

100 N. Central: The preliminary restoration including windows

106 N. Central: The facade excluding the storefronts

108 N. Central: Demolition

Mr. Eid clarified that currently, these 3 addresses constitute one property and that it extends all the way to the train tracks. He also noted that the adjacent fence at the tracks would be part of the design of the courtyard and that existing parking would be eliminated. It was clarified that staff can approve the tuck-pointing and that the extent of that staff approval will be further clarified for the Applicant.

**Action: A Motion was made by Anne Wallace to approve the proposal to replace the existing historically inappropriate widows with historically appropriate one-over-one windows for the 100 N. Central Street building. The Motion was seconded by Lorie Matthews. The Motion was amended to include staff approval for the replacement windows. Lorie Matthews seconded the amended Motion. The Motion carried unanimously.**

**Action: A Motion was made by Joe Petre to approve demolition of 108 N. Central Street with re-vegetation of the site per staff recommendation. The Motion was seconded by Bob Alcorn. The Motion carried with Brandon Pace voting no.**

**Action: A Motion was made by Mark Heinz to postpone the portion of the application for 106 N. Central Street pending the Applicant submission of an elevation of the proposed plan. Mr. Eid requested that the top 5 existing windows similar to the ones on the Patrick Sullivan building also be approved such that they can proceed with ordering the windows. Discussion noted these windows appear to be one-over-one in the oldest photos available. Mr. Heinz amended his Motion to include approval replacement of those 5 upper floor windows with one-over-one windows. He further clarified his Motion to reflect postponement of the application with regards to the commercial first floor of 106 N. Central Street pending an elevation from the architect. The Motion was seconded by Anne Wallace. It was clarified that the Motion included presentation of an elevation of the west side of the building with 108 N. Central Street removed. The Motion carried unanimously.**

**Staff Report:**

100 N. Central Street (6-F-13-DT) – General repairs to the exterior of the building.

**Other Business:**

Kim Trent asked to address the Board. She noted she wanted to touch on the issue discussed earlier regarding the guidelines and looking at ways we can look at legally discourage the demolition of historic buildings and the creation of surface parking lots. She stated Knox Heritage would like to offer their time and expertise in participation of that discussion. She asked for clarification on what the Board approved for 710 and 712 Walnut Street with St. John's, and that it was for a sidewalk and garden requested in the original application. Mike

Reynolds noted that was correct. It was further clarified that any discussion of a driveway would have to come before the Board for approval. Mike Reynolds noted that should a driveway not be approved, the addition of a surface parking lot would also have to be approved. Ms. Trent noted that the Community Design Center has offered to bring David Dewhirst and Knox Heritage together to meet one more time with the church to see if there was any way to avoid demolition of the structures. Mark Donaldson stated the MPC would consult with Knox Heritage in their review of the guidelines with respect to demolition. It was clarified that the process would be that staff would bring proposed changes before the Board, with any recommendations then going before the MPC than City Council who would then change the Ordinance. Public Input would be at the Board level. Mike Reynolds noted that historically when there needed to be changes made to the guidelines, staff brought ideas to Board which were then discussed with a concrete proposal being brought back before the Board for a vote the following month. Joe Petre reiterated that in the absence of a rationale not to tear something down we almost compelled to allow it, and that has been the Board's problem. He urged MPC to look at both reasons to deny as well as reasons to approve demolition such that it is very clear, realizing that there will always be some subjectivity. Mark Donaldson agreed and noted the reason for the Board's existence is that there will always be some degree of subjectivity.

Election of Chair and Vice Chair:

Vice Chair: It was noted at the last meeting Brandon Pace nominated Lorie Matthews and Lorie Matthews nominated Brandon Pace. There were no other nominations.

**Action: A voice vote was taken and Lorie Matthews was elected Vice Chair.**

Bob Alcorn:	<i>Brandon Pace</i>	Chad Boetger:	<i>Brandon Pace</i>
Lorie Matthews:	<i>Brandon Pace</i>	Mark Heinz:	<i>Lorie Matthews</i>
Kim Henry:	<i>Lorie Matthews</i>	Anne Wallace:	<i>Lorie Matthews</i>
Joe Petre:	<i>Lorie Matthews</i>		

Chair: It was noted that at the last meeting Mark Heinz nominated Chad Boetger as Chair. There were no other nominations.

**Action: A vote was taken and Chad Boetger was unanimously elected as Chair.**

Chair Kim Henry stated it was the last meeting for her, Joe Petre and Bob Alcorn.

Anne Wallace noted the City held a public meeting last night on a potential pedestrian bridge for World's Fair Park and that information is available on the City's website at: [cityofknoxville.org/policy/wfpbridge](http://cityofknoxville.org/policy/wfpbridge).

There was no further business. A Motion was made by Chad Boetger and seconded by Anne Wallace to adjourn. The Meeting was adjourned.