

**MINUTES  
KNOXVILLE DOWNTOWN DESIGN REVIEW BOARD  
MEETING OF JUNE 19, 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>	Planning Representative
<i>Mark Heinz</i>	Downtown Owner/Architect
<i>Lorie Matthers</i>	Knoxville HZC
<i>Brandon Pace</i>	AIA/Business Representative
<i>Joe Petre</i>	Business Representative
<i>Anne Wallace</i>	City of Knoxville
<b>Mark Donaldson</b>	MPC
<b>Brad Greene</b>	Conversion Properties, Inc.
<b>Marvin House</b>	Merit Construction
<b>Lewis Howard</b>	Royal Properties, Inc
<b>Shay Lowe</b>	Royal Properties, Inc.
<b>Greg Manter</b>	Citizen
<b>Ed Marcum</b>	News Sentinel
<b>Rich Mason</b>	Lindsay Maples
<b>Jamichael McCoy</b>	Republic Parking System
<b>Daniel Odle</b>	Conversion Properties, Inc.
<b>Kim Trent</b>	Knox Heritage
<b>Mike Reynolds</b>	MPC
<b>Alan Simms</b>	Citizen
<b>Dori Caron</b>	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: Rick Emmett, City of Knoxville, Downtown Coordinator. Attendees who wished to speak were asked to sign in. Board members present are shown in italics.

**Action: A Motion was made by Bob Alcorn and seconded by Anne Wallace to approve the May 15, 2013 Minutes. The Motion carried unanimously.**

**Certificates of Appropriateness:**

*Certificate No. 6-C-13-DT (site plan and existing conditions) (additional information)*  
322 W Church St - Pryor Brown Garage (Royal Properties, Inc.)  
Pre-development - N/A

**Description of Work**

Demolition of the exiting parking structure to be replaced by an expansion of the adjacent surface parking lot to include 57 spaces, as shown on the attached site plan and detailed below.

Add fencing along the Market Street and Church Avenue sidewalk edge to match the existing fence on Market Street, as shown in the attached drawing and image.

Add landscaping areas with 8 shade trees and other plantings, as shown on the attached site plan.

Increase the width of the entrance along Market Street and remove the existing curb cut along Church Avenue and install new sidewalk and curb to match existing conditions.

Add one light that is 22 feet in height.

### **Staff Comments**

This structure is not listed on the National Register of Historic Places and therefore is subject to the demolition guidelines in Section 1.B.8 (page 19) of the Downtown Knoxville Design Guidelines, which states "The demolition of buildings in areas of downtown outside Historic Overlay Districts and National Register Districts, or properties listed individually on the National Register of Historic Places, may be appropriate when in compliance with the guidelines," and "If a building is demolished, all visible unutilized building material must be removed and the site must be vegetated or otherwise brought into compliance with the guidelines."

In order to be in compliance with the guidelines, the property owner proposes to replace the structure with a surface parking facility as described in the attached plans. Section 1.A.3: Parking Facilities (page 7), has the following applicable guidelines: 3d) Screen surface lots, where they abut a public sidewalk, with decorative walls, fencing and landscaping, 3e) Distribute shade trees within surface lots at a ratio of 1 tree per 8 parking spaces. Trees may be planted in wells between spaces, and 3f) Provide pedestrian-scale lighting (10-15 feet in height) that uniformly illuminates the lot. The lighting fixture that is proposed by the applicant is the same height and general design as those approved by the board in Certificate #11-B-11-DT for the parking lot at 215 Willow Avenue in the Old City (for The Crown and Goose), which is 22 feet in height.

Commercial parking facilities (those open to the public for paid parking) are a "Use permitted on review" in the C-2 (Central Business District) zone, meaning the Metropolitan Planning Commission must determine if the proposed parking facility "is consistent with the adopted 'Downtown Plan'" (adopted in 1987 and amended in 1989). In regard to parking, the Downtown Plan considerations do not conflict with the recommendations of the Downtown Knoxville Design Guidelines regarding demolitions or parking facilities. In general, the Downtown Plan makes recommendations on where short term and long term parking should be located and also some design criteria for new parking structures.

The additional information submitted by the applicant regarding the long term vision for the site will not be considered for approval by the board.

### **Staff Recommendation**

APPROVE Certificate 6-C-13-DT subject to the following conditions: 1) Meet all design requirements of Article 5. Section 7 (Minimum Off-street Parking, Access and Driveway Requirements) of the zoning ordinance, and 2) Install lighting in compliance with the guidelines at a height of 10 - 15 feet that uniformly illuminates the lot. Mr. Reynolds noted an additional condition that was accidentally left off the agenda: that if the Board moves to approve this application it should be contingent upon MPC's approval of the Use on Review.

**Discussion:** Mike Reynolds reviewed the description of work and staff comments. He noted there were components of the application what will necessitate it being heard at the MPC.

Lewis Howard, lawyer for Royal Properties, Inc. noted also present today were Shay Lowe, Vice President of Royal Properties and also Marvin House of Merit Construction, who upon examination of the building has deemed it un-repairable. He also noted Rich Mason, from Lindsay & Maples Architects, who prepared the diagram that depicts the proposed lot. Mr. Howard further noted the photographs that show the poor condition of the building, which is over 100 years old. The entire parcel the building stands on had originally been purchased by General Services Administration for a new federal building. Many structures on the parcel were demolished in preparation for development, which never happened and such

they put it up for sale, prior to demolishing all of the buildings on the site. He noted Royal Properties have looked at every angle in reviewing whether or not the building could be renovated. Mr. Howard stated they approached CBID for assistance with funds to repair the roof which in itself would cost over \$600,000. He stated Richard Bender, a structural engineer, has looked at the property and has indicated that any repair would require substantial work including replacing the cement and even possibly the rebar. He highlighted letters from Merit Construction and Richard Bender Engineering both concurring that the building should be demolished and not repaired and that repair would be prohibitive and an unwise use of funds.

Kim Trent, Executive Director Knox Heritage, stated Knox Heritage would like to see the building preserved. They believe it is important to the downtown area. She stated they have confirmation from the state historic preservation office that the building is eligible for listing in the National Register of Historic Places as part of the Gay Street Commercial District. She noted that opens the building up for incentives such as the historic preservation tax credits, a potential allocation from the National Development Council of New Market Tax Credits they are looking to use in Tennessee, additionally there are other financial incentives that could come to bear to help save the building. Ms. Trent noted they would like to see a postponement so Knox Heritage could explore all of the options available. She noted they have proposed incorporating the garage into the future development for that tower and its serving as the parking facility. She further noted they dislike the idea of preemptive demolition with no real project plan for a long time. She stated there had been a lot of that happening downtown over time with buildings/projects not moving forward as proposed. Ms. Lowe clarified they wanted to move forward with the application and not request postponement at this juncture.

It was clarified that the Applicant has not yet submitted an application to the MPC for a Use on Review and that they are still within the deadline to do so for the August meeting. Mark Donaldson noted Uses on Review come before the MPC and unless appealed, that is the final action. Any Action taken at the August meeting, scheduled for the 8<sup>th</sup>, would be a potential final action. He noted appeals can be taken to City Council and should that occur would be heard most likely in September. It was further clarified this application for demolition and surface parking was separate from the Use on Review process. Mr. Reynolds clarified that in making MPC approval of the Use on Review a condition of an approval from this body would ensure demolition would not occur without approval to build the proposed surface parking lot.

Chad Boetger noted the Applicant had indeed approached CBID with the intent of renovating the building. He noted the concern of the CBID at that time was the building had essentially not been maintained and that the large grant would then go more towards maintenance issues and they encourage them to submit for a small grant for renovation. Mr. Howard clarified that they no longer are seeking to renovate. Since they approached CBID, they have realized that the building should not be repaired as it simply has too many structural problems. The building will not hold a new roof. He stated Mr. Bender noted the concrete pillars are not salvageable. He clarified that initially they thought the windows could be replaced and the façade and roof repaired but they have come to realize it is simply not economically feasible to repair the building. He also stated the tenants have been given notice to vacate due to safety as much as for any other reason. Mr. Howard noted a tenant, Republic Parking, would also prefer a surface a lot due to current safety issues.

Jamichael McCoy, general manager of Republic Parking for Knoxville, stated that they have valet parking in the building but can only use limited parts of the building as concrete is literally dropping on vehicles.

Marvin House, Merit Construction, noted he was a member of Knox Heritage, East Tennessee Historic Society and Grainger County Historic Society and that he did not take demolition of an historic property lightly. He noted he originally looked at the roof for the owners and at the time told the owners a new roof was just a Band-Aid. He stated the building has deteriorated to the point that you cannot use it. He stated renovation of the garage would require tearing it down and rebuilding it to the same configuration. He stated its 100 year old concrete is simply not repairable. He clarified that there would be 57 spaces in the

new proposed surface lot. It was noted there were approximately 90 in the building now, about 2/3 of the space, but that that number continues to decrease with time.

Discussion ensued with regards to the buildings previously demolished on the sight. When Royal Properties acquired the site there were 2 buildings on site. There was one on Market street behind the Pryor Brown garage which was demolished 6 years ago by Republic Parking. He noted prior to that, GSA had demolished all other buildings on site (originally a total of 14 buildings) for the new federal building that was never built.

Mr. Reynolds clarified the guidelines for fencing and trees were in place in 2008. When the ordinance was first written there was no demolition language. The demolitions in 2008 on Market Street triggered additional language being added to the ordinance and such they now come before the Board. The landscaping requirements were a function of the number of parking spaces added and there may not have been enough added to trigger an additional tree, for example.

Anne Wallace clarified that the fencing installed at the site was done by the City as part of the Market Street project. Ms. Lowe stated the City was granted an easement by Royal Properties. Ms. Wallace further clarified the City was attempting to stop vehicles from encroaching on the sidewalk, and reached a deal with Royal Properties to provide fencing and parking stops to keep the side walk as open as possible.

Mr. Reynolds was asked to clarify staff's opinion and he noted that staff did not feel the guidelines afforded protection against demolition to the property and that the proposal meets both the requirements of the guidelines and the zoning ordinance.

Discussion ensued with regards to the current language in the guidelines with respect to demolition requests.

Mr. Howard again stated they do not want to postpone nor renovate as it is too costly and not economically feasible, basically a waste of money and he was not sure they could find someone to repair it in its current condition. He further stated that this property will ultimately be developed and that the surface parking was a short term development. He stated the building will need to be demolished or condemned.

Brandon Pace moved to postpone the application until the Use on Review is heard at the MPC in August and that there be time for a likely appeal in September. Concern was noted regarding being able to pull a demolition permit prior to obtaining approval for a Use on Review. Mr. Donaldson noted this was somewhat new ground as there has not historically been enough demolition activity with proposed follow up uses on the record to state there is any particular pattern. He noted the demolition permit is independent of the Use on Review permit. He noted it they could be tied together by making that a condition of approval from this body. He further noted people have the right to apply to demolish a building without stating what the proposed use of the land will be in the future. Ms. Wallace noted in clarification that the guidelines are reflective of what happens after the demolition so this does generate somewhat of a Catch 22. She noted as we do not know whether or not the proposed use would be approved, though it likely would be based on MPC's track record. Discussion further ensued regarding the "finishes" required by the guidelines for a commercial parking lot are not the actual "use" of the property and would hence be independent of any Use on Review. Mr. Donaldson clarified that the MPC would be tasked with considering whether the commercial parking lot is appropriate and whether the site plan works. He noted they would assume permission would have been granted to proceed with the demolition.

Joe Petre asked what would be accomplished with a delay. Mr. Pace stated he was not sure the proposed use would be approved and felt that the Board should not have a discussion about demolishing the building without knowing what the approved use will be. He further stated he felt they should know what will be done to the site in the future. Mr. Petre stated that although he respects as well as works on historic buildings, he felt the Board did not have the jurisdiction to delay rightful use of a property by the owners,

whether we like it or not, and further noted that the MPC unanimously overturned the Board's decision to deny demolition that was also within the guidelines as currently written just last month. It was further clarified that there does not need to be a use identified to be within the guidelines and that is what the MPC ruled last month. Discussion ensued with regards to there being a high percentage chance that the parking lot will be approved. It was again clarified that staff added MPC approval of the Use of Review for the proposed surface parking lot be added to any approval of the CoA before the Board today which would accomplish the same thing as any delay would. Mr. Howard stated they would be in agreement with that.

**Action: Brandon Pace moved to postpone consideration of the application for 120 days based upon the lack of an approved use of the property and lack of sufficient information. The Motion was seconded by Lorie Matthews.**

Further discussion: Mr. Howard stated they will not demolish the building without an approved Use of Review for this parking lot by the MPC and asked the Board to tie this approval to the approval of the Use on Review by the MPC. Mr. Donaldson clarified that demolition is only reviewed by the MPC when a property is in a Historic, Neighborhood Conservation or Downtown overlay. Otherwise a demolition permit is a by right exercise. When presented with a demolition request, they go through a series of "checks" including whether or not a building is on the National Register.

**Action: Mr. Pace amended his Motion to state that the application be postponed until the Downtown Design Review Board meeting that would follow the MPC meeting where a vote on the Use on Review is taken by the MPC. The amended Motion was seconded by Lorie Matthews.**

Bob Alcorn suggested the Board vote on the application today which will allow them to proceed or allow them to appeal to the MPC, not delaying the owners unnecessarily. There was discussion surrounding assisting the Applicant in exploring alternatives.

**Action: Chair Henry called for a vote for the Motion on the floor. The Motion carried with Joe Petre and Bob Alcorn voting no.**

#### **Staff Approvals**

510 W Main Street (6-D-13-DT) – Minor alteration to an existing structure (Repair of front stairs)

#### **Other Business:**

Nomination of Chair and Vice-chair with a vote at the July board meeting.

It was clarified that the 3 Board members terming off the Board will likely be after the next meeting as it appears there replacements will not be appointed before then.

Mark Heinz nominated Chad Boetger for Chair. Brandon Pace nominated Lorie Matthews for Vice Chair. Lorie Matthews nominated Brandon Pace for Vice Chair. Chair Henry noted there could be additional nominations from the floor at the next meeting.

**Action: A Motion was made by Joe Petre that staff review the guidelines with regard to demolition policy and improve the current guidelines with more definitive direction with regard to demolition of old structures. The Motion was seconded by Kim Henry. The Motion carried unanimously.**

**Action: A Motion was made by Chad Boetger to adjourn. The Motion was seconded by Anne Wallace. The Motion carried unanimously and the meeting was adjourned.**