

**MINUTES
KNOXVILLE DOWNTOWN DESIGN REVIEW
BOARD MEETING OF JANUARY 15, 2014
MAIN ASSEMBLY ROOM
4:00 P.M.**

Board member – Present	Board membership
Brian Pittman	Downtown Resident
Lorie Matthews	Historic Zoning Commission
Russ Watkins	Business Development Representative
Chad Boetger	Downtown Resident and Architect
Anne Wallace	City of Knoxville
Mike Reynolds	Metropolitan Planning Commission (non-voting)
Board member – Absent	Board membership
Marleen Davis	Urban Design Professional
Mark Heinz	Downtown Resident and Architect
Brandon Pace	AIA Representative
Matt Synowicz	CBID Representative
Ex-officio & staff members	Department / Organization
Rick Emmett	City of Knoxville – Downtown Coordinator
Charles Swanson	City of Knoxville – Law Department
Dori Caron	Metropolitan Planning Commission
Applicants & general public	Affiliation
Alan Thompson	Ragan Smith Assoc., Inc.
Brad Slayden	Ragan Smith Assoc., Inc.

The meeting was called to order by Chair Chad Boetger. It was established that there was a quorum. Mr. Boetger asked that the Board members introduce themselves. Ex-officio members and other staff members were introduced.

Action: A Motion was made by Anne Wallace and seconded by Russ Watkins to approve the December 18, 2013 Minutes. The Motion carried unanimously.

Certificates of Appropriateness:

Certificate No. 9-B-13-DT

260 State St. – Marble Alley Lofts (Brad Slayden)
Pre-development – 9/24/2013

Description of Work

Install a roof sign above the South Central Street elevation that is 5 feet tall and approximately 53 feet wide (270 square feet). The sign will be made of individual channel letters with polycarbonate faces and they will be internally illuminated with LED's.

Staff Comments

The proposed roof sign was postponed by the board at the October meeting to allow staff to gather more information about existing roof signs in the downtown area. At the November board meeting, the applicant requested the proposed roof sign be postponed until the January 2014 board meeting to allow additional time for staff and the applicant to study signs in the downtown area.

Staff findings of fact:

- The guidelines do not address roof signs;
- The guidelines allow internal illumination for this location;
- The current zoning regulations allow roof signs; and
- The current zoning regulations allow a sign of the proposed size.

Summary of downtown sign study:

- The size of existing roof signs in the downtown area (including those attached to elevator towers) range from 196 square feet to 270 square feet (average = 209 square feet);
- The size of wall signs in the downtown area (only including those near the top of buildings) range from 144 square feet to 490 square feet (average = 240 square feet);
- For building of similar height (4 to 6 stories), the sign height ranges from 4 feet to 10 feet tall (average = 6.5 feet); and
- In general, existing roof signs are directed toward large roadways outside of downtown (I-40 and James White Parkway), and wall signs are visible within or near downtown.

NOTE: If a building has more than one roof or wall sign, the calculations provided only include one of those signs.

Staff Recommendation

APPROVE Certificate 9-B-13-DT as submitted based on the “findings of fact” as presented by staff.

Discussion: It was clarified that the roof sign request before the Board has not changed, however, there is now additional information. Mr. Reynolds reviewed the staff findings of fact and a summary of the downtown sign study conducted by staff. It was clarified by the Applicant that the intent is to only have one roof sign.

Action: A Motion was made by Russ Watkins and seconded by Anne Wallace to approve the application for the roof sign as submitted per staff recommendation. The Motion carried unanimously.

Staff Report: There were no staff approvals to report.

Other Business:

Consideration for approval the amendments to the Downtown Design Overlay District, Administrative Rules and Procedures, and Downtown Knoxville Design Guidelines.

Discussion: Mr. Boetger stated that since the City Law Department was still reviewing the above noted amendments, to review them today would not be appropriate. It was clarified that the main issue that needs to be rectified involves demolition. Mr. Reynolds stated the guidelines denote a requirement to review demolitions, however, the Board does not have the authority to do so. He also noted the proposed amendments to the guidelines are still under review by the Law Department. It has become apparent that the Board should not be reviewing (approving or denying) demolitions.

Charles Swanson noted the Board’s purview via the statute encompasses non-residential properties, multi-family residential properties and entrances to non-residential development within the municipality. He clarified that the Law Department has completed their review of the Board’s purview to review demolition and is moving forward with going before the Metropolitan Planning Commission to propose amendments to zoning code and design guidelines that will eliminate from the Downtown Design Review Board’s authority any issues related to demolition. To that effect, Anne Wallace noted there

have been requests from the media regarding the proposed amendments that are sitting on our agenda and suggested the Board table these items so they do not present an action item that would need to be addressed at a Board meeting. She further noted the proposed amendments can be discussed when the demolition issue has been cleared up and the Board receives clarity from the Law Department as to what proposed amendments are legal and need to be carried forward.

Action: A Motion was made by Anne Wallace to table the Other Business Items pending the Law Department's final review of the information.

Further Discussion: Mr. Swanson noted that when the proposed amendments are ready to be presented to the Metropolitan Planning Commission (MPC), the Law Department can provide the Board members a copy of the proposed amendments. He further clarified that the Board would not be asked to make a recommendation on the proposed amendments prior to going before the MPC. Mr. Swanson also stated the Board can send representatives to the MPC meeting and then to City Council should they feel it necessary to voice an opinion. There was also discussion surrounding the Board's capacity to review post demolition (aesthetic) site requests and it was clarified that the Law Department was also reviewing whether not the Board has the legal ability to review them, and the City has the staff capacity to enforce them. Ms. Wallace reiterated not having clarity on this and other issues prompted her motion to postpone the proposed amendments. She also clarified that reason the City is moving forward so quickly, and on just the demolition portion of the guidelines, is because it is prudent for the City to immediately remove language that requires the Board to provide a Certificate of Appropriateness [or to deny one] on an item that they do not have purview to do under state law. Mr. Swanson noted he agreed and stated that currently it is a potential liability to the City to be in the position to hold up an applicant's right to use their property in a particular way and further that we have a provision in our Code that is inconsistent with state law, putting the City in a tentative legal position at best.

Action: Mr. Boetger called for Action. The Motion was seconded by Russ Watkins. The Motion carried unanimously.

Further Discussion: It was noted that under an H-1 overlay there is review of demolition requiring a Certificate of Appropriateness but outside of that, if an applicant qualifies for a permit, it is issued. Ms. Wallace stated the Law Department has agreed to look at whether or not there are other demolition controls that might be appropriate in the ordinance.

Tabled:

File No. 10-A-13-DT

531 Henley St. – Project: The Tennessean Hotel

File No. 11-B-12-DT

100 S Broadway – Project: 100 S Broadway

There was no further business.

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