
**Historic Zoning Commission
Meeting Minutes
March 26, 2019**

The Historic Zoning Commission held their regularly scheduled meeting on March 26, 2019 at 5:30 pm in the Commission Chambers at the Municipal and Safety Building.

Members Present: Mr. Nathan Brand, Chairman
Col. Paul Williamson, Vice-Chairman and Planning
Commission Representative
Ms. Liz Biosca
Mr. Wesley Forsythe
Mr. Hal Hunter
Ms. Valda Jones
Mr. Tom Mozen

Members Absent: None

Staff Present: Preston Mitchell, Director, Development Services
Matthew Manley, Senior Planner, City of Johnson City
Nicole Lawrence, Recording Secretary, City of Johnson City

Chairman Brand called the meeting to order at 5:30 p.m. A quorum was present.

Approval of the Johnson City Historic Zoning Commission agenda was put forth with the following addition; under New Business the addition of item K. a sign approval for 300 E. Main St. The agenda was then approved as amended 7-0.

The minutes from the Historic Zoning Commission Meeting held on February 26, 2019 were approved with a motion from Commissioner Hunter and a second from Commissioner Jones. The minutes were approved 7-0.

New Business

The first item on the agenda was consideration of approval of a wall sign for Red Meze Restaurant located at 109 Buffalo St. This would be 2 signs combined - 3'x8', and 3'x4 - for a total of 3'x12', 36 Sq Ft sign. The sign material will be Signabond (plastic bound on either side by aluminum sheeting) and the sign will be bordered around the edges. The Design Guidelines state that Wall Signs can be considered depending on the facade. The façade is a relatively blank brick surface. The building is unique in that it has a front façade and a side façade. Given these circumstances, a second wall sign would be appropriate. The total square feet of the proposed sign is 64 Sq Ft. The sign code allows for 2 sq ft per linear foot of wall length. IN this case, the wall is very long because it is a side façade. This would afford a much larger sign than would be in scale with the building. The HZC does not have to approve a sign that is out of scale with the building or the district just because it meets the B-2 Sign Ordinance.

The proposed sign meets the basic requirements of the B-2 Sign Code. The sign design, materials and colors are in line with the Design Guidelines. One aspect of the sign that should be carefully considered is the size/scale. Though the signage is large, the scale of the wall should accommodate signage of this size. The alternative position is intended to achieve a greater pedestrian scale as opposed to signage intended for drivers.

Staff recommended approval of the proposed wall sign.

Public Hearing was opened;

Bulent Yaman - Applicant and restaurant owner, spoke in favor of the 3ft. X 4ft. and 3ft. X 8ft. wall sign with the name of the restaurant and the word "Restaurant" only on the sign.

The Commissioners agreed with the new sign design that it looked more uniform and clearer with the restaurant name and the word "restaurant" only under the name of the restaurant.

Seeing no one else wished to speak, Public Hearing was closed.

Vice-Chairman Williamson made a motion of approval with a second from Commissioner Forsythe.

Motion approved.

VOTE: 7-0.

The second item on the agenda was approval of window signage for the window area of the storefront for 109 Buffalo St. The window sign is proposed to be 45" x 35" (11 Sq. Ft) and will feature the logo and name of the restaurant in red. The space between characters will be clear.

The proposed front window sign meets the basic requirements of the B-2 Sign Code.

Staff recommended approval of the proposed window signage.

Public Hearing was opened; Seeing no one wished to speak, public hearing was closed.

A motion to approve as presented was put forth by Commissioner Hunter with a second from Commissioner Jones.

Motion was approved.

VOTE: 7-0.

The third item on the agenda was approval of painting the canopy located at 300 E. Main St. The applicant is proposing to paint the iron work edging of the canopy that extends of the first floor of the King Center, covering the sidewalk. The proposed color is Tricorn Black.

Black and Green are traditional colors for wrought iron. In Johnson City, the light post is "Cultural District "green and any new post along streets are supposed to be coordinated with that same green color. The City also uses black post in park areas in the downtown district. In many other cities, the color of choice for post in the historic district is black.

A key aspect of this project will be assuring that any color changes are not only supported by historical context but also supported by the other owners of the identical canopy across S. Roan St. The coordination of these canopies is an essential element of preserving the character of the Downtown Historic District. These canopies are currently matching in color as well as in their level of disrepair. Staff certainly supports the applicant's efforts to maintain this historic element.

The proposed paint color options are in accord with the design guidelines. It should be recognized that any future requests to paint other sections of this canopy along S. Roan St and E. Main St. should utilize the same color chosen for the King Center building.

Staff recommended approval.

A discussion between the Commissioners ensued with the following comments:

Vice- Chairman Williamson asked if staff knew what color the new wayfinding signage for downtown Johnson City was going to be, Black or Green.

Staff was not sure which colors they using but knew a green shade was currently being used on the lamp posts in downtown.

Chairman Brand agrees that the Tricorn Black is acceptable to this area of downtown and for this canopy.

Commissioner Jones preferred the darker colors as well.

Commissioner Hunter feels the green proposed may look lighter once it is on the awning, he prefers the Tricorn Black color.

Public hearing was opened;

Eva Hunter – Property Manager for the King Centre spoke in favor of the painting and the use of Tricorn Black color. She stated the neighboring business approved of the Tricorn Black paint color.

Seeing no one else wished to speak, public hearing was closed.

A motion to approve as presented was put forth by Commissioner Jones with a second from Commissioner Hunter.

Motion approved.

VOTE: 7-0

The fourth item on the agenda was approval of new construction of a garage located at 609 W. Maple St. The petitioner has proposed the construction of a carport and covered patio to match the existing style and materials of a house in the Tree Streets Historic District. The house, which was constructed in 1973, has the architectural style of a brick ranch. This structure is non-contributing according the National Register Survey for the neighborhood. Staff finds that the proposed additions are in keeping with the Design Guidelines. Since the roof over the back patio is not visible from the street, it does not call for scrutiny from the Historic Zoning Commission. Staff recommended approval for the project as proposed.

Commissioner Hunter would like to add an actual expiration date to the approval of this CoA since, according to Commissioner Hunter, this particular location has been building without permits in the past.

Public Hearing was opened;

Leslie Litvack – The applicant and home owner spoke in defense of his construction. He stated that he had confidence in the contractor to get the proper permits required to build. He stated that he was not aware they were building without permits. He apologized to the Commission and the city for this miscommunication and he stated that he also intends to cover the columns on the front of the home as well, in brick, as soon as he can afford to do so. He has the brick he just needs to be able to afford the masonry work. Mr. Litvack stated he realized permits had a six (6) month expiration and he would return for another permit if the six (6) month period ran out prior to his construction being completed.

Seeing no one wished to speak, public hearing was closed.

A motion to approve as presented was put forth by Vice-Chairman Williamson with a second from Commissioner Hunter. Commissioner Hunter requested for the record the expiration date of this particular CoA and permit would be September 24, 2019.

Motion approved.

VOTE: 7-0

The fifth item on the agenda was approval of a new sign located at 108 Ashe St. The petitioner is proposing one new sign on the front of the building on Cherry St

New Sign; 15" x 78" (8.1 Sq. Ft) + 21" x 98" (14.2 Sq. Ft), Hung on flat brick space above storefront/awning, internally illuminated, Channel Letter Sign. The proposed sign features individual letters set on a raceway that will mount the sign to the brick veneer. The font is simple and east to read. The colors of the sign are a basic white and black. The sign fits within the design guidelines other than the sign materials. However, in the past this portion of the historic district has been treated slightly differently due to the elements that define the shops along Cherry St. The old warehouses face State of Franklin and for that reason, wall signs, rather than projecting signs have been used. Additionally, since the retail space has been developed as a strip mall shopping center, similar internal illumination signs have been approved. The proposed sign is similar to those that have been approved for this shopping center by the HZC in the past.

Staff recommended approval of the proposed sign.

Public hearing was opened;

Adam Miller – Foster Signs spoke in favor of the proposed sign, he stated that this sign is in conformity with the other signs on this building.

Seeing no one wished to speak, public hearing was closed.

Chairman Brand stated he would like to see a return to true conformity for this particular area of the Historic District on Cherry St. He looks forward to the rewording of the sign guidelines that the Historic Commission is currently working on.

A motion to approve as presented was put forth by Vice-Chairman Williamson with a second from Commissioner Forsythe.

Motion approved.

VOTE: 7-0

The sixth item on the agenda was window sign approval for 309 E. Main St.

The applicant is proposing window signage for the window area of the storefront. The window signage would consist of two (2) 8.45 Sq. Ft vinyl signs stuck onto the storefront windows. These temporary signs are highlighting the City's Sesquicentennial Celebrations and memorabilia being displayed at the former JC Penny's building. These signs are being added in addition to the Segway Tours business signage that is currently located on this storefront.

On 9/26/17 the HZC approved the Segway Tours signage at this location. At that time, staff calculated all of the windows on the left front, left foyer, right foyer and right front as a single window area of 559 Sq. Ft. Thus, the proposed window signage for the Segway business was well under 20% of the

total window area even though it was concentrated in one space on a front facing section of windows. Currently, the originally approved design is missing one of the two proposed business title/logo graphics, which subtracts 9.33 Sq. Ft from the original 78.33 Sq. Ft. This brings the current total of Segway signage to 69 Sq. Ft. In this case, the addition of the two "JC 150" Signs adds 17 Sq. Ft to the existing 69 Sq. Ft of signage bringing the total to 86 Sq. Ft. This brings the total window area to 15.38%, which is under the 20% restriction. The new JC 150 Signage still needs to receive a CoA, but it is otherwise not in violation of the Design Guidelines based on the interpretation as originally applied at this location.
Staff recommended approval of the proposed window signage.

Public Hearing was opened; Seeing no one wished to speak, public hearing was closed.

A motion to approve as presented was put forth by Commissioner Jones with a second from Commissioner Biosca.
Motion approved.
VOTE: 7-0

The seventh item on the agenda was approval of new construction of an addition to a home located at 1002 Southwest Ave. The petitioner has proposed the construction of a 12'x10' screen porch on the southwest corner of the house. The house, which was constructed in 1925, has a bungalow-influenced architectural style. This structure is listed as "non-contributing" according the National Register Survey for the neighborhood. The screen porch will attach to the principal structure. The site plan shows the location of the principal structure and the additions. However, an existing detached garage is not shown. Additional, zoning and permit reviews will be conducted to determine is a building permit will be issued. The primary objective of the Historic Zoning Review is in regards to appropriateness with the Tree Streets Historic District Design Guidelines.

Staff finds that the proposed addition is in keeping with the Design Guidelines. Since the proposed structure is not visible from the street, it does not call for elevated scrutiny from the Historic Zoning Commission. Since the screen porch is: a) an addition to a non-conforming structure and b) in keeping with Section C of the Design Guidelines.

Staff recommended approval for the project as proposed.

Public Hearing was opened;

Stacey Onks - The applicant and homeowner spoke in favor of the screened in porch addition to the rear of her home. She stated this porch is not visible from the front of the property or the street.

Seeing no one wished to speak, public hearing was closed.

A motion to approve as presented was put forth by Commissioner Hunter with a second from Commissioner Jones.
Motion approved.
VOTE: 7-0

The eighth item on the agenda was sign approval for 121 Spring St. The applicant is proposing a wall sign to be placed centered over the storefront as opposed to being set in the off-centered "sign panel" on the front of the building. The proposed sign would be a 33 Sq. Ft, CNC (computer numerically controlled) carved HDU (High Density Urethane) sign featuring 3 colors (black, red and yellow). Previous applications for a wall sign in this location were for a 19 Sq. Ft - which was considered to be too small and out of scale. The proposed wall sign meets the basic requirements of the B-2 Sign Code. The overall size, scale and placement is not out of character with the Design Guidelines or with other wall signs seen in the Downtown District. Overall, the application draws attention to a couple of Design Guideline policy statements which must be given consideration: (H.) use colors that are compatible with the building and (I.) required use of historic materials. Given that the sign colors have been reduced to meet the "limit the number of colors on a sign" requirement, this proposal is more in line with the Design Guidelines than previous versions. Additionally, by coordinating the tones of the proposed sign colors with the doors, the proposal addresses the Design Guidelines call for using, "colors for the sign that are compatible with those of the building front." The carved HDU would give a much more "finished" look than other synthetic materials. In general, HDU has been engineered to mimic wood with the difference being it will not rot. In summary, the HZC must give careful consideration to how far they wish to proceed with the limitation of sign colors. Furthermore, the HZC will have to consider the precedent that would be set by approving the use of CNC carved HDU signage.
Staff recommended approval of the proposed wall sign.

Public Hearing was opened;

Ryan with Jerrys Signs - Abingdon, VA - The sign company making the current sign stated this particular sign would need 3-4 LED Lights to illuminate this sign. He brought color swatches with him to show the Commission exactly how the colors on the sign will appear. These colors match the yellow and red from the apartment doors that are a part of the building. He stated that he has volunteered to add the lightning to the sign to ensure all of this is up to the standards of the Historic District. He also stated that they are not able to "connect" the electricity but can put the lights up. The applicant is agreeable to the colors proposed, he said.

Vice-Chairman Williamson and the other commissioners have concerns with the colors of the building and the colors of the sign.

Staff stated that the building colors have been approved in July of 2018 and the Commission cannot make changes to those approved colors.

Chairman Brand asked the Commissioners if they felt they had enough information to approve or deny this request at this time.

Commissioner Mozen feels the Commission has beaten this issue to death. The issue is ultimately about colors and our guidelines are not very specific on this and this is why the sign guidelines are under review.

Chairman Brand expressed his concerns with the current building colors and the colors of the proposed sign.

Staff feels we need to take some responsibility with how we are communicating the desire of the Commission to the applicant. We have gone from colors to size to colors again.

Vice- Chairman Williamson agrees this issue needs to come to a close.

Seeing no one wished to speak, public hearing was closed.

A motion to approve as presented with three (3) black gooseneck LED lights for external illumination that produces a daylight glow was put forth by Commissioner Jones with a second from Commissioner Forsythe.

Motion approved.

VOTE: 6-1 (Brand)

The ninth item on the agenda was window sign approval for 300 E. Main St.

This is a request for a window sign for a new business. This item was added to the agenda at the time of this meeting.

After discussion about the request public Hearing was opened;

Eva Hunter - the property manager for this building spoke about some concerns she had regarding this window sign in this location. The tenant is subletting this space from another tenant in his building and utilizing their windows. This request is ultimately a request for a vendor to advertise from another tenant space.

Chairman Brand stated that what he gathers from this concern is that the applicant is not actually a tenant in this building and is not the owner, therefore an owner affidavit is required in order to hear this request.

With no owner affidavit present this item was deferred until an affidavit may be obtained.

Motion to defer was put forth by vice-Chairman Williamson with a second from Commissioner Biosca.

Motion to defer approved.

VOTE: 7-0

The ninth item on the agenda was to discuss redrawing the boundaries of the current Downtown Historic District with the possible removal of the "warehouse" on Cherry St.

The area in question is the Cherry St. area and it is formerly a warehouse. The building is an older building with a new façade. The building that is there now is not what the Historic Commission originally approved.

Staff asked the Director of Development Services, Preston Mitchell how does the city enforce the approved CoA if they see that unapproved changes are being made to the building?

Mr. Mitchell stated that in order to stop construction on an unapproved CoA is to utilize the city's building inspectors and use a stop work order.

Chairman Brand would like to have a deeper discussion with the owners of the property in question.

Vice-Chairman Williamson asked what the goal of this discussion tonight?

Staff stated that the goal is to decide if the Commission wants to remove the Cherry St. area from the Historic District.

Chairman Brand feels there needs to be more discussion with the owner's before removing this building from the district.

Commissioner Hunter disagrees and feels the building is out of conformity and needs to be out of the district.

Commissioner Biosca has fears that by removing this area it will lead to removing other historic areas due to non-conformity.

Chairman Brand feels that this is more like cutting out the problem without attempting to fix it.

Staff stated that due to the approvals of non-conforming signage in the past has led to this issue, however when these businesses leave and the new guidelines are brought forth this problem can be resolved.

Commissioner Jones feels there are points good and bad about removing this from the district. She fears what could happen to this area if it is not regulated.

Preston Mitchell stated that while this is a great discussion he feels that more information needs to be gathered from THC (Tennessee Historical Commission) to see if a section of a district can be removed from the entire district prior to proceeding.

Staff stated that he Planning Commission is the body that sets the boundaries of the Historic District.

Commissioner Jones feels the commission needs to think more about this and get more information.

The commissioners agreed.

This item was deferred until more information regarding the issues brought up by the Commissioners could be addressed.

This concluded New Business

Additional Business

Staff approved CoA's were discussed by staff.

Subcommittee reports:

April 2, 2019 the Downtown Merchants will be meeting and discussing Sign Policy changes.

Gump Addition Selection Committee - The group working on the National Register Nomination has been here and spent a lot of time with Lucy Gump. There have been recommendations to rename the area as Hillrise Park / The Gump Addition.

Blight / Demolition by Neglect - Vice-Chairman Williamson has met with the Chief Building Officer, Jim Sullivan and staff along with Mr. Mitchell regarding façade maintenance and empty buildings. He has found that our system makes it nearly impossible to actually enforce the code and support the Code Enforcement Officers in their duties. A taskforce is being created including someone from the Planning Commission (2 members), City Commission (1 member), BDSR (2 members) and HZC (2 members) members by creating a seven (7) member panel. Once the members have volunteered the first meeting will be scheduled.

Downtown Design Committee - Commissioner Forsythe updated the commission on the latest discussion on the committee. Design upgrades for Majestic Park and the creation of a subcommittee.

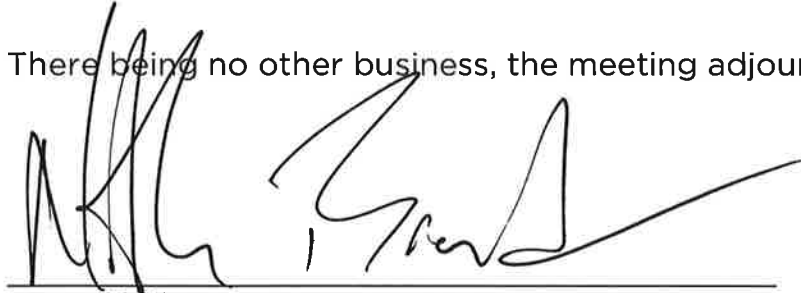
Enforcement updates:

423 and 416 W. Maple - Still working their way through the BDSR process. Staff has been working with the current owner to help him understand how serious his situation is. Staff is hoping he will sell the property to another owner who may want to rehab the property.

1888 Building - Still working with the owners, no progress.

Certified Local Government Training is scheduled for Johnson City for a half day training in the Old JC Penny Building Friday April 26th from 9-12 pm. 309 E. Main St.

There being no other business, the meeting adjourned at 8:00 p.m.

A handwritten signature in black ink, appearing to read "Nathan Brand", written over a horizontal line.

Nathan Brand - Chairman