

**FRANKLIN HISTORIC ZONING COMMISSION
MINUTES
May 11, 2015**

The Franklin Historic Zoning Commission held its regular scheduled meeting on Monday, May 11, 2015, at 5:00 pm in the City Hall Boardroom at 109 Third Avenue South.

Members Present: Chairwoman Susan Besser
 Lisa Marquardt
 Mel Thompson
 Jim Roberts
 Rusty Womack
 Trisha Nesbitt
 Kate Reynolds
 Mary Pearce, recused herself from Item 7

Staff Present: Amanda Hall, Planning & Sustainability Department
 Susan Coleman, Planning & Sustainability Department
 Steve Haynes, BNS Department
 Randall Tosh, BNS Department
 Kristen Corn, Law Department
 Vernon Gerth, ACA

Chairwoman Besser called to order the May 11, 2015, Historic Zoning Commission meeting at 5:02 p.m.

**Item 1:
Minutes: April 13, 2015**

Ms. Reynolds requested that on item 8, where she addressed the roof plan, that it should be amended to state “the roof plan shown as existing.”

Ms. Pearce requested on item 6 that it be added that she was requested to leave the room by council.

Ms. Nesbitt requested a correction be made on item 6, where she stated, “but buildings in any city are not going to be straight across the board,” to be clarified that she meant all building are not going to be the same height.

Mr. Womack moved to approve the April minutes with corrections. Mr. Roberts seconded the motion, and the motion passed (8-0).

**Item 2:
Citizens Comments on Items Not on the Agenda**

Open for Franklin citizens to be heard on items not included on this Agenda. As provided by law, the Historic Zoning Commission shall make no decisions or consideration of action of citizen comments, except to refer the matter to the Planning Director for administrative consideration, or to schedule the matter for Historic Zoning Commission consideration at a later date.

No comments for non-agenda items.

**Item 3:
Consideration of Fencing at 20 Daniels Dr.; Tiffany White, Applicant.**

Ms. Hall stated the applicant is requesting a Certificate of Appropriateness (COA) for the placement of side yard fencing at 20 Daniels Dr. (Lot 1). Ms. Hall stated the applicant is proposing to place a 6' wood plank privacy fence with gate across the area between her home and the neighboring home (approximately 12'), recessed approximately 5' from the plane of the primary façade. Ms. Hall explained due to the proposed style and placement of the fencing, staff determined that this proposal did not qualify for Administrative Review and has therefore forwarded the proposal to the Historic Zoning Commission for consideration. Ms. Hall stated the applicant is also proposing placement of the same style fencing at the rear side yard between the garage areas, recessed 5' from the alley. Ms. Hall stated that staff recommends **approval with conditions** of the proposed **fencing** with the following:

1. Due to the atypical lot configuration of the neighborhood, the context of the subject property does not lend itself to the placement of the proposed side yard fencing 20' back from the primary façade. Placement as recommend would create a less characteristic privacy space than that proposed by the applicant. As a condition of approval, the applicant must install the fencing at both locations so as to create a minimum 2-inch gap between the bottom of the fencing and grade in order to allow for water drainage.
2. The applicant should also note that if ever the City of Franklin needs access to the easement, the fencing may need to be removed.
3. The application must meet all the requirements of the Building & Neighborhood Services Department. Any additional changes and/or proposed changes to the HZC-approved plans must be returned to the HZC for review and approval.

Ms. White stated she was in agreement with staff recommendations and the only thing she would like to add is if the fence was recessed, it would not screen the gas meter and HVAC units.

Ms. Pearce moved that the Franklin Historic Zoning Commission approve with conditions a Certificate of Appropriateness for Project PL #5843 for the fencing with staff's comments, in accordance with the *Franklin Historic District Design Guidelines* and based on the Staff Report & Recommendation dated May 11, 2015. Mr. Roberts seconded the motion, and the motion passed 8-0.

Chairwoman Besser requested to know if any citizens wished to comment, and no one did.

Ms. Hall stated she would like to move forward in the future with similar applications like this one administratively.

The commission agreed.

Item 4:

Consideration of New Construction at 1011 Benelli Park Ct. (Lot 4); P. Shea Design, Applicant.

Ms. Hall stated the applicant is requesting a Certificate of Appropriateness (COA) for the construction of a 1 ½-story single family residence with attached garage at 1011 Benelli Park Ct. (Lot 4). Ms. Hall stated staff recommends approval with conditions of the proposed new construction of the principal structure with attached garage with the following:

1. As a condition of approval, any deviation from the overall height proposed (28'-11"), foundation height, or finished floor elevation as presented within this application, due to grading or otherwise, must be submitted to the Preservation Planner or the Planning Director for review and approval prior to construction.

2. All windows must be wood and consist of a historic profile and dimension. As a condition of approval, window and garage door specifications must be submitted to the Preservation Planner for review and approval prior to issuance of a building permit.
3. The application must meet all the requirements of the Building & Neighborhood Services Department prior to issuance of a building permit. Foundation height surveys may be required at the time of building permit review to ensure compatibility with the height and massing conditions set forth within the project's corresponding Certificate of Appropriateness. Any additional changes and/or proposed changes to the HZC-approved plans must be returned to the HZC for review and approval.
4. A scaled set of elevations notating the following must be submitted to the Preservation Planner prior to issuance of a building permit:
 - Finished floor elevation;
 - Overall building height for the principal structure and attached garage;
 - Foundation height with proposed/conceptual grading along the front property line to the foundation of the house, and proposed/conceptual grading along the front façade of the house and as well as the right side elevation of the house (if such information cannot be provided, foundation height details should be given for the largest and smallest foundation heights envisioned for the site); and
 - All approved building materials, including porch steps.

Mr. Shea stated he was in agreement with staff's comments but wanted to clarify the third point of the proposed setback shall be compatible, as the closest house to the historic house is setback further and he will gradually step these in.

Chairwoman Besser requested to know the height of the one and half story house.

Mr. Shea stated 28-ft.

Chairwoman Besser requested to know if any citizens wished to comment, and no one did.

Ms. Reynolds requested to know if there is a prefab metal stairs coming down the right side elevation and wanted to know what the guidelines say about this.

Mr. Shea stated the owner no longer wants the stairs and will lower the garage.

Ms. Nesbitt moved that the Franklin Historic Zoning Commission approve with conditions a Certificate of Appropriateness for Project PL #5844 for the proposed principal structure and attached garage construction with staff's comments and with the exterior stair case being removed, in accordance with the *Franklin Historic District Design Guidelines* and based on the Staff Report & Recommendation dated May 11, 2015. Mr. Thompson seconded the motion and the motion passed 8-0.

Item 5:

Consideration of New Construction at 1321 Adams St.; Preston Shea, Applicant.

Ms. Hall stated the applicant is requesting a Certificate of Appropriateness (COA) for the construction of a 2 ½-story single family residence with attached garage at 1321 Adams St. Ms. Hall stated the subject property is located behind the street-facing property at 1319 Adams St. and the item appeared before the Design Review Committee for discussion at its April 20, 2015 meeting. Ms. Hall stated staff recommends approval with conditions of the proposed new construction of the principal structure with attached garage with the following:

1. As a condition of approval, any deviation from the overall height proposed (28'-10"), foundation height, or finished floor elevation as presented within this application, due to grading or otherwise, must be submitted to the Preservation Planner or the Planning Director for review and approval prior to construction.
2. All windows must be wood and consist of a historic profile and dimension. As a condition of approval, window and garage door specifications must be submitted to the Preservation Planner for review and approval prior to issuance of a building permit.
3. The application must meet all the requirements of the Building & Neighborhood Services Department prior to issuance of a building permit. Foundation height surveys may be required at the time of building permit review to ensure compatibility with the height and massing conditions set forth within the project's corresponding Certificate of Appropriateness. Any additional changes and/or proposed changes to the HZC-approved plans must be returned to the HZC for review and approval.
4. A scaled set of elevations notating the following must be submitted to the Preservation Planner prior to issuance of a building permit:
 - Finished floor elevation;
 - Overall building height for the principal structure and attached garage;
 - Foundation height with proposed/conceptual grading along the front property line to the foundation of the house, and proposed/conceptual grading along the front façade of the house and as well as the left side elevation of the house (if such information cannot be provided, foundation height details should be given for the largest and smallest foundation heights envisioned for the site); and
 - All approved building materials, including porch steps.

Mr. Shea stated he agreed with staff's recommendations and reiterated the distance and lack of visibility.

Chairwoman Besser requested to know if any citizens wished to comment, and no one did.

Ms. Pearce requested to know if the view shed from Meadowlawn would be seen.

Ms. Hall stated no.

Ms. Reynolds stated the house sits overlooking the Civil War Trust property and asked if there is any issue with that.

Mr. Roberts stated that there are building twenty-seven feet from the property line and that he does not see any issue visibility-wise.

Ms. Reynolds stated the garage does not feel like an accessory structure and feels it should be obvious that it is.

Mr. Shea stated there are vertical and horizontal offsets.

Ms. Reynolds stated looking at the right side elevation, the house looks shorter.

Mr. Thompson stated it looks like there is a two-foot difference in height between the two.

Mr. Shea stated there is a good pause between structures and explained.

Ms. Reynolds stated a pause is good but that she is concerned about the height.

Mr. Womack moved that the Franklin Historic Zoning Commission approve with conditions a Certificate of Appropriateness for Project PL #5846 for the proposed principal structure and attached garage construction with staff's comments, in accordance with the *Franklin Historic District Design Guidelines* and based on the Staff Report & Recommendation dated May 11, 2015. Mr. Roberts seconded the motion.

Ms. Pearce explained this is okay due to how far it sits back and the lot provides forgiveness.

The motion passed with Ms. Reynolds voting no.

Item 6:

Consideration of Alterations and Alterations to Previously-Approved Construction at 119 Lewisburg Ave.; Kevin Coffey, Applicant.

Ms. Hall stated the applicant is requesting a Certificate of Appropriateness (COA) for the replacement of original windows on the remaining portion of the house located at 119 Lewisburg Ave. Ms. Hall stated the applicant is also requesting alterations to the previously-approved plans from April 14, 2014 and the proposed scope of work is as follows: Ms. Hall stated staff recommends approval with conditions of the replacement of the original windows and the alterations to the previously-approved plans with the following:

1. The applicant has demonstrated that the windows proposed for replacement are rotten and otherwise in ill states of repair.
 - As a condition of approval, the proposed replacement windows must be wood and match the grid patterns, dimensions, and trim of the original windows.
2. The proposed foundation material change at the right elevation/partial rear elevation, as shown, is consistent with the *Guidelines*. The use of brick is compatible with the residence but allows for differentiate of the addition.
3. The proposed modification of the roof shape at the central area of the roof, as shown, is consistent with the *Guidelines*.
 - As a condition of approval to ensure compliance with the *Guidelines*, the roofing section must not be altered to change the overall height of the addition and must remain unseen from the street.
4. The proposed roofing material replacement from standing seam to shingle at the rear area location, as shown, is consistent with the *Guidelines*.
5. The application must meet all the requirements of the Building & Neighborhood Services Department prior to issuance of a building permit. Any additional changes and/or proposed changes to HZC-approved plans must be returned to the HZC for review and approval. Revised elevations reflecting any approved changed must be submitted to the Preservation Planner prior to issuance of a building permit.

Mr. Coffey stated he had a couple of comments concerning the windows. Mr. Coffey stated the pictures show the conditions of the windows all the way around the house. Mr. Coffey stated the replacement window is a wood window and the profile is right on the same width as the existing window. Mr. Coffey showed an example of the material of the window. Mr. Coffey stated there would be some foundation showing and they would like to do some brick face around the back part and explained. Mr. Coffey stated you could see more in the photos he has provided. Mr. Coffey stated the gable that was modified from the hip roof barely shows up and that it was a misinterpretation of the roof plan and explained they did not see the gable. Mr. Coffey stated none of this appears on the front of the house at all.

Chairwoman Besser requested to know if any citizens wished to comment, and no one did.

Mr. Thompson questioned the age of the windows.

Mr. Coffey stated he thinks they are original and they are rotted out inside and out.

Mr. Thompson stated they look like they could be restored.

Mr. Coffey stated the issue is the cost.

Ms. Pearce stated she noticed all the windows were gone.

Mr. Coffey stated some were kept and some fell apart.

Ms. Hall explained the BNS department advised the windows be kept when it was discovered they were removed.

Ms. Reynolds requested to know if the windows could be brought in to be seen.

Mr. Coffey stated yes.

Ms. Marquardt moved to defer the windows to DRC. Ms. Nesbitt seconded the motion, and the motion passed 8-0.

Mr. Womack requested to know if there is a reason at the hip roof section it was changed to asphalt shingles.

Mr. Coffey stated cost issues.

Mr. Womack requested to know the pitch.

Mr. Coffey stated it is low.

Ms. Pearce stated her concern is the view due to this being such a large addition.

Mr. Coffey stated he thinks you would barely see it.

Ms. Marquardt moved that the Franklin Historic Zoning Commission approve with conditions a Certificate of Appropriateness for Project PL #4709 for the alterations to the previously-approved plans, specifically the use of brick instead of stucco at the foundation below the guest bedroom area, the alteration of the roofline as presented from hipped to gabled, and the use of shingle roofing at the master bedroom area roof, with staff's comments, in accordance with the *Franklin Historic District Design Guidelines* and based on the Staff Report & Recommendation dated May 11, 2015. Mr. Roberts seconded the motion, and the motion passed 8-0.

Item 7:

Consideration of New Construction at Harpeth Square PUD Subdivision, located at Various Properties within the Block of E. Main St., 1st Ave. N., Bridge St., and 2nd Ave. N.; Greg Gamble, Applicant.

Ms. Pearce stated she was recusing herself again after speaking with legal and requested to know if she needed to leave the room.

Chairwoman Besser stated yes, she should leave the room.

Ms. Hall stated the applicant is requesting a Certificate of Appropriateness (COA) for the construction of retail spaces and attached housing on a majority of a city block within the Downtown Franklin Historic District, specifically the block bounded by 1st Ave. N., Bridge St., 2nd Ave. N., and E. Main St. Ms. Hall stated the development plan also includes a boutique hotel and has recently received a favorable recommendation from the Franklin Municipal Planning Commission and has been recently approved by the Franklin Board of Mayor and Aldermen. Ms. Hall stated a freestanding building proposal is also shown on the site plan but is not included within this particular COA review. Ms. Hall stated the applicant appeared before the Design Review Committee (DRC) to discuss the proposal at its December 1, 2014 Special meeting, at a Special DRC meeting held on April 6, 2015, and mostly recently at a Special DRC meeting held April 20, 2015. Ms. Hall stated that City staff recommends approval with conditions of the proposed new construction with the following:

1. **Building Height:** The proposed building height is not entirely consistent with the *Guidelines* in respect to height. During the special-called Design Review Committee meeting from April 27, 2015, discussion regarding building height occurred. No clear guidance or consensus resulted. The building height, as proposed, is in compliance with the development plan as approved by the Board of Mayor and Aldermen.
2. **As conditions of approval:**
 - a) Fiber cement siding (or “Hardi”) may not be utilize as a construction material per *Guidelines*. The use of stucco may be more appropriate as secondary building material as demonstrated in this case, as opposed to its use as the primary building material for new construction in a historic district. If stucco is approved as a building material by the Historic Zoning Commission, it must consist of true stucco and not an EIFS material.
 - b) Glass-and-metal may not be utilize as a construction material per *Guidelines*. Revised elevations must be submitted to the Preservation Planner for review and approval prior to issuance of a building permit. If the use of the proposed glass-and-metal building section is approved by the Historic Zoning Commission, staff recommends that the applicant utilize a lighter anodized aluminum look with limited mullions (as proposed) as opposed to a darker material and multiple mullions. Darker material and multiple mullions may draw more attention to the section, thus emphasizing height.
 - c) The rooftop patio should not be visible from the street per *Guidelines*. The parapet wall should be utilized to screen it from view.
 - d) The proposed box bay windows may not be utilized, as the *Guidelines* recommend against the use of historically typical details “such as bay windows” (p.105, #14). Revised elevations must be submitted to the Preservation Planner for review and approval prior to issuance of a building permit.
 - e) All masonry (brick, cast stone/precast stone, stucco) must be compatible in size, profile, and detailing with historic materials in the historic district.
 - f) Staff requests that the Historic Zoning Commission to direct the applicant to submit window specifications (excluding retail area storefront windows) and metal roofing specifications to staff for review and approval in light of the *Guidelines* prior to issuance of a COA.
 - g) The balconies proposed at the 1st Ave. N. and E. Main St. building portion may not project into the public right-of-way and must meet applicable setbacks. If revisions are required, revised elevations must be submitted to the Preservation Planner and/or the Historic Zoning Commission for review and approval in light of the *Guidelines* prior to issuance of a building permit.
 - h) Any retaining walls, signage, awnings/metal roof overhangs, building-mounted lighting, and individual storefront configurations require additional specification information for

determination of eligibility for Certificates of Appropriateness. This information must be submitted in the form of COA application(s) at a later date.

3. Outdoor seating areas, if proposed, are subject to issuance of Outdoor Café permits through the Building & Neighborhood Services Department.
4. The application must meet all the requirements of the Building & Neighborhood Services Department prior to issuance of a building permit, and any additional changes and/or proposed changes to HZC-approved plans must be returned to the HZC for review and approval, including, but not limited to, height, setback, material, and façade configuration/element alterations.

Mr. Gamble stated he wanted to thank the commission for its input and recommendation through the designs of this project. Mr. Gamble stated at the last DRC meeting we had some requests for additional clarification and requests to simplify the architecture. Mr. Gamble stated Mr. Hathaway would show some slides of the changes made. Mr. Gamble stated the hotel elevations will be shown tonight because as we are looking at the height of architecture, it is important to see in full context, and they are fine to bring the hotel back for final review to this commission.

Mr. Hathaway stated they would like to talk a little bit about some of the feedback and how they have responded to those changes. Mr. Hathaway stated one comment was visibility of Landmark Books Building and they have always pulled that corner back so Landmark is visible. Mr. Hathaway showed a slide of the First Avenue and Main view that has three stories and discussed it transitions back to four stories as you go down First Avenue. Mr. Hathaway proceeded to show additional slides that showed the variance of elevations with facades. Mr. Hathaway stated there is a lot of variations and sameness. Mr. Hathaway stated their project is very consistent with what is downtown now. Mr. Hathaway stated they simplified the facades. Mr. Hathaway showed various views from the different streets.

Chairwoman Besser opened the floor to public comment.

Mr. Ed Silva, 123 5th Ave. North, spoke in favor of this project.

Mr. Julian Bibb, 918 Fair Street, spoke in favor of this project.

Mr. Bill DePriest, Hillsboro Road, spoke in favor of this project.

Ms. Julie Fisher, 402 Bridge Street, spoke in favor of this project.

Alderman Bev Burger, 1373 Liberty Pike, spoke in favor of this project.

Ms. Mindy Tate, 1115 Carnton Lane, spoke in favor of this project.

Alderman Mike Skinner, 258 Sontag Drive, spoke in favor of this project.

Mr. Andy Marshall, 1003 W. Main Street, spoke in favor of this project.

Mr. Pat Hayes, nearby business owner, spoke in favor of this project.

Ms. Marianne DeMeyers, business owner, spoke in favor of this project.

Mr. Jason Collins, Juice Bar owner, spoke in favor of this project.

Chairwoman Besser closed public comment and opened the floor to commissioners.

Ms. Marquardt stated she had a question for Mr. Hathaway and asked if any changes were made in regard to height.

Mr. Hathaway stated yes, they had lowered the parapet wall at First and Main.

Ms. Marquardt requested to know the height.

Mr. Hathaway stated below 40-feet with parapet wall and explained.

Ms. Marquardt stated there was no height designations on the plans.

Mr. Hathaway stated it was on the previous submittal and that the heights remain 42-feet on 3 story components, 52-feet on the 4 story sections, and 54-feet on the hotel portion.

Chairwoman Besser stated she was still struggling with the height and massing.

Ms. Reynolds stated she would like to vote for this project and feels she is being pushed into a corner but she cannot due to scale and massing. Ms. Reynolds stated she has had various emails opposed to this project as well. Ms. Reynolds stated she has been disappointed with the Harpeth Square group's unwillingness to consider the Commission's concerns. Ms. Reynolds read an excerpt from the Guidelines and stated she supports the development but cannot vote for it as presented due to height and massing.

Ms. Nesbitt stated after a visit to Charleston and seeing how well they blended a hotel, in she is in favor of this project.

Ms. Reynolds stated in the past, a site visit has been done showing visual effects, like using balloons to show the height.

Mr. Thompson stated he likes what he has seen and appreciates how the applicant has worked with the commission. Mr. Thompson stated he feels this will be a great benefit to Franklin.

Mr. Roberts stated he has been better educated on this project by Mr. Hathaway and Mr. Gamble and that the renderings shown have helped him with the site visibility coming in from Franklin Road. Mr. Roberts stated the setbacks seem appropriate and that he is in favor of this project.

Mr. Womack stated he supports the project.

After some discussion, Mr. Roberts moved the Franklin Historic Zoning Commission approve project PL #5815 for proposed new construction with staff comments and that all setbacks must conform to those in 906 Studio Architect site plan design A021 dated April 29, 2015, as well as color renderings displayed today for purposes of site lines and that true stucco be used instead of hardie siding. Mr. Womack seconded the motion.

Ms. Marquardt questioned if the letter submitted on April 28th concerning the storefronts would be submitted separately.

Ms. Hall stated it was addressed in staff comments.

Mr. Thompson moved to amend the motion to include item 2A be referred back to DRC. Ms. Nesbitt seconded the amendment, and the amendment passed 8-0.

Mr. Roberts moved the Franklin Historic Zoning Commission approve project PL #5815 for proposed new construction with staff comments and that all setbacks must conform to those in 906 Studio Architect site plan design A021 dated April 29, 2015, as well as color renderings displayed today for purposes of site lines, and to include the amendment. Mr. Womack seconded the amended motion, and the motion passed 4-3 with Ms. Marquardt, Ms. Reynolds and Chairwoman Besser voting no.

Item 8:

Items Approved by the Preservation Planner on Behalf of the Historic Zoning Commission, pursuant to the *Historic District Design Guidelines*

- **Signage at 411 Bridge St.; Linda Pellegrino, Applicant.**

Ms. Hall stated she approved a sign for a post-and-arm sign on behalf of the commission.

Item 9:

Other Business.

- **Discussion of Current Project at 119 Lewisburg Avenue; Majors Construction LLC, Contractor.**

Ms. Hall stated she was asked by the commission to invite Mr. Coffey to this meeting due to issues that occurred at 119 Lewisburg Avenue.

Mr. Roberts requested to know how the issue with the roof happened.

Mr. Coffey stated he never intended for the roof to come off the house and that it is not in the drawings for it to come off. Mr. Coffey stated he disagrees with the contractor stating it was. Mr. Coffey stated the drawings do not say the roof should be removed. Mr. Coffey stated if there had been an issue on the contractor's part, they should have asked about it, but this contractor did not and felt that if he took it off, as long as he put back the same, it would be alright.

Ms. Pearce stated she has been calls concerning being able to tear everything down except the front façade and how this opens up so many opportunities to them. Ms. Pearce stated she has been a huge advocate for a public conversation to understand how this happened and that this is not what we approved and that this is not the way to do business.

Discussion ensued on how to keep this from happening again.

Item 10:

Adjourn

With no further business, the meeting was adjourned at 7:30 p.m.

Acting Secretary