# COURTHOUSE AREA DESIGN REVIEW BOARD MEETING
# FEBRUARY 8, 2017 MINUTES

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| Call to Order: | 2:00 pm |
| Location: | Council Chamber, LFUCG Center, 200 East Main St. |
| Voting Members: | Luther Andal – Chair<br>Graham Pohl – Vice-Chair<br>Martin Summers<br>Kevin Atkins<br>Jordan Parker |
| Non-Voting Member: | Brandi L. Peacher – Design Review Officer |
| Staff: | Andrea Brown – Department of Law<br>Donna Lewis – Division of Planning<br>Betty Kerr – Historic Preservation<br>Amelia Armstrong – Historic Preservation |
| <u>Guests:</u> | Steve Albert – Parlay Social<br>Oliver Winn – Parlay Social<br>Angela Forsee – Centro<br>Amie Lanza – Centro<br>Xavier Lanza – Centro<br>Jackson Osborne – Bluegrass Trust |

I. Approval of the November 9, 2016 minutes
<u>BOARD ACTION:</u> A motion was made by Mr. Summersto accept the minutes from the November 9, 2016 meeting. The motion was seconded by Mr. Pohl and passed unanimously. Chair Andal did not vote since there was no tie.

II. Postponements and Withdrawals
<u>BOARD ACTION</u>: Mrs. Peacher stated there were no Postponements or Withdrawals.

III. Applications for Authorization Permits

**A. Case No. 1-2017, 249 W. Short St., Parlay Social – applicant and owner Bob Estes**

Mrs. Peacher read the Design Officer's Review and Recommendation into the record for the approval of the Authorization Permit to install a decorative light pole at the corner of W. Short St. and Market St., with the following conditions:

- That they should confirm their light design and specifications with LFUCG's Historic Courthouse design and development team to ensure that the streetscape is consistent along Short Street.

- Once the light design has been determined, they would resubmit to the Design Review Officer for final authorization permit, therefore requiring them only to get Staff approval for their final authorization permit and not have to come back before the Board.

Chairman Andal asked the applicant to present their case. Mr. Steve Albert introduced himself as the representative for Bob Estes and Parlay Social. He said that Brandi did a good job of stating their case, but they had submitted a design of a light pole and he had a question as to whether or not it was her recommendation that their light pole design is not approved until the courthouse light pole design was chosen.

Mrs. Peacher stated she was not recommending this application not be approved until the courthouse is completely constructed, but just until they have a lighting package determined for what's going to be on Short St. that's immediately across the street, so that those street lights are of similar specifications. She stated that she recommends that the authorization permit is for installing a light, but the design specifications are still to be determined by collaboration with the design team of the courthouse. Mr. Albert asked if she was saying their new light pole would have to match those of the courthouse. Mrs. Peacher said she didn't want to state that they would have to match exactly, but they should be complimentary. Mr. Albert asked if Mrs. Peacher knew when the decision would be made. She replied that the only information she has is that the design team will be meeting next Wednesday, February 15, 2017 and that they would have more guidance at that point. Mr. Albert stated they had hoped that the design package they submitted would get approved this day. He stated they are concerned with the timeline for the project.

Mr. Albert asked if the Courthouse design team could replace the light pole on his (Mr. Estes') corner. Mrs. Peacher stated she didn't know; that is what they would learn at the February 15th meeting.

Chair Andal asked the applicant if they had any further comments. Mr. Albert stated that other than they would like for the board to go ahead and approve their design today, they had none. Chair Andal asked if there were any public comments. Being none, he opened the floor for questions and discussion from the board. Mr. Pohl stated that he didn't have any questions but he wanted to state that he thought the staff's recommendation was right on the nose and that he was in support of that recommendation. Chair Andal asked if there were any other questions for the applicant or any comments. He stated that given the fact that the applicant's property is in close proximity to the Old Courthouse, the amount of traffic that goes by there on any given day for events such as Thursday Night Live, he hopes there will be collaboration between both projects' design teams. Chair Andal mentioned that he would like to see them work with the staff, giving them input. He stated that he would like to see the courthouse design team collaborate with staff after their meeting on February 15th, to give an idea of where they are at this point. He would like to have some verbiage that would give staff authorization to collaborate on the board's behalf; to say as long as it lines up with what the courthouse is trying to do, they could come back and get staff approval at that point, and not have to bring it back before the board. He said that he'd like to have the board's thoughts on that.

Mr. Summers stated that he felt that staff's comments were right on. They need to make sure that the consistency of the street is maintained and the difficulty for the applicant at the moment is the timeline. But it's also a difficulty that if they put it in and it doesn't match up, it will cause difficulty later on and that's what the board is trying to prevent. He asked that staff contact the design team for the Old Courthouse before the meeting on the 15th, to let them know there is an issue with the timeline so that perhaps their decision wouldn't drag out. Or, perhaps if the applicant does install the light pole now and it gets replaced at some point, but then it's not theirs to replace. It's trying to find a balance so that the applicant gets what they want but it keeps the street character at its best.

Mr. Pohl asked if staff would be in attendance at the February 15th meeting. Mrs. Peacher stated she would be. She also mentioned she'd already been in contact with the courthouse design team and they are aware the applicant is waiting on their designs.

<u>BOARD ACTION:</u> A motion was made by Mr. Pohl to approve the application for an Authorization Permit to install a decorative light pole at 249 W. Short St. and Market St., with the following conditions:

1. The applicant work with staff to confirm light design and specifications in coordination with the LFUCG Old Courthouse Design and Development Team to ensure street scape consistency along Short St.
2. Once a light solution has been determined, to resubmit to the design review officer for a final authorization permit.

The motion was seconded by Martin Summers and passed unanimously. Chair Andal did not vote since there was no tie.

**B. Case No. 3-2016, 111-113 Cheapside, Centro – applicant Lola Hospitality LLC, Aimee Lanza**

- To review an application to modify the windows and their function on the second and third floor.

Mrs. Peacher began to read the Design Officer's Review and recommendation into the record, and at this time Mr. Pohl recused himself due to a conflict of interest. The hearing was paused for a time. Mrs. Peacher then finished reading her review and recommendation into the record. She expanded on some information staff had learned since the staff report was written. Mrs. Peacher stated that she has since met with Historic Preservation and they have outlined several conditional concerns as it relates to the historic significance of this building. Historic Preservation staff has been asked to attend today's meeting to speak about that.

Betty Kerr approached the podium and introduced herself as the Historic Preservation Officer for LFUCG. She began by showing a presentation of the building referred to in this application, describing its historic value and architectural beauty. Mrs. Kerr explained the importance, from a historic standpoint, of keeping the windows in question as they are, versus modifying them as the applicant is wanting to. She stated that the windows are incredibly intact, in really good condition given their age. Mrs. Kerr mentioned the possibility of the applicant using exterior storm windows to make the building more energy efficient rather than making the changes they are proposing. Mrs. Kerr advised against removing any stonework on the building as well as the horizontal divider on the façade of the building. She said that she'd be glad to answer any questions if there were any.

Mrs. Peacher stated that to wrap up the staff portion, she wanted to remind everyone that the applicant acknowledges this is solely a conceptual review, and more details will be provided if the concept is approved before the board today.

Chair Andal asked the applicant to come forward to present their case. Aimee Lanza introduced herself, stating she represents Lola Hospitality. She expressed her appreciation for the presentation by the Preservation Board. She went on to say this proposal has been a long time coming with a lot of collaboration. She mentioned they initially thought about installing a balcony on the front of the building but decided that would be too invasive and that she feels that the proposal presented today is a more modest approach than what they've previously submitted. Mrs. Lanza stated they're very energized by what is going on downtown. Several examples of open-air designs at other downtown restaurants were mentioned. She stated the city seems to really respond to this open-air feel. Photos depicting the proposed modifications of the building at 111-113 Cheapside were shown. Also shown were photos of buildings in other cities which depicted the open-air atmosphere and how well it works for those cities. Mrs. Lanza explained the value that Centro has brought to downtown already.

Angela Forsee with Greystone Restoration approached the podium to elaborate on the restoration of this historic building and the proposed modifications in this application. She mentioned several options to achieve the open-air feeling that Centro is wanting, while preserving the historic value of this building. She reiterated how the open-air atmosphere is in high demand in Lexington, especially in this area.

Chair Andal asked if there was any public comment. There being none, he opened it up for the board to ask questions and obtain clarification. Mr. Summers asked where staff stood on this application. Mrs. Peacher replied that the last time the staff had discussed this internally was to preserve the original openings. They were not in favor of removing the stone in between the two, not removing the sills, which they have already said, but were up to discussing the change in the windows to allow a different function.

Mr. Summers stated that he was in favor of updating downtown and moving forward and that what they did on the first floor is "a fantastic addition" to downtown. His struggle is that relative to the comments from Historic Preservation, and the quality of this building, this is unlike some of the examples they saw. A lot of the examples are of newer construction, so there is a real conflict between preserving what is there and providing a new use. Adaptive reuse is a constant challenge and finding where that line is, is critical. With this building it is particularly difficult because it is one of the more significant buildings in the city. As opposed to a building where the architectural details are fairly minimal and changes would not be as noticeable. Relative to the staff comment, he said that he agrees about the stonework, he agrees about the proportions. He is concerned about removing the existing windows and if there is a way to maintain them, he is for that. He went on to ask if the top sash of those windows is fixed. Ms. Forsee said that it is fixed. There was more discussion about the fact that keeping the integrity of that façade is going to be an issue for everyone. She went on to explain the applicant's reasoning for wanting this open-air feel and other options for achieving it. She stressed that the reason they "the applicant and her" were here today was to try to find a mid-point, something that the board could agree to.

Mr. Summers asked Ms. Forsee if she knew what the height would be if they lowered that upper sash down. She said she felt it was high; above her head height. She said they wanted to replicate the sashes so that the building, from the façade looks the same, but still being able to open the windows during entertainment hours to give the people on the second floor the same feel that they get on the street level.

Chair Andal stated that he loved the concept, but at the same time he understands the other side and the concern. He stated that this is a tough one. He said that he wondered if there would be a way to achieve the open-air concept the applicant is going for, but be able to put everything back, that the windows would slide back and when they're closed, you'd still have the historical replica of what is there.

Ms. Forsee said from her standpoint as a builder, you would have a much firmer, better seal with a casement window, swinging and latching shut than with an accordion type window. She said they're very open to investigating alternatives. However, they do need some real clarity about what points of contention they're fighting. If it's simply the architectural style of the window, there are probably a few options for how they can replicate that to give the applicant, as business owners, what they need but also meet the concerns of the Historical Board. Ms. Forsee asked if that vertical separation in the center of the second floor was the main concern, whether or not it has to stay. Chair Andal stated that is the recommendation of staff, but he would open it up to the board.

Mr. Summers said that he didn't think removing the vertical separation was really a possibility. Xavier Lanza then approached the podium to speak. He stated that all they're asking to do is to remove the center piece, not remove it from the ground up all the way to the top. He said that it's important for them to create the energy. As future owners of that building, they don't want to see anything done that will damage it structurally. They will make sure no one damages the façade of this building. They will do everything they can to make sure that the windows open towards the outside. He stated if they did the garage system that would damage the building because it would put rails in there to make that happen. Mr. Lanza went on to say that the windows already have termites and are impossible to open as they have been painted over and over. They are only asking for the center piece. They were able to achieve what the board wanted for the bottom floor. He said there are ways to achieve what they want to do. He wants to keep all of the façade. He reiterated the fact that he doesn't want to spend $300,000.00 on this building and not achieve a "wow factor" that will draw people into his business. He plans to generate 12 new jobs and bring in more money to downtown.

Mr. Summers stated that the removal of the middle pilaster as depicted on the drawing is hugely significant to the building. Mr. Lanza said that the drawing didn't show what they wanted it to show. They didn't receive the drawing until the previous day and then realized it wasn't what they wanted. Mr. Lanza said they were not going to change it. If they are told it has to stay horizontal, they will keep it horizontal.

Chair Andal stated that it is not the board's personal decision on what gets to go through, but they are to interpret the guidelines that they have been given. They have to ask themselves, “Does it meet the requirement of the guidelines?” Chair Andal said that the guidelines do not support the removal of the horizontal line, in his opinion. The board has been trying to find an alternative way to accomplish what the applicant wants to accomplish. He asked if any of the board members saw a way that this plan does not violate the guidelines. He recommended either voting or making a way to have further discussion with Centro and the board.

Aimee Lanza approached the podium again and stated they understand the position the board is in and they agree with that. She stated that the next step would be opening the windows so that they open up instead of the double-hung system that is in there. She said they can work with a design that has horizontal sashes in the windows so that when the windows are closed, it creates the same look that is seen now, however they open up vertically. They can make sure the metal seam is really narrow and a lighter color so that the eye is drawn to those horizontal sashes.

Ms. Forsee said that she thinks they need to go back to concept and meet with a couple of window design companies and window manufacturers and see what those options are. Ms. Forsee said that she believes the main question is whether or not they open that center vertical separation and it seems as though that answer is “no”. That being the case, she believes the Lanzas and herself need to reconvene, see what the options are and bring that back.

Chair Andal mentioned Guideline 3.13 specifically addressing windows and doors. It talks about the sash, specifically. He offered to share this document with the applicant. Ms. Forssee stated that she just wanted to be sure she fully understood, and asked if those were the guidelines from Historic Preservation or the courthouse. Mr Andal stated that no, they were not, that they are the guidelines of the Courthouse Area Design Review Board. Ms. Forsee asked if they could get a copy of these guidelines.

Chair Andal stated they can get a copy and he highly recommended they take a look at it. Mrs. Kerr approached the podium and presented Ms. Forsee with a complete set of the guidelines for her to take home. Ms. Forsee asked if the other buildings in that venue, the second, third floor of the hotel, 21c, were restored windows. Mrs. Kerr stated they are all the historic, restored windows, other than maybe four or five that were shot and they were replaced. The chair asked for a motion to postpone this application for now, to give the applicant an opportunity to regroup and decide how they would like to proceed.

<u>BOARD ACTION:</u> Jordan Parker made a motion to postpone and the motion was seconded by Martin Summers. The motion passed unanimously. Chair Andal did not vote as there was no tie.

Mrs. Peacher said there was an extra item to be brought before the board. Chair Andal mentioned that Mr. Pohl should be brought back in. Mr. Pohl returned to Council Chambers. When Mr. Pohl was once again seated, Mrs. Peacher said that she was contacted by a representative of 135 W. Main St., and she reminded the board that their application was approved in December of 2016. This building is adjacent to 21c, on Main St. It was painted blue at one time. RL Brown is the sign that is on the front of it. The team came to the board with an application where they were redoing the storefront, adding an awning, adding some signage and they’re doing a craft brewery type restaurant down there. After their authorization permit was approved at the last meeting, they’ve started to move forward with construction. They have come across an additional need, to install an air intake and a vent exhaust fan on the rear elevation. To remind you what that means, that's onto a parking lot at Short St. and Limestone; it's the back alley essentially. They're looking to put the air intake there, screen it using some fence material which is still to be determined and all of this is in progress. They were unable to come today, but per the bylaws of the Courthouse Area Design Review Board, a full re-hearing is not necessary, nor is public notification required. But they would need an amendment to their authorization permit.

Chair Andal asked which case this is, just to have it in the record. Mrs. Peacher stated the application was Case 6-2016, 135 W. Main St. She said there were two approaches.

1. That the board would make a motion to allow staff to review and approve that amendment, so staff can work with them on those design details.
2. The board would call a special meeting for the board to come back and hear that.

Mrs. Peacher asked Andrea Brown from Legal to clarify from a legal standpoint to make sure she had explained that all correctly. Ms. Brown stated the board did not have to have another hearing on that case, as it was just an amendment to a previously issued authorization permit. The scope does not require the board to hear all of that again. If they did want to hear the entire application again, they would need to call a special meeting.

Chair Andal asked Mrs. Peacher if she went over everything already or if there was something else she needed to review. To clarify, Chair Andal repeated that this is just an intake and venting in the back. Mrs. Peacher said an exhaust fan and an air intake. Chair Andal stated that this would not be exposed to the major roads or thoroughfares. He opened it up before the board as they don't have an applicant present and there was no public comment. The Chair asked for a motion to approve.

<u>BOARD ACTION:</u> A motion was made by Martin Summers to approve Case 6-2016, 135 W. Main St. as proposed with a review by staff, not having to have a special meeting. The motion was seconded by Jordan Parker and passed unanimously. Chair Andal did not vote as there was no tie.

IV. Adjournment

<u>BOARD ACTION:</u> A motion to adjourn was made by Graham Pohl and seconded by Martin Summers. The motion passed unanimously and the meeting adjourned at 3:24 pm.

****Meetings of the Courthouse Area Design Review Board are broadcast live by GTV3 and recorded for archival purposes. Recorded copies of each meeting are available from the GTV3or CADRB staff.***