

CASE SUMMARY

APPLICATION TYPE: OTHER BUSINESS

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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www.knoxmpc.org

File Number: 1-A-10-OB Related File Number: 11-D-09-DT
Application Filed: 12/22/2009 Date of Revision:
Applicant: JOYCE FELD, SCENIC KNOXVILLE

PROPERTY INFORMATION

General Location:

Other Parcel Info.:

Tax ID Number: 999 999

Jurisdiction:

Size of Tract:

Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:

Surrounding Land Use:

Proposed Use:

Density:

Sector Plan:

Sector Plan Designation:

Growth Policy Plan:

Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:

Location:

Proposed Street Name:

Department-Utility Report:

Reason: Appeal by Joyce Feld, Scenic Knoxville, of the Downtown Design Review Board's approval of the Knoxville Convention Center's two Electronic Message Center signs to have the operating standards be that at the time of installation of the signs.

ZONING INFORMATION (where applicable)

Current Zoning:

Former Zoning:

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.: Appeal by Joyce Feld, Scenic Knoxville, of the Downtown Design Review Board's approval of the Knoxville Convention Center's two Electronic Message Center signs to have the operating standards be that at the time of installation of the signs.

MPC ACTION AND DISPOSITION

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): deny the appeal of the decision by the Board, and uphold its decision to approve a certificate of appropriateness, subject to its stated conditions, for two EMCs operated by the Knoxville Convention Center.

Staff Recomm. (Full):

Comments: Request:
Joyce Feld, on behalf of Scenic Knoxville, has appealed the decision of the Downtown Design Review Board (Board) to approve a Certificate of Appropriateness for the operation of two Electronic Message Centers (EMCs) by the Knoxville Convention Center (KCC).

Authority for the Appeal:

Article IV, Section 5.5.F of the Knoxville Zoning Ordinance provides that "any person who was a party for or against the application at the downtown design review board meeting may appeal approval, conditions of approval, or disapproval of such application to the metropolitan planning commission."

Authority for the Downtown Design Review Board Action:

Article V, Section 10 (Sign Regulations) of the Knoxville Zoning Ordinance was amended in March, 2009 to address Electronic Message Centers. In addition to enacting new operational standards for all existing EMC, Subsection E (Commercial Districts) was amended to permit no new EMCs except in areas covered by:

1. an H-1 overlay district;
2. a D-1 overlay district; or
3. any specific zone districts that allow EMCs with approved regulations or guidelines subject to approval by the appropriate regulatory body for such district.

KCC has two existing EMCs, one at the intersection of Henley Street and Clinch Avenue and one at the intersection of Cumberland Avenue and 17th Street. The Henley Street EMC is within a D-1 overlay district, and the extension of the D-1 overlay to include the Cumberland Avenue EMC has been recommended for approval by MPC and is awaiting consideration by City Council.

Background:

KCC has operated two EMCs since 2003, prior to the City's first regulations related to EMCs, which were adopted in December, 2004. These signs have employed intermittent messages (typically with a 5 second hold time) and animated illumination since their initial installation. KCC, in its application for a certificate of appropriateness, has requested that the operation characteristics of their existing EMCs be allowed to continue as they have historically been operated.

The City's current EMC regulations, at Article V, Section 10.A.4 prohibit scrolling, intermittent, flashing, running or blinking lights or animated illumination, with two exceptions: 1) a documented historic or reproduction sign located in an H-1 district; or 2) any sign within the D-1 district. As a result, the City's Law Department has opined that the operational standards such as static hold time, display content, transition time, and text size set forth in the sign regulations would not be applicable to EMCs located in the D-1 district.

The criteria to guide the Board in its consideration are also found at Article V, Section 10.A.4. The Board may approve an EMC that is "compatible and in character with the Downtown Design guidelines and surrounding established development".

By a unanimous vote, the Board approved, with conditions, a Certificate of Appropriateness for the two EMCs of the KCC.

Analysis.

The Board is authorized to approve a Certificate of Appropriateness and, in doing so, approve the operational characteristics of EMCs within the D-1 overlay district.

The Board, in approving a certificate of appropriateness, is not limited by the operational standards set forth in the sign regulations.

In order to approve an EMC, the Board must find that the proposed sign is compatible and in character with the downtown design guidelines and surrounding development.

Findings:

The Board, through its discussion, found that the downtown area was different from the rest of Knoxville, that signs in the downtown area should be approved based on the quality of the design and operation rather than maximum size and operational standards, and that the existing KCC signs and operational characteristics were compatible with the downtown area.

The Board also acknowledged the effectiveness of the intermittent messages, the advertising demands of exhibitors when negotiating with KCC, and that KCC needs to be able to attract and advertise events effectively.

Attachments:

- Knoxville Convention Center application
- Staff report for Downtown Design Review Board
- Minutes of November 18 meeting of Board

Action: Denied **Meeting Date:** 1/14/2010

Details of Action:

Summary of Action: deny the appeal of the decision by the Board, and uphold its decision to approve a certificate of appropriateness, subject to its stated conditions, for two EMCs operated by the Knoxville Convention Center.

Date of Approval: **Date of Denial:** 1/14/2010 **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:** 1/25/2010

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 2/23/2010 **Date of Legislative Action, Second Reading:** 3/9/2010

Ordinance Number: **Other Ordinance Number References:** R-86-2010

Disposition of Case: Postponed **Disposition of Case, Second Reading:** Approved as Modified

If "Other": **If "Other":**

Amendments: **Amendments:**

Approved with current brightness and illumination standards and an 8 second hold time shall apply to messages & no blinking or flashing messages.

Date of Legislative Appeal: **Effective Date of Ordinance:**