



**OAK RIDGE HISTORIC PRESERVATION COMMISSION
SPECIAL CALLED MEETING
SEPTEMBER 1, 2015 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Ann Schneider, Chair
Debbie Shoefeld, Vice Chair
Mac McAtee
Ron Simpson
Caroline Ruch, Alternate (Sitting)

Staff Present

Bill Bruce, Planning Director
Sandra Smith, Town Clerk
Bruce Oakley, Town Manager
Michael Thomas, Town Attorney

Members Absent

Michelle Davidson
Kristin Kubly, Alternate
Paul Woolf, Alternate

1. CALL MEETING TO ORDER

Chair Ann Schneider called the meeting to order at 7:03 p.m. After welcoming attendees and introducing Commission members and staff, Schneider read a brief statement on the purpose, duties and responsibilities of the Commission.

2. APPROVE AGENDA

Mac McAtee made a **motion** to approve the meeting agenda after adding a period for citizen comments. **Debbie Shoefeld** seconded the motion, and it was passed unanimously (5-0).

3. OLD BUSINESS

Schneider stated that the Design Guidelines are designed to provide recommendations for design aesthetics within the Oak Ridge Historic District, and they are intentionally broad to allow applicants a broad pathway toward compliance. The goal of the Commission is to see that any proposed changes are compatible with the Historic District's special character. The Commission will conduct a quasi-judicial evidentiary hearing, which means each Commission member will be acting as an independent judge. She said Commission members are each tasked with being impartial. She said the Commission members' individual opinions should not be expressed and the individual opinions of others should not be taken into consideration; the Commission should take the evidence presented, apply the standards outlined in the Historic District Design Guidelines, make findings of fact, and render a decision. The Commission may approve, disapprove or continue consideration of the COA request, but a decision must be made within 180 days of the date the application was submitted.

Schneider asked if any Commission member would like to disclose any potential conflicts of interest, which could include any ex parte communications, which are conversations held outside the confines of the HPC meeting. She noted that because COAs may be amended at any time and all conversations regarding any COA should be held in the quasi-judicial setting of an HPC meeting, the ex-parte communication rule applies indefinitely. She stated that all HPC members, with the exception of Shoenfeld, had participated in a pre-admission conference with the applicant in the upcoming case; that informal review, which was strictly informal, was not prejudicial to the applicant's amended COA application now before the Commission, and would not be included as evidence, took place during a regular Commission meeting and would not be considered ex parte communication. During the pre-admission meeting, HPC members had also been invited to visit the site to view proposed window treatments.

No HPC members stated any conflicts of interest. McAtee said he had not been involved in any ex parte communications. Caroline Ruch stated she had visited the site, where she spoke with Chad Gimbert of CMT Commons. Schneider said she had visited the site with Gimbert in attendance, where she reviewed the windows and other design elements. Shoenfeld said she had spoken with Schneider and staff regarding the pre-submission meeting, since she was unable to attend. Simpson said he had a conversation with staff, and made a visual drive-by of the site.

Case COA-10-12A: CMT Commons requests approval of an amended COA for COA-10-12, dated 10-17-12. The project is located at 8309 Linville Road, tax parcel 0165098, zoned CU-LB.

Schneider read the case description into the record.

Jeff Olyenik, representing CMT Commons, was not required to be re-sworn since he is an attorney. Ellen Gimbert was sworn in by Town Clerk Sandra Smith.

Olyenik said he was present as an attorney to advocate for the applicant and try to answer questions, but had no real presentation to give. He said Chad Gimbert, the applicant, had to be out of town for business and was unable to attend the meeting. Olyenik said they appreciated the opportunity to have the informal pre-submission meeting with Commission members, and that Gimbert had attempted to address each item in a supplement.

Town Attorney Michael Thomas said the application of August 19 and the supplement, which are hereby incorporated by reference and made a part of the minutes, had been accepted as evidence and is part of the record. Schneider asked if it would be appropriate to clarify that the additional information had been requested in order to create a complete application, because without that information, the Commission would be able to hear the case. Thomas agreed.

Olyenik asked if the Commission had any questions. Schneider said typically the Commission reviews the application and identifies areas where it has questions. It would then ask the applicant or his representative to come forward to provide answers to those questions.

Schneider asked Commission members to cite the applicable sections of the Design Guidelines in their discussions, since that process was vital when it came to making the findings of fact on which the eventual motion would be based. She asked to confirm that the application falls within the scope of the activities allowed in the Design Guidelines and if it had sufficient information to identify findings of fact and to render a decision.

Simpson said he thought the application and the supplemental information appeared to be sufficient for the Commission to take action. McAtee said they still did not have a cut sheet of the roll-up door, so he would have trouble making a decision on that item. Shoenfeld stated the Commission had been given a description of the door, but McAtee said considering past history, he would like to see the cut sheet. Town Manager Bruce Oakley said he understood the applicant was waiting for the garage door designer to submit that information. Schneider asked if the Commission could move forward in considering the application, and McAtee said yes, but he did not think a decision could be made without the cut sheet. Ruch said it would be nice to have, but she thought she could accept the description of the door. Ruch and Shoenfeld said they thought the rest of the application was sufficient, and Ruch said those representing the applicants could also answer questions.

Schneider said she was appreciative of the applicants' supplying additional information, and she thought the Commission had concluded that the application was eligible and sufficient. She asked Commission members to identify questions to be brought to the applicants' attention.

Simpson suggested methodically moving through the items, and Ruch suggested starting with something other than the doors, since more headway might be made that way. Shoenfeld suggested starting with installation of windows, but Ruch said windows were included on the application under item number 1, which also includes the doors. Shoenfeld then suggested starting with number 2, which applies to the secondary roof structures/cupolas.

Secondary roof structures/cupolas

With the modifications suggested by the applicant, which include louvers on the front and painting the sides of each cupola with tan paint to match the building, Shoenfeld said she thought the Design Guidelines, which say attached secondary roofs should be clearly defined building mass and compatible with the main building mass and roof design, are met. McAtee said he also felt that element complies with the Design Guidelines. Schneider pointed out that the Commission is referring to the 2010 version of the Guidelines, then Simpson and Schneider agreed with Shoenfeld.

Hay loft doors

Schneider pointed out that the applicant said details on the loft doors, which should be made to match the other doors on the building through single- or cross-buck bracing, had been completed. Shoenfeld said the cross bracing had been installed on the hay loft and personnel doors. She said she was unsure how the large overhead doors would look now, and asked if only the lower two panels would have cross-buck bracing. Schneider referred the Commission to photos of the overhead roll-up

door and said she understood there would be no changes to the bottom two panels, but said that could be confirmed with the applicant. Shoenfeld said she thought that was fine and she believed that item was also complete. There was no additional discussion on item number 3 regarding the details on the hay loft doors.

Front faux hay loft doors and wind/fly bracing

Schneider said she thought the Commission had discussed possibly considering item numbers 4 and 5 together, since they have to do with the front hay loft doors and the wind/fly bracing, with some of the visuals coming into play here.

Schneider said the applicant stated in the application that item number 4 – which refers to front faux hay loft doors installed from trim materials at the same height and same size as the side hay loft doors, and including details/bracing consistent with other doors – has been completed. She said the faux doors were installed and were the same size but not at the same height as the other hay loft doors. Shoenfeld said they had been installed above the required height as stated in the approved COA and as a result, they interfere with other architectural elements, such as fly bracing. She added that the doors appeared to be installed in an attic location that is incongruous with any barn-like architecture and the Historic District. The location did not meet the primary design concepts in Design Guidelines on page 58, which say an individual building's own rhythm is established by its doors, windows and architectural elements. Shoenfeld said she believed the doors needed to be relocated to the proper location as established by the other hay loft doors, and that the architectural element of fly bracing should be installed as depicted in B and E. Schneider asked if Shoenfeld was referring to illustrations B and E in the exhibits shown on the screen, and Shoenfeld said yes.

Schneider asked if Shoenfeld thought the applicant should move the faux hay loft doors on the front of the building down and place them behind the sign, as was shown in the original approved COA, and Shoenfeld said yes. She added that she thought the doors were incongruent in their current location, and should either be moved down or removed.

Schneider asked the Commission to look at the exhibits provided by the applicant, and said the first option (Exhibit A) showed the building as it looks now. Schneider said the next option (Exhibit B) showed the hay loft doors removed and the full fly bracing installed as originally approved under the gable. Schneider commented that she thought that option looked stronger, and that the front of the building made more sense to her as shown there. She said she knew the front hay loft doors were the same size as the others, but because the front of the building is so large, the faux hay loft doors look undersized. She said the doors looked very small for hay loft doors on a real barn, but she understood this was not a real barn. She said her preliminary feeling concerned what helps the architectural integrity of the barn, and she thought this option (Exhibit B) was the strongest. She said the next exhibit (Exhibit C) shows the fly bracing extending over the front of the faux hay loft doors which were moved up to their originally approved position), which she said Simpson had pointed out was very confusing. The next option (Exhibit D) showed a kind of mini fly bracing installed above the hay loft doors.

Simpson agreed, and said he wanted to be sure on Exhibit B that the Commission was talking about two-dimensional fly bracing and not some kind of structure hanging from the eave. He said he was not necessarily opposed to that kind of treatment, but that was not what was approved in the original COA. Schneider said the applicant had addressed that, and pointed the Commission to page 3 of the application supplement, which said the applicant had consulted with two different contractors and it was Gimbert's opinion that installing the feature against the building surface out of material already present on the building was the best option. She said the applicant was saying that they were having trouble making and installing a 3-D version out of PVC or aluminum because they were having problems determining how the fly bracing could be supported in the extended soffit.

Shoenfeld asked if there was an issue with the applicants installing a 2-D instead of a 3-D version of the fly bracing. Schneider said she was OK with the 2-D installation, and Simpson and McAtee said they did not have an issue with it either. Simpson noted on page 41 under General Guidelines in the Guidelines, which say new buildings need not be copies of historic ones and that adaptations of historic elements are encouraged; he said he thought this treatment was an adaptation and that it creates an idea of what might have existed.

Schneider said other places in the Guidelines encourage authenticity, but that Commission members also need to take into account where and what the structure is. She added that this building is suggestive of a barn, but that it was not an actual barn, and she was OK with that. She also said she accepted the argument from the applicant that requested using material seen elsewhere on the building and that would help unify the façade of the building.

Simpson said that left the decision of what to do with the hay loft doors, and that he proposed eliminating them. McAtee asked if the applicant was willing to take them down, and Schneider said yes, and that the applicant had proposed that as an option. Shoenfeld said the original COA said the hay loft doors were to be installed at the same height and of the same materials as those on the sides. She said the doors had been installed, but were not in the right location, which she felt did not conform to the Design Guidelines. Schneider said because the doors were not actual doors, but were just made of trim materials, it did not appear that it would be much of an effort to remove them and touch up the paint.

Schneider asked if the treatment shown on Exhibit B, which showed the faux hay loft doors removed from the front of the building and the full-size fly bracing installed, was the most appropriate according to the Design Guidelines. McAtee said yes, and that he believed Exhibit B would comply with the Guidelines and look appropriate. Schneider confirmed that regarding item numbers 4 and 5, the Commission was saying to remove the front hay loft door and install 2-dimensional wind/fly bracing. She noted that there was also fly bracing on the sides of the building, and Simpson said his discussions thus far had only pertained to the front of the building.

Shoenfeld said the wind/fly bracing under the front and side gables was supposed to have been installed as specified on the approved COA, but the applicant was now requesting a revision. Schneider asked if the Commission was discussing the side of the building now; Simpson said yes, and directed the Commission to Exhibit E.

Schneider asked if the illustration on Exhibit E showed the fly bracing to be the same as on the front of the building. Simpson said the roof angle was the same and he believed the thickness of the trim boards was the same. Shoenfeld said the applicant was now proposing installing fly bracing on the side of the building, but the Commission was also asking that it be installed on the front of the building.

Schneider directed the Commission back to Exhibit B and noted that the fly bracing on the front of the building was 62 inches tall, which was larger than suggested on the sides of the building, but the roof pitch of the gable is also different. Shoenfeld asked if the Commission was saying it wanted the installation of the fly bracing on the front and sides of the building elevations as proposed by the applicant on Exhibits B and E using a 6-inch molding currently found on the corners and surrounding the doors of the building and painted white, per the applicants' submitted information; Schneider said yes. Commission members then confirmed that Exhibit B applies to both the fly bracing and the faux hay loft doors, which is item number 5 on the application, and number 4 refers to the hay loft doors.

Ventilation system louvered vents

Schneider then moved on to item number 6, which refers to framing the trim around the ventilation system louvered vents with the same trim as used elsewhere on the building and painting it the same tan color as the building. The applicant was requesting painting the exposed flashing tan. Shoenfeld said the applicant had installed the louvered vents on the sides of the building, which was incongruous with the Historic District and Design Guidelines; on page 55, the Guidelines say it is considered routine maintenance to install mechanical equipment so it is not visible from the street right-of-way. She added that the Guidelines are repetitively clear on the approved location of mechanical systems, such as CrossFit's ventilation system, in the Historic District. She said at this point, the Commission is trying to make CrossFit's ventilation system work within the constraints of the Guidelines and was asking the applicant to frame the vents to resemble an architectural feature of the building. She said that was the best option, as opposed to relocating the vents to the back of the building.

Schneider asked if Shoenfeld was saying the Commission was still asking the applicant to install the trim material, and Shoenfeld said yes. Schneider said she did not understand why the applicant would not want to install trim around the vents. McAtee said the trim would stand out from the building a bit, but that it could be done. Simpson said he thought the applicant was saying that by painting the exposed flashing, the vents would blend in with the wall, whereas the framing them would highlight the vents more.

McAtee pointed out that the photograph in the application shows the louvers on the south end of the building, and that the louvers on the north end of the building do not look like the photo. Schneider asked how they were different, and McAtee said they do not have the metal frame around them. Town Manager Bruce Oakley said one side was an intake, which is countersunk into the building, and the other side sticks out a bit. McAtee said that since the vents look different on each side of the building, it became a matter of whether the Commission wanted to require trim to be installed around them – as it had previously approved – or if wanted to go with the painted aluminum. He said painted aluminum could be a problem because you

could not just apply any type of paint; if the wrong type of paint is used, it will peel off within a couple of months, McAtee said, adding that some type of primer would have to be used on the metal first. Ruch said she thought the applicant had a valid point because trimming the vents would tend to emphasize them rather than de-emphasize them. She asked if the Commission wanted the louvers to be architecturally prominent.

Schneider asked if McAtee was saying he thought it was reasonable solution of the problem of noncompliant system installation would be to do as the applicant was proposing and paint the flashing tan. McAtee said he agreed, but wanted it made clear that the proper type of primer must be applied in order to make the paint stick to the flashing, as opposed to just using the building paint, which would begin to peel or chip off in a matter of months. Thomas said McAtee's point was well taken, but it was up to the applicant to comply. If they fail to do so, it would become a compliance issue for the Town. McAtee asked if the paint is peeling off in 6 months, would the Town say it must be repainted; Thomas said yes, adding that it was exactly like if an architectural detail fell off. Olyenik said he and the applicants understood it was a compliance issue, and because it made sense, they would be happy to comply.

Shoenfeld asked if the Commission was comfortable with painting the flashing as opposed to installing the framing, because once the framing is up, it would not be as big of a maintenance issue. Ruch said she thought the issue was that the placement of the vents was not correct in the first place and painting the flashing would help to de-emphasize the vents as opposed to emphasizing them. Simpson and Schneider agreed.

Wind/roof braces above the front elevation doors

Schneider said a photo of one corbel was originally submitted with the application, but a different corbel had been substituted for it in the application supplement. She asked if a sample of the corbel had been submitted, and Ruch reminded the Commission that the sample would not arrive until September 5. Simpson asked for clarification on which corbel was being proposed. Schneider said she assumed it was the second option presented, and said the Commission could specify that in its motion. Schneider said she thought the second option was more in keeping with the style of the building because it was simpler and less Colonial in appearance.

Shoenfeld said the original submission showed a corbel that was 5 inches wide by 8 inches deep by 15 inches tall that was inappropriate in style and too small in scale. She said it was incongruous with other design elements proposed by CMT Commons, and referred the Commission to the primary design concepts on page 58 of the Guidelines, which says a building's rhythm is established by its doors, windows and architectural elements, and on page 59, where it states that scale is one of the most important aspects of compatibility and is especially critical in a village-type setting. The Guidelines continue by saying "careful consideration must be given to the scale of the architectural elements and details of an individual building façade in relation to each other, as well as to the scale of the overall building to its neighbors." Shoenfeld directed the Commission to page 60 and the section discussing order, which says, in part, "Order is established by coordinating all building elements in terms of proportion, rhythm and balance in a

unified composition of either horizontal or vertical character. Lack of order produces visual distraction, unease or dissonance." She said she thought the applicant should use the same trim materials used elsewhere on the building to construct the wind bracing using 6-inch molding.

Schneider agreed that the first corbel submitted had soft curves on it and did not seem to be in keeping with the building. She verified the size of the first corbel, and commented that the second corbel submitted was 4 inches wide by 16 inches tall by 12 inches deep. She said the applicant noted the size in the second supplement and noted that the roof overhang is about 16 inches. Schneider said she was glad to see the second submission because, as the Guidelines say about architectural details, the details are of paramount importance. She said that was something the Commission had been concerned about. Schneider said she saw that constructing the fly bracing out of the 6-inch-wide trim material might be ideal, but she also thought the corbels shown in the applicants' second submission would be fine. She said she might feel more comfortable if she could see an actual sample of the corbel. She asked how other Commission members felt about the material the fly bracing was made of, and added that the applicant had said they would rather install a premade corbel.

Simpson asked whether there were white downspouts on the front of the building, and Shoenfeld said yes. He said he did not know how to picture the corbels on the building, but added that he estimated the downspouts to be about 4-inches wide so the wind bracing could either match the size of the downspouts or match the 6-inch trim on other parts of the building, although he was not sure he had a strong opinion either way.

Schneider asked if the Commission thought the height of 16 inches was an appropriate scale for the front of the building, and asked if a drawing had been submitted showing how those corbels would look on the building. Thomas reminded the Commission that the downspouts were not originally approved to be on the building, and while the applicants had made a de facto substitution, the Commission still felt the supports under the eave along the front of the building were needed, but had compromised on the number. He said the decision now appeared to come down to the size.

Schneider agreed, and said she thought the addition of the bracing would add to the façade of the building. Referring to a picture of the building, she said there were six downspouts which are at the end of the building, at the end of the gables and in between the personnel doors, while the corbels were to go over the personnel doors. Thomas commented that the original plans for the building had a different roof line, and the Commission had to keep remembering those details. He said now the proposed supports or corbels were higher off the ground and higher above the doors than shown on the original building elevation. Schneider said Thomas made a good point, and said his comments speak to the whole issue of proportion.

Ruch asked if anyone had any expertise regarding the size of the corbel relative to the eave, how visible it would be from the road, and whether what was being proposed would be large enough. She said she thought the second submission was a much-improved design, but that she simply did not know how it would look.

McAtee said he did not think making something out of the trim material was a practical solution. He said he did not think something could be made that did not appear as if it had been made by a Boy Scout, and he added that he did not think it would look good. Schneider said the Commission wanted something that would look professional. McAtee said perhaps a piece of 6-inch-wide trim could be mounted on the building behind the corbel to make it appear larger if the Commission felt the proposed corbel was too small. He said he thought the second corbel proposed was large enough and that because it was painted white, it would stand out. He said he thought it would improve the look of the front of the building as he understood it. Schneider said McAtee had made a good point. Simpson said he thought the 16-inch height of the proposed corbel was good.

Shoenfeld reiterated that the Commission was ruling out having the applicant construct a corbel out of trim materials, then said the Commission needed to decide which corbel was appropriate. Schneider said she thought the Commission had ruled out the first corbel submitted because it was not compatible. She said the corbel included on page 3 of the application supplement dated August 25, which is the Richmond design, was proposed. She said the next page of the supplement shows the width, height and projection of the corbel, and that a sample was to arrive on September 5. She said the Commission could approve the request contingent upon either seeing the sample or seeing the sample installed. McAtee said he would prefer to see the sample, since a number of things had been installed that were not approved.

Thomas asked if the Commission was saying it approved the Richmond design corbel but that it should come back to the Commission, through staff either formally or informally, before it is installed. Commission members said yes, and McAtee said he could stop by Town Hall to look at the sample and hoped other Commission members could do the same. Commission members agreed by consensus. Shoenfeld asked if the Commission agreed with the applicant that the downspouts are complete, and Commission members agreed.

Signage

Schneider said item number 9 on the application referred to signage, and that the previous COA had given two options – for the applicant to weather the sign or to paint the gray background of the sign tan to match the building. The applicant had chosen the second option, which Schneider said brings the sign closer to compliance by making it less conspicuous and making it compete less for attention as explained in the Design Guidelines on page 30 in the section on signs. She said the Commission was looking for something that is unobtrusive, compatible with adjacent properties, not competing, keeping the graphics subtle, and exercising restraint. Schneider said she thought painting the background of the sign tan accomplishes all those things. McAtee agreed, so long as the background is painted the same tan color as the rest of the building. Schneider said the applicant had stipulated in the application that it would be the same tan as the building. She asked Commission members if they agreed; Simpson, Shoenfeld, McAtee and Ruch all said they agreed.

Windows and doors

Schneider directed the Commission back to item number 1 on the application; she read from the approved COA, which said “Overhead front and side large doors to be

reduced in size to match the height of the smaller entry doors, all doors are required to have the same cross- or single-brace architectural details, and windows to be in the top of all doors on the front and side elevations." She said the issue of the bracing had already been completed.

Schneider said in the Commission's previous discussions, it had talked about the large scale of the overhead, roll-up doors and the desire to bring them into compliance with the very important issue of scale as stated in the primary design concepts in the Design Guidelines. She said the applicant had proposed removing the top two panels of the doors and installing glass in them, giving them somewhat the effect of a transom. She said although there are no other doors in the Historic District that are as large, having windows in the top two panels makes a great visual difference. She added that the scale of the building and its setting in front of the park provides an avenue for the Commission to say even though the doors are not human scale, they are appropriate for their unique setting and the design of the building. Shoenfeld said she thought the Commission needed to refer to the Guidelines. Schneider referred the Commission to page 59.

Shoenfeld read from page 45 under the section on windows and doors in the Guidelines, which refer to the relationship of the solid spaces of the façade to the voids of windows and doors or to additional elements such as porches and balconies to create the major source of the structure's proportion, balance and rhythm. She added that the Guidelines in that same section say to design the dimensions and placement of windows and doors on new buildings to be compatible with those on contributing structures nearby, and that it is not appropriate for windows to occupy more than 40 percent of the façade of a building, with 10 to 20 percent preferred. She said if CMT Commons installs windows in the personnel doors on the front of the building, that will be 2 percent of the building's façade; installing windows in the top two panels of the overhead door would be an additional 4 percent of the façade, bringing the total window coverage to 6 percent of the façade.

Schneider asked about the side personnel doors, since they can be seen from the road. She asked if the application specifies whether the faux window treatment would be added to the side doors as well. Shoenfeld said she thought that had been discussed at the informal pre-submission meeting with the applicant. Schneider said they discussed possibly not requiring windows in the roll-up doors, but she didn't think that was discussed regarding the side personnel doors. McAtee said he did not recall the Commission making an exception for the side personnel doors. Schneider asked if the applicant had specified, and Simpson said on page 5 of the application (dated August 19), it only discusses the four front personnel doors.

Olyenik said his recollection was that the front doors had been discussed, not the side doors. Schneider asked Olyenik if he thought the applicant would be willing to add windows to the three side doors. Shoenfeld said regardless of what had been discussed in the informal pre-submission meeting, the Commission still needed to make a formal decision on whether the side elevations need windows. Schneider said anything discussed at the meeting was not binding, although she did remember discussing that. She said she thought the Commission needed to refer to the Design Guidelines and what could be seen from the right of way.

Schneider said her concern was that there was already a very small proportion of windows in the building. She said she thought part of the Commission's willingness to possibly forgo the windows in the roll-up doors on the sides of the building was because of a sensitivity to cost, although she admitted that is not to be one of the Commission's primary concerns. She said the Commission understands that cost is a factor for the applicant, although the cost is likely more minimal for the personnel doors due to the proposed treatment. She said she thought it would be difficult to support within the Design Guidelines having no windows whatsoever in either end of a very large building that is very visible because there are no trees or landscaping or anything to screen the sides of the building.

McAtee said Shoenfeld had mentioned item number 4 on page 46 of the Guidelines regarding having a preferred 10 to 20 percent of window coverage, but her calculation of the front of the building with window treatments added was about 6 percent. He said adding the window treatment to the sides of the building would make that percentage greater. Shoenfeld said that would probably get the percentage up to about 9 percent. McAtee said he thought that was something the Commission should consider requiring.

Ruch referred the Commission to item number 9 on page 46, which Schneider read aloud: "It is not appropriate to make blank walls or walls with unproportionate or unbalanced windows and/or doors visible from the street." Schneider said she thought the Commission as trying to be as flexible as possible, but that it did not want to set a precedent of having no windows on two very visible sides of a building. If the Commission approves what the applicant has proposed, Schneider recommended making that approval conditional on having the window treatment on the side personnel doors as well.

Simpson said he had made a visual inspection of the building that day to see the mock-up of the window treatment on the personnel doors and he thought it looked quite good. As he drove past, he said the lighting appeared to change so as to give the appearance of interior light. Although the proposal is for a darkened window, Simpson said he thought it looked pretty good. McAtee agreed, and said he found the window treatment to be acceptable with the exception of the muntins, which currently appear to be made of vinyl tape. Schneider agreed, but said the effect was good. McAtee said the applicant had proposed the muntins be made of aluminum. Oakley said that the applicant had said the muntins had to be ordered. Thomas stated that the applicant had just done the vinyl-tape application for the mock-up so Commission members would get the effect of how the windows would look. Schneider also noted that the Plexiglas was not firmly attached and had buckled somewhat, but said she assumed the applicant would correct that. She said she thought the addition of the window treatment on the personnel doors was a huge improvement, and McAtee and Shoenfeld agreed. Schneider said that she thought that was why the Design Guidelines require windows, because they open up the building and are a terrific architectural and aesthetic detail, and are consistent with nearly every part of the Design Guidelines. Shoenfeld said she agreed.

As specified in the Design Guidelines, Schneider noted that the doors increase the proportion. Shoenfeld said Schneider was referring to pages 45 and 46 of the Guidelines, item numbers 1 and 9. McAtee said adding the windows in the roll-up

and personnel doors increases the percentage of windows to closer to what is required in the Guidelines. Schneider suggested that the architectural detail of the mullions be consistent with what was proposed for the large, overhead doors, which are also fairly consistent with other buildings in the Historic District. Shoenfeld asked what Schneider meant by "consistent," and Schneider said there should be other paned windows of the same size and appearance. She said that although the proposal is for faux windows in the personnel doors, she thought they would be acceptable as opposed to the screen print detail that is currently on the doors because they will appear to have depth, will have real architectural details in the mullions, and will be three dimensional. She added that the Plexiglas would be set within the trim on the doors the way real glass would be, and the mullions would make the windows look convincing.

Shoenfeld said without a cut sheet showing the windows in the overhead doors, there was no way to see what size the mullions are. She said she was trying to confirm that the mullions in the overhead door will be 1-inch wide. She said her understanding from the application was that the panes in the overhead door would be 8 inches by 11 inches, and the panes in the personnel doors would be 8½ inches by 11 inches. Shoenfeld said she thought matching the size of the pane was more important than matching the size of the mullion. Schneider said she was not concerned with the mullion and she thought the size of the panes was close enough.

Olyenik pointed out that the windows and mullions in the overhead and personnel doors were made by different manufacturers; Schneider said she understood and was just talking about whether the mullions and panes were stylistically the same. Schneider said it sounded like the Commission was fine with the personnel doors as proposed so long as they also included the ones on the sides of the building. Shoenfeld agreed.

Schneider then moved back to the conversation on the overhead, roll-up doors. She said the Commission had already discussed the fact that the roll-up doors were oversized and not human scale, but that having two rows of windows in the top of the front door appears to visually diminish that size somewhat, making it more appropriate. The fact that the building was large, was on a large lot and was across from the park also made the large doors seem more appropriate. Ruch said she agreed, considering the size of the building façade. Schneider said the applicant had also said that the door size also was compatible with the building's use as a gym.

Shoenfeld said her personal notes said that although the building has large, overhead doors, it is possible that the building's location across from the park and backed up to a pool, the fact that it is a fitness center, as well as the fact that two rows of windows would be installed might reduce the appearance of the door's height. She also said the installation of the smoky-colored acrylic sheets on the personnel doors would give the building the appearance of complying more with the Guidelines.

McAttee again said he would like to see the cut sheet from the manufacturer of the overhead door showing two rows of windows installed in the top panels of the door. Thomas reminded the Commission that any action taken could require further documentation and presentation before installation, so staff and the Commission

can know if an element appears to conform to what was approved. Schneider said it could be a condition for approval. Thomas said neither the Commission nor the applicant want to have any problem with installing something and thinking it complies and then find out later that the Commission begs to differ. He added that the Commission was just trying to avoid that, but that it could give conditional approval subject to the Commission and staff seeing and approving what was going to be installed. Schneider agreed and said, for clarification, that the Commission would like to see the sample corbel and the manufacturer's specifications and scaled drawing of the overhead, roll-up doors.

Simpson asked if the glass in the overhead roll-up door would be clear or colored to match the Plexiglas in the personnel doors. He also asked whether the overhead doors would have real glass or Plexiglas. Schneider said the application states that the overhead doors would have tempered glass. Simpson asked if the tempered glass would be clear, and Olyenik said it would be tempered and would be some sort of opaque. Simpson asked if it would be dark like the glass in the doors, and Oakley said he thought they would look much the same since there is not much light inside the building. McAtee asked if Olyenik's comments about the color of the glass should be considered as advocacy or evidence, and Olyenik said that his comments were just his understanding, so he would consider them advocacy. Schneider asked the Commission if it was reasonable to ask to see the material before it is installed since it is a panel, and Thomas said any request to see materials would be in the best interest of the applicant too, so that they would not have to buy and install something, only to have it removed.

Schneider said she thought the Commission was asking what the appearance of the glass would be, and said that also raises the question of how that material will look beside what is installed in the personnel doors. Ruch said one of the sheets submitted by the applicant said the roll-up door glass would have a backing, so there was no way it could be clear. Olyenik said that through the miracle of text messages, he had determined that the glass would be clear, but because of the backing, it would have somewhat of an opaque appearance. Thomas asked if it would be reflective glass, and Olyenik said it would. McAtee asked if something was going to be applied to the back of the glass to keep it from breaking if struck by a ball, and Olyenik said yes. He added that all the information he had just supplied would be hearsay, since he was reading from a text message. McAtee said he was quite impressed with what the applicant had proposed and his willingness to get the process over with. Schneider and Shoenfeld agreed.

Schneider said it sounded like the Commission was OK, and members just wanted to see information from the manufacturer on the doors as they would be installed with two panels of windows at the top. McAtee said the Commission should specify that they are talking about the front door, and the side roll-up doors can remain as they are as a concession. Schneider said the Commission would simply be approving what the applicant had proposed, but Thomas said to be clear, the Commission should state that it was not requiring anything be done to the overhead, roll-up doors on the side of the building. He added that the Commission had never required anything be done to the rear door, but had required the side doors be fenestrated on the 2012 approved COA. Only the front door had the glass replacement panels, he said. Olyenik agreed that Thomas's recap was correct.

Schneider asked if there were any other questions or discussion. She asked all Commission members to listen carefully as the motion is being put together, and said that friendly amendments can be considered. Having finished the item by item discussion, Thomas suggested Schneider ask Olyenik and Ellen Gimbert if they had any comments or anything further to add, since they had been sworn. Olyenik indicated that there were two conditions noted with regard to the cut sheet for the garage door and the corbel. Schneider said that also included that windows be installed on the side personnel doors. Olyenik said he regarded that not as a condition, but if the motion to approve includes that, he would ask to amend the application to include that. Thomas said if the applicant is willing to do that, it would be appropriate for the process. Schneider asked for clarification on whether that would be a condition, and Thomas said no, because the applicant was agreeing to add that to the application. He stated that they were talking about the three side personnel doors as well as the four on the front elevation. He said it would not be a condition, but would be a joining in on what the Commission was finding. Olyenik said they would be asked to approve the application, which had been supplemented and then further amended to address the item listed by the Commission.

Debbie Shoenfeld made a **motion** to approve an amended COA for CMT Commons, LLC for Case #COA-10-12, dated 10-17-2012, with supplements dated August 19, 2015, and August 25, 2015. The project is located at 8309 Linville Road, Oak Ridge, North Carolina 27310, tax parcel 0165098, zoning classification CU-LB, to allow for installation of two garage door panels located at the top front elevation overhead door, which will contain four clear, tempered glass windows with a backing that are 39 inches wide by 22 inches high. Each of those tempered glass windows will have seven smaller lights created by window mullions, and those lights will be approximately 8 inches wide by 11 inches tall, creating 80 small windows in the top half of the garage door.

Schneider asked if the Commission needed to do findings of fact and approve them first, and Thomas said he thought that Shoenfeld was doing that in effect by specifying what items are consistent with the Design Guidelines with the object of preventing incongruous construction in the Historic District. Simpson said the Commission had made a number of references to the Guidelines and suggested the Commission exercise an abundance of caution by agreeing that the references found in the minutes would represent the findings of fact. After additional discussion with Thomas, Schneider volunteered to do the findings of fact, and Simpson said he thought that would be appropriate.

Regarding the findings of fact, Schneider said the Commission had found that the proposed work is consistent the architectural elements and details section of the Design Guidelines, specifically on page 18, and also that the proposed treatment of the windows and doors is consistent with section 4 on pages 24 and 25, with consideration of the scale of the building, its setting next to the park, and its usage as a fitness center. She added that the Commission found that the visual impact of the entrance appeared to be reduced by the addition of two panels of windows, and is therefore consistent. The Commission found that the vents will be more consistent with section 9 regarding mechanical and accessory equipment on page 28 when the outside trim metal area is painted tan to match the building; although they should have been located in the rear of the building, this treatment will diminish their impact on the sides. She said that the Commission found that the painting of the interior oval of the

front sign tan to match the building will bring the sign into compliance with the sign section of the Design Guidelines on page 30.

Schneider then said she had cited some incorrect pages, saying that the windows and doors section was on page 45, and architectural elements and details section was on page 46. Thomas asked if she was referring to the 2010 issue of the Design Guidelines, and Schneider said yes. Schneider said the Commission had already discussed the architectural elements and details and also determined that the proposal for the fly bracing and corbels are also consistent with that. Shoenfeld added that the proposal is consistent with the primary design guidelines on pages 58, 59 and 60. **Schneider** asked that all the above information be included in the findings of fact **motion**. **Caroline Ruch** seconded the motion, and it was passed unanimously (5-0).

Before returning to the motion on the COA, Olyenik said the information he had said that there were 10 tempered glass window panes on the overhead front door, but Shoenfeld has said there were seven. Olyenik said he did not want the parties involved arguing over that point later. Shoenfeld agreed and said she would restate that part of the motion again.

Shoenfeld continued with her **motion**, saying the Commission would allow for:

- The installation of two garage door panels located at the top of the front elevation overhead door, which will contain four clear, tempered glass windows with a backing that are 39 inches wide by 22 inches high. Each of those tempered glass windows will have 10 smaller lights created by window mullions, and those lights will be approximately 8 inches wide by 11 inches tall, creating 80 small windows in the top half of the overhead door. Acceptance of this would be on the condition that the applicant provide a cut sheet with details of the windows as installed in the overhead doors prior to installation.
- Installation of faux windows to be installed on seven personnel doors located on the front and side elevations of the building. Each faux window will be 24³/₄ inches wide by 34⁵/₈ inches tall and fabricated out of 1/8-inch smoky gray acrylic sheet. It will contain nine lights which are approximately 8¹/₂ inches wide by 11 inches tall using 1-inch-wide aluminum mullions.
- Painting the side of each cupola with tan paint to match the current color of the building.
- Installation of single-buck bracing on all hay loft doors.
- Remove the front hay loft doors per Exhibit B.
- Installation of fly bracing on the front and side elevations as proposed by the applicant and as shown in Exhibits B and E using 6-inch molding that is currently found on the corners and around the doors of the building. The trim will be painted white.
- Paint the vents using tan paint to match the building.
- Installation of the Richmond corbels 4 inches by 12 inches by 16 inches above each personnel door, with a sample of the corbel submitted for inspection by the Commission prior to installation.
- Downspouts to remain painted white as proposed by the applicant.
- CMT is to paint the gray portion of their sign using tan paint to match the building.

Schneider asked Thomas if the Commission should make a friendly amendment to the motion to say that the window treatment is not required for the overhead doors on the sides of the building, and Thomas recommended that it be included. Schneider asked for a friendly amendment to say that no glass panels would be required on the two side elevation overhead doors. McAtee also asked for clarification on the motion about the vents, saying that the vent itself would not be painted, but the metal frame surrounding them would. Schneider also asked that McAtee's clarification be added as a friendly amendment to Shoenfeld's motion, and Shoenfeld agreed. Thomas said he believed it had been referred to earlier as the ventilation system trim, and Olyenik said he thought it had been referred to in the application as the flashing. Shoenfeld asked if the applicant had called it flashing, and Schneider said she thought she would prefer for it to be called as it had been in the application. Shoenfeld began to change the motion, but said she did not see where the applicant had called it flashing. Thomas said it was in the August 25 supplemental material. He said it was an additional description, but everyone was talking about the same feature. Schneider said she thought calling it ventilation system trim was fine, and Thomas agreed. Shoenfeld changed that portion of the motion as follows:

- Paint around the ventilation system trim, using tan paint to match the building.
- Mac McAtee** seconded the motion, and it was passed unanimously (5-0).

Town Clerk Sandra Smith asked if there would be a period for compliance, and Thomas said that had been discussed. He said there was an interest on the part of the Town in making the compliance period 30 days because of the history of this matter and the fact that there was a Certificate of Occupancy (CO) issue still pending. He said the Town would like to see compliance so the CO can be restored because the building is currently without a CO and the work needs to be done as quickly as possible. Schneider said she thought 30 days was generous. Simpson asked if the Commission should hear from the applicant regarding whether the door panels and other items could be available during that time. Thomas agreed, but said if the manufacturer could be made to understand that they are needed, perhaps that time period could be accomplished. Simpson asked what Thomas recommended, and Thomas said the Town Council, because of the enforcement issue, is interested in as soon as possible, although there is nothing magic about 30 days. He said the Commission might want to hear from Olyenik. Olyenik said he thought providing a time frame was reasonable, and he was confident that discussions with Thomas and the Commission could be had on the 31st day if a manufacturer could not complete something on time and things were out of their control. Simpson said he thought 30 days was reasonable.

Schneider asked about the procedure to amend a Commission's action; Thomas said the Commission had granted a COA, but it was still in session and it could amend it because that was appropriate to the Commission's duties.

Ron Simpson made a **motion** to amend the previous motion, which had passed, to add a deadline of 30 days hence. McAtee asked for clarification if the deadline fell on a weekend, and Thomas said the Town would follow court's rules and make the deadline on the next business day. **Mac McAtee** seconded the motion, and it was passed unanimously (5-0).

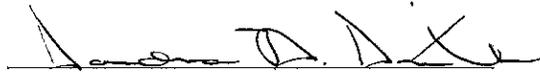
4. CITIZEN COMMENTS

None

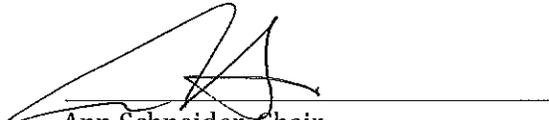
5. ADJOURNMENT

Mac McAtee made a **motion** to adjourn the meeting at 8:52 p.m. **Ron Simpson** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



Ann Schneider, Chair