

Historic Preservation Commission

CITY OF LEBANON HISTORIC PLANNING COMMISSION Meeting Minutes – July 12, 2016

ATTENDEES:

Tracey Parks	Kathy Adams	Marilyn Bryant	Michelle Schriever
Mike Manous	Camille Burdine	Richard Donovan	Kathleen Vail

CALL TO ORDER:

Chairman Tracey Parks called the meeting to order at 5:03 PM.

APPROVAL OF MINUTES:

Kathy Adams motioned to approve the June 14, 2016 minutes, seconded by Camille Burdine. Motion carried unanimously.

ANNOUNCEMENTS:

Chairman Parks summarized that the proposed Cumberland University Historic District has been looked at and discussed over the past few months. The properties shown on the maps (in blue) are within the study area. There have been notices sent to all the property owners. He hoped that those present were able to attend the meetings. there were also four other casual hearings that were held in several homeowners houses about the proposed area.

Staff read the letters received as part of the public record.

1. St. Frances Cabrini Catholic Church asked for the other institutional uses in the area be brought into the district or they all be removed. (Letter dated March 31, 2016.)
2. Ms. Brenda Price asked to be removed from the district. She is located at 608 W Spring Street. (Letter dated April 11, 2016.)
3. The owner of 237 S Greenwood called and asked to be removed from the district.

Staff pointed out the institutional properties (on the map shown with crosshatching) and they are The Catholic Church, the First Presbyterian Church, the Baptist Student Union and the Cumberland University and all of those institutions have some property that is included in the study area as part of the district.

Chairman Parks opened the public hearing.

PUBLIC HEARING:

Cumberland University's representative Joe Gray was there to speak on behalf of the Board of Trust and President Paul Stumb. Mr. Gray remarked that, in May, at the Board of Trust meeting,

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they voted that they do not want to be included in the district because the board already dictates what can be built. They believe it would be very difficult to work through both the HPC and the Board of Trust.

Brenda Price, of 608 W Spring, feels that being a part of the district takes away her rights as a property owner. She pays taxes, insurance and repairs and she feels she can make her own decisions. If she wants to do something to her house, then she feels she should have that right.

St. Frances Cabrini Catholic Church's Reverend Michael O'Brien, of 300 S Tarver Avenue reminds the commission that they had this discussion before about the inclusion of St. Frances Cabrini's property in this historic overlay when the other two churches that are contiguous property owners are excluded. He was glad to see that the commission had removed most of the church property from the study however he is still concerned about the two little houses that are not of historic value. They are nonresidential houses and used for religious gatherings. Reverend O'Brien pointed out that the houses across the street from these two houses are asbestos shingle rent houses and there is no historic value in that area. He asked that we remove those properties from this overlay.

Jerry Warren, of 109 Pennsylvania Avenue, asked that their property be removed from the study area. One reason is that they have a joint zoning of CN and they have an active business within the building; Warren Engineering. He also noted that there have been things done to their building before they got there such as replacement windows, some vinyl siding, and soffits. When he looked at the guidelines, he realized he would have to come and request permission. He has kept the property up and he is paying taxes, so he respectfully asked to be removed from the historic overlay.

Jonathan Smitt, of 126 Castle Heights Avenue, said that they have lived there for a year and this letter is the first indication that they had with this historic preservation area. When he read through the document he found no variance process to ask for any kind of help. He was pleasantly surprised to find there was a way to not be included in the study area. He remarked that some of these criteria in the guidelines are a little onerous to the homeowner because they are the ones that do all the work, pay the taxes and have property ownership. Also he noted that the guidelines talk about not topping the trees and certain streetlights and he wants to know if this commission or the City is going to work with MTEMP to hold them back from topping or shaving the trees or to put in something other than the standard cobra-head streetlights. When he talked to the planning department, they said that the intent was to control the view from the street. However, he submits to the commission, the view of the street should also be controlled (trees, streetlights, drainage). Respectfully, he requested not to be included in the historic area.

Immanuel Baptist Church's Senior Pastor John ^{Hunn} ~~Hun~~, of 214 Castle Heights Avenue, questioned that with Cumberland University and the Catholic Church both getting a variance, if all institutions will be included or will they have to ask individually. ^{CYP}

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Chairman Parks said when the commission began the studies nine months ago, all of the Cumberland University campus was included as well as all the Catholic Church properties up until Martin Street. The commission had previous meetings where people came and looked at the study area. There were commission meetings, there were discussions and this is the final map. Immanuel Church has one empty lot on Castle Heights and Spring Street which is sort of a gateway into the district. Cumberland University continues to have properties with the main campus being excluded. The properties are the president's house and some property behind that as well as some holdings on the north side of West Spring Street and the east side of Greenwood that are included. The larger campus of St. Francis Cabrini including the existing church, the sanctuary and the parking lot are excluded but the lots and dwellings (302 & 310) are now included as shown on the crosshatch section on the map. No properties fronting Main Street are in the study therefore the First Presbyterian Church Sanctuary is not part of the district but a part of their property holdings on Greenwood are.

Pastor John ^{Humm CTP} ~~Hum~~ thinks it would be great if all the institutions were treated the same way but does not have a problem either way. He is just here to learn what the decisions are and what the explanations are.

Floyd Dunnivant III, of 233 Cumberland Drive, asked for a copy of the guidelines.

Staff typically does not send out the guidelines but they are made available. The guidelines will be sent out to all homeowners in the district after it has been approved. They are also on the website and in the Zoning Code under Appendix F.

Chairman Parks explained that these same design guidelines apply to the Historic Greenlawn and E. Spring Districts. The homeowners are not required to change anything to meet the guideline criteria. It only requires that the property owner considering to change or modify the existing architectural details on their house or going beyond a basic repair apply for a Certificate of Appropriateness (COA). It requires filling one out at the planning office and depending on what you are asking for they could determine whether you even needed to come before this commission.

Joe Gray wondered about the empty lot #233 and he wanted to know if the commission would dictate going there.

Chairman Parks replied that their infill and demolition are both covered in the guidelines, which tries to protect the look of the neighborhood. The commission just heard a COA request new residential housing for four lots located in the E Spring historic district. The commission met and the developer presented the plan with elevation drawings for four new houses that have a 1920s/1930s look. The houses met the guideline criteria and were approved and the commission expects to see dirt turning over on those lots soon. Because these are old neighborhoods that no longer have any existing residential covenants that control building in the neighborhood, then property owners can be, theoretically, protected from infill being noncompliant to what is already in neighborhood.

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Jerry Warren pointed out that everyone needs to have a copy of the guidelines because it contains information like landscaping, roofs, and paint.

Chairman Parks noted that they do not control paint.

Mr. Warren pointed out that there are many other things mentioned the guidelines that the commission does not control and that is what is a concern.

Chairman Parks clarified that the commission takes the district as it exists, at the time that the historic zoning overlay is applied. The new overlay does not affect or change existing use of properties. This is an overlay that tries to preserve the aspects that are historical with the neighborhood as a unit. This means that the commission takes whatever bad previous restorations, alterations, or whatever else is already there. The overlay only affects future construction and is only concerned with views from the public right-of-way.

Jerry Warren said the one thing that he noticed is replacement windows on a number of structures. He just wants people to be aware of the fact that you have to apply for a COA to replace any windows.

Kim Parks, of 214 S Tarver Ave, said that they moved to their house because they wanted to live in a historic area, and are very excited. She believes it is going to protect their property value and will help the city as a whole. It is good for everyone's economic development because when companies are looking at places; they look at how you take care of your historic areas. She believes that will be positive for everybody and she is very much in favor of the historic district overlay.

Karen Hunter Lowing, of 608 Main Street, is concerned more with people that are not in attendance. She pointed out that there are houses that are not being kept up and deteriorating to the point of being demolished. She is very much for this historic overlay and she understands it may come with some angst on the part of the homeowners with having to get permission to be able to do anything. However, if you have ever lived in a historic district, which she has, it is absolutely for protection. She also feels that you cannot take individual homes/sites out of the overlay.

Joe Gray believes that Ms. Lowing is absolutely right in that there are a lot of homeowners that do not take care of their homes, however, he noted that they will not come to the commission anyway. He wanted to know what is there to make them do what they should.

Chairman Tracey Parks responded to Mr. Gray that the commission could mandate a Stop Work Order. The City has the Codes Department and there is a Demolition by Neglect.

Cal Sims, of 417 W Spring Street, remarked that their house is what they call the Peach Preserve, and they are interested in making this a location for weddings and eventually a bed-and-breakfast. They think it will really add a lot to the neighborhood. He truly thinks this district is going to help their home value. He wanted to be reassured that if he goes to modify his detached garage that it will not be a problem.

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Chairman Parks instructed Mr. Sims that a modification on an existing structure would require that him to the planning department and fill out a COA and they would decide, based on what modifications he is doing, whether he would need to come before the commission.

Cal Sims wanted to know what the top five reasons are for having a home included in the historic district.

Chairman Parks gave a brief explanation of the history of Cumberland University. Before the Civil War, Cumberland University was located on the opposite side of town on College Street until the university burned in 1864. The chief benefactor, Robert L Carruthers, bought property which became the university school buildings but the properties were spread out across town. That continued until Mr. Carruthers purchased the farm in the 1890s, which became the principal campus. Then in 1892, the construction of Memorial Hall began. The remainder of the Cumberland University District was started by the professors and townspeople that built the dwellings that surround Memorial Hall. Consequently, nearly all the houses in this neighborhood have some association or connection back to the Cumberland University. Property owners can say that their house is not historic on its own but it is in the neighborhood that developed primarily in the last decade of the 19th century to the 1940s. What makes it historic is it is a reflection of how this town developed and it presents a significant period of time for Lebanon.

Martha Boyd, of 405 W Spring Street, said that in reading the guidelines, she noticed that original windows should be repaired rather than replaced. Her house was built in the late 40s and has the original windows, but at some point they may want to replace those windows for efficiency. Is there a way to replace them if they are similar to the other original windows?

Chairman Parks said to her that she would have to apply for a COA. The guidelines do have a preference for the preservation of existing architectural details which includes the windows. The commission can also help in regards to other methods of making the house more energy-efficient that does not involve replacing windows. So it is not impossible.

Jonathan Smitt wants to know why there is not something in the guidelines that addresses the COA process if that is going to be the document that governs and guides this area. He respectfully requested that we get all the documentation straightened out before it goes to the Planning Commission. He feels there needs to be at least a transition paragraph in the back of the guidelines that says if you want to replace something, see the COA document. Also, as the commission pointed out regarding that this is part of a neighborhood; Mr. Smitt noted that one of the hallmarks of a neighborhood is basketball goals, soccer goals, and things of that nature which are expressly prohibited in the guidelines. He could have a basketball goal but he would have to put in the backyard and landscape around it. The commission could have the best of intentions, which he believes they do, but what happens in a few years if the Board changes? The homeowners need assurance.

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Planner Richard Donovan reminded the commission that if this body promotes to approve the district, then it goes to the Planning Commission in August followed by one reading before City Council. Then it will be presented before City Council again for a second reading and a public hearing. Therefore, there will be other opportunities for the public to speak.

Chairman Tracey Parks closed the public hearing.

NEW BUSINESS:

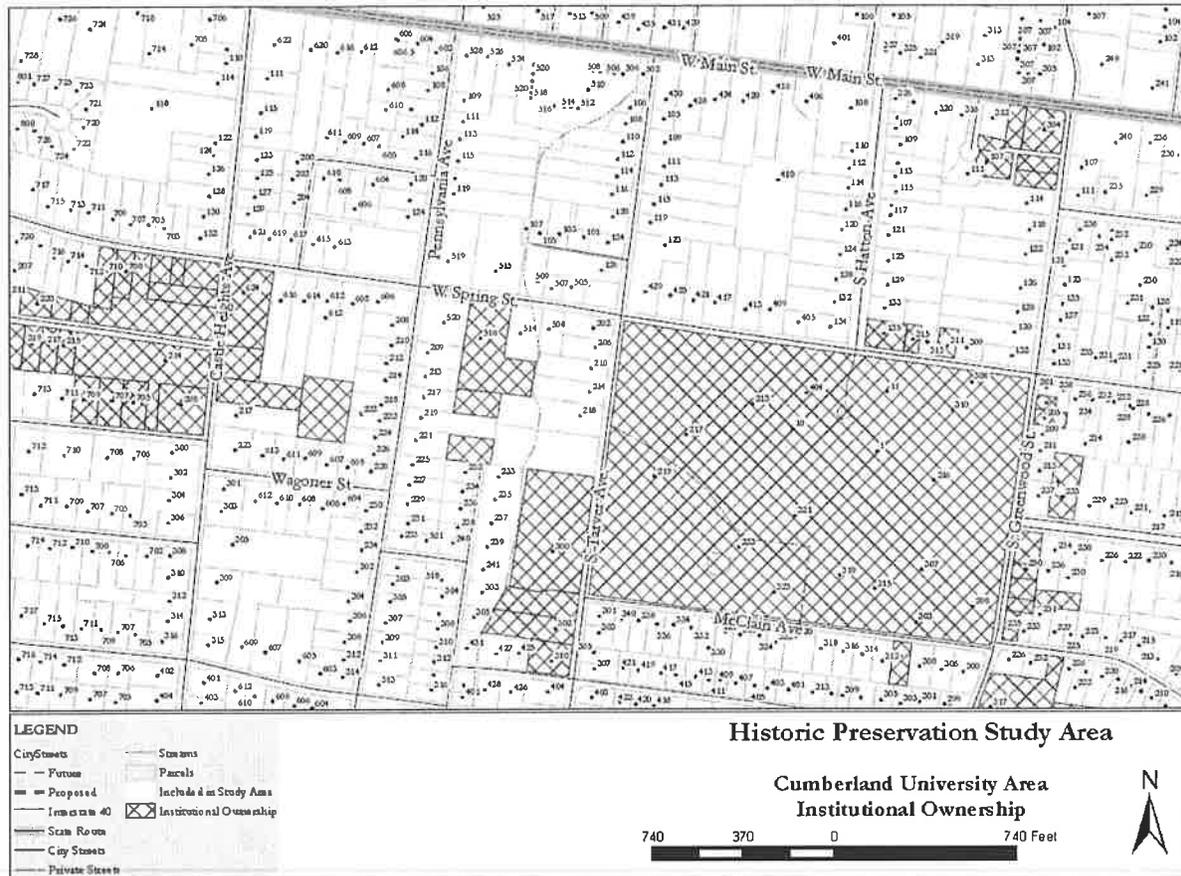
1. Request by Staff to approve the Cumberland University Historic Preservation District.

The Cumberland University Study Area is about 92 acres including 108, 110, 111, 114, 115, 118, 119, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 132 Castle Heights Avenue; 233, 235 and 236 Cumberland Drive; 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 119, 120, 122, 124, 208, 209, 210, 212, 213, 214, 217, 218, 219, 221, 222, 224, 225, 226, 227, 228 and 229 Pennsylvania Avenue; 107, 108, 111, 113, 114, 117, 118, 119, 121½, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 133, 201, 203, 205, 209, 211, 213 & 250 South Greenwood Street; 105, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 120, 121, 124, 125, 128, 129, 132, 133 and 134 South Hatton Avenue; 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 119, 120, 123, 124, 126, 202, 206, 210, 214, 218, 302 and 310 South Tarver Avenue; 237 University Avenue; 234 and 238 West Gay Street; and 238, 309, 311, 313, 315, 317, 405, 409, 413, 417, 421, 425, 429, 505, 507, 508, 509, 514, 515, 516, 519, 520, 606, 608, 612, 612B, 613, 614, 615, 616, 617, 619, 621 and 624 West Spring Street (Tax Map 68E Group K Parcels 14 and 16; Tax Map 68E Group L Parcels 1, 2, 3, 22, 23, 24, 25, 26, 27, 28, 29 and 30; Tax Map 68E Group M Parcels 1, 2, 32, 32.01, 33, 34, 35 and 36; Tax Map 68F Group A Parcels 8, 11, 12, 13, 14, 15, 23, 24.01, 24.02, 25, 26, 27, 28, 29, 30 and 31; Tax Map 68F Group B Parcels 5, 6, 7, 8, 9 and 10; Tax Map 68F Group C Parcels 9, 10, 11, 12, 13, 14, 15, 20, 20.01, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32 and 33; Tax Map 68F Group D Parcels 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28; Tax Map 68F Group E Parcels 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35; Tax Map 68F Group F Parcels 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16 and 17; Tax Map 68F Group F Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 30, 31, 32, 33, 34, 35, 36 and 37; Tax Map 68G Group H Parcels 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20; and Tax Map 68L Group A Parcels 19, 20, 21, 22, 23, 24 and 30) in Ward 3

Planner Richard Donovan believes that the properties owned by Immanuel Baptist Church (624 Castle Heights Ave.), St. Frances Cabrini Catholic Church (Unaddressed, 302 and 310 S. Tarver Ave.), and First Presbyterian Church (unaddressed S. Greenwood St.) are not an integral part of the Historic District proposed, as they are located on the periphery of the Historic District and are currently vacant. By being on the periphery, the development of these properties will have little effect on the heart of this district even if they are developed in the future. Staff feels it would be appropriate to leave them out of the district.

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Planner Richard Donovan reiterated comments that Staff had made in the past and from Staff's perspective, the properties on Greenwood Street that are south of the university and potentially all of Greenwood (the 200s block) south from W Spring Street do not make for real contiguous district. They are almost all new construction dormitories and Staff feels it would be appropriate to leave them out of the district as well.



Discussion over study area.

Commissioner Mike Manous wanted to know what our variance procedures are if a homeowner wants to come in for specific variance and if there is a guideline specified in there.

Planner Donovan replied that there is not a specific guideline in there and the way Staff has handled it before now was on a case-by-case basis. Staff discusses with the applicant what the intent the guideline is and what they believe this body would be looking for. There is leniency built in these documents.

Mr. Manous said that with his architectural history, he agreed with Ms. Boyd about the windows. Old wood windows are incredibly expensive to repair. Mr. Manous tends to agree that if the homeowner follows the historical character of the window with a new modern replacement

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COMMISSIONERS COMMENTS: none

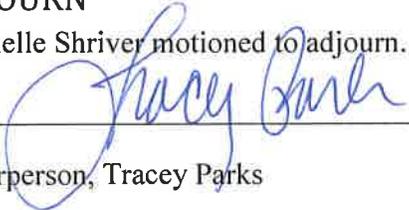
STAFF COMMENTS:

Next meeting will be held on Tuesday, August 12, 2016 at 5:00 pm.

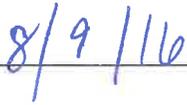
Joseph Minicozzi will be speaking at the Vision Meeting on Thursday, July 14 at 2:00.

ADJOURN

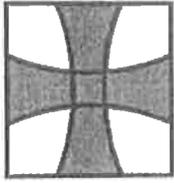
Michelle Shriver motioned to adjourn. Meeting adjourned at 6:15 pm.



Chairperson, Tracey Parks



Date



St. Frances Cabrini Catholic Church

31 March, 2016

Mr. Paul Corder
Planning Director
City of Lebanon
200 N. Castle Heights Ave.
Lebanon TN 37087

Dear Paul,

I thank you for your discussion with me on Tuesday evening.

I must continue to indicate that it is my belief the proposed Historic Preservation Study Area is a case of reverse religious discrimination. First Presbyterian and Immanuel Baptist have contiguous properties next to the study area, but are omitted from the implications arising from this proposed legal action. Only the Catholic Church has to suffer under the burden of this proposed program, which I believe is driven by the desire of some homeowners to simply insulate and protect those homeowners housing values. They are attempting to form a historic ghetto and avoid the approach of modernity by setting up a neighborhood watch committee to spy on their neighbors.

I ask that all three (3) churches with contiguous property interests be brought into the study area or be removed from the study area.

Sincerely,

Rev. Michael O'Bryan

Rev. Michael O'Bryan
Pastor
St. Frances Cabrini Catholic Church

Mr. Richard Donovan, Jr.
Planner
200 North Castle Heights Ave.
Lebanon, TN 37087

April 11, 2016

Re: Cumberland University Historic Preservation District

This letter is in response to our phone conversation and your letter notifying about a neighbor meeting. I would like to continue being notified about meetings regarding the historic district. However, I do not want my property at 608 W. Spring to be considered in the historic district.

Sincerely,

Brenda Price
2657 Hickory Ridge Rd.
Lebanon, TN 37087