

**DESIGN REVIEW COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, November 24, 2009
6:00 p.m.**

The regular meeting of the Design Review Commission was scheduled and held in the Council Chambers of the Municipal Center on November 24, 2009. Chairman Saunders called the meeting to order at 6:05 p.m. requesting the roll call. Ms. Regina Gibson called the roll of the Board and established a quorum:

COMMISSIONERS PRESENT:

Mr. Keith Saunders, Chairman; Mr. Ralph Smith, Vice Chairman; Mr. Paul Bruns; Mr. Parker McCaleb and Alderman Palazzolo.

DEVELOPMENT STAFF PRESENT:

Mr. Josh Whitehead, Planning Division Director; Mr. Wade Morgan, Chief Planner; Ms. Regina Gibson, Administrative Secretary and Mr. Robert McLean, Attorney.

1. Approval of Minutes for October 27, 2009

Mr. Smith moved to approve the Design Review Commission minutes of October 27, 2009, seconded by Mr. McCaleb, with no further comments or discussions.

ROLL CALL: Mr. Bruns – Yes; Alderman Palazzolo – Yes; Mr. Smith – Yes; Mr. McCaleb – Yes; Chairman Saunders – Yes

MOTION PASSED

Comment: The Chairman stated the Commission reviewed the items on tonight's agenda in the Executive Session meeting and the following items were added to the Consent Agenda:

2. CONSENT AGENDA

- a. Carrefour – 6685 Poplar Avenue – Request Approval of the Directory Portion of a Permanent Project Directory Sign
Chris Haskins - Applicant
- b. Taco Bell – 7858 Wolf River Boulevard – Request Approval of a Ground-Mounted Tenant Identification Sign.
Jeff Balton – Applicant
- c. Landmark Community Bank – 2241 S. Germantown Road – Request Approval for Hanging Sign.
Curtiss Doss – Applicant

Comment: The Chairman stated he would like to remind the Commissioners that all matters on the Consent Agenda constitutes an acknowledgement that the member has read and reviewed the application materials/plans/staff reports and determines further discussion or presentation of an item as necessary. He stated if there was anyone in the audience that would like an item pulled, please request so at this time, and in seeing none, he asked for a motion.

Mr. Smith moved to approve the Consent Agenda, seconded by Alderman Palazzolo.

ROLL CALL: Mr. Smith – Yes; Mr. Bruns – Yes; Mr. McCaleb – Yes; Alderman Palazzolo – Yes; Chairman Saunders – Yes.

MOTION PASSED

STAFF'S COMMENTS / DISCUSSIONS REGARDING THE CONSENT AGENDA ITEMS

a. Carrefour – 6685 Poplar Avenue – Request Approval of the Directory Portion of a Permanent Project Directory Sign.

DISCUSSION: The applicant is requesting approval of the directory portion of the Permanent Project Directory Sign. The frame of the sign, including the name of the shopping center, was approved by the Commission on August 25, 2009, and was recently constructed.

SIGN (Poplar Ave.)

Location &

Height: The sign will be 15 feet above the surrounding grade, and setback 10 feet behind the curb.

Message: Individual tenant names. See attached spec sheet

Letter Size: See attached spec sheet

Letter Style: Helvetica Medium

Sign Area: 10'8" x 15' (63.93 ft²)

Colors &

Materials: Letters: white; vinyl / aluminum

Mounting

Structure: Stucco / Dryvit

Logo: None

Lighting: Backlighting "Carrefour" letters to be illuminated with neon. Tenant sign to be internally illuminated with florescent lamps. (See staff comment #5).

Landscaping: See attached landscape plan

STAFF COMMENTS:

1. The permanent project directory sign was approved at the August 25, 2009, DRC meeting. This request is for the tenant's names only for the sign located on Poplar Ave. The tenant sizes and fonts submitted with this request comply with the DRC's comments from its August 25, 2009, meeting.
2. If approved, the applicant must obtain a permit from the Memphis / Shelby County Office of Code Enforcement prior to installing the signs.
3. Ordinance 2009-17, which will allow project directory signs, was approved on second reading on October 26th and is scheduled for final reading on November 23rd. This directory area sign complies with that ordinance.

SIGN SUBCOMMITTEE REPORT: The sign subcommittee met on November 12, 2009, and recommended approval on the consent agenda.

PROPOSED MOTION: To approve the request for the directory portion of the permanent project directory sign for Carrefour located at 6685 Poplar Ave.

b. Taco Bell – 7858 Wolf River Boulevard – Request Approval of a Ground-Mounted Tenant Identification Sign.

DISCUSSION: The applicant is requesting approval of a ground-mounted tenant identification sign. Two wall-mounted tenant identification signs were approved at the October 28, 2008, DRC meeting.

SIGN

Location & Height: The sign will be thirty feet from Wolf River Blvd., perpendicular to the face of curb and six feet above the surrounding grade.

Message:



Letter Size: 4^{1/8}" x 6"

Letter Style: Corporate Font

Sign Area: 2'6" x 2'6" (6.25 ft²)

Colors & Materials: Letters: Violet, Yellow and Magenta; Vinyl / Plexiglas

Mounting Structure: Steel pole on top of masonry base

Logo: 1.12' x 1.33' (1.48 ft²)

Lighting: 2 flood lamps (1 each side) with 100-watt high pressure sodium bulbs

Landscaping: See attached landscape plan

STAFF COMMENTS:

1. The applicant is allowed a total of 17.5 square feet for signage. The previously approved wall-mounted sign is 10.81 square feet. Therefore, the applicant is allowed 6.88 square feet for the ground-mounted sign. This sign, at 6.25 square feet, complies with the sign regulations.
2. If approved, the applicant must obtain a permit from the Memphis / Shelby County Office of Code Enforcement prior to installing the signs.

SIGN SUBCOMMITTEE REPORT: The sign subcommittee met on November 12, 2009, and requested a landscape plan. They also noted the discrepancies between the submitted graphic and application. The applicant has submitted a landscape plan; it is enclosed with this staff report.

The sign subcommittee also questioned the calculation in which the applicant determined square footage. That calculation, which involved a “tight envelope” around the logo and lettering is only to be used for wall-mounted signs. The applicant has revised its sign request so that the sign area is calculated by measuring the entire sign frame (2 ½ feet by 2 ½ feet). This meets the City’s sign regulations.

PROPOSED MOTION: To approve the request for a ground-mounted tenant identification sign for Taco Bell located at 7858 Wolf River Blvd.

c. Landmark Community Bank – 2241 S. Germantown Road – Request Approval of a Hanging Sign.

DISCUSSION: The applicant is requesting approval of a hanging tenant identification sign. The sign is proposed to be placed above the doorway to the bank in the location of the previous tenant’s hanging sign.

SIGN

Location & Height: The sign will be mounted to the existing hanging sign bracket and setback 12 feet eight inches from Germantown Rd.

Message:

**Landmark
CommunityBank**

Letter Size: 8” x 5½” – “Landmark”
3½” x 2½” – “Community Bank”

Letter Style: Franklin Gothic

Sign Area: 5’ x 1’11^{5/8}” (9.8 ft²)

Colors & Materials: Letters: painted khaki
Background: black, wrought iron

Mounting Structure: attach to existing hanging bracket

Logo: None

Lighting: None

Landscaping: N/A

STAFF COMMENTS:

1. Section 14-37 (d)(1) states, “All wall signs shall be face mounted on the building wall unless approved otherwise by the design review commission.” Therefore, the applicant will need an exception from the DRC in order to have a hanging sign. The sign meets all other criteria.

2. If approved, the applicant must obtain a permit from the Memphis / Shelby County Office of Code Enforcement prior to installing the signs.

PROPOSED MOTION: To approve the request for a hanging building identification sign for Landmark Bank located at 2241 S. Germantown Rd.

END CONSENT AGENDA

1. Qureshi & Malik Homes P.U.D. – West Side of Kimbrough Road at Beekman Place – Request Final Plan Approval.

BACKGROUND: The applicants, who purchased the subject property in 1992, would like to turn the vacant lot into a two-lot Planned Unit Development (PUD). On November 3, 2009, the Planning Commission approved this PUD, which included plans for the subdivision entrance feature (SEF). Since the Planning Commission approval, the applicants have moved the SEF five feet from the back of the sidewalk to allow landscaping to be placed behind the sidewalk and to square the proposed SEF with the City's ordinance, which specifies that SEF may be no closer than 15 feet from the curb.

DISCUSSION: The applicants are requesting approval for both the subdivision entrance feature and landscaping:

- a. **Subdivision Entrance Feature:** The SEF will be located 15' from the back of the curb (five feet behind the sidewalk) on the west side of Kimbrough Road, and will be composed of brick and wrought iron at a height of six feet. The entrance will feature two double-swing gates for the driveways on Lot 2. Similar gates will be constructed with the construction of the home on Lot 1 (see Staff Comments below).
- b. **Landscaping:** The submitted plans indicate the planting of nine specimens, including varieties of the following: two trees, five shrubs and two perennials. Please refer to the attached plan for details.

STAFF COMMENTS:

1. As indicated on the plans, the subdivision entrance feature and landscaping shall be constructed with the construction of each home.
2. The entrance gates on Lot 1 shall reflect the size and style of the gates that are included in the plans for Lot 2. The location of the gates on Lot 1 will be determined when an application is made to the Engineering division for a driveway permit for that lot. This typically occurs in conjunction with home construction. According to the applicants, Dr. Qureshi's home (Lot 2) will be constructed imminently, with Mr. Malik's home (Lot 1) constructed some time later.
3. The wrought iron fence proposed by the applicant shall not only be located along the front yard property line, but the wrought iron fence shall also run north along the side property lines of each lot until it reaches the 40' front yard setback line, where it may adjoin a wood fence that encompasses the rear of the development.
4. **Staff recommendation.**
Staff bases its recommendation of approval due to the proposed planned development's compliance with the City's PUD ordinance (see the following page). The proposed planned development contains two lots averaging 24,896 square feet, or 66 percent larger than the minimum lot size in the "R" residential zoning district. The request is in keeping with the

development throughout the area, including Caylor's Woods PUD to the immediate west, Gardens of Wood Creek PUD one block to the west, St. Albans PUD on Dogwood to the east and the numerous PUDs and multi-family development along Kimbrough to the north. Finally, staff believes the proposed PUD is preferable to the surrounding neighborhoods than the 3-lot subdivision that would be allowed by right under the zoning regulations on this site.

Sec. 23-567. Relation between planned development and zoning districts.

(b) *Modification of district regulations.* Planned developments may be constructed in any zoning district as outlined in subsection (a) of this section, subject to the standards and procedures set forth as follows:

- (1) Except as modified by the approved outline plan, a planned development shall be governed by the regulations of the district or districts in which the planned development is located.
- (2) The approval of the outline plan for the planned development may provide for such exceptions from the district regulations governing area, bulk, parking and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided that such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a planned development; and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:
 - a. Inadequate or unsafe access to the planned development.
 - b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity.
 - c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development.
 - d. A development which will be incompatible with the purposes of this division.
 - e. Detrimental impact on surrounding area including, but not limited to, visual pollution.

The burden of proof that the criteria of subsection (b) of this section are not being violated shall rest with the developer and not the staff or the planning commission. Such exceptions shall supersede the regulations of the zoning district in which the planned development is located.

5. Request for landscape easement along western property line.

At both the September 1, 2009, and November 3, 2009, Planning Commission meetings, representatives and homeowners within the Caylor's Woods Planned Unit Development, which lies immediately west of the subject site, requested that a landscape easement be placed along the western portion of the proposed PUD to buffer the homes on Caylor's Woods Cove and the homes within the proposed PUD. To date, staff has received no further details on what kind of landscape easement is being proposed by Caylor's Woods. The Caylor's Woods PUD contains one street, Caylor's Woods Cove, which is located along the eastern portion of its PUD. As such, Caylor's Woods Cove is essentially a one-sided street with houses on the west side of the street and a narrow common space on the east side of the street. The narrow common space is bounded on the east by a 6-foot fence (see photograph on following page). Staff has received no information on whether their request for a landscape easement in the proposed PUD will involve the demolition of the 6-foot fence owned and maintained by the Caylor's Woods Homeowners Association.

Staff recommends that the Design Review Commission not require additional landscaping along the western periphery of the Qureshi-Malik PUD. Landscape easements are typically required to buffer residential uses from commercial and office uses. In fact, the Germantown Zoning Code stipulates that commercial, office and multi-family sites include landscape easements when

abutting single-family residential uses. Only in very rare instances in which very high-density developments are proposed adjacent to much lower-density existing neighborhoods have landscaped easements been required for residential PUDs. One example is along the western periphery of the Rowan Oak PUD, where new lots, ranging in size from 4,000 to 6,000 square feet, were to be in close proximity to the Val Verde Subdivision, where lots are roughly 25,000 square feet. In other words, lots in Rowan Oak are anywhere from one-fourth to one-sixth the size of the neighboring lots on Val Verde Cove. Since the lots in the Qureshi-Malik PUD will be nearly 32% *larger* than the average lots size in Caylors Woods, and the landscape easement would presumably be located behind the existing 6-foot Caylors Woods fence in relation to the houses in the Caylors Woods PUD, staff finds no legitimacy in requiring a landscape easement along the western portion of the proposed PUD.

Fencing along Caylors Woods COS, adjacent to the rear of Qureshi and Malik Homes PUD



6. Attached to this staff report is a series of correspondence between the applicant and the Caylors Woods Homeowners Association. This information is provided with this staff report upon request by Ken Dick, president, Caylors Woods Homeowners Association.

Staff recommendation: Approval, subject to staff comments.

PROPOSED MOTION: To grant final plan approval for Qureshi & Malik Homes PUD, located on the west side of Kimbrough Road at Beekman Place, subject to staff comments.

Mr. Harvey Marcom with the Reaves Firm explained that they were in agreement with the commission's recommendations to omit the taller items from the landscape and was seeking the board's support on this item.

There was no opposition to this application and no further comments. The Chairman asked for a motion.

Alderman Palazzolo recused himself from this agenda item.

Mr. McCaleb moved to approve as verbally amended and seconded by Mr. Bruns.

ROLLCALL: Alderman Palazzolo – Recused himself; Mr. Smith – Yes; Mr. Bruns – Yes; Mr. McCaleb - Yes; Chairman Saunders - Yes.

MOTION PASSED

2. Landmark Community Bank – 2241 S. Germantown Road – Request Preliminary and Final Plan Approval.

BACKGROUND: The building formerly housed Farmers Insurance Group.

DISCUSSION: The applicant proposes to convert the building into a bank and add a window for drive-thru service.

| SITE DATA | |
|-------------------------|------------------|
| Area | .305 acres |
| Total Required Parking | 8 spaces |
| Total Proposed Parking | 10 spaces |
| Handicap Parking | 1 spaces |
| Building Footprint Area | 1490 square feet |
| Pervious | 73.18% |
| Impervious | 26.82% |

The project is submitted for DRC approval of all items on the checklist. Other specifics of the site and proposed plan are:

DESIGN REVIEW COMMISSION CHECKLIST:

1. *Site Layout:* The bank will be located in the existing building on the lot.
2. *Building Elevations:* Four windows on the south building elevation are to be removed and replaced with an ATM, after hours depository and drive-thru window. There are no changes proposed to the other elevations of the building.
3. *Street Improvements and Curb Cuts:* There will be no new street cuts. The applicant will dedicate the right-of-way for the realignment of Germantown Road and will install the “Old Germantown” sidewalk along the Germantown Rd. and North St. frontages. The existing shared access to the property to the south will be retained.
4. *Parking Lots:* The applicant has provided 10 spaces; 8 spaces are required. The existing parking lot is to be repaved and expanded northward.
5. *Exterior Lighting:* The existing decorative light fixtures on the north building elevation will be retained. New decorative fixtures and radius wall sconces will be installed on the other elevations. Cut sheets have been provided.
6. *Garbage Collection Area:* One roll cart shall service the bank. It will be located within an enclosure screened by a wood fence.
7. *Screening of Vents, Utilities, Meters & Mechanical Equipment:* No change from existing.
8. *Landscaping:* refer to submitted Landscape Plan.
9. *Mailboxes:* N/A

10. *Signs:* Hanging Sign submitted with its own application. The ground sign shown on the site plan will require a separate application to a future DRC meeting.

STAFF COMMENTS:

1. PRIOR TO FINAL PLAN APPROVAL

- a. . The applicant will need an exception from the DRC for the pervious/impervious ratio. The “OG” district requires a 55/45 pervious/impervious ratio. The plan provides a 27/73 ratio. The DRC may grant such an exception, per section 23-521(c) of the Germantown Zoning Code. Staff notes that the existing development provides approximately 35% pervious area.
- b. Per a request by the applicant, staff has granted administrative approval of the architectural rendering of the building’s south elevation. (see attached letter)

2. PRIOR TO CONSTRUCTION PLAN APPROVAL

- a. Provide a recordable plat that reflects the dedication of Germantown Road right-of-way.
- b. Include on the site plan a note that the City historic markers will be removed and protected during construction, and that they will be replaced afterwards.
- c. This property is currently three separate parcels. Applicant has stated that they will be combined by the current owner. Provide a recorded plat indicating the combination of the parcels.
- d. A “no entrance” sign should be placed on Germantown Road in the vicinity of the drive-thru exit, and an arrow painted on the drive-thru pavement.
- e. Provide a detail showing the irrigation water line tie-in to the existing water system (including the meter and backflow preventer location).

PROPOSED MOTION: To approve the Preliminary and Final Plan, including a variance for the pervious/impervious ratio, for Landmark Bank located at 2241 S. Germantown Rd. in the “OG” Old Germantown zoning district.

Curtiss Doss with McGee, Nicholson & Burke expressed that the lighting would be built into the body of the equipment and under the canopy of the drive through window. There is also lighting on the building itself for security purposes only. He also explained that there is not going to be a ground mounted sign as the plans are showing at this time.

Mr. Blair Parker explained that they would be willing to go with an evergreen tree form along the property line with Germantown news rather than the burning bushes as requested by the commission. Hel also agreed to place the backflow preventer by the HVAC based on a suggestion by Mr. Bruns. Mr. Parker also agreed to install an additional black tupelo tree in the proposed Germantown Road right-of-way to address a concern raised by Mr. Smith. Mr. Parker also agreed to look into adding a black wrought iron lamppost or bench to address a comment by Alderman Palazzolo.

Mr. Sidney Kuehn expressed that he agreed with the board that smaller trees were needed on this property. He explained that he would like to suggest some for them to use and offered to work with them if needed.

There was no opposition to this application and no further comments. The Chairman asked for a motion.

Alderman Palazzolo moved to approve subject to the board's comments, seconded by Mr. McCaleb.

ROLLCALL: Mr. McCaleb – Yes; Alderman Palazzolo – Yes; Mr. Bruns – Yes; Mr. Smith – Yes; Chairman Saunders - Yes.

MOTION PASSED

Old Business:

Alderman Palazzolo asked the board to clarify their thoughts on the ground-mounted gas pricing signs. He asked if the DRC is okay with this new technology on a regulated basis.

Chairman Saunders explained that in summary that they have looked at it and feel like they needed to control the size, color and intensity of the signs. One of the board's biggest concerns is how they would control the intensity of the lighting. They want to make sure that it is subtle as possible so it is seen at a reasonable distance and not ten miles away. The commission is concerned about trying to come up with a firm means of controlling the intensity and have elected to go with green because it is the less intrusive and the to control the size so as to limit its distance of view. Mr. McCaleb also expressed that there were a lot of discussion on what prices would be allowed on these signs. The commission wants to make sure that the only prices that would be allowed on these signs would be the fuel prices.

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:50 p.m.