

**DESIGN REVIEW COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, February 23, 2010
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 February 23, 2010. Chairman Saunders called the meeting to order at 6:03 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; Ms. Robbie Ann Pahlow, Secretary; Mr. Paul Bruns; Ms. Elizabeth Liles; Mr. Neil Sherman; Mr. Steve Landwehr; Mr. Parker McCaleb and Alderman Palazzolo.

DEVELOPMENT STAFF PRESENT:

Mr. Jerry Cook, Economic & Community Development Director; Mr. Wade Morgan, Chief Planner; Ms. Katie Graffam, Economic Development Coordinator; Ms. Regina Gibson, Administrative Secretary and Mr. Robert McLean, Attorney.

1. Approval of Minutes for January 26, 2010

Mr. Landwehr moved to approve the Design Review Commission minutes of January 26, 2010, seconded by Mr. McCaleb, with no further comments or discussions.

ROLL CALL: Mr. Landwehr – Yes; Ms. Liles – Yes; Mr. Bruns – Yes; Alderman Palazzolo – Yes; Mr. Smith – Yes; Mr. Sherman – Yes; Ms. Pahlow – Yes; Mr. McCaleb – Yes; Chairman Saunders – Yes.

MOTION PASSED

2. Investec Realty – 9037 Poplar Avenue, StoneCreek Centre – Request Renewal of a Temporary Real Estate Sign.


BACKGROUND: The following is a timeline regarding the temporary leasing sign at StoneCreek Centre:

Date	Action
July 16, 2008 – October 16, 2008	Initial permit period for leasing sign
May 19, 2009 – August 31, 2009	First renewal period for leasing sign

The applicant is requesting a 90-day renewal period based on §14-62(f)(2) of the Sign Ordinance which allows the Design Review Commission (DRC) to renew permits for temporary leasing signs if the building meets the qualifications outlined in the ordinance. If approved, the sign would be permitted from February 24, 2010 – April 24, 2010. The sign would have to be removed on April 24, 2010. The applicant is eligible to request an initial permit period through the Code Compliance Division beginning July 16, 2010, two (2) years after the initial permit period per the aforementioned ordinance.

DISCUSSION: The applicant is requesting approval for a 90-day renewal of a temporary leasing sign. The specifics of the request are as follows:

<u>SIGN:</u>	
Location & Height:	The sign is located 30' from Poplar Avenue on the western end of the property, positioned perpendicular to the roadway. The height of the sign will be approximately 6' above the surrounding grade.
Message:	

	
Letter Style:	Arial
Sign Area:	16 sq.ft.
Colors & Materials:	Letters: White and Black Background: Teal, Grey and Yellow Materials: Wood & Vinyl
Mounting Structure:	Ground-mounted by wooden poles.

STAFF COMMENTS:

1. §14-62(f)(2) of the Germantown Sign Ordinance states, “real estate for lease signs shall be removed within 90 days after initial approval. The sign permit may be renewed, after application to and approval by the DRC, for one additional 90-day period, provided the property owner or his agent submits written documentation that the space has not yet been leased or that other space either currently is vacant or will be vacant within 30 days. Subsequent renewals shall be at the discretion of the design review commission, after showing that:
 - 1) leasable floor area within the building is, or will be within the immediate future, vacant;
 - 2) other means to advertise the leasable area are not effective; and
 - 3) the occupancy rate is, or will be within the immediate future, less than 85 percent. The DRC may approve a maximum of two 90-day renewals during the next 24 months.”

The applicant has submitted a letter in the packet stating the conditions in which the sign satisfies all three (3) requirements.

2. If approved, the sign must be removed by April 24, 2010, at the end of the current 90-day renewal period. The sign may not be permitted again until the end of the applicant’s two-year period on July 16, 2010.

PROPOSED MOTION: To approve the request for a 90-day renewal of a temporary leasing sign, located at 9037 Poplar Avenue, subject to staff comments.

Ms. Karen Powers with Investec Realty explained that she was aware that this item was discussed in executive session and denied. She explained that the owner is being told that they will have to wait for a two year period and the building is still not leased. She asked the board to explain how this decision would benefit the community or the property owner? She also expressed that it has been noticed that there are other companies that have had their sign up for years and they seemingly never go away, however her company was attempting to follow the city ordinance.

Chairman Saunders explained that this ordinance was passed for the purpose of helping the property owners. The board felt that this addition to the ordinance would help in getting these buildings leased

however they didn't want these leasing signs to be a permanent fixture in our community so therefore they placed a restriction on the time period. The board felt that by giving the companies the three ninety day periods, however they wanted to use them over the two year period, would be their best effort in helping the property owners to lease their properties without cluttering signs around our city. Chairman Saunders also explained that unfortunately the code enforcement officers are working as diligently as they could however it is the responsibility of the property owners to make sure that the ordinance is followed. He assured her that even though there are others out there that have had their signs up too long the City's Code Enforcement office will eventually take down their signs also. He further explained that the board is not telling her company that they have to take down the leasing signs located in the windows just the one located at the street.

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

Mr. Smith moved to approve this motion as submitted and seconded by Mr. McCaleb.

Chairman Saunders directed the board members that whether they were voting "Yes" or "No" that they also needed to give the reason for their vote. He then explained to the applicant that if their request was denied then they had the right to appeal the decision of the Design Review Commission to the Board of Mayor and Aldermen.

ROLLCALL: Ms. Pahlow – No; Mr. Sherman – No; Alderman Palazzolo – No; Mr. Burns – No; Mr. McCaleb – No; Mr. Smith – No; Ms. Liles – No; Mr. Landwehr – No; Chairman Saunders – No.

The board members stated they voted "No" due to the fact that this request did not comply with the city ordinance.

MOTION FAILED

3. Gary Myers Company – 9289 Poplar Avenue, Poplar Collection – Request Renewal of a Temporary Real Estate Sign.

BACKGROUND: The following is a timeline regarding the temporary leasing sign at Poplar Collection:

Date	Action
November 10, 2008 – February 29, 2009	Initial permit period for leasing sign
April 29, 2009 – July 28, 2009	First renewal period for leasing sign

The applicant is requesting a 90-day renewal period based on §14-62(f)(2) of the Sign Ordinance which allows the Design Review Commission (DRC) to renew permits for temporary leasing signs if the building meets the qualifications outlined in the ordinance. If approved, the sign would be permitted from February 24, 2010 – April 24, 2010. The sign would have to be removed on April 24, 2010. The applicant is eligible to request an initial permit period through the Code Compliance Division beginning July 16, 2010, two (2) years after the initial permit period per the aforementioned ordinance.

DISCUSSION: The applicant is requesting approval for a 90-day renewal of a temporary leasing sign. The specifics of the request are as follows:

SIGN:	
Location & Height:	The sign will be located 35' from Poplar Avenue on the eastern end of the property, positioned perpendicular to the roadway. The height of the sign will be approximately 6' above the surrounding grade.

Message:	
Letter Size:	<p>FOR LEASE: 9"</p> <p>The Gary Myers Company: 3"</p> <p>761-5595: 4"</p> <p>Garymyerscompany.com: 2.5"</p>
Letter Style:	See attached.
Sign Area:	16 sq.ft.
Colors & Materials:	<p>Letters: Black and White</p> <p>Background: Contrast White and Black</p> <p>Materials: Wood & Vinyl</p>
Mounting Structure:	Ground-mounted by wooden poles.

STAFF COMMENTS:

3. §14-62(f)(2) of the Germantown Sign Ordinance states, "real estate for lease signs shall be removed within 90 days after initial approval. The sign permit may be renewed, after application to and approval by the DRC, for one additional 90-day period, provided the property owner or his agent submits written documentation that the space has not yet been leased or that other space either currently is vacant or will be vacant within 30 days. Subsequent renewals shall be at the discretion of the design review commission, after showing that:

- 4) leasable floor area within the building is, or will be within the immediate future, vacant;
- 5) other means to advertise the leasable area are not effective; and
- 6) the occupancy rate is, or will be within the immediate future, less than 85 percent. The DRC may approve a maximum of two 90-day renewals during the next 24 months."

The applicant has submitted a letter in the packet stating the conditions in which the sign satisfies all three (3) requirements.

4. If approved, the sign must be removed by April 24, 2010, at the end of the current 90-day renewal period. The sign may not be permitted again until the end of the applicant's two-year period on November 10, 2010.

PROPOSED MOTION: To approve the request for a 90-day renewal of a temporary leasing sign, located at 9289 Poplar Avenue, subject to staff comments.

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

Mr. Landwehr moved to approve this motion as submitted, seconded by Mr. Sherman.

ROLLCALL: Alderman Palazzolo – No; Ms. Liles – No; Ms. Pahlow – No; Mr. Smith – No; Mr. Sherman – No; Mr. Bruns – No; Mr. McCaleb – No; Mr. Landwehr – No; Chairman Saunders – No.

The board members stated they voted “No” for to the following reasons: the applicant did not attend this meeting, their failure to respond to the code enforcement letters and their request does not comply with the city ordinance.

MOTION FAILED

Old Business: Chairman Saunders asked that Alderman Palazzolo update the Design Review Commission on the Board of Mayor and Aldermen discussion of the LED fuel signs at their meeting on February 22, 2010. Alderman Palazzolo deferred to the other members of the Design Review Commission that were present at the meeting. After much discussion the board firmly agreed that there should be a work session in March concerning the LED fuel signs. Until such time there will be a delay in granting any LED fuel signs until there is a sound understanding and this information is conveyed not only to the Board of Mayor and Aldermen but to the public as well.

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:54 p.m.