

**DESIGN REVIEW COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, April 27, 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 April 27, 2010. 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; Ms. Robbie Ann Pahlow, Secretary; Mr. Paul Bruns; 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 February 23, 2010

Mr. Smith moved to approve the Design Review Commission minutes of February 23, 2010, seconded by Alderman Palazzolo, with no further comments or discussions.

ROLL CALL: Mr. Landwehr – Yes; Mr. Bruns – Yes; Alderman Palazzolo – Yes; Mr. Smith – Yes; Ms. Pahlow – 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:

Note: Item e – Has withdrawn their request for Outdoor Seating Area and is requesting an approval to allow Awnings.

2. CONSENT AGENDA

- a. LOLA – 7509 Poplar Avenue, Suite 105, Saddle Creek West – Request Approval of an Awning-Mounted Tenant Identification sign (WM).
Russ Wherry, H.A. Balton Signs - Applicant
- b. The Market at Poplar Estates – 6993 Poplar Avenue – Request Approval of a Ground-Mounted Project Identification sign (KG).
Trip Trezevant – Applicant
- c. The Market at Poplar Estates – 6993 Poplar Avenue – Request Approval of a Fence, Project Entrance Feature and Landscaping (KG).
Trip Trezevant – Applicant
- d. Wells Fargo Bank – 9301 Poplar Avenue – Request Approval of a sign Package (WM).
Chris Haskins, Frank Balton & Company – Applicant
- e. Carrefour at Kirby Woods Shopping Center – 6655 Poplar Avenue – Request Approval of Storefront Modifications to Allow Awnings (WM)
Nelson Cannon, Cannon, Austin & Cannon – 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.

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

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

MOTION PASSED

STAFF'S COMMENTS / DISCUSSIONS REGARDING THE CONSENT AGENDA ITEMS

a. LOLA – 7509 Poplar Avenue, Suite 105, Saddle Creek West – Request Approval of an Awning-Mounted Tenant Identification Sign.

BACKGROUND: The LOLA store was originally located in Saddle Creek South, and has now relocated to Saddle Creek West. An 8.77 square foot wall sign was administratively approved on March 5, 2010.

DISCUSSION: The applicant is requesting approval of a tenant identification sign to be mounted above the entrance on the store's canopy. The canopy sign is to be in addition to the wall-mounted sign.

Location &

Height: The sign will be mounted on the leading edge of the canopy, ten feet above the sidewalk.

Message: LOLA

Letter Size: 7 in. in height

Letter Style: Arial

Sign Area: 1 ft. 9 in. x 7 in. (1.2 ft²)

Colors &

Materials: white vinyl letters applied to canvas awning

Mounting

Structure: adhesive

Logo: None

Lighting: none

Landscaping: N/A

STAFF COMMENTS:

1. The wall sign complied with the Saddle Creek sign policy and Germantown sign regulations, and was approved administratively. However, the sign policy does not specifically allow signs on the canopy, so requires DRC approval.

2. The wall sign and proposed canopy sign are within the allowed amount of sign area for the store. (The total sign area will be 9.9 square feet. The 20 linear feet of store frontage allows 10 square feet of sign area).
3. Other tenants in Saddle Creek West have been approved for canopy signs (Natural Body)


SIGN SUBCOMMITTEE REPORT: The sign subcommittee met on April 15, 2010, but made no recommendation because it lacked a quorum.

PROPOSED MOTION: To approve the request for an awning sign for the LOLA store located at 7509 Poplar Avenue in Saddle Creek West.

b. The Market At Poplar Estates – 6993 Poplar Avenue – Request Approval of a Ground-Mounted Project Identification Sign.

BACKGROUND: The subject property was purchased by Richard Stringer in 1974 to operate as a nursery prior to annexation. In 2006, the applicant purchased the property and continued to operate it as a legal, non-conforming use in the “R” Residential district.

DISCUSSION: The applicant is requesting approval of a ground-mounted project identification sign. The specifics of the request are as follows:

<u>SIGN:</u>	
Location & Height:	The height of the sign is 6’ from the surrounding grade, oriented perpendicular to Poplar Avenue.
Message:	
Letter Height:	The: 8” Market: 10” AT POPLAR ESTATES: 6”
Letter Font:	The Market: Custom Script AT POPLAR ESTATES: Times New Roman
Sign Area:	12.5 sq. ft.
Colors & Materials:	Letters: Yellow Background: Black Materials: Wood
Mounting Structure:	Landscape Rock Base
Lighting:	100 watt ground-mounted flood lamps on each side of the sign
Landscaping:	Azalea bushes at the base of the sign (applicant has verified that the species of azalea bushes proposed thrives in full sun). Applicant has submitted for separate landscaping approval.

STAFF COMMENTS:

1. The proposed sign meets all the requirements of a legal, non-conforming use in the “R” Residential zoning district.
2. The applicant has an easement agreement with the Texas Gas Transmission Corporation that outlines the type of approved structures that the applicant may place on their property. The proposed sign falls within the list of approved structures. A copy of that easement agreement has been enclosed in this packet.
3. If approved, the applicant must sign a Hold Harmless Agreement with the City of Germantown indemnifying the City of all liability when the Tennessee Department of Transportation begins construction on the widening of Poplar Avenue. When the widening project occurs, the applicant must move the sign inside of his property to the south with Design Review Commission approval.
4. If approved, the applicant must obtain a permit from the Memphis / Shelby County Office of Code Enforcement prior to installing the sign.

SIGN SUBCOMMITTEE COMMENTS:

The sign subcommittee met on Thursday, April 15, 2010, but no quorum was established.

Staff recommendation: Approval, subject to staff comments.

PROPOSED MOTION: To approve the request for a ground-mounted project identification sign at The Market at Poplar Estates, located at 6993 Poplar Avenue, subject to staff comments.

c. The Market At Poplar Estates – 6993 Poplar Avenue – Request Approval of a Fence, Project Entrance Feature and Landscaping.

BACKGROUND: The subject property was purchased by Richard Stringer in 1974 to operate as a nursery prior to annexation. In 2006, the applicant purchased the property and continued to operate it as a legal, non-conforming use in the “R” Residential district.

DISCUSSION: The applicant is requesting approval for three (3) items:

- Fence: The applicant has submitted a photograph of the fence proposed, with a height of five feet (5’) for the white split-rail fence, with stone columns that are six feet (6’) tall. Materials have been submitted for the stone. The fence will be located out of the proposed right-of-way, inside the property on the northern property line, parallel to Poplar Avenue.
- Landscaping: The submitted plans indicate the planting of forty-seven (47) specimens, including varieties of the following: three (3) trees and forty-three (43) shrubs. Please refer to the attached plan for details.
- Project Entrance Feature: The project entrance feature will feature a manual sliding, double-hinge wrought iron gate with a height of eight feet (8’) in the center, tapering down to the six foot (6’) stone columns. The gate will be located forty feet (40’) from the edge of pavement.

STAFF COMMENTS:

1. The City of Germantown Fire Department does not endorse the gating of any development as it will cause a delayed emergency response time. If approved, the Fire Marshal is requiring that the applicant install a Knox lock on the gate for emergency access.

2. If approved, the applicant must irrigate and maintain the landscaping for the life of the project.

LANDSCAPE SUBCOMMITTEE COMMENTS:

The landscape subcommittee met on Thursday, April 15, 2010, but no quorum was established. Members of the subcommittee recommended that the applicant replace the azalea bushes with a specimen that thrives in full sun. The applicant maintains that the azalea bushes proposed are recommended for full sun locations.

Staff recommendation: Approval, subject to staff comments.

PROPOSED MOTION: To approve the request for a fence, landscaping and project entrance feature located at the Market at Poplar Estates, 6993 Poplar Avenue, subject to staff comments.

d. Wells Fargo Bank – 9301 Poplar Avenue – Request Approval of a Sign Package.

DISCUSSION: The applicant is requesting approval of a tenant identification sign package consisting of one ground sign and one wall sign.

SIGN 1 – wall sign:

Location &

Height: The sign will be mounted on the building's Poplar Ave. frontage, above the entrance, 12 feet above the ground.

Message:



WELLS
FARGO

Letter Size: 12" in height

Letter Style: corporate font

Sign Area: 5' 7 1/4" x 2' 4" (13.1 ft²)

Colors &

Materials: 0.08 in. thick aluminum sheeting, with yellow vinyl applied to the face and gloss black returns

Mounting

Structure: sign box mounted directly to brick façade

Logo: None

Lighting: white LED backlighting of each letter

Landscaping: N/A

SIGN 2 – ground sign:

Location &

Height: 30 feet behind the curb of Poplar Ave.; west of the western-most entrance to the bank.
Six feet in height.

Message:



WELLS
FARGO

Letter Size: 9 in. in height

Letter Style: Corporate font

Sign Area: 5 ft., 3 ⁷/₈ in. x 4 ft. 1 ¹/₄ in. (22 ft²)

Colors &

Materials: Letters: Translucent yellow vinyl
Background: 0.90 aluminum sign cabinet, painted maroon.

Mounting

Structure: Sign to be mounted on a brick base

Logo: None

Lighting: none

Landscaping: a landscape plan consisting of Hollies and Pansies has been provided

STAFF COMMENTS:

1. The signs comply with the sign regulations for size, height, location and content (35.5 sq. ft. allowed and 35.1 proposed).
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 April 15, 2010, but made no recommendation because it lacked a quorum.

PROPOSED MOTION: To approve the request for a sign package (ground-mounted and wall-mounted tenant identification signs) for Wells Fargo Bank located at 9301 Poplar Ave.

- e. **Carrefour at Kirby Woods Shopping Center – 6655 Poplar Avenue – Request Approval of a Storefront Modifications to Allow Awnings.**

BACKGROUND: The Board of Mayor and Aldermen approval Project Development Contract No. 929 for the Carrefour Shopping Center on December 19, 1989.

DISCUSSION: The applicant is requesting approval of two modifications to the building exterior:

1. To add a stationary canopy over the outdoor seating area of Swanky’s Taco restaurant. The canopy will be forest green fabric, and the support poles will be painted forest green also. In addition, the applicant proposes to add a forest green awning on a portion of the Mister B’s restaurant facade. Additional awnings will be phased in on additional portions of the building façade as they are needed. Photos and diagrams of the proposal are attached.
2. To add clear vinyl side panels around the Swanky’s Taco outdoor seating area. The panels will be installed during fall and winter, and removed during warmer weather. A photo of a similar enclosure is attached and samples of the vinyl material will be available at the DRC meeting.

Note: Request No 2 was withdrawn at the meeting, prior to its discussion.

STAFF COMMENTS:

1. Samples of the awning fabric and clear vinyl have been provided.

PROPOSED MOTION: To approve the addition of a permanent canopy over the outdoor seating area of Swanky’s Taco restaurant and awnings on the remainder of the façade of Carrefour shopping center at 6655 Poplar Avenue, subject to the plans and illustrations filed with the application.

END CONSENT AGENDA

1. Investec Realty Services – 8000 Wolf River Boulevard, The Shops at River Center – Request a 90-Day Renewal of a Temporary Leasing Sign.

BACKGROUND: The applicant was issued a permit on August 27, 2008, for the display of a temporary leasing sign at the 8000 Wolf River Boulevard for a 90-day period through November 28, 2008. The applicant was notified in mid-March of 2009 by the Code Compliance division that the sign would need to be removed or the permit renewed. The DRC approved a first renewal on July 28, 2009, which ran through October 29, 2010. The following table summarizes the approvals and renewals to date:

Date	Action
August 27, 2008 – November 28, 2008	Initial permit period for leasing sign
July 28, 2009 – October 29, 2009	First renewal period for leasing sign

The applicant is now 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 will be permitted to be displayed from April 28, 2010 through July 28, 2010.

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 20’ from Wolf River Boulevard, positioned parallel to the roadway. The height of the sign will be approximately 6’ above the surrounding grade.

Message:	
Letter Style:	Arial
Sign Area:	24 sq.ft.
Colors & Materials:	Letters: Teal Background: Black Materials: Wood & Vinyl
Mounting Structure:	Ground-mounted by wooden poles.
Logo:	
Logo Area:	1 sq.ft.
Lighting:	n/a
Landscaping:	n/a

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 a 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.”
2. The applicant has submitted a letter documenting the compliance with leasing sign regulations.
3. The original 24 month period within which display is allowed ends August 27, 2010.
4. If approved by the DRC, the sign must be removed by July 27, 2010.

SIGN SUBCOMMITTEE REPORT: The sign subcommittee met on April 15, 2010, but made no recommendation because it lacked a quorum.

PROPOSED MOTION: To approve the 90 day renewal of a temporary real estate leasing sign located at 8000 Wolf River Boulevard.

Ms. Karen Powers with Investec Realty explained that she was not involved with the original sign request. Investec Realty was notified by Code Enforcement that their permit expired. They requested an extension and were granted one until October 2009. No application to extend this permit was made from October 2009 until March 2010.

After much discussion the board explained that this sign had been up since August, 27, 2008 which is more than 270 days. It is Investec Realty's responsibility to follow The City of Germantown's Ordinance and is not Code Enforcement's job to notify Investec Realty that you are in violation.

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

Alderman Palazzolo moved to approve as verbally amended and seconded by Mr. Smith.

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

The board members stated they voted "No" due to the fact that this sign had already been up for more than 270 days and did not comply with the city ordinance.

MOTION FAILED

2. McNeil Commercial Real Estate – 7730 Wolf River Boulevard, The Shops at River Center – Request a 90-Day Renewal of a Temporary Leasing Sign.


BACKGROUND: The following is a timeline regarding the temporary leasing sign for McNeill Commercial Real Estate (Retail):

Date	Action
January 9, 2009 – April 18, 2009	Initial permit period for leasing sign
September 1, 2009 – December 1, 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 April 28, 2010 – July 28, 2010.

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 18' from Wolf River Boulevard, positioned perpendicular to the roadway. The height of the sign will be approximately 6'6" above the surrounding grade.

Message:	
Letter Style:	Arial
Sign Area:	8.75 sq.ft.
Colors & Materials:	Letters: White & Green Background: White & Black 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 a 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 July 28, 2010, at the end of the 90-day period.
3. This development consists of two (2) separate buildings. The retail building (Exline’s Pizza, Subway, etc.), represented by this application, is located east of the office building.
4. If approved, the applicant must obtain a temporary sign permit from the Code Compliance Division of the Department of Economic and Community Development.

SIGN SUBCOMMITTEE COMMENTS:

The sign subcommittee met on Thursday, April 15, 2010, but no quorum was established.

Staff recommendation: Approval, subject to staff comments.

PROPOSED MOTION: To approve the request for a 90-day renewal of a temporary leasing sign, located at 7730 Wolf River Boulevard, subject to staff comments.

Ms. Cindy McBryer admitted that they had kept their sign up for longer than they were supposed to but didn’t think it had been more than the 270 days. McNeill Commercial Real Estate was notified by Code Enforcement but missed the last Design Review deadline date for last month’s meeting.

Chairman Saunders explained that although McNeill Commercial Real Estate is still within the two year period and still had one period of renewal, by default their sign has still been there longer than it should have been.

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

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

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

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

The board members stated they voted “No” due to the fact that this sign had already been up for more than 270 days and did not comply with the city ordinance.

MOTION FAILED

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:39 p.m.