

**DESIGN REVIEW COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, September 28, 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 September 28, 2010. Chairman Saunders called the meeting to order at 6:10 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. Neil Sherman; Mr. Parker McCaleb; Ms. Elizabeth Mann; Mr. Paul Bruns; Mr. Steve Landwehr and Alderman Palazzolo.

DEVELOPMENT STAFF PRESENT:

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

1. Approval of Minutes for August 24, 2010

Mr. Landwehr moved to approve the Design Review Commission minutes of August 24, 2010, seconded by Mr. Smith, with no further comments or discussions.

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

2. CONSENT AGENDA

- a. Germantown Properties – 1932 Exeter Road, Suite 3 – Request Approval of a Wall-Mounted Tenant Identification Sign (WM)
Debbie Faber w/Berryhill Signs - Representative
- b. Dinstuhls – 7730 Poplar Ave. – Request Approval of a Wall-Mounted Tenant Identification Sign (KG)
Mark Balton w/Precision Signs – Representative
- c. Hollywood Feed Store – 2031 S. Germantown Road – Request Approval of Building Façade Modification (WM)
Bruce Taylor - Applicant
- d. Hollywood Feed Store – 3021 S. Germantown Road – Request Approval of a Wall-Mounted Tenant Identification Sign (WM)
Scott Balton, w/Precision Signs - Representative

Comment: The Chairman stated he would like to remind the Commissioners that voting on 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 is not 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. Sherman moved to approve the Consent Agenda as amended, seconded by Mr. Bruns.

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

MOTION PASSED

STAFF'S COMMENTS / DISCUSSIONS REGARDING THE CONSENT AGENDA ITEMS

a. Regency Homebuilders – 1364 Cordova Cove: Request Approval of a Wall-Mounted Tenant Identification Sign.

DISCUSSION:

Sign Location &

Height: The sign will be mounted at a height of six feet above the surrounding grade, and setback ten feet from the street.

Message:



Letter Size: 2 3/8" x 2" - Germantown
2 3/8" x 2" - Properties
1" x 3/4" - Realtors

Letter Style: Goudy Bold

Sign Area: 3' x 1' (3 ft²)

Colors & Materials: Letters: Silver, aluminum
Background: antiqued gold, Painted Wood

Mounting Structure: Brick

Logo: None

Lighting: None

Landscaping: N/A

STAFF COMMENTS:

1. The sign complies with the sign regulations.

2. Washington Square Office Park has no sign policy, so should create one.
3. 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 September 16, 2010, and recommended approval on the consent agenda.

PROPOSED MOTION: To approve the request for a wall-mounted tenant identification sign approval for Germantown Properties, located 1932 Exeter Road in a “T5” Urban Center zoning district, adhering to “O” Office zoning district.

b. Dinstuhls – 7730 Poplar Ave. – Request Approval of a Wall-Mounted Tenant Identification Sign.

BACKGROUND: Dinstuhl’s is occupying the space that was formerly leased to Factory Outlet Scrubs, adjacent to Merle Norman and Dazzle.

DISCUSSION: The applicant is requesting approval of a wall-mounted identification sign. The sign, which conforms to the Germantown sign ordinance, is outside the parameters of the approved sign policy for Germantown Village Square by having taller letters and a custom font. The proposed sign has been approved by the property management company. The specifics of the request are as follows:

Location & Height:	Oriented parallel to the building façade, approximately 15 feet in height.
Message:	
Letter Size:	“D”: 28” x 32” “instuhl’s”: 18” x 54”
Letter Style:	Custom font
Sign Area:	13 sf
Colors & Materials:	Color: Tomato Red, Materials: Aluminum
Mounting Structure:	Stud mount
Lighting:	15MM 6500 White Neon Reverse Channel

SIGN SUBCOMMITTEE COMMENTS:

The sign subcommittee met on Thursday, September 16, 2010, and recommended approval on the consent agenda.

STAFF COMMENTS:

4. According §14-34(c)(1) of the Code of Ordinances, “wall signs shall have a maximum total sign area of 50 square feet, or one-half square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area.” Dinstuhl’s has 26 feet of linear frontage, resulting in an allowable total signage of 13 sf. The sign proposed is 13 sf.
5. The proposed sign requires an exception to the Germantown Village Square sign policy. According to the policy, no letter may exceed 24” in height, and all signs must be displayed in Optima Bold font in capital letters. The “D” in the Dinstuhl’s sign is 28” in height, and the applicant is requesting a custom font for the tenant. The proposed sign has been approved by the landlord. The sign policy is attached.
6. 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 recommend approval of a wall-mounted tenant identification sign for Dinstuhl’s, located at 7730 Poplar Avenue in the Germantown Village Square shopping center, subject to staff comments and the site plan file with this application.

c. Hollywood Feed Store – 2031 S. Germantown Road – Request Approval of Building Façade Modifications.

DISCUSSION: The applicant is requesting approval to add a gable and two dormers to the roof, replace the porch columns, relocate the entry door and repaint the building.

The building formerly housed Seabrook Paints, but is now vacant. Hollywood Feed proposes to locate into the building and make the following modifications:

1. Add a gable and two dormers to the front of the building. The gable will contain the tenant sign.
2. Replace the existing 8 painted porch columns with 8 stained wood and stacked stone columns.
3. Relocate the entry door from the middle of the façade to the southern end of the front wall and change the appearance of the door from a wooden residential style to a metal commercial style.
4. Paint the brick and wood trim.

STAFF COMMENTS:

7. Samples of the paint colors have been provided.
8. The State of Tennessee plans to improve this section of Germantown Road and has obtained additional right-of-way for that project. The applicant plans to install 2 Crape Myrtles and Liriope within a 7 foot landscape area after those improvements are made.



EXISTING BUILDING FAÇADE



2031 GERMANTOWN RD. - PROPOSED FRONT ELEVATION

d. Hollywood Feed Store – 2031 S. Germantown Road – Request Approval of a Wall-Mounted Tenant Identification Sign.

DISCUSSION: The applicant is requesting approval of a wall mounted tenant identification sign

SIGN:

Location &

Height: The sign will be centered on the building's frontage, on a new gable to be constructed on the building's frontage, 13 feet above the ground.

Message:



- Letter Size: 12 in. to 24 in. in height
- Letter Style: corporate font
- Sign Area: 13 ft., 6 in. by 2 ft., 7 in. (34.88 ft²)
- Building frontage: 77 ft.
- Colors &
Materials: aluminum, with yellow and red vinyl applied to the face
- Mounting
Structure: sign box mounted directly to wood building façade
- Logo: None
- Lighting: “white” LED backlighting of each letter
- Landscaping: N/A

STAFF COMMENTS:

9. The sign complies with the sign regulations for size, location and content (34.8 sq. ft. proposed and 38.5 sq. ft. allowed).
10. 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 September 16, 2010, and requested the applicant a “flat” finish for the yellow vinyl of the sign.

PROPOSED MOTION: To approve the request for a wall-mounted tenant identification sign approval for Hollywood Feed, located 2031 S. Germantown Road in a “T5” Urban Center zoning district, adhering to “C-2” Commercial zoning district.

3. Dogwood Ridge Senior Community PUD – South Side of Poplar Ave., East of Kimbrough Rd. – Request Preliminary and Final Plan Approval.

BACKGROUND: The 7-acre site was annexed by the City on September 12, 1973. There have been two previous plans approved for the property in recent years, but neither development was constructed. The Planning Commission on July 7, 2009, recommended denial of a request by the applicant to rezone this 7 acre parcel to the R-H district. The Board of Mayor and Aldermen subsequently approved that request for rezoning on September 28, 2009. On May 4, 2010, the Planning Commission approved the outline plan and the preliminary site plan for the current project. The Board of Mayor and Aldermen approved the outline plan on June 14, 2010. The Planning Commission approved the final site plan on August 3, 2010.

DISCUSSION:

SITE DATA	
Site Area (after ROW dedication)	6.797 ac.
Building Footprint Area	69,021 sq. ft.
Total Floor Area	219,524 sq. ft.
Dwelling Unit Count	130 Independent Living 52 Assisted Living
Parking Required	181 Spaces
Provided (Regular)	173 Spaces
Provided (Handicap)	8 Spaces
Lot Coverage	24.6%
Pervious Surface	minimum of 35%
Impervious Surface	maximum of 65%

The project is submitted for DRC approval of landscaping, building materials, building elevations and lighting.

DESIGN REVIEW COMMISSION CHECKLIST:

1. Site Layout:
The proposed building will occupy the center portion of the lot, facing Poplar Ave. A driveway with parking spaces encircles the building. Two sizeable courtyards are to be located in the building's interior.
2. Building Elevations:
Color building elevations and a sample board of building materials have been provided. The north elevation will face Poplar Avenue and consists of two different brick colors, stone veneer and siding. The east, south and west elevations will primarily be horizontal siding, with limited brick sections to break up the long expanse of walls. A contrasting color will be used for wood trim, downspouts, garage doors and ground floor units' fencing. The roof will be asphalt shingles. (see comment 4)
3. Street Improvements and Curb Cuts:
Access to the site will be provided from two (2) curb cuts on Poplar Ave. The western entrance will be right in/out only and the eastern entrance will provide full access.
4. Parking Lots:
5. Parking is to be provided on the site perimeter in garages, carports and uncovered spaces. There are landscape islands to break up the expanse of parking spaces.
6. Exterior Lighting:
A photometric plan has been provided, indicating illumination levels of 0.1 footcandle or less on the site perimeter. The perimeter drive and parking areas are to be illuminated by 250 watt, metal halide fixtures mounted on poles. A total of 7 pole-mounted "globe type" fixtures, with 100 watt metal halide bulbs, are to be located within the landscape area between the building and parking spaces along the Poplar Ave. frontage. The pole heights are not indicated. See comment 5) A wide array of uplights, pathway lights, wall sconces and other decorative lights are also proposed.
7. Garbage Collection Area:
The garbage collection area will be located in the southeast corner of the site in a brick enclosed dumpster enclosure area with a metal gate. The height of the enclosure will be 8 feet.
8. Vents:

The Rooftop Plan indicates that vents are to be located on the courtyard (interior) sides of each building.

9. Gas, Electric, & Water:

An emergency power generator, electrical transformer, gas meter and switchboard are to be located in the southeast corner of the site, near the garbage dumpster. Another electrical transformer and switchboard are located by the northwest corner of the building. The landscape plan indicates plant screening around the equipment. (see comment 6)

10. Mechanical Units:

HVAC equipment, condensers, kitchen fans and pool equipment are to be located in 5 areas of the roof and screened by penthouse structures or concealed within the volume of the roof, according to a note on the roof plan. (see comment 7)

11. Landscaping:

A landscape plan has been provided indicating the location, size and type of landscape materials to be used for this project.

12. Building Numbers:

The applicant shall consult with the City of Germantown Fire Marshal regarding the size and locations of building numbers prior to Construction Plan approval.

13. Signs:

Any signage that is illustrated on the plans shall be disregarded. The applicant shall submit a separate sign application at a future date.

STAFF COMMENTS:

1. The site is heavily wooded and has substantial elevation changes. The site plan approved by the Planning Commission removes almost all of the trees because of the grading necessary for the building construction. When the Planning Commission approved the preliminary plan, they made special note of the substantial tree removal and instructed the developer to put extra effort into the landscape plan and to use native plants where possible.
2. The site development plan includes a substantial retaining wall along the south property line and parts of the west and east lines. The retaining wall will be up to 17 feet in height in some locations. An information brochure on the wall material is enclosed. A sample will be brought to the DRC meeting.
3. The construction plans shall clearly identify the location of the property line fence.
4. The elevation plans' color samples indicate a paint color (PT-02) for "wood trim/shutters, downspouts". However, no shutters are indicated on the plans.
5. The height of all poles for light fixtures shall be provided prior to final DRC approval.
6. The height of the emergency power generator shall be provided on the construction plans. Fencing may be required.
7. Details of the screen walls for rooftop mechanical units shall be provided on the construction plans.

SIGN SUBCOMMITTEE REPORT: The landscape subcommittee met on September 16, 2010, and withheld a recommendation.

PROPOSED MOTION: To approve the preliminary and final plan for the Dogwood Ridge Senior Community PUD, located on the south side of Poplar Ave., east of Kimbrough Rd.

Chairman Saunders recused himself from this item and turned the meeting over to Vice-Chairman Smith.

Mr. Mark Mayberry and Ms. Debra Daws spoke in regards to the development and landscaping for the project.

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

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

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

MOTION PASSED

4. Amendment to the Germantown Code of Ordinance Regarding Temporary Leasing Sign Regulations.

BACKGROUND: Currently, the ordinance requires the following steps for an initial permit and renewal of a temporary leasing sign:

1. The applicant files a request with the Code Compliance Division requesting a 90-day permit for display of a temporary leasing sign. The permit is granted if the sign meets all the size, location and content requirements of the Code, as well as the following vacancy requirements:
 - a. Leasing space is vacant or about to become vacant;
 - b. The project is less than 85 percent occupied; and
 - c. The applicant has used other means of advertising (direct mail, web listing, etc.) that have been ineffective.
2. For a 90-day renewal of the permit, the applicant must apply to the Design Review Commission (DRC) 30 days in advance of the meeting to meet the agenda deadline, only 60 days into the permit period. As before, the applicant must meet all of the previous criteria.
3. The applicant is only eligible for two 90-day renewals in a 2-year period, beginning from the date of the initial permit issued by Code Compliance. Therefore, the sign must either be removed intermittently throughout the two (2) years, or be removed the remaining time period, assuming the renewal periods were concurrent with the initial permit.

DISCUSSION: As a result of the above criteria, the Design Review Commission (DRC) agendas have been dominated by the sign renewal requests. Often times, the sign renewal request is coming several months after the sign permit has expired, yet the sign has remained erected. The DRC and the commercial real estate market have expressed an interest in amending the current ordinance.

This ordinance amendment was presented to the DRC at its August 24, 2010 meeting, where it was decided that further research was needed. Requests by the commission included input from property managers in the City, vacancy rate history and information from neighboring communities regarding how they monitor their temporary leasing signs (if allowed).

After input from the chairman of the DRC and property managers, staff is proposing three (3) options for the ordinance amendment. The first two (2) options were presented to the DRC at its August 24, 2010 meeting. Options 3-5 are new alternatives.

Option Number	Sign Type	Placement	Content	Permit Period
Option 1	Remove all temporary signs	Allow alteration of permanent sign	The following phrase would be allowed on a permanent sign, "For Lease 755-XXXX"	Administrative approval of the sign alteration on a permanent basis
Option 2	Existing temporary sign ordinance remains	Same	Allows website and/or email address in addition to previous content allowed	Extends the 90-day permit period to 6 months, renewal is processed administratively after being removed for 30 days. Vacancy criteria must be met before permit is issued and/or renewed.
Option 3	New temporary sign	Allows 2' x 3' sign 50' from the curb or property line (exception allowed by DRC on location, but in no case closer than 15' to the curb or property line), 4' in height	The following information would be allowed: "For Lease" Agent Name Company Name or Logo Email Web Address Retail/Office	Administratively permitted for one (1) year, to be renewed administratively on an annual basis. Permit fee would be \$250, due on an annual basis.
Option 4	Allows either permanent sign with leasing information (Option 1) or interior temporary sign (Option 3)	Option 1 placement or Option 3 placement	Option 1 content or Option 3 content	Option 1 permit or Option 3 annual permit
Option 5	Allows BOTH permanent sign with leasing information with space type designated AND a temporary sign when space is vacant	Same as existing – permanent sign is 30 ft from the curb, temporary sign is 30 ft from the curb, 18 sf in size	Allows type of space on permanent and temporary sign. Temporary sign allows website and/or email in addition to previous content allowed	Permanent sign alteration approved by the DRC, temporary sign permitted and renewed administratively on a 6-month basis. No vacancy percentage requirement, so long as ONE bay is open, the center qualifies for a temporary sign permit. It must be removed for 30 days for administrative approval for a renewal.

The following information was gathered from adjacent and similar municipalities in Tennessee:

- *Brentwood, TN* allows a freestanding real estate sign for any property that is for sale, rent or lease. If the sign is in a shopping center, it will go against the overall allotted signage for

temporary signs in that area, which provides for only two (2) signs per lot. The sign is permitted for only 60 days in any calendar year.

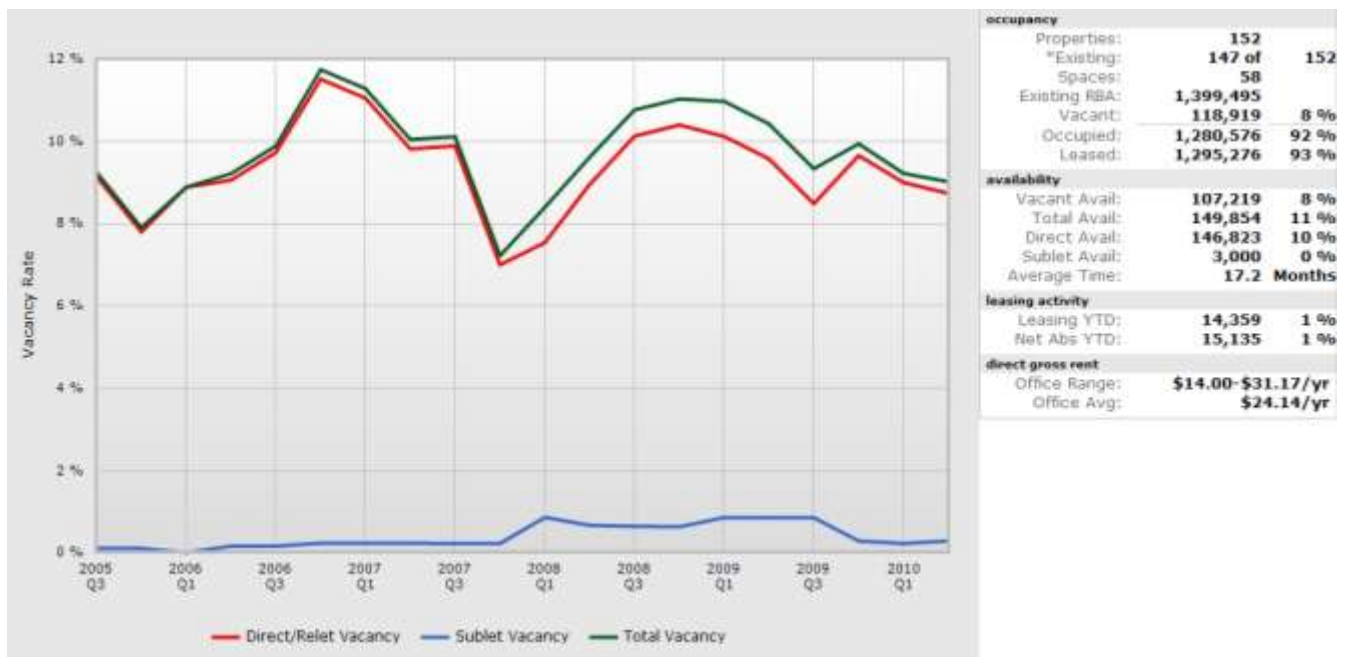
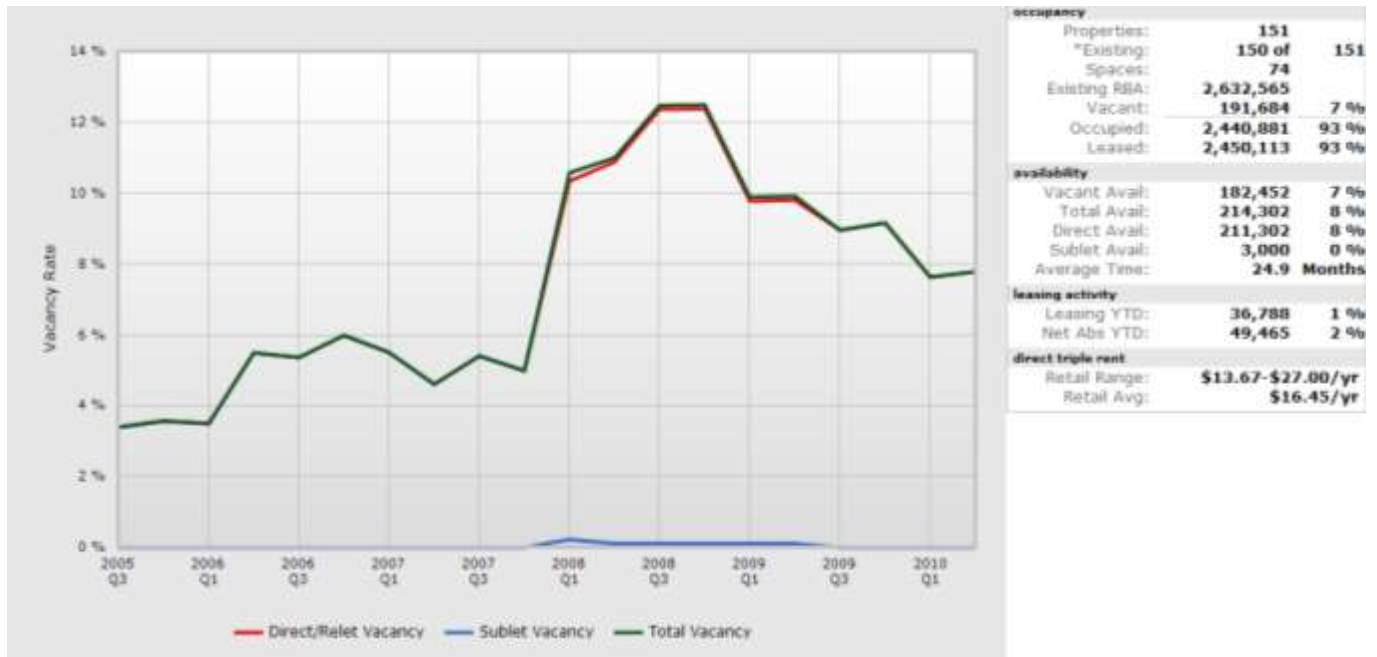
- *Collierville, TN* allows temporary leasing signs 30 feet from the back of curb for signs with a sign area between 20 and 32 square feet, 20 feet from the back of curb for signs with a sign area between 7 square feet and 19 square feet, and 10 feet from the back of curb or outside of the right of way, whichever is farther, for signs with a sign area of 6 square feet. The permit period is for 60 days within a calendar year.
- *Bartlett, TN* allows information signs at the discretion of the DRC.

Several property managers were called by staff to gather their input on the options being presented to the DRC:

Agent Name	Management Company	Property(ies) Represented	Comments
Matt Basara	Kimco Realty	Germantown Collection (Kroger, Panera)	Option 1, while is the most appealing of the three, is not viable as there is not room on the sign for an alteration. Option 2 involves an element of paperwork he'd rather avoid. Option 3 is the least appealing as the sign is too small and not on the street. Bottom line, he wants a temporary sign on the street.
Nelson Cannon	Cannon, Austin and Cannon	Carrefour (Borders)	Felt that no temporary sign had demonstrated usefulness to him outside of the window sign and computer listing.
Tim Garrett	Belz	Germantown Village Square (Pier 1)	Preferred Option 1 on the permanent sign, with the type of space designated. He felt that visibility from the street, designating retail/office and permanency were of the utmost importance.
Jon Isbell	Boyle	Shops of Forest Hill (Target)	Preferred an option that was more on the street, but he has never used the signs because the property is oddly shaped for them to be effective.
Leslie Jerkins	Loeb	Farmington Centre (The Winery)	Preferred Option 4
Jason Polley	StoneCrest Investments	Exeter Village (Firestone) and StoneCreek Centre (Russo's New York Pizzeria)	Preferred Option 3
Rick Smith	Finard	Germantown Plaza (Hobby Lobby)	No return call
Kenneth Taylor	Jones, Lang and LaSalle	Saddle Creek North, Saddle Creek South and Saddle Creek West	Preferred Option 3

Vacancy History:

The following is a graphical representation of retail vacancy rates from CoStar:



SIGN SUBCOMMITTEE COMMENTS:

The sign subcommittee met on Thursday, September 16, 2010, but no decision was reached.

PROPOSED MOTION #1: To recommend approval of Option # 1 as an amendment to the Sign Ordinance.

PROPOSED MOTION #2: To recommend approval of Option #2 as an amendment to the Sign Ordinance.

PROPOSED MOTION #3: To recommend approval of Option #3 as an amendment to the Sign Ordinance.

PROPOSED MOTION #4: To recommend approval of Option #4 as an amendment to the Sign Ordinance.

PROPOSED MOTION #5: To recommend approval of Option #5 as an amendment to the Sign Ordinance.

Mr. Morris Tiles with Belz Enterprises asked that the City allow property owners to have temporary ground signs as well as a permanent monument sign.

After much discussion the board explained that they were still not comfortable with making a decision at this time, however Chairman Saunders assured Mr. Tiles that a decision would be made before January 2011.

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

Alderman Palazzolo moved to table this proposal, seconded by Mr. Smith.

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

MOTION TO TABLE PASSED

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 7:14 p.m.