

**DESIGN REVIEW COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, October 26, 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 October 26, 2010. Chairman Smith called the meeting to order at 6:06 p.m. requesting the roll call. Ms. Regina Gibson called the roll of the Board and established a quorum:

COMMISSIONERS PRESENT:

Mr. Ralph Smith, Vice Chairman; Ms. Robbie Ann Pahlow, Secretary; Mr. Parker McCaleb; Ms. Elizabeth Mann; and Mr. Paul Bruns

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 September 28, 2010

Mr. Bruns moved to approve the Design Review Commission minutes of September 28, 2010, seconded by Ms. Mann, with no further comments or discussions.

ROLL CALL: Ms. Mann – Yes; Mr. Bruns – Yes; Ms. Pahlow – Yes; Mr. McCaleb – Yes; Chairman Smith – 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. Stonecreek Center – South Side of Poplar Ave., West of Forest Hill-Irene Road – Request Approval of Permanent Project Directory Sign (WM)
Al Davidson - Representative
- b. Spectrum Lighting – 1375 West Brierbrook Road – Request Approval of a Wall-Mounted Tenant Identification Sign (KG)
Stephanie Luttrell w/Spectrum Lighting - Applicant
- c. Make a Wish Foundation – Saddle Creek – Request Approval of a Special Event Banner (WM)
Brooke Ehrhart w/Make A Wish - Applicant
- d. The Stables at Farmington Pointe – 7846 Farmington Blvd. – Request Renewal of a Temporary Real Estate Leasing Sign (KG)
Steve Woodyard, w/Woodyard Realty - Applicant

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. McCaleb moved to approve the Consent Agenda as amended, seconded by Ms. Pahlow.

ROLL CALL: Mr. McCaleb – Yes; Mr. Bruns – Yes; Ms. Mann – Yes; Ms. Pahlow – Yes; Chairman Smith - Yes.

MOTION PASSED

STAFF'S COMMENTS / DISCUSSIONS REGARDING THE CONSENT AGENDA ITEMS

a. Stonecreek Center – South Side of Poplar Ave., West of Forest Hill-Irene Road – Request Approval of Permanent Project Directory Sign.

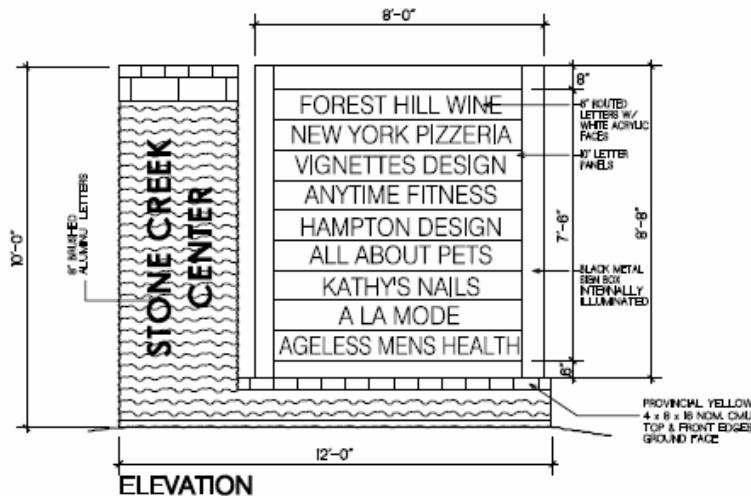
DISCUSSION: The applicant is requesting approval of a permanent project directory sign for the entire Stonecreek Center to replace the existing project sign.

SIGN:

Location & Height:

The sign will be constructed on the east side of the middle driveway to Poplar Ave., 22 feet from the curb. The sign will be 10 feet in height.

Message:



Letter Size: 6 in. tall height

Letter Style: not specified

Sign Area: 120 square feet on each face (10 ft. x 12 ft.); with 60 sq. ft. for the directory area.

Colors & Materials: “STONE CREEK CENTER” – brushed aluminum letters
Directory letters – routed letters with white acrylic faces

Mounting Structure: the directory will be supported by a structure composed of Provincial Yellow concrete masonry units and cultured stone, similar to the material used in the center’s buildings (see attached photo)

Logo: None

Lighting: the directory signs will be internally illuminated as specified by the Project Directory Sign regulations. the center name portion will be illuminated by existing ground-mounted lights.

Landscaping: a landscape plan is provided. The sign will be landscaped by an existing Arborvitae, Yaupon Hollies and Daylilies

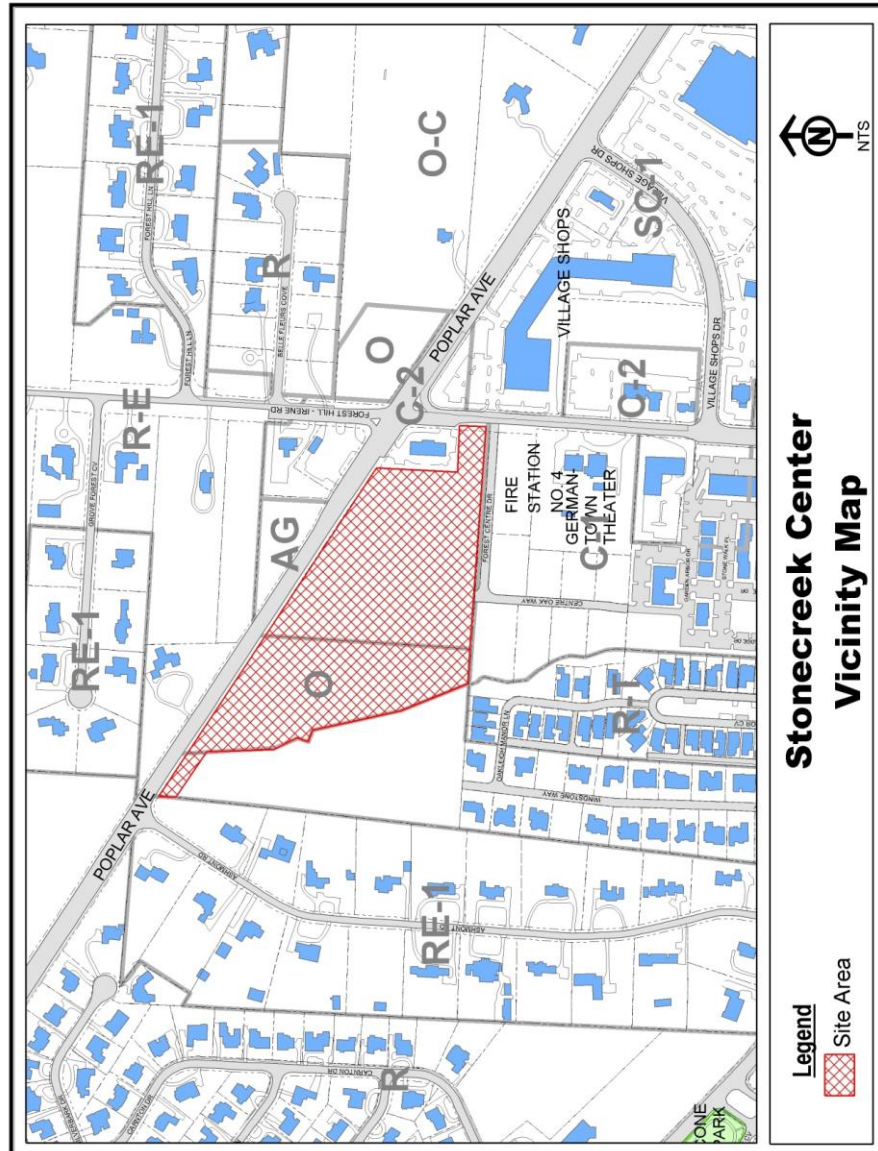
STAFF COMMENTS:

1. The sign complies with the sign regulations for size, height, location and content.
2. The existing project sign will be removed prior to the completion of the project directory sign.
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 October 14, 2010, and recommended approval on the consent agenda on the condition that the applicant provide a sample of the directory sign material. Mr. Davidson stated the directory area will be built to conform to the Permanent Project Directory Sign requirements, with a black metal panel routed with the tenant name, backed by a cream acrylic panel, with illumination within the sign.

PROPOSED MOTION: To approve the request for a Permanent Project Directory Sign for Stonecreek Center, subject to the staff comments and site plan submitted with the application.







b. Spectrum Lighting – 1375 West Brierbrook Road – Request Approval of a Wall-Mounted Tenant Identification Sign.

BACKGROUND: Spectrum Lighting and Controls, Inc. is occupying the space that was formerly owned by Ameriprise Financial.

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

Location & Height:	Oriented parallel to the building façade, approximately 6 feet in height.
Message:	

Letter Size:	“Spectrum”: “Lighting and Controls, Inc.”:	25” x 3” 25” x 1”
Letter Style:	American Gothic	
Sign Area:	3.87 sf	
Colors & Materials:	Color: Background – Black, Letters – Gold, Materials: High Density Urethane	
Mounting Structure:	Stud mount	
Logo:		
Logo Area:	0.22 sf	
Lighting:	n/a	

SIGN SUBCOMMITTEE COMMENTS:

The sign subcommittee met on Thursday, October 14, 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.” Spectrum Lighting has 72 feet of linear frontage, resulting in an allowable total signage of 36 sf. The sign proposed is 3.87 sf.
5. 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 wall-mounted tenant identification sign for Spectrum Lighting and Controls, Inc., located at 1375 West Brierbrook, subject to staff comments and the site plan filed with this application.

c. Make a Wish Foundation – Saddle Creek – Request Approval of a Special Event Banner.

(The attached vicinity map locates the 3 proposed banners)

DISCUSSION: The applicant is requesting approval of a package of charitable event banners for the Make-a-Wish Foundation’s fund raising effort.

BANNER 1:

Location A: Southeast corner of Poplar Ave. and Arthurwood Drive (Saddle Creek West)

Location &

Height: Adjacent to the existing Saddle Creek sign; eight feet in height.

Message:



Letter Size: 18" in height

Letter Style: Century Gothic

Sign Area: 7 ft. x 3 ft. (21 sq. ft)

Colors &

Materials: white vinyl letters on a blue vinyl background

Mounting

Structure: metal banner frame

Logo: None

Lighting: none

Landscaping: existing material

Duration: November 20 through December 10.

Location B: West side of West Street, at the northern driveway to Saddle Creek South.

Location &

Height: eight feet in height.

Message: same message as Location A

Letter Size: 18" in height

Letter Style: Century Gothic

Sign Area: 7 ft. x 3 ft. (21 sq. ft)

Colors &

Materials: white vinyl letters on a blue vinyl background

Mounting

Structure: metal banner frame

Logo: None

Lighting: none

Landscaping: existing material

Duration: November 20 through December 10.

Location C: Northeast corner of Poplar Ave. and West Farmington, east of the Saddle Creek fountain.

Location &
Height: eight feet in height.

Message: same message as Location A

Letter Size: 18" in height

Letter Style: Century Gothic

Sign Area: 7 ft. x 3 ft. (21 sq. ft)

Colors &
Materials: white vinyl letters on a blue vinyl background

Mounting
Structure: metal banner frame

Logo: None

Lighting: none

Landscaping: existing material

Duration: November 20 through December 10.

Location D: Northeast corner of Poplar Ave. and West Farmington, north of the Saddle Creek fountain.

Location &
Height: eight feet in height.

Message: same message as Location A

Letter Size: 18" in height

Letter Style: Century Gothic

Sign Area: 7 ft. x 3 ft. (21 sq. ft)

Colors &
Materials: white vinyl letters on a blue vinyl background

Mounting
Structure: metal banner frame

Logo: None

Lighting: none

Landscaping: existing material

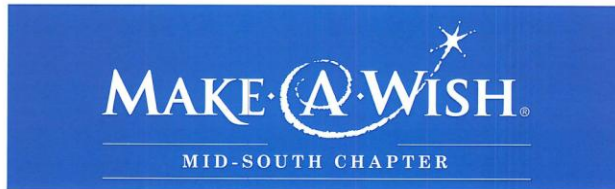
Duration: November 20 through December 10.

BANNER 2:

Location: Northeast corner of Poplar Ave. and West Farmington, at the base of the Saddle Creek fountain

Location &
Height: three feet in height.

Message:



Letter Style: NA

Sign Area: 10 ft. x 3 ft. (30 sq. ft)

Colors &
Materials: white vinyl on a blue vinyl background

Mounting
Structure: none; hung from the masonry fountain wall

Logo: see attached graphic

Lighting: none

Landscaping: existing material

Duration: November 20 through December 10.

BANNER 3

Location A: Northeast corner of Poplar Ave. and West Farmington, north of the Saddle Creek fountain.

Location &
Height: eight feet in height.

Message:



Letter Size: 18" in height

Letter Style: Century Gothic

Sign Area: 7 ft. x 3 ft. (21 sq. ft)

Colors & Materials: white vinyl letters on a blue vinyl background

Mounting Structure: metal banner frame

Logo: None

Lighting: none

Landscaping: existing material

Duration: December 6 through December 9, during the campaign finale.

Location B: Northeast corner of Poplar Ave. and West Farmington, east of the Saddle Creek fountain.

Location & Height: eight feet in height.

Message: same message as Banner 3, Location A

Letter Size: 18" in height

Letter Style: Century Gothic

Sign Area: 7 ft. x 3 ft. (21 sq. ft)

Colors & Materials: white vinyl letters on a blue vinyl background

Mounting
Structure: metal banner frame

Logo: None

Lighting: none

Landscaping: existing material

Duration: December 6 through December 9, during the campaign finale.

STAFF COMMENTS:

6. The signs comply with the technical sign regulations for size, height, location and content for charitable and non-profit event banners. DRC approval is required.
7. The manager of the Saddle Creek shopping centers, Kenneth Taylor, has been obtained.
8. The Make a Wish tree will be installed in the Saddle Creek fountain.

SIGN SUBCOMMITTEE REPORT: The sign subcommittee met on October 14, 2010, and recommended that the request be approved on the consent agenda if the applicant will agree to:

1. Place the banner within a metal framework and place the frame's legs into ground sleeves so as to insure the banner's stability;
2. Utilize grommets and sail holes within the banners to keep them taught;
3. Inspect the banners daily and straighten and tighten as necessary.

The applicant has stated that the Make a Wish chapter will comply with the conditions.

PROPOSED MOTION: To approve the request for charitable/non-profit event banners for the Make a Wish Foundation 2010 fund-raising event at the Shops of Saddle Creek centers.


d. The Stables at Farmington Pointe – 7846 Farmington Blvd. – Request Renewal of a Temporary Real Estate Leasing Sign.

BACKGROUND: The following is a timeline regarding the temporary leasing sign for Woodyard Realty:

Date	Action
March 4, 2010 – June 4, 2010	Initial permit 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 October 26, 2010 – January 26, 2011.

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 30' from Farmington Boulevard, positioned perpendicular to the roadway. The height of the sign will be approximately 4' above the surrounding grade.
Message:	
Letter Style:	Arial
Sign Area:	6 sf
Colors & Materials:	Letters: Blue, White & Black Background: White & Blue Materials: Metal
Mounting Structure:	Ground-mounted by metal poles.

SIGN SUBCOMMITTEE COMMENTS:

The sign subcommittee met on Thursday, October 14, 2010, and recommended approval on the consent agenda.

STAFF COMMENTS:

9. §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.
10. If approved, the sign must be removed by January 26, 2011, at the end of the 90-day period.
11. If approved, the applicant must obtain a temporary sign permit from the Code Compliance Division of the Department of Economic and Community Development.

PROPOSED MOTION: To approve the request for a 90-day temporary leasing sign renewal for Woodyard Realty, located in the Stables at Farmington Pointe shopping center at 7846 Farmington Boulevard, subject to staff comments and the site plan filed with this application.

3. Amendment to the Germantown Code of Ordinances Regarding Temporary Leasing Sign Regulations.

INTRODUCTION: The City of Germantown proposes an amendment to the sign ordinance regarding ground-mounted temporary leasing signs. The purpose of the amendment is to address concerns from both the commercial real estate market and City staff over the difficulty of administering the current ordinance.

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 two-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-year period, 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 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 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 and September 28, 2010 meetings, where several options were discussed. 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).

The following is an amendment on which a consensus was reached at the sign subcommittee meeting held on Thursday, October 14, 2010:

Sign Type	Placement	Content	Permit Period	Appeal Process
Temporary sign	20 feet from the curb, maximum of 16sf in size	The following information would be allowed: “For Lease”, Agent Name, Company Name, Logo, Email or Web Address, Phone number, Retail/Office	180-day permit period. Only one permit granted within a 12-month period. All permits are processed administratively through the Code Compliance division for a fee of \$250. No vacancy criteria required. 180-day period begins from the issuance of the permit, regardless if the sign is installed immediately.	If the applicant is not satisfied with revisions requested by Code Compliance staff, the applicant may apply to the DRC for approval. Any appeal from a DRC decision will be made to the BMA.

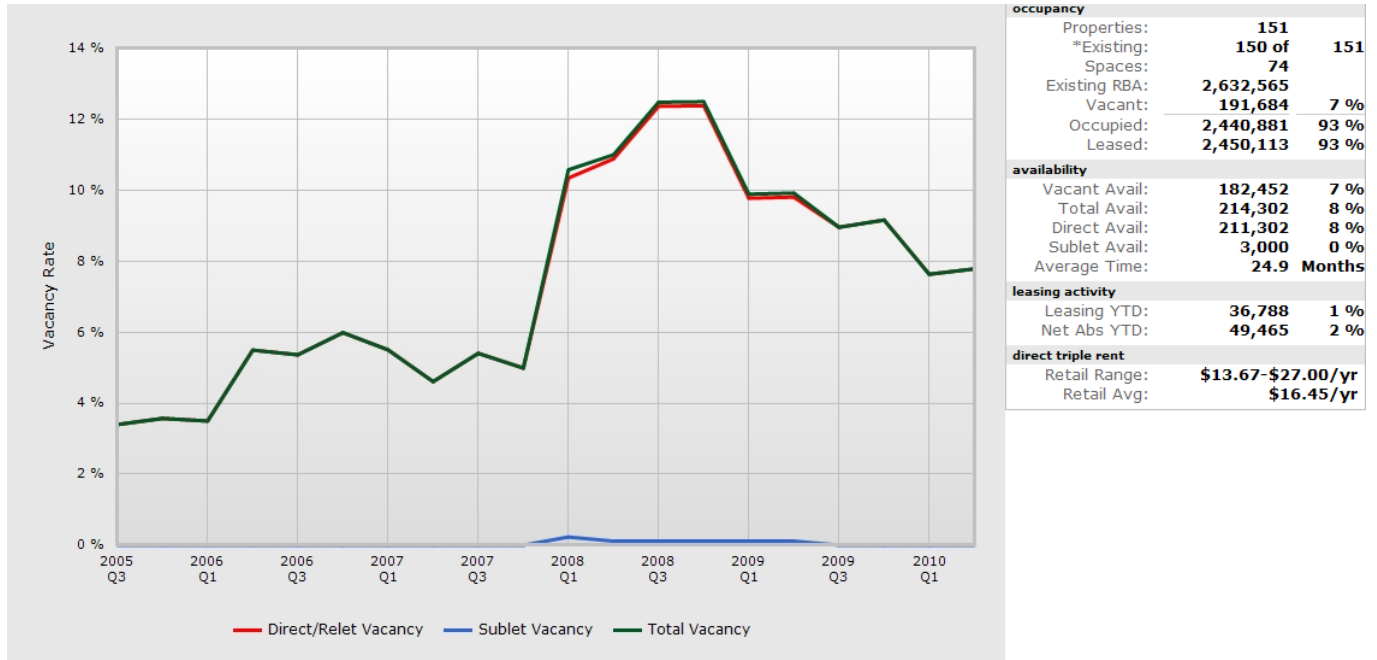
The following information was gathered from adjacent and similar municipalities in Tennessee:

- *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.

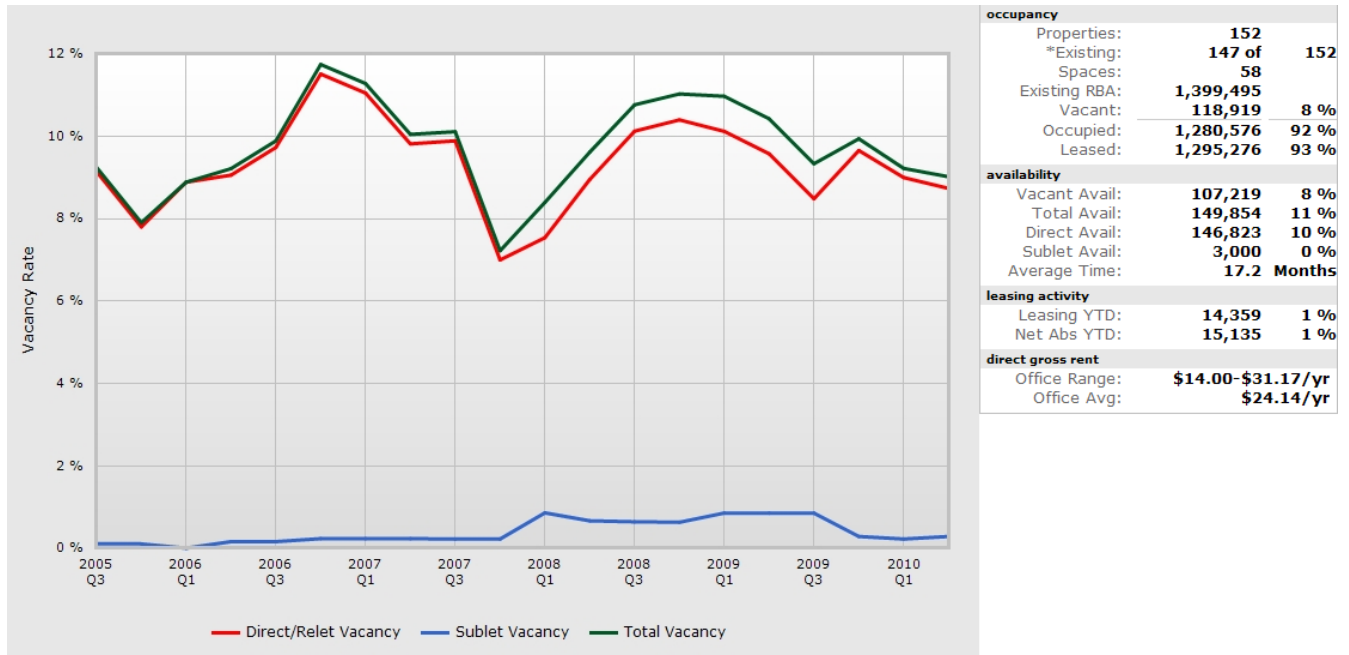
Several property managers were called by staff to gather their input on the options being presented to the DRC:

Agent Name	Management Company	Property(ies) Represented	Comments
Matt Basara	Kimco Realty	Germantown Collection (Kroger, Panera)	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)	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)	Felt either the permanent sign or temporary sign was their preference.
Jason Polley	StoneCrest Investments	Exeter Village (Firestone) and StoneCreek Centre (Russo's New York Pizzeria)	Preferred a temporary sign that was displayed on a permanent basis with leasing information provided.
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 a temporary sign that was displayed on a permanent basis with leasing information provided.
Ron Belz	Belz Enterprises	Germantown Village Square	Wants leasing information on permanent sign in addition to temporary sign on property at street on a permanent basis.

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



Office vacancy rates from CoStar:



SIGN SUBCOMMITTEE COMMENTS:

The sign subcommittee met on Thursday, October 14, 2010, and created this amendment. The subcommittee felt that this amendment not only alleviated administrative concerns with the monitoring issues of temporary leasing signs, but was “pro-business” by allowing an extended permit period, a location closer to the street, an addition of sign content to allow electronic communication, removed the

stringent vacancy criteria and removed the burden of applying to the DRC that requires a 30-day waiting period for review.

PROPOSED MOTION: To approve the amendment as presented to the temporary leasing sign ordinance.

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

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

ROLL CALL: Ms. Mann – Yes; Ms. Pahlow – Yes; Mr. McCaleb – Yes; Mr. Bruns – Yes; Chairman Smith – Yes.

MOTION PASSED

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Chairman adjourned the meeting at 6:15 p.m.