

**DESIGN REVIEW COMMISSION
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, November 22, 2011
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 22, 2011. Vice Chairman Smith called the meeting to order at 6:07 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; Mr. Parker McCaleb, Secretary; Alderman Greg Marcom; Mr. Paul Bruns; Mr. Neil Sherman; Mr. Eric Alter; and Mr. Sidney Kuehn

DEVELOPMENT STAFF PRESENT:

Mr. Andy Pouncey, Economic & Development Services Director; Mr. Wade Morgan, Chief Planner; Ms. Regina Gibson, Administrative Secretary; and Mr. Robert McLean, Attorney

1. Approval of Minutes for September 27, 2011

Mr. Sherman moved to approve the Design Review Commission minutes of September 27, 2011, seconded by Mr. McCaleb, with no further comments or discussions.

ROLL CALL: Mr. Kuehn – Yes; Mr. Alter – Yes; Mr. Bruns – Yes; Alderman Marcom – Yes; Mr. Sherman – Yes; Ms. Pahlow – Yes; Mr. McCaleb – Yes; Vice Chairman Smith – Yes.

MOTION PASSED

2. Germantown Collection, 7820 – 7850 Poplar Avenue – Request Approval of (1) A Revised Site Lighting Plan; and (2) A Dumpster Enclosure.

BACKGROUND:

Lighting - The existing parking lot lights and building wall-pack lights date to the construction of Germantown Collection in 1987. Existing parking lot lights are “acorn” style fixtures with 150-watt high pressure sodium lamps on 14 foot-tall poles. Photos of some of the existing lights are included. There are 6 wall-pack lights on the rear (east) side of the building.

Dumpsters – A dumpster near the southern end of the shopping center was approved by the DRC as part of the original development. In December, 2005, a second enclosure was approved on the north side of the original dumpster enclosure. In early 2011, an additional dumpster enclosure was constructed approximately 300 feet to the north of the second enclosure (without DRC approval). That enclosure is 9 ft. 9 in. in height

DISCUSSION:

Lighting: The applicant is requesting approval to replace the existing parking lot lights with 40 of the post-top style fixtures shown on the attached lighting plan. The fixtures will be mounted on 14-foot poles (12 ft. poles with 2 ft. concrete bases on six locations within the parking lot). The poles and fixtures will have a dark bronze finish. Lamps will be 100 watt metal halide. Eight lights along the Poplar Ave. frontage will have house-side shields to direct the light downward and prevent glare. The lighting plan provides a photometric analysis that indicates an average illumination level of 2.0 foot-candles on the site, and a maximum of 0.9 foot-candles just beyond the east property line.

The six existing wall-pack lights on the east building wall are to be replaced with eight outdoor wall-packs using 100-watt metal halide lamps. Five wall-pack light fixtures are also to be installed on the west wall of the building containing Chili’s restaurant, Baskin-Robbins and other tenants.

Dumpster: The dumpster’s location is shown on the attached air photo and details of the enclosure’s material and dimensions are shown on the applicant’s plans. The restrictive covenants that were adopted

with the original approval of the Germantown Collection center are also attached. Covenants 3 and 4 specifically address dumpsters and refuse removal. Sanitation vehicles are to operate between 9:00 am and 3:30 pm.

STAFF COMMENTS:

1. The bases of the parking lot lights should be painted to match the pole and fixture.
2. The wall-packs on the east building wall should be positioned, aimed or shielded so as to direct light downward not toward adjacent residential property.
3. There are two lights on the Poplar Ave. frontage (at the eastern driveway and in front of Panera Bread) that are not indicated as having house-side shields. The plan should be revised to provide those two lamps with house-side shields. All the shields should be on the street side of the light fixture.
4. The two pole-mounted fixtures nearest the east property line are within 50 feet of residential property, so should be a maximum of 14 ft. in total height in order to comply with the Design Review Manual guidelines on lighting.

PROPOSED MOTIONS:

MOTION 1) To approve the parking lot and building lighting plan for Germantown Collection subject to staff comments.

Mr. Pouncey explained that this fixture is an improvement over the old fixture in that it shields from distances. It places the light down on the source and is a vast improvement as far as its impact on neighbors. Andy expressed his concern that the requested carriage light fixtures that are facing Kroger on the north side, did not work well with the Kroger's shoe box type fixture and should be changed since it is perceived as the same property. He explained that these lights are dramatically different in that the carriage light fixture is old fashion and reminds you of the lights that were used on carriages and what people use in a residential scale and here they want approval to use in a commercial scale.

Vice Chairman Smith asked if the applicant would be willing to change to the shoebox type of lighting that is facing the north side of the Kroger building.

Mr. Ashmont explained that the property management owner has requested this type of decorative lighting instead of using the Kroger shoebox type of lighting. They would probably be willing to change the lighting on the North end if this board feels it is necessary but would prefer to keep what has already been selected.

Mr. Sherman moved to approve this motion as submitted referring to staff comments 1-4 listed above, seconded by Mr. McCaleb.

ROLL CALL: Mr. Bruns – No; Alderman Marcom – Recused Himself; Mr. Alter – Yes; Mr. Sherman – Yes; Mr. McCaleb – No; Ms. Pahlow – Yes; Mr. Kuehn – Yes; Vice Chairman Smith – No.

MOTION PASSED

MOTION 2) To approve an additional existing dumpster enclosure for Germantown Collection as shown on the site plan included with the application and subject to staff comments.

Jim Schumpert w/The Reaves Firm requested approval for the lighting plan and dumpster enclosure. He explained that since the dumpster has already been built that it would have to be destroyed in order to move it.

Mr. and Mrs. Frank Bluestein explained that they live directly behind this dumpster and have lived here for more than thirty years. They assured the board that the whole neighborhood would be against this

structure because the existing garbage area is left open and over flowing most of the time. They are awakened quite often at 2:00 am in the morning by the trucks cleaning the pavement and trash being picked up way late at night which is against the covenants. This property owner didn't give any notice that they were building this garbage structure and didn't receive any permission from the city to do so. They feel this is a serious infraction and the dumpster should be removed.

Andy Pouncey wanted to say for the record that the restrictive covenants need to be followed and it reads: "To limit sanitation vehicles in their normal operation between the hours of 9:00 am to 3:30 pm. Also to restrict normal contract sweeping of the parking lots, the same will not occur before 5:30 am or after 12:00 midnight." He stated that this needs to be policed and feels we can help with this. "To use all reasonable efforts to severally limit large delivery vehicles providing goods and services to the occupants of the property in their use of the driveway along the east property line and if such efforts are not successful in severely limiting the use of said driveway of such vehicles the City of Germantown may impose such requirements with respect to the property that will totally prevent the use of such driveway by said vehicles." Andy said that the city needs to sit down with the centers management since they have new people and discuss this situation with them. He explained that we cannot change these covenants but we can enforce them and that is what we have to do.

Mr. Kuehn moved to table the application and instructed the staff to review the dumpster situation, look for alternative locations with the applicant and return to the DRC at the December 27, 2011 meeting, seconded by Mr. McCaleb.



ROLL CALL: Ms. Pahlow – Yes; Mr. Sherman – Yes; Alderman Marcom – Recused Himself; Mr. Bruns – Yes; Mr. McCaleb – Yes; Mr. Kuehn – Yes; Mr. Alter – Yes; Vice Chairman Smith – Yes.

MOTION TABLED

3. Batteries Plus- 7850 Poplar Ave., Suite 28 – Germantown Collection – Request Approval of a Wall-Mounted Tenant Identification Sign.

BACKGROUND: The previous business in this space was Hallmark Cards.

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

: Location & Height:	the sign is proposed to be located above the main customer entrance, 12 feet above the ground.
Content:	
Colors & Materials:	Color: Green and gold (Batteries Plus corporate colors) Materials: aluminum letters
Font:	corporate font
Sign Area:	12.44 sq. ft.
Logo:	
Logo Area:	1.46 sq. ft.

Mounting Structure:	stud-mounted to the brick wall
Lighting:	backlighted with LED

STAFF COMMENTS:

5. The proposed sign complies with the Sign Regulations and the Germantown Collection sign policy in terms of the overall sign area, location and material. The standard sign color, which the staff is allowed by the sign policy to approve administratively, is cream. Dark Green, Centauri Red and Autumn Copper are listed in the sign policy as approved colors, but require DRC approval. The sign policy requires all other colors, and signs with logos, to obtain approval from the DRC.
6. All existing wall signs in the center are cream in color. Photos are attached.
7. The logo must be reduced slightly in size to comply with the sign regulations. The logo is 1.46 sq. ft. in area, but can only be a maximum of 1.25 sq. ft.
8. If approved, the applicant must obtain a permit from the Memphis / Shelby County Office of Code Enforcement prior to installing the signs.

SIGN SUBCOMMITTEE RECOMMENDATION: the Sign Subcommittee did not meet in November.

PROPOSED MOTION: To approve the request for a wall-mounted tenant identification sign for Batteries Plus, at 7850 Poplar Ave., no.28, subject to staff comments.

Mr. Kuehn moved to approve this motion as submitted but with cream-colored text, seconded by Ms. Pahlow.

ROLL CALL: Mr. Kuehn – Yes; Mr. Sherman – Yes; Ms. Pahlow – Yes; Alderman Marcom – Yes; Mr. McCaleb – No; Mr. Alter – Yes; Mr. Bruns – Yes; Vice Chairman Smith – Yes.

MOTION PASSED

ADJOURNMENT

There being no further business, comments, or questions by the Commission, the Vice Chairman adjourned the meeting at 7:08 p.m.