

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

STAFF RECOMMENDATION

**422 Broadway
October 17, 2018**

Application: Signage
District: Broadway Historic Preservation Zoning Overlay
Council District: 19
Map and Parcel Number: 09306307300
Applicant: Steve Meisner
Project Lead: Melissa Baldock, melissa.baldock@nashville.gov

<p>Description of Project: Following a recent court order, the applicant is proposing a new sign to replace the existing sign disapproved by the Commission on February 21, 2018.</p> <p>Recommendation Summary: Staff recommends approval of the signage, finding that it meets the design guidelines for signage in the Broadway Historic Preservation Zoning Overlay with the exception of the placement. Staff recommends approval of the proposed placement since the windows the sign will cover are not historic and are located on the rear of the building. In addition, staff recommends approval because all other non-window locations would not meet the design guidelines for placement.</p>	<p>Attachments A: Plans</p>
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Vicinity Map:



Aerial Map:



Applicable Design Guidelines & Order Granting Partial Summary Judgment:

IV. SIGNAGE INTRODUCTORY PROVISIONS

Allocation of Sign Area

The maximum sign area for each type of sign is established in the following tables. Specific requirements for each sign type are shown on the subsequent pages.

For each cell in the table, there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted.

The measurements for “linear feet” shall be at grade.

Building Signs

Wall, Awning, Canopy and Projecting Signs—1.5 square feet of sign area per 1 linear foot of building façade or 36 square feet, whichever is greater. When a projecting sign is used on a building, an additional .50 square feet of sign area per 1 linear foot of building façade shall be permitted, for a total 2 square feet per 1 linear feet of building façade.

Shingle Sign: 9 square feet per sign

Ground Signs

Monument Sign-24 square feet

Skyline Signs

75'-110'—480 square feet

101'-200'—600 square feet

201' and taller-720 square feet

GENERAL STANDARDS

Materials

All permanent, on-premises signs shall be constructed of a rigid, weatherable material such as hard plastic, wood, MDO plywood, aluminum, steel, PVC, glass, fiberglass and or Plexiglass. On-premises permanent signs shall not be constructed of nonrigid materials including, but not limited to, vinyl, fabric, canvas, or corrugated plastic. The provisions of this subsection shall not apply to approved, permitted canopies, awnings and porticoes.

Building Façade and Street Frontage Measurement

In determination of number of stories of a building, rooftop additions shall not be considered within the number of stories.

OTHER SIGN TYPES

Non Street Facing Signs

Non street-facing building facades and alley frontages, not otherwise regulated, are allocated 1 square foot of sign area per 1 linear foot of building façade, to a maximum of the sign area permitted for the primary street frontage.

This includes lots adjoining open spaces, pedestrian walkways, or parking areas. Ground signs are not permitted on non-street facing building facades or alley frontages.

Building Sign: Projecting Sign

Description

A projecting sign is a type of building sign that projects outward from the façade, typically at a ninety degree angle. Projecting signs are typically, but not always, vertically oriented and generally mounted

above the first floor.

General Provisions

- A projecting sign must be located at least 25 feet from any other projecting sign. When building width prohibits adherence to this standard, flexibility shall be permitted through Modification to be reviewed by staff.
- A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used, however, in no case shall the sign exceed the maximum dimensional standards below.
- A projecting sign shall be located below the windows sills of the third story.
- The top of a projecting sign shall not extend above the building eave or top of parapet.
- A projecting sign can be externally or internally illuminated in accordance with the Illumination design guidelines.
- Projecting signs that are 3-dimensional may be permitted through a modification.
- A projecting sign cannot cover windows or architectural details.

Design Standards

- A** Overall area allocation (max)—see allocation of sign area
- B** Height (max)
 - 1 story buildings—10 feet
 - 2 and 3 story buildings—16 feet
 - 4 or more story buildings—20 feet
- C** Average spacing from façade (min)—1 foot
- D** Projection Width (max)—6 feet
- E** Depth of Cabinet (max)—2 inch or 18 inches for internally lighted or neon signs

Illumination

Illumination of signs shall be in accordance with the following requirements:

External Illumination

- External light sources shall be placed close to, and directed onto the sign and shielded to minimize glare into the street, sidewalks or onto adjacent properties.
- Projecting light fixtures used for externally illuminated signs shall be simple and unobtrusive in appearance. They should not obscure the sign.

Internal Illumination

- Channel letters may be internally lit or back-lit.
- For cabinet signs, the background must be opaque. Only graphics, text and logos may be illuminated, and a halo of one inch around graphics, text, and logos may be non-opaque.
- Exposed neon may be used for lettering or as an accent.

Prohibited Light Sources

The following light sources are prohibited:

- Blinking, flashing, chasing, and sequential lighting. This type of lighting may be allowed for Broadway (not the district but the street) only through a modification. In these cases, the chase or flash should not last less than every three seconds.
- Bare bulb illumination.

Raceways and Transformers

- Visible transformers are prohibited.

Changeable copy signs shall be in accordance with the following requirements:

RELEVANT PORTIONS FROM ORDER GRANTING PARTIAL SUMMARY JUDGMENT, FILED 10/20/2017

10. With regard to the rear sign, Metro's Motion for Summary Judgment is granted. There are no genuine issues of material fact and Metro is entitled to a judgment as a matter of law. Item No. 12 of the Permit, which governs this alteration, and the rights of each party, specifies that "the existing rear sign shall project off the rear wall as shown on the attached plans."
11. The applicable design guidelines state that placement, materials and design used should replicate those typically used between 1850 and 1957. Review is required for permanent signs that are mounted on the exterior of buildings or anchored freestanding on the property.
12. It is undisputed that the new sign has new visual elements, including yellow and blue neon, U-shaped tubes, and the addition of the language "alley entrance." The distinction from orchid to two is insignificant.
13. Because Tootsie's never applied for a permit to install any sign other than the existing one, the commission never had the opportunity to review proposed modifications to the sign. Accordingly, Metro's Motion for Summary Judgment is granted, as the undisputed facts demonstrate that Tootsie's violated the guidelines and the permit by installing a sign other than the existing sign without seeking prior commission approval.
14. Tootsie's shall apply to for MHZC to review and approve the new sign that is currently projecting off the rear wall of the building within 30 days of the entry of this order. However, Tootsie's is not required to take down the current sign at this time. After MHZC approves or disapproves the sign, Tootsie's may seek review of the MHZC's decision pursuant to Tenn. Code Ann. §13-7-409 and §27-9-102

Background: 422 Broadway is a contributing building in the Broadway Historic Preservation Zoning Overlay.

In 2011, the property owner requested to construct rooftop and rear additions and to move an existing rooftop sign. Initially, the applicant requested to move the sign from its rooftop location to the top of the new rooftop addition. This was not found to be appropriate since the 2011 design guidelines for signage (III.A.3) specifically stated that rooftop signage was not appropriate. The commission approved the project with the relocation of the sign to the rear wall and a permit was issued on October 19, 2011.

In September of 2013 it was discovered that the rooftop addition was not constructed in accordance with the permitted plans, the building had been painted without review, and the signage on the rear was different than the sign that had been approved to be moved from the rooftop to the alley facade. Since that time, the matter has been in court. On October 20, 2017, the court decided that the applicant should apply to the MHZC to retain the sign. The applicant applied in February of 2018 to keep the existing sign but was denied. The current application is for a new sign to replace the existing projecting sign located on the alley.

Analysis and Findings:

Signage Types: The sign, in its new location, is a projecting neon sign which is listed in the design guidelines as an appropriate type of signage.

Signage Allocation: This building has an alley-side allotment of fifty-three square feet (53 sq. ft.). The projecting sign is just over twenty square feet (20 sq.ft.) and therefore meets the design guidelines for allotment.



Figure 1: The side sign is an example of signage inside of the glass that is not reviewed by the Commission because of its interior location.

Signage Location: , The signage is proposed to be installed below the window sills of the top floor, which meets the design guidelines. However, the design guidelines state that signage should not obscure architectural features, and the proposed sign is to be mounted on a window casing. Staff recommends approval based on the fact that the windows are not historic and they are located on the rear of the building. In addition, any other non-window locations would put the signage in inappropriate or unsafe locations.

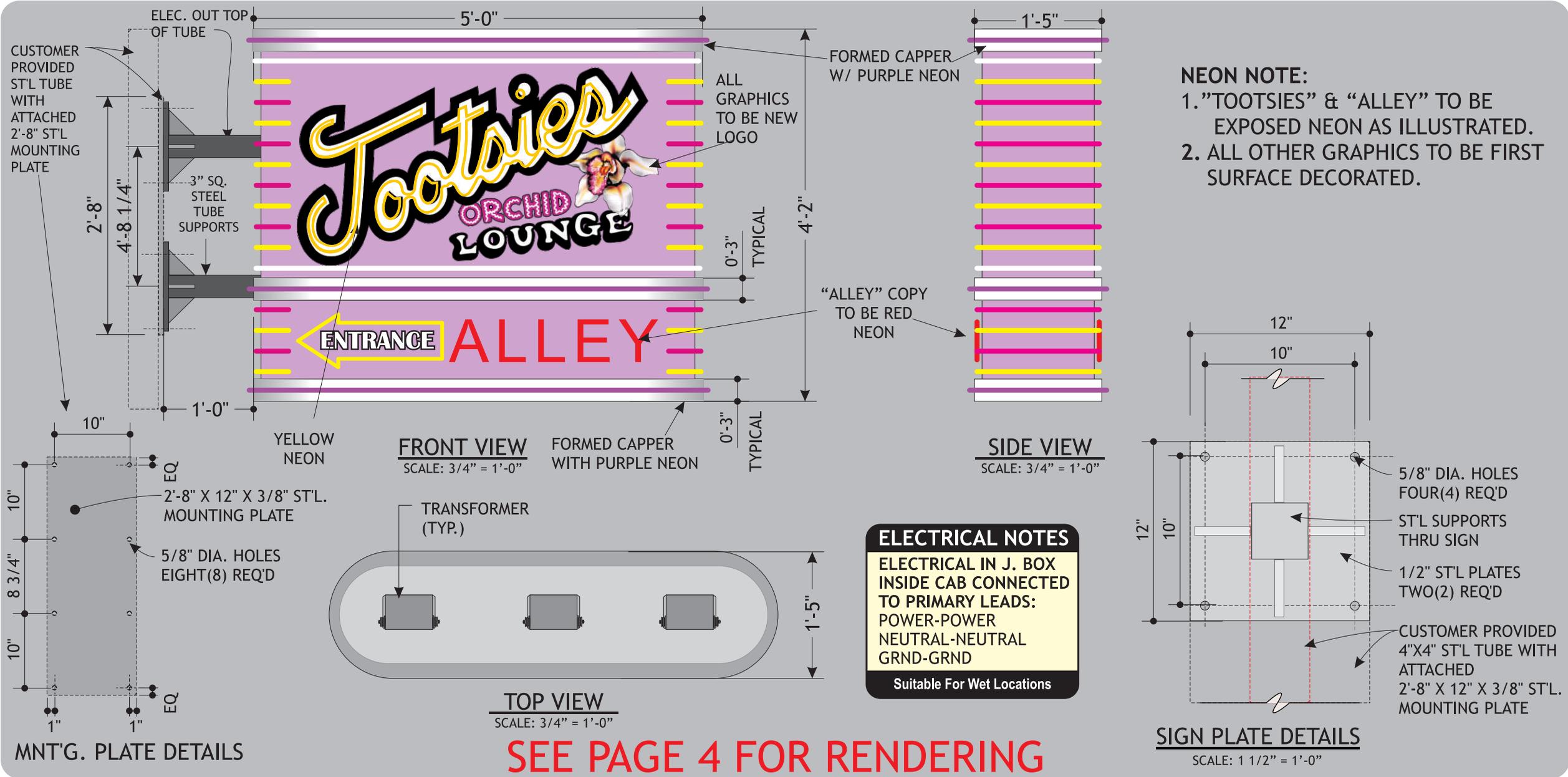


Figure 2: The disapproved sign is located in the same location as the new sign proposed.

Size: The sign is located one-foot (1') from the wall, which is the minimum allowed by the design guidelines. Its full projection is six feet, which is the maximum allowed by the design guidelines. The sign is four feet and two inches (4' 2") tall which is well below the maximum height sixteen feet (16') allowed by the design guidelines. The width of the sign meets the eighteen inches(18") allowed by the design guidelines.

Materials & Lighting: The sign is a metal and neon, which meets the design guidelines for materials. No flashing or chasing lights are proposed. No spinning/rotating features are proposed.

Recommendation: Staff recommends approval of the signage, finding that it meets the design guidelines for signage in the Broadway Historic Preservation Zoning Overlay with the exception of the placement. Staff recommends approval of the proposed placement since the windows the sign will cover are not historic and are located on the rear of the building. In addition, staff recommends approval because all other non-window locations would not meet the design guidelines for placement.



TOOTSIE'S-ALLEY

422 BROADWAY
NASHVILLE, TN 37203

PROJECT MGR: HOUSE

DRAWING NO: **180761-H70-03**

SPECIFICATIONS & FINSHES

1. FABRICATE/INSTALL ONE (1) NEON PROJECTING SIGN W/ DIGITAL PRINTED GRAPHICS AND NEON ACCENTS AS ILLUSTRATED AND SPECIFIED.

GOLD NEON
 PMS 257
 BLUE NEON
 WHITE NEON
 PINK TBD
 PMS 186
 BLACK
 WHITE

DATE: 08-15-18 DESIGNED BY: M. CLINE

WORK ORDER #: XXXXX

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APPROVALS FOR MANUFACTURING

ENGINEERING:

INSTALLATION:

PROJECT MANAGER:

JOSLIN AND SON SIGNS

630 Murfreesboro Rd. Nashville, TN 37210
615.255.3463 1.800.545.9557

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TOOTSIE'S-ALLEY

422 BROADWAY
NASHVILLE, TN 37203

PROJECT MGR: HOUSE

DRAWING NO: **180761-H70-04**

SPECIFICATIONS & FINSHES

PHOTO RENDERING

DATE: 08-15-18 DESIGNED BY: M. CLINE

WORK ORDER #: **XXXXX**

PAGE **4** OF 4

APPROVALS FOR MANUFACTURING

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