



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF APRIL 18, 2012
6:00 P.M.**

CALL TO ORDER

Chairman Dan Meyer called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Bill Kendall; Mr. Dan Meyer; Mr. James Selinger; Mr. Nick Trupiano; Mr. William Jaggi; Ms. Julie Powers, Director of Planning, Community and Economic Development and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of March 21, 2012. Mr. Jaggi made a motion and Mr. Trupiano seconded to approve the minutes as presented. All in favor, the motion carried and the minutes were approved.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Meyer asked for any reports or communications from the Officers.

NEW BUSINESS:

PETITION 12-L:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-L. CVS Pharmacy C/O Piros Signs, Inc. requests a variance to allow signage that exceeds five percent of the wall area on the front and side building elevations. The property is located on Lot 1 of St. Peters Village Plat 25 as recorded in plat book 26 page 198 at the St. Charles Recorder of Deeds Office, more commonly known as 400 Mid Rivers Mall Drive.

Mr. Meyer further stated that the evidence and testimony received this evening would be the only record considered by the Board. Title IV Land Use of the Municipal Code, as amended, shall be Exhibit #1 for this petition.

Mr. Meyer declared the public hearing open to consider Petition 12-L. The petitioner or their agent was requested to step forward to present their position.

Mr. Joe Phillips, Piros Signs, was sworn in as the petitioner. Mr. Phillips explained that the existing Golden Triangle Commercial Center at Mid Rivers Mall Drive and Mexico Road will be redeveloped into a 13,225 square foot free-standing CVS Pharmacy and an undeveloped lot for a future development. The developer is proposing wall signs on the facades fronting Mid Rivers Mall Drive and Mexico Road which exceed the five percent of wall area permitted by City Code. On Mexico Road the square footage in excess of the five percent is only three square feet or one percent. On the Mid Rivers Mall Drive frontage, the amount in excess is forty square feet or two percent.

Mr. Meyer asked if there were any questions of the petitioner. Being none, Ms. Julie Powers was sworn in to present the City's position for Petition 12-L.

Ms. Powers stated that the subject site is located on the east side of Mid Rivers Mall Drive, north of Mexico Road where the current Golden Triangle Commercial Center is located. The existing center will be redeveloped into a 13,225 square foot free-standing CVS Pharmacy and an undeveloped lot for a future development. The new CVS Pharmacy and the new undeveloped lot are zoned C-2 Community Commercial District.

Access to the site from Mid Rivers Mall Drive will be from an existing curb cut from the former center and a new cross-access easement that will allow access into the commercial center to the south. Access onto Mexico Road will be from an existing curb cut from the previous commercial center; it will be via a cross-access drive between the CVS and the undeveloped lot.

The developer is proposing wall signs on the facades fronting Mid Rivers Mall Drive and Mexico Road which exceed the five percent of wall area permitted by City Code. On Mexico Road, the square footage in excess of the five percent is only three square feet or one percent. On the Mid Rivers Mall Drive frontage, the amount in excess is two percent or forty square feet.

Ms. Powers noted that the variance requested by the applicant is from requirements of the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended) it states:

Section 405.745 Permanent Sign Regulations by Zoning District:

4. *Wall signs.*

- a. The total area of each wall sign shall not exceed five percent (5%) of the building facade or thirty-two (32) square feet, whichever is greater. A wall sign shall be permitted on each wall which parallels and is adjacent to, or is oriented to a street or access drive. If the business fronts on more than one (1) street or access drive, the sign area for each wall shall be computed separately. Where a business has no wall fronting on a street or access drive, the Administrative Officer shall determine frontage for all sign locations. The Administrative Officer may approve the placement of a wall sign on a main facade, including, but not limited to, facades fronting a parking lot or including a main building entrance, in lieu of a sign parallel to a roadway.

Ms. Powers noted as stated in the signage regulations:

“The purpose of these regulations is to provide minimum control of permanent signs to promote the health, safety, and general welfare of the public by lessening hazards to pedestrian and vehicular traffic, by preserving property values, and by preventing a proliferation of unsightly and incompatible development which has a general blighting effect on the City.”

In general, the City Code is designed to allow adequate signage for businesses at an appropriate level for each zoning district. In addition, wall signs have been limited to five percent to allow adequate wall signs at a scale in keeping with the overall building size and scale.

The proposed building is planned at a very busy intersection which will allow some visibility of the site. However, the view from Mexico Road is partially blocked by another building which is on the south side of the building. As a patron drives up the entrance from Mexico Road, the building will come into view, but from Mexico Road it will be more difficult to see. From Mid Rivers Mall Drive, the building will be partially blocked from view by the adjacent building to the south for vehicles traveling north on Mid Rivers Mall Drive.

Noting these possible visibility issues, coupled with the modest increases in the percentage of wall area to be used for signs, staff is supportive of the proposed variances. The sign facing Mexico Road is proposed at .1% of an increase over the permitted five (5) percent of wall area for signage – a negligible amount. The sign facing Mid Rivers Mall Drive is proposed at seven (7) percent of the wall area or forty (40) square feet larger than that permitted by code.

Ms. Powers stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

To obtain the needed return from the proposed commercial development, larger wall signs are needed to identify the user and attract patrons from a distance through a crowded intersection.

2. Does the hardship result from the strict application of these regulations?

Use of smaller walls signs would impact the visibility of the site and could, therefore, create a hardship for the proposed commercial user.

3. Is the hardship suffered by the property in question?

Due to the blocked visibility of the building by another building and the congestion of the intersection, the property could suffer a hardship with smaller signs.

4. Is the hardship the result of the applicant's own actions?

The redeveloped site, behind an existing building, is the only option for developing the site since the existing outbuilding is under separate ownership. Although the design is at the developer's discretion, their actions did not create the visibility hardship.

5. Is the requested variance in harmony with the general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved the development would be in harmony with the general purpose and intent of the zoning regulations since the use would be able to develop at the site and be compatible with the surrounding area.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will be assured and substantial justice will have been done because the applicant will be able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole.

Mr. Meyer asked if any of the board members had questions for Ms. Powers. Mr. Jaggi noted that given the small increase in size that is needed, it seemed like the sign could be modified slightly and then a variance would not be needed. Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 12-L. Seeing none, Mr. Meyer closed the public hearing.

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve Petition 12-L.

Mr. Meyer requested Ms. Vollmer call the roll, which resulted in the following votes:

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Trupiano	Yes
Mr. Jaggi	No

There being 4 yes and 1 no vote, Mr. Meyer declared that Petition 12-L was approved.

Mr. Kendall presented the findings of fact as follows:

1. The subject site is located at the northeast corner of Mexico Road and Mid Rivers Mall Drive.
2. The subject site is zoned C-2 Community Commercial District.
3. The Zoning and Subdivision Regulations allow five percent of the wall area for wall signs.
4. The site is surrounded by commercially zoned and developed ground.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve the findings of fact. All in favor, the motion carried.

Mr. Jaggi presented the Conclusions of Law for Petition 12-L as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Kendall made a motion and Mr. Selinger seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

PETITION 12-M:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-M. CVS Pharmacy C/O Piros Signs, Inc. requests a variance to allow signage that exceeds five percent of the wall area on the front and side building elevations. The property is located on Lot 2 of Woodstone Place Subdivision as recorded in plat book 43 page 245 at the St. Charles Recorder of Deeds Office, more commonly known as 1749 Woodstone Drive.

Mr. Meyer further stated that the evidence and testimony received this evening would be the only record considered by the Board. Title IV Land Use of the Municipal Code, as amended, shall be Exhibit #1 for this petition.

Mr. Meyer declared the public hearing open to consider Petition 12-M. The petitioner or their agent was requested to step forward to present their position.

Mr. Joe Phillips, Piros Signs, was sworn in as the petitioner. Mr. Phillips explained that a CVS Pharmacy is being built on the west side of Woodstone Drive, north of North St. Peters Parkway near Highway 364. The developer is proposing wall signs on the facades fronting Woodstone Drive and North St. Peters Parkway which exceed the five percent of wall area permitted by City Code. On Woodstone Drive the square footage in excess of the five percent would be thirty-five square feet or a total of 6.2 percent. On the North St. Peters Parkway frontage, the amount of wall signage will be 8.6 percent or seventy-one square feet in excess.

Mr. Meyer asked if there were any questions of the petitioner. Being none, Ms. Julie Powers was sworn in to present the City's position for Petition 12-M.

Ms. Powers stated that CVS Pharmacy was approved at the November 3, 2010 Planning and Zoning Commission meeting. The subject 2.87+/- acre site is located on the west side of Woodstone Drive, north of North St. Peters Parkway near Highway 364 and is zoned C-3 General Commercial District. The property will be developed into a 13,225 square foot free-standing CVS Pharmacy with a drive through pharmacy. The development will include seventy on-site parking spaces.

Access to the site will be via one curb cut onto Woodstone Drive and two curb cuts onto a cross-access easement that connects with Queensbrooke Boulevard. The proposed development will not have a curb cut onto North St. Peters Parkway, the one-way outer road for Highway 364. To allow for better circulation on the site the drive aisle adjacent to the drive-through will be one way only.

Architecturally, the CVS pharmacy will be constructed of two colors of masonry Concrete Masonry Unit (CMU) that will have brick features on all four sides of the building. The two colors of masonry will enhance the overall design of the building. The building will have EIFS along the sign band and as a cap for the parapet. Staff is of the opinion the proposed architecture is compatible with the existing commercial architecture for the area between Woodstone Drive and Jungermann Road.

The developer is proposing wall signs on the facades fronting Woodstone Drive and North St. Peters Parkway which exceed the five percent of wall area permitted by City Code. On Woodstone Drive the square footage in excess of the five percent would be thirty-five square feet or a total of 6.2 percent. On the North St. Peters Parkway frontage, the amount of wall signage will be 8.6 percent or seventy-one square feet in excess.

Ms. Powers noted that the variance requested by the applicant is from requirements of the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended) it states:

Section 405.745 Permanent Sign Regulations by Zoning District:

4. *Wall signs.*
 - a. The total area of each wall sign shall not exceed five percent (5%) of the building facade or thirty-two (32) square feet, whichever is greater. A wall sign shall be permitted on each wall which parallels and is adjacent to, or is oriented to a street or access drive. If the business fronts on more than one (1) street or access drive, the sign area for each wall shall be computed separately. Where a business has no wall fronting on a street or access drive, the Administrative Officer shall determine frontage for all sign locations. The Administrative Officer may approve the placement of a wall sign on a main facade, including, but not limited to, facades fronting a parking lot or including a main building entrance, in lieu of a sign parallel to a roadway.

Ms. Powers noted that as stated in the signage regulations:

“The purpose of these regulations is to provide minimum control of permanent signs to promote the health, safety, and general welfare of the public by lessening hazards to pedestrian and vehicular traffic, by preserving property values, and by preventing a proliferation of unsightly and incompatible development which has a general blighting effect on the City.”

In general, the City Code is designed to allow adequate signage for businesses at an appropriate level for each zoning district. In addition, wall signs have been limited to five percent to allow adequate wall signs at a scale in keeping with the overall building size and scale.

The proposed building is planned along a very busy road which will allow visibility of the site. However, the building will eventually be blocked from westbound travelers by the credit union building which is planned across Woodstone Drive to the east. In addition, the outer road system now places additional activity between travelers on Highway 364 and the site; slightly larger wall signs would help identify the user. Noting these possible visibility issues, coupled with the modest increases in the percentage of wall area to be used for signs, staff is supportive of the proposed variances. The sign facing Woodstone Drive is proposed at 1.2% of an increase over the permitted five (5) percent of wall area for signage – a total of 6.2 % which is a negligible amount. The sign facing North St. Peters Parkway is proposed at 8.6 percent of the wall area or thirty-one (31) square feet larger than that permitted by code.

Ms. Powers stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

To obtain the needed return from the proposed commercial development, larger wall signs are needed to identify the user and attract patrons from a distance along a busy road system.

2. Does the hardship result from the strict application of these regulations?

Use of smaller walls signs would impact the visibility of the site and could, therefore, create a hardship for the proposed commercial user.

3. Is the hardship suffered by the property in question?

Due to the blocked visibility of the building by another building in the future and the depth of the roadway system, the property could suffer a hardship with smaller signs.

4. Is the hardship the result of the applicant's own actions?

The development of the site area, including the road design and eventual building placement, is not determined by the applicant.

5. Is the requested variance in harmony with the general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance were approved the development would be in harmony with the general purpose and intent of the zoning regulations since the use would be able to develop at the site and be compatible with the surrounding area.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole.

Mr. Meyer asked if any of the board members had questions for Ms. Powers. Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 12-M. Seeing none, Mr. Meyer closed the public hearing.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve Petition 12-M.

Mr. Meyer requested Ms. Vollmer call the roll, which resulted in the following votes:

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Trupiano	Yes
Mr. Jaggi	Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 12-M was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The subject site is located at the northwest corner of Woodstone Drive and North St. Peters Parkway.
2. The subject site is zoned C-3 General Commercial District.
3. The Zoning and Subdivision Regulations allow five percent of the wall area for wall signs.
4. The site is surrounded by commercially zoned and developed ground.

Mr. Jaggi made a motion and Mr. Selinger seconded to approve the findings of fact. All in favor, the motion carried.

Mr. Trupiano presented the Conclusions of Law for Petition 12-M as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Kendall made a motion and Mr. Jaggi seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

PETITION 12-N:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-N. Knapheide Truck Equipment Company requests a variance to allow removal of curbing on a 2.78 +/- acre parcel in the I-2 Heavy Industrial District. The property is located on all of Adjusted Lot 5 of the Resubdivision of Lot 1 and Lot 5 of St. Peters Trade Center as recorded in Book 46 Page 282 at the St. Charles Records Office more commonly known as 107 Didion Drive.

Mr. Meyer further stated that the evidence and testimony received this evening would be the only record considered by the Board. Title IV Land Use of the Municipal Code, as amended, shall be Exhibit #1 for this petition.

Mr. Meyer declared the public hearing open to consider Petition 12-N. The petitioner or their agent was requested to step forward to present their position.

Mr. Dale Bax, Bax Engineering, was sworn in as the petitioner. Mr. Bax explained that Knapheide Truck Equipment is redeveloping the site to the south of their current location which includes paving the parking lot. Due to the same drainage/curbing obstacles many other developments in the area have faced, Knapheide Truck Equipment company is requesting a variance to remove curbing on a 2.78 +/- acre parcel located at 107 Didion Drive.

Mr. Meyer asked if there were any questions of the petitioner. Being none, Ms. Julie Powers was sworn in to present the City's position for Petition 12-N.

Ms. Powers stated that the applicant owns and operates Knapheide Truck Equipment Company on the north side of Didion Drive. The proposed project includes the re-use of an existing building and lot on the south side of Didion Drive, west of Mid Rivers Mall Drive. The subject 2.78 acre lot contains an existing office/warehouse building with a non-conforming gravel parking lot. The applicant has proposed a substantial upgrade to the property including the paving of the parking lot.

The redevelopment of the site will permit its re-use for various light truck fleet vehicle modifications. All vehicles and materials will be stored in an orderly fashion throughout the site and will be located on a paved surface approved by the City of St. Peters. Finally, this development will have a vinyl-coated chain link fence around the perimeter of the development.

The applicant found the same drainage/curbing obstacles as many other developments in the area which were also granted variances from a portion of the curbing requirement, due to the unique drainage characteristics. These developments include Pro-Lawns, Ferrell Gas, Westhues, Duggan Contracting, Central Country Fire and Rescue training facility, and St. Albans Group.

Based on the above information, Knapheide Truck Equipment Company requests a variance to allow removal of curbing on a 2.78 +/- acre parcel in the I-2 Heavy Industrial District. The property is located on all of Adjusted Lot 5 of the Resubdivision of Lot 1 and Lot 5 of St. Peters Trade Center as recorded in Book 46 Page 282 at the St. Charles County Recorders Office more commonly known as 107 Didion Drive.

Ms. Powers noted that the variance requested by the applicant is from requirements of the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended) it states:

Section 405.550 [Off-Street Parking]

G. Construction Standards (Drive Aisles And Parking).

- a. Concrete curbing shall be provided and shown on the site development plan along drive aisles and along the entire perimeter of every parking lot, island and other areas associated with parking except for actual driveways, walkways and approved storm drain openings. The City Administrator may authorize perma curb in lieu of concrete curbing if just cause is shown.

Ms. Powers noted that traditional curbing of the site would not be practical since the property is so flat. It is predicted that standard curbing may cause erosion problems by channeling the water into the existing open drain system making the already difficult drainage pattern of the area worse. The site plan only shows the general grades and stormwater management design. The next step in the design process is for more detailed engineering improvement plans to be created. At this time the applicant is proposing curbing at the entrance to facilitate access into and out of the site. At this stage, staff will coordinate the best management practices to determine the amount of curbing while allowing the site to function hydraulically. As with other sites in this area with similar challenges, a reasonable balance has been achieved between the standard design specifications and aesthetic appeal of curbing. This typically includes curbing of the most visible parts of the site, while allowing those areas not able to be curbed to drain more naturally, reducing the channelization of the water, the ponding of water trapped by the curbing, and more erosion.

As previously noted, other developments in the area have required curbing variances to accommodate proper storm water drainage. A review of these sites's find they have successfully balanced curbing and drainage and have not negatively affected the overall quality of this industrial area.

Therefore, the removal of curbing from the subject site for practical and engineering requirements will not cause this site to be out of character with the area. Rather, this re-development will be paved,

landscaped, and generally upgraded towards current design standards and improve the general appearance of the area.

Based on this review, staff is supportive of the requested variances to allow the removal of curbing on the vehicle and material storage lot with the following contingency:

1. Coordinate the exact location of the curbing with the Planning Department and Engineering Department based on drainage patterns.

Ms. Powers stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

The curbing requirements for the proposed development would have a negative impact on the storm water management plan – this has been a common problem in this development area. The reduced curbing will allow the efficient use of the site and, therefore, a reasonable return on the upgrade of the site.

2. Does the hardship result from the strict application of these regulations?

The requirement of more curbing would negatively impact the storm water plan for the site and could impact the operation of the proposed Knapheide expansion and would, therefore, create a hardship for the proposed user.

3. Is the hardship suffered by the property in question?

A hardship would be suffered if standard curbing is required which prevents the overall development plan and prevents the use of best management practices for the storm water plan.

4. Is the hardship the result of the applicant's own actions?

The curbing requirements have been in place for some time and are not reflective of an individual user's actual experience. Use of the standard requirements would result in a hardship for the site and storm water management in the area; the applicant's own actions did not create the hardship.

5. Is the requested variance in harmony with the general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance were approved the development would be in harmony with the general purpose and intent of the zoning regulations since the use would be able to develop at the site and be compatible with the surrounding area. Also, the reduced curbing would allow the use of best management practices related to the storm water plan which meets the intent of the code.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole.

Mr. Meyer asked if any of the board members had questions for Ms. Powers. Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 12-N. Seeing none, Mr. Meyer closed the public hearing.

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve Petition 12-N.

Mr. Meyer requested Ms. Vollmer call the roll, which resulted in the following votes:

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Trupiano	Yes
Mr. Jaggi	Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 12-N was approved.

Mr. Kendall presented the findings of fact as follows:

1. The subject site is located at the south side of Didion Drive, west of Mid Rivers Mall Drive.
2. The subject site is zoned I-2 Heavy Industrial District.
3. The Zoning and Subdivision Regulations require perimeter curbing of all parking and driveways.
4. The site is surrounded by industrially zoned and developed ground.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve the findings of fact. All in favor, the motion carried.

Mr. Jaggi presented the Conclusions of Law for Petition 12-N as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Kendall made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

Mr. Meyer made a motion and Mr. Jaggi seconded to adjourn the meeting at 6:50 p.m. All in favor, the motion carried.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman