



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF DECEMBER 16, 2015
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. Tom Fann; Mr. Bill Jaggi; Mr. Dan Meyer; Mr. Nick Trupiano; Ms. Julie Powers, Director of Planning, Community and Economic Development, Mr. Ken Braunfeld, Planning Coordinator, and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of November 18, 2015. Mr. Jaggi made a motion and Mr. Trupiano seconded to approve the minutes with a change made on page 7. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Meyer asked for any reports or communications from the Officers or Staff. Ms. Powers indicated there were none.

PETITION 15-V:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 15-V. McClay Health and Rehab, LLC requests a variance to permit a new building to encroach into the front yard in the C-2 Community Commercial District. The property is located at the northwest corner of McClay Road and Horstmeier Road.

Mr. Meyer declared the public hearing open to consider Petition 15-V. The petitioner or their agent was requested to step forward to present their petition. Mr. Cliff Heitmann, Bax Engineering and Mr. Greg Gettman, owner, were sworn in as the petitioners. Mr. Heitmann explained that they are requesting a variance to allow the front yard setback to be the twenty-one feet to Horstmeier Road. In order to preserve the natural tree buffer at the northern portion of the property, they are shifting the building further north and east, pushing the building over the front building line.

Mr. Meyer asked if there were any questions of the petitioner. Being none, Mr. Ken Braunfeld was sworn in to present the City's position for Petition 15-V.

Mr. Braunfeld explained that McClay Health and Rehab is requesting a reduction in the front yard setback from thirty feet to twenty-one feet to Horstmeier Road. The proposed development received site plan approval from the Planning and Zoning Commission on December 2, 2015 with a contingency to obtain a variance for the proposed encroachment.

The proposed project includes a new sixty-five bed, 22,941 square foot two-story nursing home facility at the northwest corner of McClay Road and Horstmeier Road. The facility will face and have its main access and parking to McClay Road with a secondary access and parking to the rear of the facility and accessed from Horstmeier Road. The main entrance driveways have been

enlarged to accommodate fire trucks and ambulance access to meet the requirements of Central County Fire and Rescue. In addition, the one-way drives will also allow for more convenient non-emergency pick-up and drop-off of the residents at the front door.

To the north of the project is the Commons residential subdivision. Although a smaller buffer is permitted by City Code, the developer wanted to maintain as much of the tree buffer as possible. Therefore, the development was pushed away from the buffer, to the north and east, which then placed the building over the front building line to Horstmeier Road.

Mr. Braunfeld noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended), states the following:

Section 405.200 C-2 Community Commercial District

G. Yard Requirements:

2. *Front yard.* All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth.

Mr. Braunfeld explained that the proposed nursing home facility will face and have its main access and parking to McClay Road with a secondary access and parking to the rear of the facility in an area accessed from Horstmeier Road. The property is zoned C-2 Community Commercial District which requires a special use permit for the proposed nursing home use, which is in process. During the public hearing, it was noted that a nursing home would be a very low intensity and quiet use, and generate minimal traffic. Therefore, it would act as an excellent transition between the adjacent residential to the north and east and commercial to the west. The building will also be of appropriate scale and complement the existing upscale architecture of the adjacent Jungermann-McClay Station development.

The topography of the site slopes down from McClay Road; therefore, the building will be one-story along McClay Road and expand to two-stories as it extends north along Horstmeier Road. On the east side of Horstmeier Road are larger lot single-family homes. Along the north side of the site is a small creek and natural tree buffer, beyond which is the Commons Subdivision. As part of this project the vast majority of the existing tree buffer will remain. To supplement the buffer, a double row of evergreen trees will be planted to further enhance the buffer especially during the winter. It is noted that residents from the adjacent Commons Subdivision came to the Planning and Zoning Commission meeting regarding the existing tree buffer. They were relieved to find that the buffer would remain in place and that a fence would also be installed next to the parking lot to block vehicle headlights that might shine towards their homes.

A review of the lot finds the building could be elongated to the north to reduce or possibly eliminate the proposed encroachment. However, the building and parking lot would then extend into the natural buffer between the nursing home and the Commons Subdivision. It is noted that the developer has also indicated the current shape and location of the building is the preferred design.

Therefore, it is in both the applicant's interest and the general public's interest to allow the limited building line encroachment as it maintains the existing buffer, so desired by the adjacent residents.

Mr. Braunfeld 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 proposed front building line encroachment to Horstmeier Road will have a limited visual impact from McClay Road or Horstmeier Road and will allow for the maximum preservation of the tree buffer towards the residents. Therefore, the proposed variance allows for the most practical mechanism to accomplish these goals, providing for the reasonable use of the property.

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

While there will be an encroachment of the front building line, the visual impact of the encroachment is not substantial and will be mitigated by the topography of the site, size of the building, and architectural design of the project. Further, the project design will provide maximum the preservation of the tree buffer towards the residential development to the north. The strict application of setback regulations would require the development of the facility to infringe on the existing buffer resulting in a hardship for the adjacent properties.

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

The project's design allows for the full use of the property while maintaining the existing tree buffer, allowing the proposed layout the ability to achieve the highest and best use of the property.

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

The configuration of the lot, topography, building, and parking limit the practical options available to maintain the existing landscape buffer, as desired by the adjacent residents without an encroachment. Together these factors create a hardship.

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

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations. It will allow for the reasonable use of the property by allowing for an attractive and low intensity use, that would act as an excellent transition between residential and commercial uses, thus providing for the reasonable use of the property.

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; there will be no ill effects on surrounding properties or the City as a whole.

Based on this analysis, it is staff's recommendation to permit a new building to encroach into the front yard in the C-2 Community Commercial District, for property located at the northwest corner of McClay Road and Horstmeier Road, with the following contingency:

1. The front yard setback to Horstmeier Road shall be reduced from thirty (30) feet to twenty (20) feet.

Mr. Meyer asked if any of the board members had questions for Mr. Braunfeld. Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 15-V. Seeing no one present to comment, Mr. Meyer closed the public hearing.

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve Petition 15-V.

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Trupiano	Yes
Mr. Meyer	Yes
Mr. Jaggi	Yes

There being 5 yes, and 0 no vote, Mr. Meyer declared that Petition 15-V was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located at the Northwest corner of McClay Road and Horstmeier Road.
2. The lot is presently zoned C-2 Community Commercial District.
3. Adjacent zoning to the west is C-2 Community Commercial District, R-1 Single Family Residential District to the north, Horstmeier Road to the east, and McClay Road to the south.

Mr. Fann made a motion and Mr. Jaggi seconded to approve the findings of fact. The motion carried unanimously.

Mr. Jaggi presented the Conclusions of Law for Petition 15-V 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. Fann made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 15-W:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 15-W. Drury Displays, Inc. d/b/a DDI Media requests the following variances to permit the installation of a billboard: a variance to allow a reduction of the one-mile (5,280 feet) spacing requirement to another billboard to the west; a variance to allow a reduction of the one-mile (5,280 feet) spacing requirement to another billboard to the east; a variance from the minimum one thousand (1,000) foot distance from an interchange ramp taper; a variance to allow the height of the billboard to exceed forty-five

(45) feet; a variance to allow a billboard within the required distance from a residential structure; a variance to allow a billboard to not be placed on a separate lot. The property is located on the south side of Interstate 70 and Veterans Memorial Parkway, west of Salt Lick Road.

Mr. Meyer declared the public hearing open to consider Petition 15-W. The petitioner or their agent was requested to step forward to present their petition. Ms. Joann Schroeder, DDI Media, was sworn in as the petitioner. Ms. Schroeder DDI Media is looking to install a billboard on the former Coachman Homes site; the site is currently vacant. Ms. Schroeder went over each individual variance request and their need for each one.

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 15-W.

Ms. Powers explained that the applicant has proposed the installation of a billboard on the former Coachman Homes site at the southwest quadrant of Veterans Memorial Parkway and Salt Lick Road. The subject property is vacant but contains several small building remaining from the original mobile home operation. A curb cut from Veterans Memorial Parkway and paved area remain from the original business.

The applicant indicated that they would like to place a billboard on the site near the paved area towards the west end of the site. Staff advised the applicant that the placement of a billboard at this location would require several variances.

Based on this, the applicant requests the following variances: a variance to allow a reduction of the one-mile (5,280 feet) spacing requirement to another billboard to the west; a variance to allow a reduction of the one-mile (5,280 feet) spacing requirement to another billboard to the east; a variance from the minimum one thousand (1,000) foot distance from an interchange ramp taper; a variance to allow the height of the billboard to exceed forty-five (45) feet; a variance to allow a billboard within the required distance from a residential structure; a variance to allow a billboard to not be placed on a separate lot.

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

Section 405.765 [Billboards (Off-Premise)]

2. *Location and spacing.* All billboards must be erected in the permitted zones along the highway and corridors specified, and must meet the following location requirements.
 - a. No sign structure shall be hereafter erected within one (1) mile of an existing sign on the same side of the highway. This distance shall be measured along the nearest edge of the pavement at point directly opposite the signs along each side of the highway. This shall apply to only outdoor advertising sign structures located on the same side of the highway involved.
 - b. No portion of any sign shall be located within a six hundred sixty (660) feet radius of any point of any residence or residentially zoned district.
 - c. No outdoor advertising sign shall be placed closer than one thousand (1,000) feet to the beginning or end of an interchange ramp taper of a dual or proposed dual

highway; provided however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as to not materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.

- d. All outdoor advertising signs shall be placed on a separate lot as established by subdivision regulations and contained in this Article.

E. *Height.* The maximum height shall not exceed forty-five (45) feet above ground level or the grade level of the adjoining street, whichever is higher.

Ms. Powers noted that regulations related to the distance and locations of billboards were established to ensure sign placements do not overwhelm other properties. The applicant has indicated the proposed billboard will not adversely affect the use of the property and that the spacing to the east and west (0.96 miles and 0.26 miles respectively) provide adequate spacing separation. Further, they note that the reduction in the distance to residentially zoned property to the south to 157 feet will not disrupt the current or future use of either property and the variance to the 1,000 foot distance from the interchange ramp taper to 480 feet will not obstruct the vision of traffic. The applicant has also indicated that the increased height of sixty-seven (67) feet is needed to provide visibility to the billboard from the interstate. The applicant has provided approval from the State of Missouri for the placement of the billboard at this location.

Staff acknowledges that the highway corridor in this area is heavily developed with commercial activity including some large on premise business signs and off premise billboards. Some of the signs comply with City regulations, although some signs have received variances to address size, spacing, and other sign regulations. It is noted that some signs and billboards along the interstate to the west were installed prior to current City regulations and are considered legal non-conforming. Staff notes that the proposed billboard would not substantially change the visual appearance of the highway corridor, and therefore, could be accommodates on the site.

Spacing of billboards:

As noted above, current regulations require billboards to be spaced one mile apart on the same side of the highway. Staff notes that billboards along the Interstate 70 corridor are largely less than the one mile spacing due to non-conforming billboards and variances issued for reduced spacing. The proposed billboard would not be inconsistent with the spacing pattern on this side of the highway.

Distance to a ramp taper:

The distance to the ramp taper in this area is 480 feet; the ramp starts adjacent to the subject property and runs along the shopping center. When the subject site develops in the future, it will likely have one use adjacent to the ramp with limited curb cuts from Veterans Memorial Parkway. Therefore, there should be minimal change or few additional distractions before the point of decision making after seeing the billboard, thereby allowing safe exiting from the interstate.

Billboard height:

The proposed billboard height is twenty-two feet above the forty-five feet allowed by City Code. Staff notes that the photos provided by the applicant show the bucket at fifty feet – five feet taller than the code allowance. The applicant notes that vegetation and power lines would obstruct the sign visibility at this location. In staff's opinion the additional height of twenty-two feet is excessive. The vegetation on the site is old and overgrown, left over from the former Coachman Homes development; it could easily be removed which would actually improve the overall site appearance. The overhead wires are consistent along the corridor – many businesses and billboard signs have the same type of overhead wires along their signage. Also, staff notes that other sign height variances granted in this corridor have been due to significant visibility obstacles – a highway overpass was constructed adjacent to a site which sits much lower than the highway and, in another case, the highway was lowered significantly and a large wall was constructed adjacent to the site. Therefore, a variance of five feet to allow a total height of fifty feet would be reasonable.

Distance to ramp taper:

The distance to the ramp taper in this area is 480 feet; the ramp starts adjacent to the subject property and runs along the shopping center. When the subject site develops in the future, it will likely have one use adjacent to the ramp with limited curb cuts from Veterans Memorial Parkway. Therefore, there should be minimal change or few additional distractions before the point of decision making after seeing the billboard, thereby allowing safe exiting from the interstate.

Billboard Height:

The proposed billboard height is twenty-two feet above the forty-five feet allowed by City Code. Staff notes that the photos provided by the applicant show the bucket at fifty feet – five feet taller than the code allowance. The applicant notes that vegetation and power lines would obstruct the sign visibility at this location. In staff's opinion the additional height of twenty-two feet is excessive. The vegetation on the site is old and overgrown, leftover from the former Coachman Homes development; it could easily be removed which would actually improve the overall site appearance. The overhead wires are consistent along the corridor – many business and billboard signs have the same type of overhead wires along their signage. Also, staff notes that other sign height variances granted in this corridor have been due to significant visibility obstacles – a highway overpass was constructed adjacent to a site which sits much lower than the highway and, in another case, the highway was lowered significantly and a large wall was constructed adjacent to the site. Therefore, a variance of five feet to allow a total height of fifty feet would be reasonable.

Distance to a residential property:

The closes residential properties to the site are the Aventura apartments which are within 157 feet of the proposed billboard location. The sign will be visible to these units, especially the units on the north side of the development; the proximity will make the sign more visible.

Separate Lot requirement:

The code requires a separate lot for billboards. In the subject case, the billboard could be installed on the current lot prior to development. When the site eventually develops, the sign could be

placed on a separate lot. Given that the future development is unknown, the applicant determined that options regarding the lot would be helpful in marketing the site, which staff finds reasonable.

Staff notes that the site currently includes an old Coachman Homes sign which is in disrepair and is unattractive. Per the code, this sign should have been removed when the business ceased. If the billboard is approved, staff recommends contingencies that this sign and any other property maintenance issues on the site be addressed prior to issuance of a building permit for the billboard.

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?

If the variances are not granted, the billboard would not be allowed. The balance of the site will develop and allow reasonable use of the property.

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

If the regulations are applied, the applicant would be prevented from using the current site for a billboard. Other commercial development on the site could move forward.

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

The property will develop in a commercial manner; this will be determined by the owner and future buyer. The code requirement for billboards prevent the site from being used for a billboard without the requested variances.

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

The property cannot be used for a billboard because of restriction in the code; the hardship results from this code applicant. The site can otherwise be developed without issue.

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

The property will be developed commercially which will be consistent and in harmony with the location along an interstate highway and near a large commercial development. If the variances are approved the additional structure – a billboard – would be consistent with other billboards along the interstate corridor.

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 proposed additional structure- a billboard- will be placed along the interstate corridor at a consistent pattern with other billboards. The site can develop commercially with or without the billboard.

Based on this analysis, staff notes that the placement of a billboard at this location can be accommodated on the site; if approved, staff recommends the following contingencies:

1. Construction of the billboard to commence by January 1, 2017 or the variance expires.
2. The existing Coachman Homes sign on the property shall be removed prior to issuance of a building permit for a billboard.
3. Any property maintenance issues on the site shall be addressed prior to issuance of a building permit for a billboard.

Mr. Jaggi made a motion and Mr. Trupiano seconded to add the following contingency: The billboard shall be at a maximum height of fifty-five (55) feet. The motion carried unanimously.

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 15-W. Seeing no one present to comment, Mr. Meyer closed the public hearing.

Mr. Fann made a motion and Mr. Trupiano seconded to approve Petition 15-W.

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Trupiano	Yes
Mr. Meyer	Yes
Mr. Jaggi	Yes

There being 5 yes, and 0 no vote, Mr. Meyer declared that Petition 15-W was approved.

Mr. Fann presented the findings of fact as follows:

1. The property is located in the southwest quadrant of Interstate 70 and Salt Lick Road.
2. The lot is presently zoned C-3 General Commercial District.
3. The adjacent zoning to the west and southeast is C-3 General Commercial District; to the south is a mix of R-1 Single Family District and PUD Planned Urban Development for multiple family units.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve the findings of fact. The motion carried unanimously.

Mr. Jaggi presented the Conclusions of Law for Petition 15-S 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. Fann made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

Election of Officers:

Mr. Jaggi Made a motion and Mr. Fann seconded to elect Dan Meyer as Chairman. The motion carried unanimously.

Mr. Trupiano made a motion and Mr. Fann seconded to elect Bill Jaggi as Vice Chairman. The motion carried unanimously.

Mr. Meyer made a motion and Mr. Jaggi seconded to adjourn the meeting at 6:55 p.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman