



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF FEBRUARY 19, 2014
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. Nick Trupiano; Mr. Dan Meyer; 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 January 15. Mr. Jaggi made a motion and Mr. Fann seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

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

PETITION 14-C:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 14-C. KHopp Operations, LLC, d/b/a Sonic Drive-In requests a variance to permit signs on the roof of an existing building in the C-3 General Commercial District. The property is located on the east side of Mid Rivers Mall Drive, north of Route 364 (Page Ave.) – 6150 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 14-C. The petitioner or their agent was requested to step forward to present their position. Mr. Robert Pfothauer was sworn in as the petitioner. Mr. Pfothauer explained that his company, KHopp Operations, is considering re-opening the vacant Sonic Drive-In at 6150 Mid Rivers Mall Drive and would like to install signage on the arched portion of the roof. Mr. Pfothauer provided photos of similar signs at Sonic locations in the St. Louis area.

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 14-C.

Ms. Powers stated that KHopp Operations, LLC d/b/a Sonic Drive-In request a variance to permit signs on the roof of an existing building in the C-3 General Commercial District. The property is located on the east side of Mid Rivers Mall Drive, north of Route 364 (Page Ave.) – 6150 Mid Rivers Mall Drive. This former Sonic restaurant on Mid Rivers Mall Drive has been vacant for several years; it is located north of Route 364. The applicant owns other Sonic restaurants and is considering taking over the subject site and reopening the restaurant.

The site is located in the C-3 General Commercial District. In the C-3 District, City Code currently permits pole signs of one hundred square feet in addition to a changeable copy sign of twenty-four square feet. In addition, a wall sign is permitted along each wall that faces a roadway or major driveway. However, the code does not allow rooftop signs.

The existing building has an extension on the roof that includes a sign panel on the north and south facades. The applicant is proposing a sign on both of these panels. However, because the extension is on the rooftop, the signs would not comply with the prohibition on rooftop signs.

Noting the above, the applicant has requested a variance to permit rooftop signs on an existing building on Mid Rivers Mall 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 405.730 SIGNS PROHIBITED

The following signs shall be prohibited:

5. Roof signs.

Ms. Powers noted that the proposed business will fill a building which has been vacant for several years. With the completion of Route 364 (Page Ave.), this intersection area is very accessible and vibrant. With this, vacant buildings and sites in the area have become more desirable.

As part of the renovation of the subject building, the applicant is proposing sign panels on the rooftop extension. This application was used at the Sonic in Lake St. Louis. The extension has flat sides which works well as sign panels. Each panel will be approximately four feet by three feet – approximately twelve square feet.

Staff notes that the extension on the building rooftop is very visible from the general area which includes the nearby intersection of Route 364 and Mid Rivers Mall Drive. The ability to attract patrons to the restaurant is essential to the success of the re-opened facility; identifying it from a distance will help that effort. Staff also notes that the site has two frontages – Mid Rivers Mall Drive and the access roadway to the south. Given that layout, the site is eligible for two freestanding signs. However, the applicant has indicated that with the rooftop signs they would be willing to utilize only one freestanding sign. Staff notes that, typically, rooftop signs are dated and not attractive. However, in the subject case, staff believes this proposed sign package will enhance the attractiveness of the site while utilizing the panels on the extension which will look like they were originally designed for signs. Staff notes the photos of Lake St. Louis store show an attractive building.

Staff further notes that, in response to challenging economic times, the City created the Economic Development task force several years ago to identify strategies for business attraction and retention. One topic addressed was adequate signage. The signs that are being proposed will allow this use to be re-established with visible signs that fit in scope and style of the building.

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 Code does not allow rooftop signs. However, the subject building was designed with an architectural detail/extension on the rooftop which includes flat panels on the sides. The use of this area for signage will allow the existing building to be used in a reasonable manner. Further, use of this area could deter the use of other wall area for signs, and the applicant will reduce the freestanding signs, thereby enhancing the building appearance.

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

If the site complies with the code, signs on the existing rooftop extension would not be allowed. In this specific application, the code would impose a hardship because it would prevent use of an existing building which includes the rooftop extension.

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

The applicant's property is very visible and will be easily seen, but the current code does impose a hardship because the rooftop extension is existing and could be put to use for signage purposes.

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

The applicant is proposing reuse of an existing building, and trying to use the building in its current configuration. Therefore, this request is reasonable.

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 will be in harmony with the general purpose and intent of the zoning regulations, since the sign configuration will be attractive and the site and building will be utilized. As a result it will not cause hazards to pedestrian and vehicular traffic or cause blighting within the community.

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 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.

Based on this analysis, staff recommends approval of the variance to permit rooftop signs with the following contingencies:

1. The rooftop signs will not extend beyond the panels on the existing rooftop extension.
2. One freestanding sign shall be permitted on the site.

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 14-C.. Seeing no one present to comment, Mr. Meyer closed the public hearing.

Mr. Fann made a motion and Mr. Jaggi seconded to approve Petition 14-C.

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 14-C was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The subject lot is located on the east side of Mid Rivers Mall Drive, north of Route 364.
2. The lot is zoned C-3 General Commercial District.
3. The adjacent zoning is C-3 General Commercial District to the east, west and south.
4. The Zoning and Subdivision Regulations prohibit roof signs in the City.

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 14-C 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. Meyer seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Meyer made a motion and Mr. Jaggi seconded to adjourn the meeting at 6:20 p.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman