



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF JULY 17, 2013
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. James Selinger; Mr. Dan Meyer Mr. William Jaggi; Mr. Ken Braunfeld, Planning Coordinator; and Ms. Melissa Vollmer, Recording Secretary. Mr. Nick Trupiano was absent.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of June 19, 2013. Mr. Kendall made a motion and Mr. Jaggi 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. Mr. Braunfeld indicated there were none.

PETITION 13-R:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 13-R. Vernon E. Rhodes Family Partnership, LLLP, requests a variance to permit a wall sign that does not have street frontage. The property is located on Lot 1 of Plaza Tire Service Cave Springs subdivision as recorded in plat book 47 page 175 at the St. Charles County Recorder of Deeds Office, more commonly known as 4080 Mexico Road (Plaza Tire).

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 13-R. The petitioner or their agent was requested to step forward to present their position. Mr. Scott Rhodes, representative for Plaza Tire as and the Rhodes Family Partnership, was sworn in as the petitioner. Mr. Rhodes explained that Plaza Tire is being constructed at the former Royal Oaks car dealership at the corner of Cave Springs Boulevard and Mexico Road. Mr. Rhodes noted that the east side of the building does not front a street; however, they are willing to give up one of the two permitted ground signs in exchange for an additional wall sign on this side of the building.

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 13-R.

Mr. Braunfeld stated that the subject property is located in the Cave Springs shopping area at the northeast corner of Mexico Road and Cave Springs Boulevard. The property is zoned C-3 General Commercial District. The property formerly contained the Royal Oaks automobile dealership which relocated and combined with the Dodge dealership along Veterans Memorial Parkway. Since then the site has sat vacant for many years. The current redevelopment of the site includes the removal of the old car dealership building and the creation of three new commercial lots. Lot 1 at the corner will contain the new Plaza Tire Auto Service building which

is under construction. Lot 2 is to the north and will face Cave Springs Boulevard and currently contains the former dealership's used car offices. Lot 3 to the east along Mexico Road was recently sold to O'Reilly Auto Parts.

City regulations allow each building to have signage on facades that face a street. With frontage to Mexico Road and Cave Springs Boulevard, the Plaza Tire building on Lot 1 would be permitted one ground sign towards Mexico Road and one ground sign towards Cave Springs Boulevard. In addition, wall signage would be permitted on the south side of the building facing Mexico Road and the west side of the building facing Cave Springs Boulevard. In addition to these permitted signs the applicant desires a wall sign on the east side of the building which does not have street frontage. Staff advised that this was not permitted as it did not face a street or access drive such as those found at signalized intersections of major shopping centers. The applicant has indicated they would give up one of the two permitted ground signs in exchange for the additional wall sign.

Based on this, Vernon E. Rhodes Family Partnership, LLLP requests a variance to permit a wall sign that does not have street frontage. The property is located on Lot 1 of Plaza Tire Service Cave Springs subdivision as recorded in plat book 47 page 175 at the St. Charles County Recorder of Deeds Office, more commonly known at 4080 Mexico Road (Plaza Tire).

Mr. Braunfeld 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

D. Signs Permitted in all "C" Commercial and "I" Industrial Districts (Non-Residential). In certain non-residential districts, the following signs are permitted in accordance with the regulations set forth herein

4. Wall Signs.

- a. The total area of each wall sign shall not exceed five percent (5%) of the building façade 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.

The former Royal Oaks dealership property was vacant for many years before the recent redevelopment project which includes Plaza Tire and other future development opportunities. The City has been in support of continued redevelopment of this and other projects in the area.

As noted earlier, each building is permitted a ground sign and wall signage per street frontage. The corner lot creates two frontages thereby allowing for two ground signs and two wall signs. The configuration of the redevelopment site is somewhat unique since it does have a common driveway between the lots. However, this access functions as a parking lot driveway rather than a private street serving internal lots, as would be found in large shopping center developments. The applicant has determined that a sign on the east wall of the Plaza Tire building would be more beneficial than a second ground sign on Cave Springs Boulevard. As also noted the applicant would be willing to give up this second ground sign.

This proposal is reasonable in staff's opinion because the overall signage for the property will be reduced which will benefit the site appearance. A reduction in the number of signs along Cave Springs Boulevard is consistent with the redevelopment goals for this area. The applicant's need for better visibility for westbound travelers will also be addressed.

Staff believes the substitution of a wall sign for a ground sign will be more attractive and reduce the clutter that can occur from too many ground signs. A review of the proposed wall sign finds it to be in keeping with standard design criteria and it will match the other signs on the building.

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 use could be identified by two ground signs and two wall signs. However, by allowing for the substitution of a wall sign in place of a ground sign the signage will better meet the needs of the applicant and have less total signage. This furthers the aesthetic goals of the sign code and ensures a reasonable return by the business.

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

The code does not allow a wall sign to assist westbound travelers. The substitution of a wall sign for a ground sign will improve visibility for the applicant and at the same time reduce the overall signage on the site.

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

The inability to install the proposed wall sign could pose a hardship for the subject property. The substitution of a wall sign for a ground sign will further the goals of the applicant and the City of St. Peters.

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

The property was zoned and the sign code established prior to the purchase of the property. The substitution of a wall sign in place of a ground sign will further the aesthetic goals of the sign code and the City.

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 substitution of a wall sign in place of a ground sign 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 requested variance to allow a wall sign on a building not fronting a street, with the following contingency:

1. During the time a wall sign is in place on the east side of the building on Lot 1, Lot 1 shall contain no more than one ground sign.

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 13-R. Seeing no one present to comment, Mr. Meyer closed the public hearing.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve Petition 13-R.

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Meyer	Yes
Mr. Jaggi	Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 13-R was approved.

Mr. Kendall presented the findings of fact as follows:

1. The property is located on Lot 1 of Plaza Tire Service Cave Springs subdivision as recorded in plat book 47 page 175 at the St. Charles County Recorder of Deeds Office, more commonly known as 4080 Mexico Road (Plaza Tire).
2. The lot is presently zoned C-3 General Commercial District.
3. The surrounding zoning is presently zoned C-3 General Commercial District.

Mr. Fann 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 13-R 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. Fann seconded to enact the Conclusions of Law. All in favor, the Conclusions of Law were adopted.

Mr. Jaggi made a motion and Mr. Selinger seconded to adjourn the meeting at 6:15 p.m. All in favor, the motion carried.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman