



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF MARCH 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. Brian Stiens; 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. Mr. Tom Fann and Mr. Bill Kendall were absent.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of February 19, 2014. Mr. Jaggi made a motion and Mr. Trupiano 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-D:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 14-D. Wallis Petroleum, L.C. requests a variance to allow reduction in the minimum distance of one thousand feet between gasoline stations and other gasoline stations or churches, schools, hospitals, libraries, and other places of large public assembly. The property is located on the east side of Kisker Road and south side of North St. Peters Parkway, on Lot 3 of Twillman Center Plat One as recorded in Book 45 Page 145 at the St. Charles County Recorder's Office, more commonly known as 1520 Kisker Road.

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-D. The petitioner or their agent was requested to step forward to present their position. Mr. Kevin Kamp, Civil and Environmental Consultants, Inc., was sworn in as the petitioner. Mr. Kamp explained that the subject property has been developed with a convenience store and gas pumps since 1988. In 2010 the facility was closed due to the construction of Highway 364. The owners believed it to be impractical to remain open during this time. Since the facility has been closed for more than one year, it has lost its legal non-conforming status and must now comply with the special use permit requirements. Therefore, to reopen the facility Wallis Petroleum must request a Special Use Permit, which they have done, and must receive the requested variances.

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 14-D.

Mr. Braunfeld explained that the subject property has been developed with a convenience store with gas pumps since 1988. In 2010, the facility was closed because the owners thought it was impractical to remain open during the reconstruction of Highway 364/94. After the original building was constructed, the code was

changed to require a special use for convenience stores with gas pumps. Since the facility has been closed for more than one year, it has lost its legal non-conforming status and must comply with the special use permit requirements. Therefore, to reopen the facility the applicant has requested a special use permit for a convenience store and gasoline pumps. The Planning Commission recommended approval of the request and the Board of Aldermen will review it on March 27th.

In addition, since the site was originally opened in 1988 the City Code was updated to require a minimum distance of one thousand feet between gasoline stations and other gasoline stations or churches, schools, hospitals, libraries, and other places of large public assembly. As required by City Code and also a provision of the Special Use Permit to be in compliance with the City Code, the owner must obtain a variance from this requirement from the Board of Adjustment before proceeding with the project.

Post highway construction, Wallis Petroleum plans to re-open the existing facility for a period of eighteen months to evaluate the continued viability of the location for a convenience/gas station. Prior to the initial re-opening the site will be cleaned up and repaired to its pre-2010 condition. In addition, a new landscape island will be created at the intersection of North St. Peters Parkway and Kisker Road to accommodate a new ground sign and improve the aesthetics of the site.

As noted in the special use, within two years the developer shall complete a remodel of the existing facility or within three years complete a redevelopment of the site. Remodeling would include, re-facing of all existing buildings with brick or stone panels, EFIS, or other quality decorative elements/features, the screening of all rooftop utilities, the construction of a masonry trash enclosure, decorative treatment to the gas canopy pole supports, and tree plantings. Redevelopment would require the submittal of a new site plan and building elevations for review by the Planning and Zoning Commission.

Staff supported the proposed special use, noting it is appropriate at the proposed location. It has functioned well at the subject site for many years and is near a variety of commercial uses in the same C-3 General Commercial District. In addition, the site is at a major highway interchange which includes other service stations, a bank, and a variety of office/retail tenant spaces. In addition, the intersection has been substantially improved to accommodate commercial traffic. Therefore, the proposed use can operate in the same fashion as it did before.

Based on this Wallis Petroleum, LC requests a variance to allow reduction in the minimum distance of one thousand feet between gasoline stations and other gasoline stations or churches, schools, hospitals, libraries, and other places of large public assembly. The property is located on the east side of Kisker Road, south side of North St. Peters Parkway, on Lot 3 of Twillman Center Plat One as recorded in Book 45 Page 145 at the St. Charles County Recorder's Office, more commonly known as 1520 Kisker Road.

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 405.500: STRUCTURES REQUIRED, SPACING REQUIREMENTS, LOT WIDTHS – SERVICE STATIONS – RESTROOM FACILITIES

- B. No gasoline station shall be erected within one thousand (1,000) feet of any church, hospital, school or any other such type of public assembly building used by large numbers of people or within one thousand (1,000) feet of an existing filling station or service station or gasoline station. The method of measurement that shall apply shall be the airline distance measured from the nearest boundary of the premises upon which there exists such churches, hospitals, schools, or other types of public assembly, buildings or filling stations or service stations.

- C. There shall be a minimum airline distance of one thousand (1,000) feet, measured from the nearest points of lot boundaries, between a proposed gasoline station and any lot occupied by a church, hospital, public or private school, public library, stadium, arena, or other place of public assembly. This provision shall not be construed to place in non-conforming status those gasoline stations in existence as of the date of enactment of this Zoning Code.
- D. A gasoline station lot shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than one hundred fifty (150) feet of frontage on each streetside, and an interior lot shall have a minimum width of at least one hundred fifty (150) feet.

Mr. Braunfeld noted that the subject property has been developed with a convenience store with gas pumps since 1988. In 2010 the facility was closed because the owners thought it was impractical to remain open during re-construction of Highway 364/94. Since the facility has been closed for more than one year it lost its legal non-conforming status and must comply with the special use permit requirements and the distance/separation requirement from another gas station, churches, schools, and other places of public assembly. The density requirement was put in place when the density of gas stations within the City was of concern, however, this item remains in the Code. The two service stations on the south side of Highway 364/94 and many other gas stations in the City have operated as legal non-conforming business for many years without issue.

In general, this area is substantially commercial and is served by a major roadway system. The presence of multiple gasoline stations is appropriate given the development intensity and pattern. Further, the presence of multiple stations will provide a convenience to travelers in the area. Therefore, it is staff's opinion that the proposed variance will not impair and adequate supply of light or air to the adjacent properties, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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 re-use and/or redevelopment of the site will result in the same general layout and function. If the site is not granted the requested variance, the applicant would not be able to use the property in a manner consistent with the existing building and infrastructure on the site. Therefore, the distance prohibition would be an undue burden to the owner with no benefit to the public.

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

The application of the regulations on the subject site that contains an existing gas station building and infrastructure and which had operated with no problems would create a hardship.

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

The subject property already contains an existing gas station building and infrastructure which limits the practical use of the site for other types of development. If this use is not allowed, the property would suffer a hardship.

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

The subject property has been developed with a convenience store with gas pumps since 1988. In 2010 the facility was closed because the owners thought it was impractical to remain open during reconstruction of Highway 364/94; therefore, the site lost its non-conforming status. The loss of the non-conforming status is a result of the highway construction around the site and is not due to the applicant's actions.

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 site will be re-used and/or redeveloped as previously used. However, the site will be upgraded as required in the Special Use Permit. In general, this use will be in harmony with the general purpose and intent of the zoning regulations, since it will allow for the reasonable re-use/redevelopment of the business at an appropriate location.

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, it is staff's recommendation to permit a variance to modify the distance between gasoline service stations, churches, schools and other places of public assembly.

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

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve Petition 14-D.

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

Mr. Stiens	Yes
Mr. Kendall	absent
Mr. Trupiano	Yes
Mr. Meyer	Yes
Mr. Jaggi	Yes

There being 4 yes, 0 no vote and 1 absent vote, Mr. Meyer declared that Petition 14-D was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on Lot 3 of Twillman Center Plat One as recorded in Book 45 Page 145 at the St. Charles County Recorder's Office, more commonly known as 1520 Kisker Road.
2. The lot is presently zoned C-3 General Commercial District.
3. Adjacent zoning is C-3 General Commercial District to the east, to the north is North St. Peters Parkway beyond which is the C-3 General Commercial District and C-2 Community Commercial District, and to the west is Kisker Road beyond which is the C-3 General Commercial District.

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

Mr. Stiens presented the Conclusions of Law for Petition 14-D 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. Jaggi made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 14-E:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 14-E. Party City c/o Simon Sign Erection Co. requests a variance to permit a wall sign which exceeds five percent of the wall area on an existing building in the C-3 General Commercial District. The property is located west of Mid Rivers Mall Drive, north of McMenemy Road – 281 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-E. The petitioner or their agent was requested to step forward to present their position. Mr. Jonathan Simon, Simon Sign Erection Co., was sworn in as the petitioner. Mr. Simon explained that Party City is a tenant in the multi-tenant shopping center along Mid Rivers Mall Drive and McMenemy Road. Party City has moved to a larger location within the strip center, which is located directly behind McDonald's. The new location is a more prominent, corner location, however to enhance the visibility they are requesting a larger sign facing east. At this time, they are foregoing the wall sign on McMenemy Road.

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 14-E.

Mr. Braunfeld explained that the subject multi-tenant strip shopping center is located on the north side of McMenemy Road, west of Mid Rivers Mall Drive. The property is zoned C-3 General Commercial District. The building is part of a larger center that is partially oriented to the east and partially oriented to the north. The area which is oriented to the east sits behind a row of buildings that front on Mid Rivers Mall Drive. Access to this area is off of Mid Rivers Mall Drive and McMenemy Road. The applicant is within this area of the center.

City regulations allow each building to have signage on all walls that face a street or access drive, or which face a parking lot. Since this building's entrances are facing east, the signage has been placed on the wall facing the parking lot. Staff notes this building and unit also have a wall facing McMenemy Road.

Based on this, Party City c/o Simon Sign Erection Co. requests a variance to permit a wall sign which exceeds five percent of the wall area in the C-3 General Commercial District. The property is located west of Mid Rivers Mall Drive, north of McMenemy Road – 281 Mid Rivers Mall Drive.

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

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. 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 façade, 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.

Mr. Braunfeld noted that the subject multi-tenant shopping center is situated in two sections; the applicable section is behind other businesses which front Mid Rivers Mall Drive. Therefore, although the site is in a busy, commercial area, the businesses are partially blocked from the main traffic area. A business is permitted thirty-two square feet of wall signage or five percent of the wall area, whichever is greater. The applicant's business has a fairly large storefront; therefore, a larger sign will be permitted. This business is allowed signage that would be approximately 104 square feet in area; the requested sign would be 149.5 square feet. Staff believes this sign would still be proportional to the façade and would be beneficial to the visibility of travelers on McMenemy Road and at the intersection of McMenemy Road and Mid Rivers Mall Drive.

This proposal is reasonable in staff's opinion because the overall amount of signage for the property will not change. The second layer building location impacts the visibility of the site and creates a hardship. Staff finds that the proposed sign will not be visually out of scale with the other signs in the center or the building façade. In addition, there will be no net increase in wall signage to the center as any future McMenemy Road wall sign will be limited to ensure the overall sign package is reasonable.

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 building is permitted two wall signs. By allowing for the shifting of available permitted signage, the proposed sign will better meet the needs of the applicant and have no net increase in total wall 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 the shifting of wall signage between separate walls that are permitted a sign. The proposed wall sign area substitution will improve visibility for the applicant with no overall net change in the total signage available for the building.

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

The shopping center was constructed in a major commercial area, but is partially blocked by other businesses which front on Mid Rivers Mall Drive. Therefore, visibility is limited – this can pose a hardship for a business. The substitution of wall signage will further the goals of the applicant with no negative impact on the City of St. Peters.

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

The property was developed and the sign code established prior to the applicant's business being located at the subject center.

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 wall signage 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 extend 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 permit a wall sign which exceeds five percent of the wall area with the following contingencies:

1. The wall sign on the main (eastern) façade of the business shall not exceed 150 square feet in area.
2. The available signage permitted towards McMenemy Road shall be reduced by the amount of extra sign area applied to the front building façade.

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

Mr. Trupiano made a motion and Mr. Jaggi seconded to approve Petition 14-E.

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

Mr. Stiens	Yes
Mr. Kendall	absent
Mr. Trupiano	Yes
Mr. Meyer	Yes
Mr. Jaggi	Yes

There being 4 yes, 0 no vote and 1 absent vote, Mr. Meyer declared that Petition 14-E was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located west of Mid Rivers Mall Drive, north of McMenemy Road – 281 Mid Rivers Mall Drive.
2. The lot is presently zoned C-3 General Commercial District.
3. The surrounding zoning is presently zoned C-3 General Commercial District.

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

Mr. Jaggi presented the Conclusions of Law for Petition 14-E 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. Stiens made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 14-F:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 14-F. Missouri Housing and Re-Development LLC requests variances to allow a reduction in the minimum ten foot landscape greenbelt, four foot planting strip, driveway width, and ground sign setback. The property is located on the north side of Mexico Road, west of South Church Street, on Lot 130 of Steeplechase as recorded in Book 7 Pages 2-3 at the St. Charles County Recorder of Deeds Office, more commonly known as 7332 Mexico Road.

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-F. The petitioner or their agent was requested to step forward to present their position. Mr. Jeff Garner was sworn in as the petitioner. Mr. Garner explained that he plans to remodel this residential home for a commercial or light retail use. Mr. Garner has been working with staff to create a site plan that will allow for the reasonable commercial use of the property. This includes fencing, drainage, lighting and parking design and placement. To accomplish this, he will need to obtain the requested variances.

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 14-F.

Mr. Braunfeld explained that the subject property is at 7332 Mexico Road which contains a small one-story single family house on a 6,000 square foot (0.14 acre) lot that faces Mexico Road. The applicant plans to remodel it for a commercial office or light retail use. It is noted the residential homes along this section of Mexico Road have been transitioning to small office/retail uses for over a decade, including the property to the east. The property was recently annexed into the City and was zoned C-1 Neighborhood Commercial.

Subsequent to this, the applicant has been working with City staff to create a site plan that will allow for the reasonable commercial use of the property, while minimizing the impact on the remaining adjacent residences. This includes fencing, drainage, lighting, and parking design and placement.

Based on this MO Housing & Re-Development LLC requests variances to allow a reduction in the minimum ten foot landscaped greenbelt, four foot planting strip, driveway width, and ground sign setback. The property is located on the north side of Mexico Road, west of South Church Street on Lot 130 of Steeplechase as recorded in Book 7 Pages 2-3 at the St. Charles County Recorder's Office, more commonly known as 7332 Mexico Road.

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 405.190: “C-1” NEIGHBORHOOD COMMERCIAL DISTRICT

H. Miscellaneous Requirements

4. Where “C-1” Neighborhood Commercial District is adjacent to any residential zoning district, a landscaped green belt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the “C-1” Neighborhood Commercial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be used for off-street parking facilities or for loading space.

SECTION 405.390: LANDSCAPING AND SCREENING

C. Screening and Landscaping. All off-street parking facilities, with the exception of a single-family detached dwelling or a two-family dwelling, shall be screened and landscaped in accordance with the following design standards.

1. Planting strip along property lines.

a. Along each property line of the zoning Lot, a planting strip of four (4) feet minimum width shall be provided between said property line and the off-street parking facilities. Where parking facilities for non-residential uses abut a residential district, a sight-proof fence or hedge of not less than six (6) feet in height shall be provided along the perimeter of the off-street parking facility within the planting strip herein described.

SECTION 405.550: OFF-STREET PARKING

I. Size. Off-street parking spaces shall be designed and sized to accommodate standard size automobiles in accordance with standards contained herein.

1. Standard size automobiles. Off-street parking spaces for standard size automobiles shall be designed as follows:

A	B	C	D	E	F	G
90°	9.0	19.0	24.0	9.0	62.0	--

KEY

- | | | | |
|---|-------------------------------|---|--|
| A | Parking Angle | F | Curb to Curb (feet) |
| B | Stall Width (feet) | G | Center to Center Width of Double Row with Aisle Between (feet) |
| C | 19 foot minimum stall to curb | | |
| D | Aisle Width (feet) | | |
| E | Curb Length Per Car (feet) | | |

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:

1. Ground Signs.

b. The following regulations shall apply to all ground (pole and monument) signs in all zoning districts:

(4) Ground signs shall not extend nearer than ten (10) feet to the public right-of-way (as measured from the sign edge)

Mr. Braunfeld noted that the property at 7332 Mexico Road is in an area that continues to transition to small office/retail uses. The transition is due to the decreasing suitability of these and adjacent small acreage properties for residential purposes. This is due to the widening of Mexico Road, which has absorbed much of the front yards, substantial increase in traffic noise, and safety concerns when backing out on to Mexico Road from a traditional driveway. As these properties redevelop they each have unique opportunities and challenges that the City and the developer work with to create a suitable plan for the conversion to commercial.

To allow for adequate parking and signage, the site will require a reduction in the driveway widths, landscape setback, and sign setback. Additional parking is proposed in both the front and rear of the property. In the front one standard and one accessible parking space will be installed. In the rear approximately six parking spaces will be installed.

To the north and west of the property are existing residential properties. Therefore, the ten foot landscape buffer strip is needed as a parking buffer. A review of the impact on the adjacent properties finds it would be minimal with the installation of a six foot tall vinyl fence. It is anticipated that the fence will completely block the view of the parked vehicles and afford the adjacent properties more privacy than they have now with no fence.

Towards the east is an existing house converted to commercial many years ago that included the installation of a parking lot. To the south of the subject property is Mexico Road. A portion of the four foot landscape buffer strip to the east and south is also needed to allow the parking lot to function. Since this is in the front yard area and fences are not permitted, low growth landscaping will be planted to enhance the aesthetics of the site. Visually it is anticipated that the plantings will offset the reduction in the actual green space area.

Access to the site will be from the existing driveway. Due to the size and shape of the lot the driveway widths will need to be reduced. Since the site is limited to a small office or retail use which will have limited traffic, a reduction in the driveway widths will not create a hazard. In addition, the parking lot will allow for vehicles to turn around and exit forward which will increase safety from the current residential backing-out arrangement.

Due to the size of the lot, a reduction in the minimum ten foot sign setback will also be necessary. Since Mexico Road has been widened several times a substantial portion of the front yard has been taken for right-of-way. A ground sign will be necessary to both provide advertising for the business and to advise customers of where to access the business. If the sign were the full ten foot back from the property line, it would diminish visibility for advertising and safe access to the site.

Setback requirements have been established to provide for adequate separation of buildings and uses, and create reasonable amount of open space between structures to enhance the general health, safety and welfare of the community.

It is staff's opinion that the proposed variances will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood. Rather, the reuse of the building will provide a viable alternative use for the property as this section of Mexico Road continues to transform.

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 substantially diminished desirability of the property for residential uses and the need to convert to a commercial in conjunction with the small size of the lot will not allow the applicant to fully utilize their property. Therefore, the landscape setbacks, driveway widths, and sign setback would be a burden to the owner with no benefit to the public.

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

Because of the small size of the lot and the need for the site to transition from residential to commercial uses, a hardship would be created if the regulations are strictly followed.

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

The size of the lot in conjunction with the substantially diminished desirability of the property for residential uses and the need to convert to a commercial use create a hardship on the subject property.

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

The widening of Mexico Road which has absorbed much of the front yard, the substantial increase in traffic noise, and general development patterns has created a need for the property to transition from residential to commercial.

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 it would be in harmony with the general purpose and intent of the zoning regulations since it will provide a viable alternative use for the property as this section of Mexico Road continues to transition.

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 permit a wall sign which exceeds five percent of the wall area with the following contingencies:

1. The wall sign on the main (eastern) façade of the business shall not exceed 150 square feet in area.
2. The available signage permitted towards McMenamy Road shall be reduced by the amount of extra sign area applied to the front building façade.

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

Based on this analysis staff recommends approval of the requested variance to allow a reduction in the minimum ten foot landscape greenbelt, four foot planting strip, driveway width, and ground sign setback with the following contingencies:

1. The property owner shall coordinate the sign setback so that it is outside the sight visibility area along Mexico Road.

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve Petition 14-F.

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

Mr. Stiens	Yes
Mr. Kendall	absent
Mr. Trupiano	Yes
Mr. Meyer	Yes
Mr. Jaggi	Yes

There being 4 yes, 0 no vote and 1 absent vote, Mr. Meyer declared that Petition 14-F was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on lot 130 of Steeplechase as recorded in Book 7 Pages 2-3 at the St. Charles County Recorder's office, more commonly known as 7332 Mexico Road.
2. The lot is presently zoned C-1 Neighborhood Commercial District.
3. The adjacent zoning to the north and west is R-1 Single-Family Residential District.
4. The adjacent zoning to the east is C-1 Neighborhood Commercial District with Mexico Road to the south beyond which is C-2 Community Commercial District.

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

Mr. Stiens presented the Conclusions of Law for Petition 14-F 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. Stiens made a motion and Mr. Jaggi seconded to enact the Conclusions of Law. The motion carried unanimously.

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

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman