



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF JANUARY 16, 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. Dan Meyer; Mr. James Selinger; Mr. Tom Fann; Mr. William Jaggi; Ms. Julie Powers, Director of Planning, Community and Economic Development; 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 December 19, 2012. Mr. Jaggi made a motion and Mr. Fann 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-A:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 13-A. GFS Marketplace Realty Five, LLC c/o Universal Sign, Inc., requests a variance to permit a freestanding sign greater than fifty (50) square feet in area and greater than twelve (12) feet in height in the C-2 Community Commercial District. The property is located on the west side of Mid Rivers Mall Drive, south of McMenemy Road (311 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 13-A. The petitioner or their agent was requested to step forward to present their position. Mr. Ryan Sytsma, GFS Marketplace, was sworn in as the petitioner. Mr. Sytsma explained that a GFS Marketplace is a new store to the area and is planned to locate at 311 Mid Rivers Mall Drive, adjacent to the Red Robin restaurant. GFS Marketplace is proposing a larger sign which is closer in size and height to many of the signs in the area, rather than one that meets the C-2 District regulations. Mr. Sytsma noted that the elevation of the road in this area changes, making the sign sit slightly lower. Also, the distance from the Mid Rivers Mall area would make the sign lower and more difficult to read.

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 13-A.

Ms. Powers state that the planned GFS Marketplace will be located at 311 Mid Rivers Mall Drive which is on the west side of Mid Rivers Mall Drive, south of McMenamy Road. The commercial site is currently undeveloped; it was previously approved for a restaurant but was never constructed. It is adjacent to Red Robin restaurant. GFS is a food store which provides restaurant quality food items along with party supplies. It's clients will include restaurants, institutions, and the general population. They are entering the St. Louis metro market with three stores – one will be in St. Peters on Mid Rivers Mall Drive.

The site is located in the C-2 Community Commercial District. In the C-2 District, City Code currently permits ground signage up to twelve feet in height and fifty square feet in area along with an additional twenty-four square feet of changeable copy sign. When many of the parcels in the area were constructed, City Code allowed signage in the C-2 District to be a maximum height of twenty-five feet and seventy-five feet in ear. Therefore, much of the signage south of McMenamy Road meets these larger criteria. Those signs are legal/non-conforming signs and can remain. When they are substantially renovated, or the site they are on is redeveloped, the signs must then comply with the current code.

GFS Marketplace is proposing a larger sign which is closer in size and height to many of the signs in the area, rather than one that meets the C-2 District regulations. As they have noted in their application, the elevation of the road in this area changes, thus making the sign sit slightly lower. Also, the distance from the Mid Rivers Mall area also would make the lower sign difficult to read. These items – elevation and location - would make a complying sign difficult to read in the applicant's opinion.

Noting the above, the applicant has requested a variance to permit a thirty (30) foot tall ground sign with a sign area of approximately one-hundred (100) square feet at 311 Mid Rivers Mall Drive.

~~Ms. Powers Based on this, Novogroder/St. Peters, LLC requests a variance to allow the reduction of the four (4) foot planting strip between the property line and the off street parking facilities on a 1.77 acre site in the C-3 General Commercial District. The property is located on Lot 1 of Harvestowne Plaza Lot 1 a resubdivision plat as recorded in Book 33 Page 93-94 at the St. Charles Records Office, more commonly known as 4492 Central School Road (Walgreens).~~

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:

1. Ground Signs.

a. Ground signs as described above shall be permitted as follows:

(2) "C-2" Community Commercial. The maximum height may not exceed twelve (12) feet. The face of such sign may not exceed fifty (50) square feet per face for a total aggregate sign area of one hundred (100) square feet.

Ms. Powers noted that the proposed business is planned for the last remaining undeveloped parcel in the commercial area south of McMenemy Road. Many of the sites in the area have been developed for some time. Therefore, many of the businesses have signs which approximate the proposed sign size.

In addition, staff notes the existing McDonalds fast food restaurant, which is just to the north of the site, across McMenemy Road, is in the C-3 District. Signs in the C-3 District are allowed to be a maximum of thirty feet in height and one hundred feet in area. Therefore, that sign approximates the size proposed by the applicant. Most of the other signs to the north of McMenemy Road are monument style signs. These sites are subject to covenants of the mall subdivision which limits the signs to monument style.

Overall, the sign pattern in the area is mixed – monument style closer to the mall area, and taller signs moving south on Mid Rivers Mall Drive. As noted, this is due to limitations imposed by subdivision indentures and the older age of some signs.

Noting this pattern, a taller and larger sign, as proposed, will not be out of place at the subject site. The applicant has provided photos of the proposed sign at both 25 feet in height and 30 feet in height. Staff is of the opinion that either height will be visible from the Mid Rivers Mall area given the large tree at the front of the site will be removed. Also, the larger sign face will help visibility and will not be out of place with the range of sign sizes in the area

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 sign that is being proposed will allow this new use to establish their location and brand in the area with a ground sign that is aesthetically pleasing along Mid Rivers Mall Drive.

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 location is difficult to see from the major commercial area to the north. The planned use of the site is a new retail use that is trying to attract patrons. By allowing a larger sign, it will be more visible in the general area and, therefore, ensure a reasonable return.

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

If the sign complies with the code, visibility will be limited and may impose a hardship for the applicant. A variance will allow them to have maximum visibility from the nearby commercial intersection.

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

The applicant's property is impacted by the slight grade change on Mid Rivers Mall Drive and the distance from the nearby intersection which imposes a hardship.

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

The site remains undeveloped on Mid Rivers Mall Drive; it was planned for a restaurant use which did not get developed. The applicant purchased the site "as is"; therefore, the hardship has not been self imposed.

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 height and size increase 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 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.

Based on this analysis staff recommends approval of the requested variance to permit the height of the proposed ground sign of a maximum of thirty (30) feet and to allow the sign area to be a maximum of one hundred (100) square feet at 311 Mid Rivers Mall Drive.

~~Landscape requirements have been established to provide for adequate separation of buildings, parking lots, and uses, to create reasonable amount of open space to enhance the general health, safety and welfare of the community. However, in this case it was determined that it was not practical to establish the four (4) foot landscape buffer strip in front of the existing parking lot. 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 the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.~~

~~Based on this analysis, it is staff's recommendation to grant Novogroder/St. Peters, LLC (Walgreens) request for a variance to allow the reduction of the four (4) foot planting strip between the property line and the off-street parking facilities with the following contingency:~~

~~1. The landscape buffer strip may range between zero feet and four feet as required by MoDOT and/or the City of St. Peters based on Highway 364 and Central School Road right of way requirements.~~

Mr. Meyer asked if any of the board members had questions for Ms. Powers. ~~Braunfeld~~there Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 13-A. Mr. Mark Denney, 155 Oakridge Drive and owner of Aloha Printing, spoke in favor of this petition. Seeing no one else present to comment, Mr. Meyer closed the public hearing.

Mr. Jaggi made a motion and Mr. Fann seconded to approve Petition 13-A with a sign height of 25 feet.

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

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

There being 5 yes and 0 no ~~and 1 absent~~ vote, Mr. Meyer declared that Petition 13-A was approved.

Mr. Fann presented the findings of fact as follows:

1. The subject lot is located on the west side of Mid Rivers Mall Drive, south of McMenamy Road.
2. The lot is zoned C-2 Community Commercial District.
3. The adjacent zoning is C-3 General Commercial District to the north, R-3(A) Multiple-Family Residential District to the east and C-2 Community Commercial District to the south and west.
4. The Zoning and Subdivision Regulations permit a ground sign in the C-2 Community Commercial District adjacent to public right-of-way up to twelve feet in height and fifty square feet per face.

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

Mr. Jaggi presented the Conclusions of Law for Petition 13-A 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. Selinger seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

PETITION 13-B:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 13-B. J. Kevin McGraw requests a variance to allow a decrease in the minimum ground sign setback. The property is located in Woodstone Place Lot 3, as recorded in book 43 page 45 at the St. Charles County Recorder's Office, more commonly known as 3601 North St. Peters Parkway.

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-B. The petitioner or their agent was requested to step forward to present their position. Mr. McGraw was sworn in as the petitioner. Mr.

McGraw explained that they are requesting the re-orientation of the sign at his multi-tenant shopping center at 3601 North St. Peters Parkway. The reorientation is needed so that the sign is more visible as it will be perpendicular to road instead of parallel to the 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 13-B

Mr. Braunfeld stated that the applicant, Kevin McGraw DDS, is the owner of the multi-tenant shopping center at 3601 North St. Peters Parkway. The shopping center is located in the C-3 General Commercial District and fronts on the former Highway 94, where ground signage is allowed to be forty-five feet tall and two-hundred and fifty square feet in area; signs must be ten feet back from the property line. The current sign is monument style and approximately fifteen feet tall and one-hundred and twenty square feet in size. The applicant would like to shift the orientation of the existing sign so that it is perpendicular rather than parallel to the road.

Recently the Missouri Department of Transportation (MoDOT) constructed the new Route 364 in the subject area. The applicant's property is located on the north side of North St. Peters Parkway, the outer road for Route 364. When North St. Peters Parkway was constructed, it changed from a two-way local street serving this and a few other adjacent businesses to a one-way, multi-lane high speed road.

It is noted that the subject lot is connected to the adjacent Centre Pointe Shopping Center that existed prior to the construction of North St. Peters Parkway. As part of the road project additional right-of-way was purchased from the subject site as well as Centre Pointe Shopping Center. The enlarged right-of-way required modifications to the shopping center parking lot and the subject site when it was developed, including fewer parking spaces and limited green space along North St. Peters Parkway.

Due to the limited green space, the re-orientation of the sign will encroach into the ten foot sign setback. However, the applicant believes a standard perpendicular sign will help provide better advertising to vehicles driving along the newly configured one-way outer road. It will also provide physical identification of the business' curb cut.

Based on this, Kevin McGraw requests a variance to allow a decrease in the minimum ground sign setback for property located in Woodstone Place Lot 3, as recorded in book 43 page 45 at the St. Charles County Recorder of Deeds Office, more commonly known as 3601 North St. Peters Parkway.

~~Mr. Braunfeld Based on this, Novogroder/St. Peters, LLC requests a variance to allow the reduction of the four (4) foot planting strip between the property line and the off street parking facilities on a 1.77 acre site in the C-3 General Commercial District. The property is located on Lot 1 of Harvestowne Plaza Lot 1 a resubdivision plat as recorded in Book 33 Page 93-94 at the St. Charles Recorders Office, more commonly known as 4492 Central School Road (Walgreens).~~

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. D Signs Permitted in all "C" Commercial and "I" Industrial Districts...

1. b. (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 although the sign is required to be ten feet back from the property line/right-of-way, the site has some unique considerations that make the placement of the sign ten feet back a hardship for the applicant. As previously noted, MoDOT's revised roadway configuration, new high speed multi-lane, one-way road, in conjunction with reduced green space, have come together to limit the practical placement of a business sign on the property.

Re-orienting the sign perpendicular to the road and accounting for nearby underground utilities could place the sign nearly adjacent to the property line. A review of the street geometrics finds North St. Peters Parkway is setback approximately fifteen feet from the property line. Therefore, the visual encroachment of the sign is diminished due to the layout of the street with the additional green space between the property line and street curb. In addition, staff does not anticipate any sight visibility issues due to the one-way traffic and the green space in the right-of-way.

It was noted that the expanded right-of-way required modifications to the adjacent shopping center parking lot and the subject site when it was developed. This included a reduction in the number of parking spaces available in front of the shopping center. In addition to the orientation of the existing parking field, which is integrated into the adjacent shopping center, does not provide for the practical relocation of the sign within the parking lot. Therefore, the re-orientation of the sign near its current location, in a standard perpendicular angle to the street, will provide a practical solution to provide for adequate visibility to North St. Peters Parkway.

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 applicant would have to place a ground sign in a location on the property that would make the sign less visible to on-coming traffic, and therefore, it could have a negative impact on the return.

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

If the sign is required to be ten feet back from the property line, the applicant would have a hardship. A variance will allow them to place their proposed ground sign in a location that would have a maximum visibility from North St. Peters Parkway.

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

The revised roadway configuration, direction of travel, vehicle speed, and minimum green space provide limited opportunities for the practical placement of a business sign on the property.

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

The limited practical opportunities for the placement of a ground sign are due to the new North St. Peters Parkway and associated modifications to the adjacent property.

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 placement closer to the property line will not increase 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 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.

Based on this analysis staff recommends approval of the requested variance to permit the reduction of the ten (10) foot setback requirement to zero (0) feet with the following contingency:

1. The applicant shall coordinate the relocation of the ground sign with the Planning Department to minimize the setback encroachment.

~~Landscape requirements have been established to provide for adequate separation of buildings, parking lots, and uses, to create reasonable amount of open space to enhance the general health, safety and welfare of the community. However, in this case it was determined that it was not practical to establish the four (4) foot landscape buffer strip in front of the existing parking lot. 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 the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.~~

~~Based on this analysis, it is staff's recommendation to grant Novogroder/St. Peters, LLC (Walgreens) request for a variance to allow the reduction of the four (4) foot planting strip between the property line and the off-street parking facilities with the following contingency:~~

~~1. The landscape buffer strip may range between zero feet and four feet as required by MoDOT and/or the City of St. Peters based on Highway 364 and Central School Road right of way requirements.~~

Mr. Meyer asked if any of the board members had questions for Mr. Braunfeld. ~~Braunfeld there~~ Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 13-B. Seeing no one present to comment, Mr. Meyer closed the public hearing.

Mr. Fann made a motion and Mr. Jaggi seconded to approve Petition 13-B.

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

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

Mr. Jaggi Yes

| There being 5 yes and 0 no ~~and 1 absent~~ vote, Mr. Meyer declared that Petition 13-B was approved.

Mr. Fann presented the findings of fact as follows:

1. The property is located on lot 3 of Woodstone Place as recorded in Book 43 Page 246 at the St. Charles County Recorder of Deeds Office more commonly known as 3601 North St. Peters Parkway.
2. The lot is presently zoned C-3 General Commercial District.
3. Adjacent zoning is C-3 General Commercial District.
4. The Zoning and Subdivision Regulations require a sign to be setback 10 feet from the property line.

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 13-B 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 the Law were adopted.

Mr. Meyer made a motion and Mr. Fann seconded to adjourn the meeting at 6:40 p.m. All in favor, the motion carried.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman