



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF NOVEMBER 20, 2012
6:00 P.M.**

CALL TO ORDER

Chairman Dan Meyer called the meeting to order at 6:10 p.m.

ATTENDANCE

Those in attendance were Mr. Bill Kendall; Mr. Dan Meyer; Mr. James Selinger; Mr. Nick Trupiano; 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 August 17, 2012. Mr. Jaggi made a motion and Mr. Selinger seconded to approve the minutes as presented. All in favor, the motion carried and the minutes were approved. Mr. Meyer asked the Board for any comments or questions regarding the minutes of August 23, 2012. 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.

EXECUTIVE SESSION RE: Litigation, Real Estate and Personnel, pursuant to Section 610.021 (1) (2) (3) (9) (12) (13) (14) & 610.022 (1-6)

Mr. Meyer made a motion and Mr. Jaggi seconded to enter Executive Session re: Litigation, Real Estate and Personnel, pursuant to Section 610.021(1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6). All in favor the motion carried. With the motion approved the Board of Adjustment entered Executive Session at approximately 6:10 p.m. Mr. Jaggi a made a motion and Mr. Trupiano seconded to adjourn the Executive Session. All in favor, the motion carried and the Executive Session was adjourned at approximately 6:15 p.m.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Meyer asked for any reports or communications from the Officers. Ms. Powers noted that the Board of Aldermen approved the pay increase for the Board of Adjustment and it would be effective immediately.

PETITION 12-X:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-X. U Pick Hardwood Lumber c/o Stone's Signs requests a variance to permit a wall sign to exceed 5% of the wall area in the I-1 Light Industrial District. The property is located on the south side of Triad South Drive, west of Kisker Road (80 Triad South 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 12-X. The petitioner or their agent was requested to step forward to present their position.

Mr. Ron Stone, Stone's Sign Company, was sworn in as the petitioner. Mr. Stone explained that U Pick Hardwood Lumber is requesting a variance to permit a wall sign to exceed 5% of the wall area. The proposed wall sign is 98.73 square feet. Mr. Stone noted that U Pick Hardwood Lumber would give up the ground sign they are allowed to permit the larger wall sign.

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 12-X.

Ms. Powers stated U Pick Hardwood Lumber is located at 80 Triad South Drive in the Triad South Industrial Park. The industrial park is located between Highway 364/94 and Central School Road, with access to the park from Triad South Drive at Central School Road. The subject business faces both Triad South Drive and Highway 364/94.

The sign code permits a wall sign of up to five percent of the wall area facing Highway 364/94. Five percent of the subject wall would permit a sign up to 47.27 square feet. The proposed wall sign is 98.73 square feet. The property is also permitted a ground sign facing Highway 364/94 of up to 100 square feet in size per face. The applicant indicated they would give up the ground sign facing Highway 364/94 to permit the larger wall sign.

It is noted that in 2002, Incredible Engraving at 50 Triad South Drive, requested and received a variance for a larger wall sign in conjunction with them forgoing a ground sign facing Highway 364/94.

Based on this, U Pick Hardwood Lumber c/o Stone's Signs requests a variance to permit a wall sign to exceed 5% of the wall area in the I-1 Light Industrial District. The property is located on the south side of Triad South Drive, west of Kisker Road (80 Triad South 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 405.745 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 facade 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 facade, 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.

Ms. Powers noted that as stated in the signage regulations:

“The purpose of these regulations is to provide minimum control of permanent signs to promote the health, safety, and general welfare of the public by lessening hazards to pedestrian and vehicular traffic, by preserving property values, and by preventing a proliferation of unsightly and incompatible development which has a general blighting effect on the City.”

In general, the City Code is designed to allow adequate signage for businesses at an appropriate level for each zoning district. In addition, wall signs have been limited to five percent to allow adequate wall signs at a scale in keeping with the overall building size and scale.

In the case of U Pick Hardwood Lumber, wall signage is permitted on both the front of the building facing Triad South Drive and rear of the building facing Highway 364/94. In addition, two ground/pole signs are permitted on the lot. One pole sign may face Triad South Drive with the second facing Highway 364/94.

As noted, the subject wall faces Highway 364/94 and as is therefore permitted both ground and wall signage. The total permitted wall and ground signage would be 100 square feet (per side) for the ground sign and 42.27 square feet for the wall sign for a total of 247.27 square feet of wall/ground signage. The proposed wall sign would be 98.73 square feet. Therefore, with just the proposed wall signage, the Highway 364/94 frontage would have a net reduction in the total signage of approximately 150 square feet.

It is also noted that Incredible Engravings, in the same I-1 light industrial development, received a variance for the same type of variance to substitute a larger wall sign in place of a 100 square foot per side ground sign.

Staff is of the opinion that the placement of a pole sign would be more obtrusive than a larger wall sign in this area. In staffs opinion this substitution would further the intent of the City and the sign regulations of allowing reasonable advertising as well as promoting improved aesthetics.

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?

To obtain the needed return from the proposed commercial development, a larger wall sign is needed to identify the user and attract patrons from a distance to the newly re-constructed highway.

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

The use of a smaller wall sign would impact the visibility of the site and could, therefore, create a hardship for the proposed commercial user. In addition, the substitution of a larger wall sign in

place of a pole sign will further the goals of the City sign code to allow for reasonable advertising in the most aesthetic manner.

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

The location and speed of vehicles on the newly re-constructed highway could result in minimal visibility of the site. Therefore, this could cause the property to suffer a hardship with smaller signage.

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

The current business did not construct the building and, therefore, the current businesses actions did not create the wall sign visibility hardship.

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 would be in harmony with the general purpose and intent of the zoning regulations since the placement of a pole sign would be more obtrusive than a larger wall sign. Therefore the substitution of a larger wall sign for a ground sign would further the intent of the City and the sign regulations by allowing reasonable advertising as well as promoting improved aesthetics.

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 it is staff's recommendation to permit an increase in the wall sign area for property located on lot 8 of Triad South Industrial Park as recorded in book 36 page 65 at the St. Charles Recorder of Deeds Office, more commonly known as 80 Triad South Drive with the following contingencies:

1. The wall sign facing Highway 364/94 shall not exceed 100 square feet in size.
2. No ground or pole sign shall be placed on the Highway 364/94 side of the lot.

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 12-X. Seeing no one present to comment, Mr. Meyer closed the public hearing.

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve Petition 12-X.

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

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

Mr. Trupiano Yes

Mr. Jaggi Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 12-X was approved.

Mr. Kendall presented the findings of fact as follows:

1. The subject site is located on lot 8 of Triad South Industrial Park as recorded in book 36 page 65 at the St. Charles Recorder of Deeds Office, more commonly known as 80 Triad South Drive
2. The subject site is zoned I-1 Light Industrial District.
3. The Zoning and Subdivision Regulations allow five percent of the wall area for wall signs.
4. The site is surrounded by industrially zoned and developed ground.

Mr. Trupiano 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 12-X 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. Selinger seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

Mr. Meyer made a motion and Mr. Selinger 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