MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF SEPTEMBER 16, 2015
6:00 P.M.

CALL TO ORDER
Vice Chairman William Kendall called the meeting to order at 6:00 p.m.

ATTENDANCE
Those in attendance were Mr. Bill Kendall; Mr. Tom Fann; Mr. John Shetterly; Mr. William Jaggi; Ms. Julie Powers, Director of Planning, Community and Economic Development; Mr. Ken Braunfeld, Planning Coordinator, and Ms. Melissa Vollmer, Recording Secretary. Mr. Nick Trupiano and Mr. Dan Meyer were absent.

MINUTES
Mr. Kendall asked the Board for any comments or questions regarding the minutes of August 19, 2015. Mr. Fann made a motion and. Mr. Jaggi seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS
Mr. Kendall asked for any reports or communications from the Officers or Staff. Ms. Powers indicated there were none.

PETITION 15-P:
Mr. Kendall stated that the purpose of the meeting was to consider Petition 15-P. Boas Family & Marital Trust c/o Russ Craven Properties LLC and St. Peters Auto Spa LC (Dollar Tree Plaza and St. Peters Auto Spa), request a variance to allow an increase in the size of a ground sign on lot 1 and 2 of Eldorado Plaza as recorded in book 21 page 12 at the St. Charles County Recorder of Dees Office, more commonly known as 6626-2270 Mexico Road and an increase in the height of a ground sign on lot 2b of Eldorado Plaza as recorded in plat book 32 page 154 at the St. Charles County Recorder of Deeds Office, more commonly known as 6678 Mexico Road.

Mr. Kendall declared the public hearing open to consider Petition 15-P. The petitioner or their agent was requested to step forward to present their position. Mr. Russ Craven, owner of Dollar Tree Plaza, and Mr. Jeff Adams, St. Peters Auto Spa, were sworn in as the petitioners. Mr. Craven explained that they submitted and obtained a permit for a new sign on Mexico Road, within the access drive easement. The exhibit to the application shows the sign as 98.91 square feet. The sign permit was issued by the City; however, once the sign was installed, it was noticed that the calculations for the sign did not include the sign frame which shows the plaza name and Dollar Tree logo. Mr. Craven noted that the City staff informed him the sign would need a variance to be allowed to remain. Mr. Adams explained that after the sign was installed, it was blocking the west-bound Mexico Road view of his sign. Therefore, he is requesting a variance to increase the height of the St. Peters Auto Spa's sign to make it visible to west-bound Mexico Road traffic.

Mr. Kendall asked if there were any questions of the petitioner. Being none, Ms. Julie Powers was sworn in to present this City's position for Petition 15-P.

Ms. Powers explained that Dollar Tree Plaza is in the northeast quadrant of Mexico Road and Grand Teton Drive. It was developed in 1979 as Eldorado Plaza; it was renamed when Dollar Tree became the major tenant at this location. Uses within the center include a restaurant, a tattoo shop, a bar/tavern and various other small commercial uses. The site fronts on Grand Teton Drive but only includes a driveway access to Mexico Road. The easement with the access to Mexico Road was established in 1980, soon after the center was constructed. It ensures access to Mexico Road and shared access behind the businesses fronting on Mexico Road. The adjacent businesses are zoned C-2 Community Commercial District.

The site is zoned PEU which is now referred to as a PUD Planned Urban Development in the zoning code. The PEU was originally approved in 1993; prior to that the site was zoned C-2 Community Commercial District. The C-3 PEU was approved to allow specialty entertainment uses; a theatre was planned for the development and the PEU was needed to allow the use in addition to the C-1 and C-2 permitted uses. Since that time the PEU has been amended to allow the sale of used merchandise and a tattoo/piercing facility.

Recently the owners of the center submitted and obtained a permit for a new sign on Mexico Road, within the access drive easement. Because the site is zoned C-3 PEU, the sign can be one hundred square feet in area, plus changeable copy sign area, and thirty feet in height. The sign exhibit shows the sign a 98.91 square feet. Therefore, the sign permit was issued. However, after the sign was installed, staff determined that the calculations did not include the frame of the sign. This area is often a narrow band or frame on a sign and is often not part of the sign calculation. However, in this case, the frame area includes the name of the center and the logo for Dollar Tree. Therefore, this area should have been included in the sign measurements. The height of the sign is approximately eleven feet plus the height of the sign base. Staff advised the owner of the center and their sign contractor that a variance is needed to allow the increased sign area that includes the name of the center and the logo.

After the sign was installed, the adjacent neighbor, St. Peters Auto Spa, inquired regarding the sign height as the new sign is blocking the car wash sign. Staff advised them that the height of the sign is allowed, but that the sign area requires a variance because of the wording on the frame. Staff advised the car wash representative that a tandem variance could be requested for an increase in the height of the car wash sign as the new Dollar Tree Plaza sign now causes a visibility hardship for the car wash sign.

Noting the above, two application for variances were submitted – one to allow the increase sign area for Dollar Tree Plaza and a second to allow an increase in the sign height for St. Peters Auto Spa.

Ms. Powers noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended), states the following:

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:
        (1) "C-1" Neighborhood Commercial. No ground sign permitted.
        (2) "C-2" Community Commercial District. The maximum height may not exceed twelve (12) feet. The face of such sign may not exceed fifty (50) square feet per sign face or a total area of one hundred (100) square feet.
        (3) "C-3" General Commercial. The maximum height may not exceed thirty (30) feet. The face of such sign may not exceed one hundred (100) square feet per face or a total aggregate sign area of two hundred (200) square feet.

Ms. Powers noted that the subject center has been at this location for some time. Prior to the new sign, a lower sign was at this location; it only identified the center and was not easily seen due to its age and low height. Also, it did not include any separate spaces for identifying individual tenants. Given the location behind other commercial buildings, a sign at this location is key to identifying the users in the center. Therefore, the new sign at the extended height is helpful in accomplishing this goal.

Staff further notes that the sign cold be compliant if the name "Dollar Tree Plaza" was removed from the frame. This name, in addition to the logo at the top of the sign, helps identify the center to passersby. Therefore, staff is of the opinion the additional wording is helpful rather than detrimental and underscores the need for the variance. Staff notes that this short section of Mexico Road includes three separate users in addition to the Dollar Tree Plaza entrance. Given that amount of development activity, the larger and taller sign is warranted to make sure the center entrance and tenants are easily and safely identified.

As also noted above, the larger sign has impacted the adjacent neighbor to the west. The neighbor, St. Peters Auto Spa, is zoned C-2 Community Commercial District which is allowed a fifty square foot sign which can be a maximum of twelve feet in height. The existing car wash sign is taller, but was installed prior to the adoption of the current C-2 District regulations in the existing code however; the sign which is at the standard height is not visible wit the new Dollar Tree Plaza sign. Therefore, staff is of the opinion a height increase for the sign is warranted to ensure visibility of the car wash signs. Staff is of the opinion an additional seven-eight feet of height would allow the car wash ample height and visibility.

Staff further notes that signage is often identified as a strategy for business attraction and retention. While a balance is needed between advertising and aesthetics, staff believes the proposed sign height would be compatible with the area and achieve the goal of identifying the car wash.

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 petitioner could comply by removing the logo and lettering from the frame of the sign; the sign would then be technically in compliance. However, the center would be impacted as it would have less identification. Also, the overall sign would not change – therefore, the impact on the area aesthetics and the adjacent neighbor would be the same. Staff believes the sign as installed allows the property to adequately advertise and, thus, obtain a reasonable return. The adjacent car wash sign height increase is also reasonable as it is needed to ensure adequate visibility for the existing car wash business.

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

If the sign complies with the code, the lettering and logo would be removed. This creates a hardship for both the shopping center operator and the adjacent neighbor, as the scale and height of the sign would be unchanged and the car wash sign would be blocked. Also, the owner of the center and the tenants may be impacted due to reduced identification.

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

The applicant's property is visible from Grand Teton Drive, but it is somewhat hidden by businesses fronting on Mexico Road. Limiting sign identification may cause the site a hardship. Similarly, blocking the Auto Spa's sign would cause a hardship to the car wash operator.

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

The center was developed some time ago prior to the applicant's ownership of the center and car wash. The owners did not create the visibility issues on their sites.

5. Is the requested variance in harmony with 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 configurations are and will be attractive and compatible with the area. 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 have been able to use their property to the fullest extent; there will be 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 an increase in the size of the sign for Dollar Tree Plaza and an increase in the height of the sign for St. Peters Auto Spa or any successor car wash at this location with the following contingencies:

1. The car wash sign shall not exceed twenty-five feet in height.

2. The freestanding sign identifying Dollar Tree Plaza shall not exceed the current square footage, including the frame and logo.
3. The sign identifying Dollar Tree Plaza cannot be changed to a digital changeable copy sign and a digital copy sign cannot be added to the current sign.

Mr. Kendall asked if any of the board members had questions for Ms. Powers. Mr. Kendall asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 15-O. Seeing no one present to comment, Mr. Kendall closed the public hearing.

Mr. Fann made a motion and Mr. Jaggi seconded to approve Petition 15-O.

Mr. Kendall requested Ms. Vollmer call the roll, which resulted in the following votes:
Mr. Fann Yes
Mr. Kendall Yes
Mr. Jaggi Yes
Mr. Shetterly Yes

There being 4 yes, and 0 no vote, Mr. Kendall declared that Petition 15-O was approved.

Mr. Fann presented the findings of fact as follows:
1. The subject lots are located on the east side of Grand Teton Drive, north of Mexico Road.
2. The lots are zoned C-3 PEU and C-2 Community Commercial District.
3. The sites to the east and west along Mexico Ro ad are zoned C-2 Community Commercial District.
4. Further to the west are commercial sites zoned C-2 Community Commercial District.

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

Mr. Jaggi presented the Conclusions of Law for Petition 15-M 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. Shetterly seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 15-P:
Mr. Kendall stated that the purpose of the meeting was to consider Petition 15-P. Lewis Ozark Properties, LLC (Lewis Boats), requests a variance to allow an encroachment of the side yard setback for an existing building and a proposed building expansion. The property is located on lot 9 of I-70 Parkway Plat 4 as recorded in book 29 page 183 at the St. Charles County Recorder of Deeds Office, more commonly known as 4030 Interstate 70 North Service Road.

Mr. Kendall declared the public hearing open to consider Petition 15-P. The petitioner or their agent was requested to step forward to present their position. Mr. Cliff Heitmann, Bax Engineering, was sworn in as the petitioner. Mr. Heitmann explained that Lewis Boats is proposing an 8,750 square foot expansion to the existing 11,895 square foot building. The facility was originally owned by Pappas Toyota, which sold the building to Lewis Boats in 2008. The proposed expansion will be to the rear of the existing building and enclose a portion of the existing outside storage area. The new building will allow for more maintenance and storage of boats to be conducted inside rather than outside. At the time the original building was constructed, the side yard setback was ten feet, over time, the zoning changed and the side yard setback was increased to fifteen feet. Lewis Boats is requesting a variance to permit the current ten foot setback to remain.

Mr. Kendall 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 15-P.

Mr. Braunfeld explained that the applicant, Lewis Boats is proposing an 8,750 square foot expansion to the existing 11,895 square foot building constructed in 1977. The 2.10 acre facility was originally owned by Pappas Toyota, which sold the facility in 2008. At that time, Lewis Boats obtained a special use permit to sell new and used boats. The proposed expansion will be to the rear of the existing building and enclose a portion of the existing outside storage area. The new building will allow for more maintenance and storage of boats to be conducted inside rather than outside.

When the original dealership facility was constructed, the site was zoned C-2 Community Commercial which permitted a ten foot side yard setback. In 1992 the property was rezoned to C-3 General Commercial District to bring the site into conformance with the existing new/used car dealership use. While the C-3 General Commercial District brought the site into conformance with the use, it increased the minimum side yard setback from ten feet to fifteen feet. At that time the building became legal non-conforming, meaning it could remain as is, but could not be altered. Therefore, the proposed expansion requires a variance to permit the current ten foot setback to remain.

As part of the expansion, the applicant has agreed to make other aesthetic upgrades to the front of the lot to bring the site more in keeping with today's development standards. This will include removal of two old concrete jersey barriers and replacement with a decorative fence. The existing yellow anti-theft bollards along the front of the site will also be removed or capped with a decorative cover. In addition, the existing gate will be replaced or refurbished. The existing chain link fence will also be refurbished including painting and the removal of the razor wire installed by the former car dealer.

The applicant submitted a site plan for the building addition and site improvements and obtained approval from the Planning and Zoning Commission at the September 2, 2015 meeting with a contingency that they obtain a variance for the setback encroachment.

Based on this, Lewis Ozark Properties, LLC (Lewis Boats), requests a variance to allow an encroachment of the side yard setback for an existing building and a proposed building expansion. The property is located on lot 9 of I-70 Parkway Plat 4 as recorded in book 19 page 183 at the St.

Charles County Recorder of Deeds Office, more commonly known as 4030 Interstate 70 North Service Road.

Mr. Braunfeld noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended), states the following:

Section 405.210 C-3 General Commercial District

G. Yard Requirements…

2. Side yard width shall be fifteen (15) feet except when adjacent to a residential district, then twenty (20) feet is required.

Mr. Braunfeld noted the existing building was conforming to the development standards of the time. The existing site and building were developed as a car dealership facility under the C-2 Community Commercial setback requirements which permitted a ten foot side yard setback. The property was then rezoned in 1992 to C-3 General Commercial to bring the site into conformance with the existing new/used car dealership zoning requirements. The C-3 General Commercial District zoning brought the site into conformance for the use, but also increased the minimum side yard setback from ten feet to fifteen feet.

Since the rezoning the non-conforming setback has not affected the use of the property until the applicant wanted to expand the existing facility, as the buildings legal non-conforming status meant it could remain as is, but could not be altered. The history of the site explains the encroachment was caused by changes in the zoning code which required a change to the site's zoning which altered the setback requirements.

Relocating the existing building would not be practical nor necessary as the building and site have operated without any problems since 1977. A review of the lot finds that it is long and narrow leaving no other practical location for the building expansion. It is also logical that the expansion be setback the same as the existing building. In addition, the applicant will make important upgrades to the front of the lot that will bring it more into compliance with today's development standards.

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 properties, substantially increase congestion in public streets, increase the danger of fire, endanger the public safety or substantially diminish property values within the neighborhood.

Therefore, it is in both the applicant's interest and the general public's interest to allow the existing encroachment to remain and permit the proposed addition to be constructed in conjunction with the aesthetic improvements required in the approved site plan.

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?

Allowing the existing encroachment to remain and the proposed addition to be constructed will not substantially alter the current visual impact. In bringing the site into conformance with changes to the zoning code, at no fault of the applicant, the side yard setback increased from ten feet to fifteen feet. Therefore, the proposed variance allows for the most practical mechanism to accomplish these goals, providing for the reasonable use of the property.

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

While there will be an encroachment of the side yard setback, the visual impact of the encroachment will be negligible since the addition will be in line with the existing building which has had no concerns since it was constructed in 1977. In addition, changes to the zoning code created the encroachment and non-conforming status of the building. The strict application of setback regulations would make the practical improvements to the facility difficult resulting in a hardship.

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

The subject property is of limiting size and unusually narrow. This and the placement of the existing building restricts the practical options for an expansion and therefore creates a hardship on the property.

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

The changes to the zoning code, in conjunction with the existing layout of the subject property, building and lot configuration, restrict the practical options to accommodate the proposed addition. Together these factors create a hardship.

5. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow for the reasonable use and and the use of the rear portion of the lot, thus providing for the reasonable use of the property.

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; there will be 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 allow an encroachment of the side yard setback for the construction of a building addition with the following contingency: Therefore, staff recommends approval of the requested variance with the following contingencies.

1. The side yard setback shall be reduced from fifteen (15) to ten (10) feet.

Mr. Kendall asked if any of the board members had questions for Mr. Braunfeld. Mr. Kendall asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 15-P. Seeing no one present to comment, Mr. Kendall closed the public hearing.

Mr. Fann made a motion and Mr. Jaggi seconded to approve Petition 15-P.

Mr. Kendall requested Ms. Vollmer call the roll, which resulted in the following votes:
Mr. Fann Yes
Mr. Kendall Yes
Mr. Jaggi Yes
Mr. Shetterly Yes

There being 4 yes, and 0 no vote, Mr. Kendall declared that Petition 15-P was approved.

Mr. Fann presented the findings of fact as follows:

1. The property is located on lot 9 of I-70 Parkway Plat 4 as recorded in book 19 page 183 at the St. Charles County Recorder of Deeds Office, more commonly known as 4030 Interstate 70 North Service Road.
2. The lot is presently zoned C-3 General Commercial District.
3. Adjacent zoning is I-1 Light Industrial District to the west, C-3 General Commercial District to the north and east, and I-70 North Service road to the South.

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

Mr. Jaggi presented the Conclusions of Law for Petition 15-P 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. Shetterly seconded to enact the Conclusions of Law. The motion carried unanimously.

<u>PETITION 15-Q:</u>
Mr. Kendall stated that the purpose of the meeting was to consider Petition 15-Q. QuikTrip Corporation – QuikTrip Store #608 requests a variance to allow an increase in the size and height of the ground sign and price signs on Lot 1 of QuikTrip Subdivision as recorded in Book 27 Page 138 at the St. Charles county Recorder of Deeds Office and Lot 2A of the Resubdivision of Lot 2 of QuikTrip Subdivision as recorded in Book 31 Page 146 at the St. Charles County Recorder of Deeds Office, more commonly known as 391 North Main Street.

Mr. Kendall declared the public hearing open to consider Petition 15-Q. The petitioner or their agent was requested to step forward to present their position. Ms. Gwen Keen, QuikTrip Real Estate Project Manager, was sworn in as the petitioner. Ms. Keen explained that as part of a system-wide upgrade of signage and facilities, QuikTrip is requesting an increase in the size and height of their ground sign and price signs at the location on North Main Street. Ms. Keen noted that due to the reconfiguration of the Mid Rivers Mall Drive overpass at Interstate 70, their signage is no longer visible to westbound traffic on Interstate 70.

Mr. Kendall 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 15-Q.

Mr. Braunfeld explained that as part of a system wide upgrade of signage and facilities, QuikTrip contacted the City regarding an update to the existing pole sign at 391 North Main Street, more commonly known as the Old Town QuikTrip. A variance was granted in 1988 for an increase in height to 45 feet and 250 square feet per side in size, but staff has not found any information on the size of the changeable copy price signs. The applicant indicated that after the recent upgrade to Interstate 70 and Mid Rivers Mall Drive interchange, a sign that met the original variances will not have sufficient visibility to indicate the store's location or products.

Based on this QuikTrip Corporation – QuikTrip Store #608 requests a variance to allow an increase in the size and height of the ground sign and price signs on Lot 1 of QuikTrip Subdivision as recorded in Book 27 Page 138 at the St. Charles County Recorder of Deeds Office and Lot 2A of the Resubdivision of Lot 2 of QuikTrip Subdivision as recorded in book 31 page 146 at the St. Charles County Recorder of Deeds Office, more commonly known as 391 North Main Street.

Mr. Braunfeld noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended), states the following:

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:

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

Mr. Braunfeld noted QT is making a system wide upgrade of signage and facilities. QuikTrip's review of the Old Town pole sign found it deficient and that if it met City Code or the original variances it will not have sufficient visibility to indicate the store's location or products. As noted, a variance was granted in 1988 for an increase in height to forty-five feet and 250 square feet per side in size, but staff found no information regarding the increase in the size of the changeable copy price signs.

The zoning for the Old Town QT is C-2 Community Commercial District. In 1988 staff supported a variance for the increased height and size due to its location along Interstate 70. At that time staff noted that the location of the property adjacent to Interstate 70 would justify C-3 General Commercial zoning, which would permit a forty-five foot tall sign and a 250 square foot per side sign. Staff believes that a variance was recommended in place of a change to the zoning due to the site being next to Old Town St. Peters. Therefore the variance was a reasonable balance between the site's location, appropriate signage, and zoning.

As noted by the applicant and confirmed by staff, the visibility of the sign, especially from west bound Interstate 70, is minimal. Over the years Interstate 70 has more than doubled in width, the exit ramp has been moved and the bulk of the overpass has been increased. It is noted that the west bound Interstate 70/Mid Rivers Mall Drive interchange is somewhat unique in that the exit for mid Rivers is tied to the interchange at Highway 370, creating a much longer and wider vehicle merging area. In addition, the site also has a dedicated semi-truck diesel fueling area which functions as a small truck stop. Due to the size of the truck stop vehicles it also seems reasonable to provide signage that will allow additional time for truck customers to safely exit the highway. Together these issues have substantially reduced the visibility and effectiveness of the existing sign and the need for improved signage.

The proposed sign would increase to 60 feet tall and be 257 square feet in size per side. The changeable copy price sign would remain in substantially its current form at 210 square feet per side. Staff believes the increase in height will help compensate for the modifications made to Interstate 70 and Mid Rivers Mall Drive over the last twenty-eight years and the increased truck traffic being served. In addition, the proposed sign dimensions will also assists with the unique exit configurations between Mid Rivers Mall Drive and Highway 370. Therefore, the height and size of the proposed sign will allow cars and trucks enough time to safely identify the QT sign and exit the highway.

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?

Allowing the proposed variance will not substantially alter the visual impact. The increase in size and height will help compensate for modifications made to Interstate 70 and mid Rivers Mall Drive since the original variance. In addition, the variance will clarify the size of the existing changeable copy price signs. Therefore, the proposed variance allows for the most practical mechanism to accomplish these goals, providing for the reasonable use of the property.

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

Allowing the proposed variance will not substantially alter the current visual impact and will provide additional time to negotiate the exit ramp due to recent highway improvements. Therefore, the strict application of the regulations would reduce the commercial effectiveness of the sign and may diminish safety, resulting in a hardship.

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

Modifications made to Interstate 70 and Mid Rivers Mall Drive, including the unique exit configurations between Mid Rivers Mall Drive and Highway 370, have created a hardship and, therefore, the ability to achieve the highest and best use of the property.

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

The modifications to the interstate system near the site were not a result of the applicant's action. Therefore, the visibility hardship impacting the applicant's site is not due to their own actions.

5. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow for the reasonable use of the sign, thus providing for the reasonable use of the property.

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; there will be 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 allow an increase in the size and height of the ground sign and price signs with the following contingencies:

1. The pole sign may be a maximum of 60 feet in height.
2. The maximum size of the sign shall be 257 square feet in area per side.
3. The price-changeable copy sign shall not exceed 210 square feet per side.
4. The sign and/or price-changeable copy sign may be digital subject to the electric ground sign requirements of the City Code in effect at the time of such request.

Mr. Kendall asked if any of the board members had questions for Mr. Braunfeld. Mr. Kendall asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 15-Q. Seeing no one present to comment, Mr. Kendall closed the public hearing.

Mr. Jaggi made a motion and Mr. Fann seconded to approve Petition 15-Q.

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Jaggi	Yes
Mr. Shetterly	Yes

There being 4 yes, and 0 no vote, Mr. Kendall declared that Petition 15-Q was approved.

Mr. Fann presented the findings of fact as follows:

1. The property is located on Lot 1 of QuikTrip Subdivision as recorded in book 27 page 138 at the St. Charles County Recorder of Deeds Office and Lot 2A of the Resubdivision of Lot 2 of QuikTrip Subdivision as recorded in book 31 page 146 at the St. Charles County Recorder of Deeds, more commonly known as 391 North Main Street.
2. The lot is presently zoned C-2 General Commercial District.
3. Adjacent zoning is S-D Special Old Town District to the west, I-1 Light Industrial to the north, C-2 Community Commercial District to the east, and Main Street to the South.

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

Mr. Shetterly presented the Conclusions of Law for Petition 15-Q 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. Kendall seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Shetterly seconded to adjourn the meeting at 7:06 p.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer	William Kendall
Recording Secretary	Vice Chairman