



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF APRIL 21, 2021
6:00 P.M.**

CALL TO ORDER

Chairman Tom Fann called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Tom Fann; Mr. Bill Jaggi; Ms. Brynn Palmer; Mr. John Shetterly; Mr. Brian Stiens; Ms. Julie Powers, Director of Planning, Community & Economic Development; and Ms. Melissa Vollmer, Recording Secretary. Mr. Ken Braunfeld, Planning Coordinator, was absent

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the March 17, 2021 meeting. Mr. Jaggi made a motion and Ms. Palmer seconded. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Fann asked for any reports or communications from the Officers or Staff. Ms. Powers noted that the Joint Work Session is scheduled for March 18, 2021 at City Hall.

PETITION VAR 21-06:

Ms. Powers noted that the applicant is working through some other issues with the platting of this lot and is requesting an extension until next month. Mr. Jaggi made a motion and Mr. Stiens seconded to postpone this item until the May 19th Board of Adjustment Meeting. The motion carried unanimously

PETITION VAR 21-08

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 21-08. Andy's Frozen Custard c/o Pinnacle Sign Group, Inc., requests a variance to install a wall sign without street frontage. The site is located on the west side of Mid Rivers Mall Drive, south of St. Peters Square (601 Mid Rivers Mall Drive).

Mr. Fann declared the public hearing open for consideration of Petition VAR 21-08. The petitioner or their agent was requested to step forward to present their petition. Mr. Brandon Arnold, Andy's Frozen custard, was sworn in as the petitioner. Mr. Arnold explained that Andy's Frozen Custard is wanting to install a sign on the south side of the "red blade" architectural element. Because this side of the blade does not have street frontage, they are requesting the variance as presented tonight.

Ms. Julie Powers was sworn in to present the City's position on Petition VAR 21-08. Ms. Powers explained that Andy's Frozen Custard received approval from the Planning and Zoning Commission on September 2, 2020 for a new 1,647 square foot frozen custard store. The project is located on a 1.2 acre outlot, zoned C-3 General Commercial District, adjacent to the St. Peters Square development, anchored by Schnucks. In 2019, the adjacent property was re-zoned from C-3 General Commercial District to a residential Planned Urban Development (PUD). This property is now being developed with single-family houses under the name Village Point. Access to Andy's is from St. Peters Square which connects to Mid Rivers Mall Drive at a signalized intersection.

The building faces Mid Rivers Mall Drive to the east and St. Peters Square to the north. The company's standard sign package focuses the majority of their wall signage on both sides of the "red blade" architectural

element which extends out from the front of the storefront. In this case, the wall of the “red blade” faces north and south. Staff advised that the south wall did not qualify for signage as it does not face a parking lot or main building entrance. In conversation with the owner, it was suggested the ground sign be reduced in size and height and this signage added to the south wall. In addition, the owner will locate the ground sign along the northeast side of the site to place it as far away as possible from the residential lot to the south.

Based on this, Andy’s Frozen Custard c/o Pinnacle Sign Group, Inc. requests a variance to install a wall sign without street frontage. The site is located on the west side of Mid Rivers Mall Drive, south of St. Peters Square (601 Mid Rivers Mall Drive).

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) state:

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.

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. The City Code is designed to allow adequate signage for businesses at an appropriate level for each zoning district. This includes allowing building walls with direct street frontage to have signs of up to 5% of the wall area. In 2017, the code was amended to allow businesses greater flexibility by allowing the shifting of wall signage to other facades, so long as the transferred signage does not exceed the permitted sign area. Together these regulations allow for adequate wall signage but maintains a size in keeping with the overall scale of the building.

In this circumstance the south side of the building is not permitted signage, although it is visible to Mid Rivers Mall Drive. In addition, the size of the building is not large enough to generate excess wall signage to transfer from one wall to another. The north side of the building facing St. Peters Square will include 57 square feet of the permitted 60.25 square feet of available signage. The south side of the building, without street frontage and the subject of this variance, would include the same 57 square feet of signage. In addition, the front wall sign facing Mid Rivers Mall Drive will use 30.8 square feet of the permitted 32 square feet of signage listing concretes, shakes, sundaes and cones.

Ground signage is based on the zoning district, with more intensive commercial districts allowed larger and taller signs. Due to the site’s C-3 General Commercial District zoning, a ground sign of up to 100 square feet

per side and up to 30 feet high is permitted. In addition, a changeable copy sign of 24 square feet per side is also permitted. In this case the 100 square foot ground sign would be limited to 67 square feet in size per face. Therefore, the unused 66 square feet (33 sqft x 2) of signage is available, of which the south wall sign will use 57 square feet.

It is noted that the ice cream cone is actually three-dimensional and the square footage is being calculated in two-dimensions for simplicity. It is also noted that two other businesses in the Triad Industrial Park facing Highway 364/94 received similar variances to shift ground signage for wall signage as well as the proposed Discount Tire store on Highway 364/94.

Staff is of the opinion the placement of a full size pole sign would be more obtrusive than additional wall signs in this area, especially towards the adjacent residential properties to the south. Of particular concern was the potential glare from a full sized ground sign, especially one that is partially lit from external flood lights. The relocation of the ground sign and the lower height and size will prevent the ground sign from glaring into the adjacent residential back yards. In addition, staff is suggesting the south facing sign be constructed with the ability to control its brightness. This will allow greater flexibility to balance the visibility of the sign towards Mid Rivers Mall Drive and minimize glare towards the residential.

In staff's opinion this substitution would further the intent of the City and the sign regulations by allowing reasonable advertising as well as promoting improved aesthetics.

Ms. Powers presented 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 commercial development has excellent visibility and is an appropriate use on Mid Rivers Mall Drive. However, additional wall signs will better identify the user, attract patrons from a distance along the street, and balance the aesthetics of the building.

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

The use of a single 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 additional wall signs for a smaller pole signage 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 site is easily visible and a prime commercial location. However, the view from the adjacent residential development will benefit from a relocated and smaller ground sign. In addition, the aesthetics of the building will be improved with balanced signage on each side of the building's main architectural element. While there is minimal hardship to the property, the smaller pole sign will enhance the site and improve the overall aesthetics of the commercial corridor.

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

Although the current business will be constructing the building, the current business actions did not create the wall sign regulations or 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 larger pole sign would be more obtrusive than additional wall signage. Therefore the substitution of additional wall signage for a smaller 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 wall signage without street frontage with the following contingencies:

1. The south side of the building shall be permitted wall signage.
2. Any signage on the south side of the "red blade" architectural element shall match the north side to be aesthetically balanced.
3. The wall sign on the south side of the "red blade" shall be dimmable to prevent glare onto the adjacent residential properties.
4. The ground sign shall not exceed 67 square feet per side and 21 feet tall.
5. The ground sign shall be permitted a changeable copy sign of 24 square feet per side.
6. The ground sign shall be located at the northeast corner of the site.
7. No wall sign shall exceed 5% of the wall area.
8. All other sign requirements shall apply.

Mr. Fann asked if any of the board members had questions for Ms. Powers. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition VAR 21-08. Seeing no one present to comment, Mr. Fann closed the public hearing.

Ms. Palmer made a motion and Mr. Jaggi seconded to approve Petition VAR 21-08.

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

Mr. Stiens	Yes
Mr. Shetterly	Yes
Ms. Palmer	Yes
Mr. Jaggi	Yes
Mr. Fann	Yes

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 21-08 was approved.

Mr. Jaggi presented the Findings of Fact as follows:

1. The site is located on Lot 3A of St. Peters Square Resubdivision of Lot 3 as recorded in Book 50 Page 269 at the St. Charles County recorder's Office, more commonly known as 601 Mid Rivers Mall Drive.
2. The Zoning and Subdivision Regulations permit wall signage on each wall which parallels and is adjacent to, or is oriented to, a street or access drive.
3. The subject site is zoned C-3 General Commercial District.
4. The zoning to the north is C-3 General Commercial District, to the west and south is a residential Planned Urban Development District (PUD), and Mid Rivers Mall Drive to the east, beyond which is C-3 General Commercial District.

Mr. Stiens 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 VAR 21-08 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.

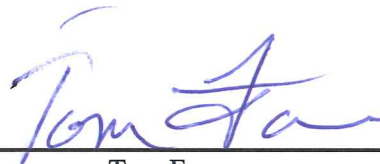
Mr. Jaggi made a motion and Ms. Palmer seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Stiens seconded to adjourn the meeting at 6:32 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman