



**MINUTES BOARD OF ADJUSTMENT  
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF AUGUST 19, 2020  
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. Brian Stiens; Mr. John Luehrs; Mr. John Shetterly; Ms. Brynn Palmer; Mr. Ken Braunfeld, Planning Coordinator; Julie Powers, Director of Planning, Community & Economic Development; and Ms. Melissa Vollmer, Recording Secretary. Mr. Bill Jaggi was absent.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the July 15, 2020 meeting. Mr. Fann made a motion and Mr. Stiens 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 indicated that there were none.

PETITION VAR 20-12

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-12 Randy Fischer requests a variance to allow the construction of an accessory building (shed) in the side yard in the R-1 Single Family Residential District. The property is located at 11 Meandering Lane.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-12. The petitioner or their agent was requested to step forward to present their petition. Mr. Randy Fischer was sworn in as the petitioner. Mr. Fischer explained that he would like to build a larger shed in his side yard and that the current shed would be removed. The shed will be six feet off of the property line and will comply with all other City regulations. Due to the unique shape of his lot, the side yard is the only suitable location for the shed.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition VAR 20-12. Mr. Braunfeld that subject property is located at 11 Meandering Lane and contains a two-story single-family house on a pie shaped 9,000 +/- square foot lot. The site currently contains an eight by eight (64 +/- square foot) shed on the east side of the house in the side yard. The applicant contacted the City regarding the requirements to remove the existing shed (accessory structure) and install a new shed.

Staff and the homeowner met at the site where it was determined the existing shed was located in the side yard, was closer than six feet to the side property line, and located within an easement, none of which are permitted. Staff and the homeowner examined various locations for the possible relocation of the shed in compliance with the City Code. Due to the exaggerated pie shape of the property, no other practical location was available.

Based on this, Randy Fischer requests a variance to allow the construction of an accessory building (shed) in the side yard in the R-1 Single Family Residential District, for property located at 11 Meandering Lane.

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) state:

Section 405.130 (Yard Requirements)

H. Yard Requirements:

1. The minimum yard requirements shall apply to each lot.

d. Detached accessory buildings may not be used as dwelling units and shall be located in a rear yard.

Mr. Braunfeld noted that the lot is located on the inside bend of Meandering Lane where it transitions from a north/south street to an east/west street creating an exaggerated pie shaped lot. In addition, the home is pushed back from the street and shifted west on the lot. This creates a larger front yard, a larger eastern side yard, and a smaller backyard.

As previously noted staff and the homeowner met at the site and examined various alternatives to the shed's existing location. At that time it was determined there was no practical location for the shed due to the steep pie shape angle of the backyard. In addition, an existing porch also projects into the backyard, further limiting the practical location for a shed.

Staff and the homeowner did find there was enough room to place the new shed a minimum of six feet from the side property line; therefore, the new shed will comply with the six foot side yard setback requirement and be outside of the six foot utility easement. At this time the applicant also indicated the desire to increase the size of the shed from an eight by eight (64+/- square foot) to ten by twelve (120+/- square foot). It is noted the 120 square foot shed size is permitted.

A review of the lot finds the placement of the shed in the eastern side yard, to be the most practical. The modest size increase also appears be reasonable, as it should not be particularly noticeable to the casual observer. Staff did note the existing seven foot high shed has a rather unobtrusive profile, which helps to make its placement in the side yard less noticeable. The applicant agreed that the proposed shed will not exceed eight feet in height, thus maintaining the same general unobtrusive profile. Due to the shed's visibility to the street, the shed will have vinyl siding to match the house and roofing to match/compliment the house, giving it a house quality finish.

It is noted the existing shed has been in this location for many years and that staff is not aware of any complaints. In addition, the adjacent neighbor met the applicant and staff during the site visit and indicated support for the proposed project.

It is staff's opinion that the proposed variance 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.

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?

Compliance with the regulations would not allow the applicant to fully utilize the value of their unique pie shaped lot, with an oversized side yard, which limits the practical location for a shed. The shed (accessory structure) regulations do not adequately address these unique situations.

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

The applicant will be prevented from installing a shed (accessory structure) in the oversized side yard; therefore, it would create a hardship for the applicant.

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

The City regulations do not effectively address pie shaped lots with oversized side yards; therefore, the property owner would suffer a hardship by not being able to place a shed in the most practical location, as they could not use their lot to its full extent.

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

The property was originally developed in 1978; the pie shaped lot was established at that time. The current owner did not initially develop the 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 property would be in harmony with the general purpose and intent of the zoning regulations since the owner would be able to install a new shed in a manner that is compatible with the area.

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 that the Board of Adjustment grant the requested variances to allow the construction of an accessory building (shed) in the side yard in the R-1 Single Family Residential District, for property located at 11 Meandering Lane.

1. The proposed shed design and location shall be substantially as indicated in the attached exhibits, including residential style siding and shingles to match the existing house.
2. The maximum shed size shall not exceed one hundred and twenty feet (120) square feet.
3. The shed height shall not exceed eight (8) feet.
4. No more than one shed shall be permitted in the side yard.

Mr. Fann asked if any of the board members had questions for Mr. Braunfeld. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition VAR 20-12. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Shetterly made a motion and Mr. Luehrs seconded to approve Petition VAR 20-12.

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

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

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 20-12 was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located on Lot 117 of Oak Creek Hills Plat 1 as recorded in book 19 page 14 at the St. Charles County Recorder's Office.
2. The lot is presently zoned R-1 Single-Family Residential District.
3. The adjacent properties are zoned is R-1 Single-Family Residential District.

Mr. Shetterly 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 VAR 20-12 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.

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

PETITION VAR 20-13

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-13. CRG Services, LLC c/o Hannah Kiem requests a variance to increase the number of ground signs and the size of wall signs. The property is located on Lot 6 and a portion of Lot 7 of Premier 370 Business Park Plat Two as recorded in Plat Book 49 Page 237 at the St. Charles Records Office; north side of Spencer Road, north of Salt River Road – 12000 Spencer Road.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-13. The petitioner or their agent was requested to step forward to present their petition. Ms. Hannah Kiem was sworn in as the petitioner. Ms. Kiem explained that the new Project Smile development in the Premier 370 Business Park is requesting additional signage due to the size of the property, large number of employees and heavy truck traffic. The additional signage is required to properly direct employee and truck traffic to the correct entrances.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition VAR 20-13. Mr. Braunfeld explained that the subject site is located in the Premier 370 Industrial Park for Project Smile, a recently approved warehouse distribution center, scheduled to open in 2021. The property is zoned St. Peters Lakeside 370 Special District as are the other properties in the area. The project is located on a 36.4 +/- acre lot that has over a third of a mile of frontage along the future Spencer Road extension. The 142,670 +/- square foot office/warehouse/ distribution facility will have 230 employee parking spaces, 983 delivery van parking spaces, and five curb cuts.

City regulations allow each property to have one ground sign and two identification signs. The ground signs along Spencer Road may be up to 50 square feet per side. Identification signs may be up to twelve square feet per side. The applicant has indicated the size of the property, large number of employees, and heavy truck traffic requires additional signage to properly direct employees and truck traffic to the correct entrances.

Based on this, CRG Services, LLC c/o Hannah Kiem requests a variance to increase the number of ground signs and the size of wall signs. The property is located on Lot 6 and a portion of Lot 7 of Premier 370 Business Park Plat Two as recorded in Plat Book 49 Page 237 at the St. Charles Records Office; north side of Spencer Road, north of Salt River Road – 12000 Spencer 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) state:

Section 405.265 LAKESIDE 370 SPECIAL DISTRICT

2. All other developments shall be limited to one (1) freestanding, monument-type business sign per street frontage that shall be limited to a maximum height of twelve (12) feet and a maximum size of fifty (50) square feet per face. A changeable copy sign of a maximum of twenty-four (24) square feet shall be permitted in conjunction with each business sign. The changeable copy sign shall comply with the general regulations of Section 405.745(D)(5) of this Chapter.

4. Attached wall signs shall be permitted in accordance with the sign provisions of Article IX of this Chapter.

#### 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 and shall include all signs on each wall. 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 or a portion 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. The transferred sign area shall not exceed the permitted sign area.

Mr. Braunfeld noted that the subject site is located in the Premier 370 Industrial Park and contains a future warehouse distribution center. The project is located on a 36.4 +/- acre lot with over a third of a mile of road frontage and five curb cuts. In the St. Peters Lakeside 370 Special District, ground signs along Spencer Road may be up to fifty square feet per side with up to two identification signs up to twelve square feet per side.

The site's considerable size, large workforce, and high truck traffic requires special traffic consideration. This includes the extension of Spencer Road and five curb cuts to properly manage the various types of traffic accessing the site. Specific to this development, additional signage is requested to facilitate the flow of traffic into the site. This includes signage at each curb cut directing vehicles and trucks to the appropriate access point.

Due to the large scale and employment intense use of the project, it is reasonable to expect the need for enhanced signage to facilitate safer traffic flow. The proposed variance will allow an increase in the number of ground signs from one to five to accommodate the oversized directional signs. Staff is suggesting an additional ground sign be added to allow the opportunity to install a standard corporate identification sign in the future.

It is noted that only a small portion of the sign face will advertise the user, with the majority being used as directional signage or addressing. The increase in signage will allow the signs to better direct vehicles and trucks to the appropriate entrance given the volume of employees and truck traffic and distances between access points.

The applicant has also requested an increase in the size of their wall signs. 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. 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 typically allow for adequate wall signage but maintain a size in keeping with the overall scale

of the building. Even with the code change, the perpendicular orientation of the building to the street with a shorter side wall, relative to the overall size of the building and lot, restricts the amount of standard sign placement.

The applicant has proposed two signs on the southeast side of the building and one on the southwest side of the building for a total of 531.31 square feet. The available signage is 510 square feet based on the wall signage calculation, which only includes the southeast side of the building, directly facing Spencer Road. It is noted the northeast wall, being the customary front of the building, would permit 1,383 square feet of wall signage if it had direct frontage. In addition, staff notes the user may want signage on the front of the building of the same scale as the current signage, which would add an additional 310 square feet for a total of 840 square feet.

The perpendicular orientation of the building with the unusually short side wall restricts the amount of standard sign placement. Further, even though the signs do not technically have street frontage, they will be placed in customary locations that are easily visible to traffic on Spencer Road. Considered together, the proposed wall and ground sign placement is consistent with other warehouse/distribution facilities based on the, location, style, and information they will convey.

In summary, although though the size and quantity of the signs will increase, it is necessary to safely direct the flow of traffic into the site. Further, the unusually large scale of the project will easily absorb the increase in quantity and size, such that the signs will not be visually out of place.

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?

By allowing for an increase in the number of ground signs and an increase in the size of the wall signs, the signage will better meet the needs of the applicant and facilitate improved traffic flow. These sign modifications ensure a reasonable return by the business and safer traffic flow for the city.

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

The code does not factor in the unique scale of the project or the volume of employee and truck traffic entering and exiting the site. In this case, an increase in the number of ground signs and an increase in the size of wall signs will further the goals of the applicant and the City, thereby creating a hardship if not approved.

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

The unique scale of the project and volume of employee and truck traffic necessitates the need for creative sign solutions, thus impacting the property.

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

The site size creates the signage challenge. While the applicant did plat and develop the property, it was done to accommodate a large user. The unique circumstances of the subject project, create the identification 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 will be in harmony with the general purpose and intent of the zoning regulations, since the proposed signage will not cause hazards to pedestrian and vehicular traffic or cause blighting within the community. Further, the signage will facilitate safer traffic flow into and out of the site.

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 an increase the number of ground signs and increased area of the wall signs with the following contingencies:

1. The site shall be permitted five (5) ground signs for the primary purpose of directing traffic into and out of the site.
2. The site shall be permitted one (1) ground sign for the primary purpose of advertising the business.
3. The site shall be permitted wall signage up to eight hundred and fifty (850) square feet in size.

Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition VAR 20-13. Seeing no one present to comment, Mr. Fann closed the public hearing.

Ms. Palmer made a motion and Mr. Stiens seconded to approve Petition VAR 20-13.

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

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

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 20-13 was approved.

Mr. Shetterly presented the Findings of Fact as follows:

1. The property is located on Lot 6 and a portion of Lot 7 of Premier 370 Business Park Plat Two as recorded in Plat Book 49 Page 237 at the St. Charles Records Office; north side of Spencer Road, north of Salt River Road – 12000 Spencer Road.
2. The lot is presently zoned St. Peters Lakeside 370 Special District.
3. The adjacent properties are zoned St. Peters Lakeside 370 Special District.

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

Mr. Stiens presented the Conclusions of Law for Petition VAR 20-13 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 VAR 20-14

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-14. Arrowhead Roofing c/o Landmark Sign Co. requests a variance to increase the size of wall signs. The property is located on the north side of Interstate 70 Service road North, west of Spencer Road – 4890 Interstate 70 Service Road North.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-14. The petitioner or their agent was requested to step forward to present their petition. Mr. Peter Pfeiffer, Landmark Signs, was sworn in as the petitioner. Mr. Pfeiffer explained that Arrowhead Roofing, along Interstate 70 Service Road North, would like additional signage along the main façade of the building that would detail the products that the sell.

Ms. Julie Powers was sworn in to present the City's position on Petition VAR 20-14. Ms. Powers explained that Arrowhead Roofing purchased and redeveloped the property at 4890 I-70 Service Road North with a new showroom for their roofing and building materials company. The rear building on the property is used for a related company. The property is zoned CPD Commercial Planned District; this zoning was approved in 2010 to allow a flea market in a former foundry building on the property. The flea market was not successful and the site was vacant for several years. The applicant purchased the site and constructed the new building, which has been operating since last year.

City regulations allow each building to have signage on all walls that face a street or access drive or the permitted signage may be shifted to a wall that does not have frontage. In this circumstance the building has two frontages – one facing Interstate 70/I-70 Service Road North, and one facing Spencer Road. The façade facing Spencer Road is largely blocked from view due to the hillside and foliage along Spencer Road. Therefore, the applicant has not placed signs on the east facade facing Spencer Road. The applicant

has installed signs on the main façade identifying the business, but has determined that additional signs detailing their products would be beneficial to the traveling public.

Based on this, Arrowhead Roofing requests a variance to permit additional wall signage in a CPD Commercial Planned District. The property is located on the north side of Interstate 70/I-70 Service Road North, west of Spencer Road - 4890 I-70 Service Road North.

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

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

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 and shall include all signs on each wall. 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 or a portion 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. The transferred sign area shall not exceed the permitted sign area.

Ms. Powers noted that the subject property is located along Interstate 70 at Spencer Road; the site has two frontages that are eligible for wall signs. As noted above, the applicant has not placed signs on the east façade as there is no visibility of the building from Spencer Road, which parallels the east façade. The applicant has placed signs on the front of the building indicating the business name and general purpose. However, the applicant would like to add signs indicating various products provided by Arrowhead – roofing, siding, windows, doors, decks, railing and stone. The inclusion of these signs on the front (south) façade exceeds the allowed sign area.

Upon review of this request, staff notes that the building elevation with the proposed signs is attractive and does not appear to have excessive signage. This is attributed to the building design, which includes an entrance feature that extends beyond the face of the building and includes a large glass section. The openness of the glass and the expanse of the building result in an uncluttered appearance, even with the additional signs. In addition, the signage that would be permitted on the east façade of the building – an estimate of approximately 450 square feet of sign area – will not be used. These factors combined – building design and unused signage – make the request reasonable in staff's opinion.

Given the above, staff proposes a contingency that would reduce the allowed signage on the east wall to any sign area not shifted to the south wall. Although the applicant is not proposing this, staff suggests reserving a small amount of signage in case an identification or similar type of sign is ever needed on the east wall. The balance of the allowed sign area may be placed on the front of the building. This is consistent with other “sign shifts” which have been approved in the City. Staff notes that the proposed additional signage for the south façade uses only a portion of the sign area allowed on the east façade.

This proposal is reasonable in staff’s opinion because the overall amount of signage for the property will not change. Staff finds that the proposed sign will not be visually out of scale with the other signs on the building or the area. In addition, there will be no net increase in signage for the property. Overall, staff believes this building has improved the aesthetics of the commercial/industrial corridor along with a great improvement to the appearance and use of the subject site.

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 building is permitted wall signs on all facades with street frontage. By allowing for the shifting of available sign area, the proposed signs will better meet the needs of the applicant and have no net increase in total signage for the site. 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 except where there is a main entrance that is not facing a street. The proposed wall sign shift will improve visibility for the applicant with no overall net change in the total signage available for the site.

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

The building has good visibility to the interstate. However, the frontage along Spencer Road has very limited visibility and, therefore, signage that would not be effective. The shifting 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 road system and elevations were not the result of the applicant’s actions; these limit visibility of the eastern façade, creating a partial 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 will be in harmony with the general purpose and intent of the zoning regulations, since the substitution of ground 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 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 additional wall sign area on the south building facade with the following contingency:

1. All signage shifted to the south wall shall be subtracted from the permitted east wall sign area.

Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition VAR 20-14. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Stiens made a motion and Mr. Luehrs seconded to approve Petition VAR 20-14.

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

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

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 20-14 was approved.

Mr. Luehrs presented the Findings of Fact as follows:

1. The property is located on the west side of Spencer Road, north of Interstate 70 - 4890 I-70 Service Road North.
2. The lot is presently zoned CPD Commercial Planned District.
3. The surrounding zoning is I-2 Heavy Industrial District to the west, A-1 Agricultural, I-1 Light Industrial District, and I-2 Heavy Industrial to the north, and C-3 General Commercial District further to the west and to the east and south.

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

Mr. Stiens presented the Conclusions of Law for Petition VAR 20-14 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. Shetterly made a motion and Mr. Luehrs seconded to enact the Conclusions of Law. The motion carried unanimously.

#### PETITION VAR 20-15

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-15. Whistle Stop, LLC requests a variance to allow wall signs painted on a building. The property is located the north side of Main Street, east of Depot Ave. – 301 Main Street.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-15. The petitioner or their agent was requested to step forward to present their petition. Ms. Katie Reuther, owner, was sworn in as the petitioner. Ms. Reuther explained that The subject building is at the corner of Main Street and Depot Avenue in Old Town St. Peters. The east façade of the building gets a lot of visibility and Ms. Reuther noted that they would like to install a hand-painted business sign on that façade of the building which will have the business name and address to direct patrons to the business

Ms. Julie Powers was sworn in to present the City’s position on Petition VAR 20-15. Ms. Powers explained that the subject site is on the north side of Main Street, west of Depot Drive. The building was constructed in the 1800s and has been used as a residence and a variety of other uses over the years. The current user is renovating the building to be the Whistle Stop, a boutique for multi-tenant craft and similar sales.

The site is located in Old Town St. Peters, which is a mix of uses including residential, restaurant, service use, and retail. The Main Street corridor reflects all these uses, with some including buildings with non-residential uses on the first floor and residential uses on the second floor. Overall, the area is a mix of uses in the older “downtown” of the City. Staff notes the City has invested extensively in Old Town with stormwater improvements to prevent flooding and streetscape improvements which included sidewalks, on-street and off-street parking, decorative light standards, and street furniture. These improvements have improved the general appearance and livability of Old Town.

The subject building is at the corner of Main Street and Depot Ave. The facility will have on-street parking initially; on-site parking may be added in the future. To the east is the Wine Bar, beyond which is Main Street Diner and QuikTrip. Across Main Street to the south are buildings fronting Main Street used as small shops and/or residences. To the west, across Depot Ave., is a real estate office and a residence beyond, both fronting Main Street. Further to the west is the Farmer’s Co-op building and parking area.

City regulations allow each building to have signage on all walls that face a street or access drive, or which face a parking lot if that is the main facade. Since this building faces Main Street and Depot Ave., signage is permitted on the walls parallel to those roads. However, the front wall which faces Main Street includes a front porch and windows and does not have an ideal location for a prominent sign. The side wall, which faces Depot Street, is a brick wall – part of the original historic structure. This wall is very

visible and a good location for a sign. The applicant, in keeping with their renovation efforts, is proposing a painted wall sign, similar to the type of sign originally used in historic downtowns.

Based on this, Whistle Stop, L.L.C., requests a variance to permit a painted wall sign which exceeds five percent of the wall area on the side of a building in the S-D Special Old Town District. The property is located at the northeast corner of Main Street and Depot Avenue – 301 Main Street.

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

SECTION 405.730: SIGNS PROHIBITED

The following signs shall be prohibited:

2. Paper posters and signs painted directly on exterior walls, chimneys or other parts of the building.

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

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 the site is located in Old Town St. Peters which is an old fashioned mixed use area. Many older buildings have been converted to retail or office uses, while some remain as residential uses. The subject site is adjacent to a wine bar and across the street from a real estate office, and fronts on a main corner on Main Street. Noting this downtown/mixed use development pattern, the proposed commercial use of the property is appropriate for the building. Furthermore, the applicant is renovating the building and adding a business to the Old Town area.

The front of the building, which parallels Main Street, has limited area for a sign; a small wall sign may be added to this facade. The proposed painted sign would be on the west wall and would be part of the architectural treatment of the building, adding to the building's historic nature. Staff understands that a former painted sign is sometimes visible when the brick is wet, underlying the historic quality and evidence of the painted sign. Staff is of the opinion the historic nature of the painted sign will be an attribute to the building and area, and will help identify the new business.

Staff notes the signs may exceed five percent of the wall area. In this case, staff believes the overall design is attractive and appropriate for the large brick wall – it will add an interesting feature to the building. Therefore, staff believes the size of the sign can be accommodated without issue.

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 building is in Old Town which has a historic small town atmosphere. The painted sign will allow the historic quality of the building to be enhanced, adding to the attractiveness and reasonable use of the property.

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

The code does not allow painting of wall signage, but by allowing this painted sign on the side wall, the site will be enhanced and the new business will be identified. The absence of a painted sign would not cause a direct hardship, but allowing the painted sign will contribute to the success of the business and the appearance of the area.

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

The property does not suffer a direct hardship as it is on Main Street and visible. However, the property did have a painted sign originally, so the new painted sign will be consistent with the historic features of the property. Further, the sign will enhance the identification of the new business, and offset the limited sign area on the front façade.

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

There is limited area on the front of the building, which is not a result of 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 development will be in harmony with the general purpose and intent of the zoning regulations, since the wall signage will not cause hazards to pedestrian and

vehicular traffic or cause blighting within the community. Further, the painted wall sign would enhance the historic qualities of the building and the area.

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

1. The wall sign on the eastern façade of the building may be a painted sign.
2. The sign area shall be as generally shown on the exhibit attached to the subject application, and may exceed five percent of the wall area.

Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition VAR 20-15. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Stiens made a motion and Ms. Palmer seconded to approve Petition VAR 20-15.

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

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

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 20-15 was approved.

Ms. Palmer presented the Findings of Fact as follows:

1. The property is located on the northeast corner of Main Street and Depot Ave. – 301 Main Street.
2. The lot is presently zoned S-D Special Old Town District.
3. The surrounding zoning is S-D Special Old Town District.
4. The land use in the area is a mix of residential, commercial and service uses.

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

Mr. Shetterly presented the Conclusions of Law for Petition VAR 20-15 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.

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

PETITION VAR 20-16

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-16. QuikTrip Corporation – QuikTrip Store #619 requests a variance to allow an encroachment of the front yard setback to South St. Peters Parkway and Old Farmhouse Road, a decrease in the four foot landscape buffer strip, and the placement of a structure (retaining wall) within an easement. The property is located 4646 South St. Peters Parkway.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-16. The petitioner or their agent was requested to step forward to present their petition. Ms. Gwen Keen, QuikTrip, was sworn in as the petitioner. Ms. Keen explained that QuikTrip is upgrading the gas station and convenience store at Kisker Road and Highway 94/364. To accommodate this remodel, they will need several variance including: a reduction in a portion of the four foot landscape buffer strip along the front and rear property lines to allow the placement of a structure (retaining wall) within an easement, a reduction in the front yard setback to accommodate a portion of the building along Old Farmhouse Road, and the fuel canopy along South St Peters Parkway.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition VAR 20-16. Mr. Braunfeld explained that the Planning and Zoning Commission approved a new QuikTrip gas station/c-store at the southeast corner of South St. Peters Parkway and Kisker Road. As part of a system wide facilities upgrade, the applicant will construct a new QT Kitchen convenience store. The store will continue to sell standard convenience store items and fuel as well as a variety of made to order fresh foods such as sandwiches, pizza, and snacks.

The new one story, 4,993 square foot facility will be constructed on a 1.30+/- acre tract. The new facility will be the same configuration as the existing store at the southeast corner of Highway 364/94 and Kisker Road. It is noted that this QuikTrip was originally developed in unincorporated St. Charles County and annexed into the City of St. Peters many years ago. In addition, this location was built prior to the reconstruction of Highway 94 into Highway 364/94, which is a limited access highway.

Together, these changes and the constraints of the existing conditions will require the applicant to obtain several variances to accommodate the proposed redevelopment. This includes a reduction in a portion of the four foot landscape buffer strip along the front and rear property lines to allow the placement of a structure (rear retaining wall) within an easement, a reduction in the front yard setback to accommodate a portion of the building along Old Farmhouse Road, and the fuel canopy along South St. Peters Parkway.

Based on this, QuikTrip Store #619 requests a variance to allow an encroachment of the front yard setback to South St. Peters Parkway and Old Farmhouse Road, a decrease in the four foot landscape

buffer strip, and the placement of a structure (retaining wall) within an easement. The property is located 4646 South St. Peters Parkway.

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 405.210 C-3 General Commercial District.

G. *Yard Requirements*. See Section 405.390 "Landscaping and Screening".

1. All buildings shall be set back from all street right-of-way lines not less than thirty (30) feet

405.390 Screening and Landscaping:

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...

Mr. Braunfeld noted that the the development was originally constructed in unincorporated St. Charles County prior to being annexed into the City of St. Peters. In addition, the original development was constructed prior to the reconstruction of Highway 94 into a limited access highway with one-way outer roads.

The existing configuration of the property limits the ability to redevelop the site, with a new QuikTrip facility, as previously existed at this location. Due to the radius of the street, this will include up to fifteen (15) foot reduction in the thirty foot front yard setback to Old Farm House Road. Due to the depth of the lot there is no other practical location to place the building. It is noted the QuikTrip site and the adjacent office building visually front to South St. Peters Parkway with the back of the building towards Old Farmhouse Road. It is also noted the proposed building will be reconstructed in the same general location as the existing building, which has had no known concerns regarding its placement. In addition, the new QuikTrip building will carry the same masonry features on all sides of the building to maintain an appropriate appearance to Old Farmhouse Road.

In addition to the building, a portion of the front canopy will also encroach approximately six (6) feet into the front yard setback to South St. Peters Parkway. This encroachment is also necessary to allow the most practical placement of the canopy, given the limitations of the existing site. Given the limited nature of the encroachment and the adjacent landscaping, the visual encroachment will diminish to zero.

Due to the topography of the site and existing road frontages, a retaining wall is needed along Old Farmhouse Road. The placement of the wall will be within an easement, requiring a variance. While it is

typically best practice to avoid structures within an easement, this must be balanced against unique circumstances presented with redevelopment projects. It is noted that if granted, the variance is only from the City requirement, and does not alleviate QuikTrip from obtaining the appropriate approvals from those that control the easement. In this case, that is believed to be Duckett Creek Sewer District. In addition to the subject retaining wall, a sight proof fence will be installed to prevent someone from falling off the wall and to buffer any back entrance activities.

The majority of the site, including the front and side yards, will have approximately five to fifteen foot landscape buffer strips, well in excess of the minimum four (4) feet. However, the front (rear) of the site towards Old Farmhouse Road will need a reduction of the buffer strip to zero in some places. As previously noted, the existing configuration of the property was dictated by its original construction within another jurisdiction and recent road improvements. Together these limit the ability to redevelop the site in full compliance with the City Code. In conjunction with the retaining wall, fence, and building, there is no practical location to create green space along Old Farmhouse Road. In exchange for this portion of the landscape buffer strip, staff will work with the developer to install an attractive module wall with an appropriate sight proof vinyl fence. In addition, there may be an opportunity to use colored stamped concrete in place of landscaping to replace the traditional landscape buffer with an attractive hardscape.

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 reduction of the front yard setback and landscape planting strip is either not visually noticeable or can be balanced by other methods. The proposed variance, to allow an encroachment into the easement, will allow the developer and holder of the easement to negotiate an agreement; therefore, together ensuring a reasonable return.

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

The reduction of the front yard setback and landscape planting strip is either not visually noticeable or can be balanced by other methods. The proposed variance, to allow an encroachment into the easement, will allow the developer and holder of the easement to negotiate an agreement. The variances will allow the proper redevelopment of the site both functionally and aesthetically.

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

The applicant's property is impacted by its previous development in unincorporated St. Charles County and the impact of the reconstruction of Highway 94 into a limited access highway with one-way outer roads. Each of these imposes their respective hardships.

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

The site is being redeveloped to upgrade the QuikTrip facility. The exterior property lines are fixed and the existing road grades cannot be changed; therefore, the hardships have 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 limited reduction in the front yard setback and landscape planting strip is either not visually noticeable or can be balanced by other methods. In addition, the proposed variance, to allow an encroachment into the easement, will allow the developer and holder of the easement to negotiate an agreement, furthering the goals of the City.

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 to allow an encroachment of the front yard setback to South St. Peters Parkway and Old Farmhouse Road, a decrease in the four foot landscape buffer strip, and the placement of a structure (retaining wall) within an easement, with the following contingencies:

1. The front yard encroachment of only a canopy, to South St. Peters Parkway, shall not exceed six (6) feet.
2. The front yard encroachment for the building to Old Farmhouse Road shall not exceed fifteen (15) feet.
3. The reduction in the four (4) foot landscape buffer strip to zero feet, along Old Farmhouse Road as shown on the approved site plan, including:
  - a. A decorative modular retaining wall, sight proof vinyl fence, and decorative stamped concrete or other hardscape feature, as approved by the Planning Department, shall be maintained along Old Farmhouse Road.
4. The reduction in the four (4) foot landscape buffer strip to zero feet, along South St. Peters Parkway, shall be permitted but shall not exceed twenty (20) feet in length.
5. The encroachment into an easement shall be for a retaining wall and associated accessories only.
  - a. The granting of this variance does not relinquish the utility companies' rights to the use of the easement as granted, including but not limited to, Duckett Creek as recorded in book 1243 page 1893, book 2322 page 1485, and book 1256 page 928, at the St. Charles County Recorder of Deeds Office.
  - b. The use of the easement is at the property owner's sole risk which may require partial or full removal or relocation of the retaining wall and associated structures at the property owner's expense at the request of a utility company for use of the easement.

Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition VAR 20-16. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Luehrs made a motion and Ms. Palmer seconded to approve Petition VAR 20-16.

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

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

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 20-16 was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The subject property is located 4646 South St. Peters Parkway.
2. The lot is zoned C-3 General Community Commercial District.
3. The adjacent zoning is C-3 General Commercial District.

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

Mr. Shetterly presented the Conclusions of Law for Petition VAR 20-16 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.

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

Mr. Fann made a motion and Mr. Stiens seconded to adjourn the meeting at 7:38 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer  
Recording Secretary



Tom Fann  
Chairman