



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF JULY 17, 2019
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. Brian Stiens; Mr. Bill Jaggi, Mr. Tom Fann; Mr. Bill Kendall; Mr. John Shetterly, Mr. Ken Braunfeld, Planning Coordinator and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the June 19, 2019 meeting. Mr. Jaggi made a motion and Mr. Kendall seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Fann asked for any reports or communications from the Officers or Staff. Mr. Braunfeld indicated that there were none.

PETITION 19-M

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-M. Halle Properties, LLC (Discount Tire) requests a variance to permit wall signage without street frontage. The property is located on the south side of South St. Peters Parkway, west of Woodstone Drive.

Mr. Fann declared the public hearing open for consideration of Petition 19-M. The petitioner or their agent was requested to step forward to present their petition. Mr. Tom Mosher, Discount Tire, was sworn in as the petitioner. Mr. Mosher explained that Discount Tire is proposing three wall signs and a ground sign. Due to its location along Highway 364/94 the placement of one of the wall signs is not along street frontage so they are requesting a variance for that signage.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition 19-M. Mr. Braunfeld explained that Discount Tire received approval from the Planning and Zoning Commission on June 5, 2019 for a new 8,200 square foot automotive tire facility. The proposed development will be on one of the three vacant outlots next to the Fresh Thyme development, facing South St. Peters Parkway and Highway 94/364. Access to the subject lot is to South St. Peters Parkway and Woodstone Drive via a cross-access driveway.

Discount Tire is proposing three wall signs and a ground sign. The front wall sign facing Highway 94/364 will be 74 square feet. The east wall of the building, without street frontage, facing the main parking lot will be 60 square feet. The west wall of the building, without street frontage, facing Fresh Thyme is also 60 square feet. Due to its location along Highway 364/94, a ground sign of up to 250 square feet is also permitted on the subject property. It is noted the "1601" address sign, as shown on the exhibits, is not considered commercial advertising and is not included in the maximum permitted square

foot calculations nor limited on frontage. The placement requires a variance as there is no entrance or parking on one side of the building.

Based on this, Halle Properties, LLC (Discount Tire) requests a variance to permit wall signage that exceeds five percent of the wall area and wall signage without street frontage. The property is located on the south side of South St. Peters Parkway, west of Woodstone Drive.

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 405.745 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 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. 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.

Discount Tire is requesting three wall signs, but only have enough wall signage to face Highway 94/364. Five percent of the subject front wall would permit a sign up to 83 square feet. The proposed front wall sign is 74 square feet leaving 9 square feet remaining. The east wall of the building, without street frontage, facing the main parking lot will be 60 square feet. The west wall of the building, without street frontage, facing Fresh Thyme is also 60 square feet. Therefore, the total of the east and west wall signage minus the extra front wall signage would be 111 square feet (120 sqft-111sqft).

The property's location along Highway 94/364 permits a ground sign of up to 250 square feet. The applicant is proposing an equal reduction in ground signage for wall signage. In this case the 250 square foot sign would be limited to 139 square feet in size. It is also noted that two other businesses in Triad Industrial Park facing Highway 94/364 received similar variances to shift ground signage for wall signage.

Staff is of the opinion that the placement of a full size pole sign would be more obtrusive than additional wall signs in this area. In staff's opinion this substitution would further the intent of the City and the sign regulations of allowing reasonable advertising as well as promoting improved aesthetics.

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?

To obtain the needed return from the proposed commercial development, additional wall signs are needed to identify the user and attract patrons from a distance within the development and to the highway.

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 view from the adjacent developments and speed of vehicles on the highway could result in a diminished visibility of the site. Therefore, this could cause the property to suffer a hardship with the single wall design.

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

Although the current business will be constructing the building, the current businesses actions did not create the wall sign regulations or visibility 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, 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. The property is located on the south side of South St. Peters Parkway, west of Woodstone Drive with the following contingencies:

1. Additional wall signage is permitted with a corresponding reduction in the size of the ground sign as follows:
 - a. For each one square foot reduction of ground signage the wall signage may be increased by one square foot.
2. No wall sign shall exceed 5% of the wall area.
3. All other sign requirements shall apply.

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 19-M. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Kendall seconded to approve Petition 19-M.

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

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

There being 5 yes and 0 no vote, Mr. Fann declared that Petition 19-M was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The site location is Lot 2 of the Record Plat Resubdivision of lot 8 of the Resubdivision of lot 4 of Wal-Mart's First Addition to the City of St. Peters as recorded in Book 49 Page 159 at the St. Charles County Recorder's Office.
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 site is surrounded by commercially zoned and developed ground.

Mr. Jaggi 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 19-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. Kendall made a motion and Mr. Jaggi seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Fann seconded to adjourn the meeting at 6:21 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman

