CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, August 7, 2008

The Board of Adjustment meeting was called to order at 7:07 p.m. on Thursday, August 7, 2008 by Mr. Leon Kravetz, Acting Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Mr. Leon Kravetz, Acting Chair
Ms. Marilyn Ainsworth
Ms. Laura Lueking
Mr. Richard Morris
Mr. Robert Tucker

Councilmember Bob Nation, Ward IV
Mr. Rob Heggie, City Attorney, City of Chesterfield
Ms. Annissa McCaskill-Clay, Lead Senior Planner, City of Chesterfield
Ms. Mary Ann Madden, Recording Secretary, City of Chesterfield
Court Reporter, Midwest Litigation Services

II. Approval of July 10, 2008 Meeting Summary

Laura Lueking made a motion to approve the Meeting Summary. The motion was seconded by Richard Morris and **passed by a voice vote of 5 to 0.**

III. Request for Affidavit of Publication

The Chair noted that the Affidavits of Publication and exhibits for all Petitions had been placed on the dais.

IV. Public Hearing Items:

The Chair read the Opening Comments for the Public Hearings.

A. B.A. 04-2008 2309 Callender Ct. (Erma Simmons): A request for variance from City of Chesterfield Zoning Ordinance Section 1003.113(3)(a) to allow an existing residence located at the referenced address in the Kehrs Mill Farm Subdivision to maintain a 22 ft. front yard setback in lieu of the required 25 ft. front yard setback. (21T610199)

Staff Presentation:

Ms. Annissa McCaskill-Clay, Lead Senior Planner for the City of Chesterfield, presented exhibits supporting the petition requesting a variance to allow the

Petitioner to maintain a 22-foot front yard setback in lieu of the required 25-foot front yard setback for the construction of a front porch.

At the July 10th meeting, the petition was held because the Subdivision Trustees had not had the opportunity to review the request in order to provide their input regarding the proposed construction. The Petitioner, Chesterfield Sunrooms, has provided a written statement from the President of the Trustees of Kehrs Mill Subdivision stating that the Trustees have reviewed the Petitioner's application request and they have no objection to it. In addition, Staff received a phone call from another Subdivision Trustee advising that all the Trustees had reviewed the request together and had no objection to it.

Petitioner's Presentation:
Mr. Dennis May, Chesterfield Sunrooms – a division of Chesterfield Fence & Deck, stated that the variance request relates to the fact that a small part of the addition to the home falls within the building line setback. In order to get proportions aesthetically pleasing on the proposed addition, an 8-foot projection from the house is necessary.

Speakers:
No Speakers were present to speak in favor of, or in opposition to, the variance request.

CONCLUSION:
Richard Morris made a motion to approve B.A. 04-2008 2309 Callender Ct. (Erma Simmons). The motion was seconded by Laura Lueking.

Upon roll call, the vote was as follows:

Marilyn Ainsworth	**Yes**
Laura Lueking	**Yes**
Richard Morris	**Yes**
Richard Tucker	**Yes**
Leon Kravetz	**Yes**

The motion passed 5 to 0.

B. B.A. 06-2008 14810 W. Clayton Road (Wildwood Plaza Shopping Center/Lester's): A request for variance from Section 1003.168 of the City of Chesterfield Zoning Ordinance to permit an attached wall sign at Wildwood Plaza Shopping Center to exceed five percent (5%) of the of the wall area of the business on which it is attached. (21R420686)

Staff Presentation:
Ms. Annissa McCaskill-Clay, Lead Senior Planner for the City of Chesterfield, presented exhibits supporting the petition requesting a variance from Section 1003.168 of the City of Chesterfield Zoning Ordinance to permit an attached wall

sign at Wildwood Plaza Shopping Center to exceed five percent (5%) of the wall area of the business on which it is attached

Ms. McCaskill-Clay stated that Wildwood Plaza Shopping Center is zoned "C2" Shopping District. This zoning was established by St. Louis County in 1965 prior to the incorporation of the City of Chesterfield. It is a 6.82-acre tract of land located near the intersection of Baxter and Clayton Roads.

The Petitioners requested, and were rejected for, an application for a sign permit on June 30, 2008 due to the fact that the proposed signage was **148 square feet**. The City of Chesterfield Zoning Ordinance Section 1003.168C.3.1(b) requires that the outline area for an attached wall sign not exceed 5% of the wall area of the business on which said sign is attached. Based upon the calculations of the information provided by the Petitioners, 5% of the wall area would be **68 square feet**. The 80-foot difference between the requested signage and the signage permitted was cause for rejection.

Discussion was held relative to: (1) how the signage was calculated; (2) the size of the current sign being over 100 square feet; and (3) the fact that the current sign was approved prior to City incorporation.

Petitioner's Presentation:
Mr. Steven Masinelli of General Sign Company distributed materials to the Board members, which were marked as exhibits. He then referred to the sign drawing that shows the previous sign on the mansard roof to explain why the new sign is being proposed as presented. He stated that when they compute signage, they look at what is referred to as the "lighted area" and they try to stay within the square footage of this lighted area. This is what is seen at a nighttime view. Mr. Masinelli further explained the details involved in computing the signage noting that the new "Lesters" sign is a cabinet, which has channel letters attached to it. He noted that only the letters light up – not the cabinet itself. It is the Petitioner's opinion that the proposed sign is consistent with the previous sign in terms of its size – the proposed sign is 73.22 square feet compared to the previous sign of 75.1 square feet. They feel that the proposed signage is more aesthetically pleasing than the previous signage, which was mounted on "stilts".

Mr. Masinelli explained how signs are calculated for mansard roofs noting that they are not allowed the totality of the height of the building – they are only allowed 6 feet above the 10-foot entrance, which they view as a hardship.

They also have a hardship of "visibility" since the facility is set back a considerable distance from Clayton Road. Because of the visibility issue, the sign has to be as large as is being proposed.

Responding to questions from the Board members, Mr. Masinelli addressed the following issues:

- The Lesters sign could not be mounted without the cabinet structure because of the pitched roof.

- The size of the Lesters sign is based on the front and the height of the building façade.
- If the cabinet was reduced in size, the visibility from the street would not be good.
- The Petitioner feels the sign is consistent in size with the signage for "24 Hour Fitness" across the street on Baxter Road. The Board noted that the "24 Hour Fitness" building is a much larger building than the subject building.

Ms. Lueking noted that the illumination of the proposed signage is different than the previous signage with respect to how the neon was behind the sign, which caused a spill-off from the back onto the mansard roof.

Speakers:
No Speakers were present to speak in favor of, or in opposition to, the variance request.

CONCLUSION:
Marilyn Ainsworth made a motion to approve B.A. 06-2008 14810 W. Clayton Road (Wildwood Plaza Shopping Center/Lester's). The motion was seconded by Richard Morris.

As a point of order, City Attorney Heggie asked that the motion be amended to include that the signage will be approved up to 148 square feet with an illuminated area for the sign portion that says "Lesters" to be 70.5 feet and "Sports Bar & Grill" to be 2.72 feet. The amendment was accepted by both the maker and seconder of the motion.

Upon roll call, the vote was as follows:

Marilyn Ainsworth	**Yes**
Laura Lueking	**Yes**
Richard Morris	**Yes**
Richard Tucker	**Yes**
Leon Kravetz	**Yes**

The motion passed 5 to 0.

C. B.A. 7-2008 14808 Clayton Road (Wildwood Shopping Plaza): A request for a variance from Section 1003.168C.1.(b) of the City of Chesterfield Zoning Ordinance to permit the erection of two free-standing subdivision identification signs over six (6) feet in height in the setback at 14808 Clayton Road. (21R420686)

Staff Presentation:
Ms. Annissa McCaskill-Clay, Lead Senior Planner for the City of Chesterfield, presented exhibits supporting the petition for a variance from Section 1003.168C.1.(b) of the City of Chesterfield Zoning Ordinance to permit the

erection of two free-standing subdivision identification signs over six (6) feet in height in the setback at 14808 Clayton Road.

Ms. McCaskill-Clay stated that the variance is being requested by Hutkin Development Company, which is the Managing Partner for the entire shopping center of Wildwood Shopping Plaza. She noted the following issues connected with this particular property relative to the two existing signs that are within the setback:

- The first sign was presented to the Board of Adjustment in 1992 due to the fact that Clayton Road was widened. It was stated that if there was any alteration to be done to the sign, the variance would become null and void necessitating another application to the Board. The Petitioner is now requesting a new sign, whose height will have to be approved by the Planning Commission. Permission is being requested from the Board of Adjustment to sit a sign over 6-feet tall within the setback for the property.
- The second sign (Chirco Restaurant) was presented in 2003. At that time, there was not the issue of it being in the setback because the sign was less than 6 feet. The proposed sign is taller than 6 feet and falls within the setback. Permission is being requested to allow a sign over 6 feet tall within the property setback.

Petitioner's Presentation:
Mr. Gene Holtzman of Hutkin Development Company, managing agent for Wildwood Plaza Shopping Center, stated that the shopping plaza is undergoing a renovation. As a result, they would like to upgrade the signage for the Center as they feel the current signage is dated and not very attractive.

Presently, they are not able to have a sign at the required setback as it would place the sign right in the middle of the drive aisle. It was also noted that with the widening of Clayton Road, the distance from the property line to the right-of-way has been reduced.

Mr. Douglas Bruns of Stock & Associates stated that he had prepared the Sight Line Exhibit for the two proposed signs. The exhibit demonstrates that there are no sight line issues with the location of the proposed signs. Two larger drawings, along with photos, were then submitted for review and marked as exhibits.

Mr. Craig Bellew, Property Manager, then provided a larger version of the Site Plan, which was marked as an exhibit. Review of the presented material involved Mr. Bellew showing the Board members the locations of both the existing signs and proposed signs.

Discussion
Regarding the past widening of Clayton Road, Ms. McCaskill-Clay stated that St. Louis County widened the right-of-way by 15 feet in 1992 so the subject site lost a substantial amount of distance from Clayton Road. Since the taller sign was already in place, they had to receive a variance to meet the setback. The requested height will be addressed by the Planning Commission.

Since the second sign (Chirco sign) is less than 6 feet, it did not present an issue as the ordinance allows a sign less than 6 feet within the setback from the property line.

Responding to questions from the Board members, the Petitioners addressed the following issues:

- The current Chirco sign is just under 11 feet high and is presently lighted.
- The existing pole sign is 22.5 feet tall. They are proposing a ground monument sign of 17 feet, 3 inches and would remove the existing pole sign.

City Attorney Heggie clarified that the Board is considering the placement of the signs within the development. The signs would then go before the Planning Commission for approval.

The Petitioners presented the following hardships for the Board's consideration:

- The loss of the setback distance because of the widening of Clayton Road.
- The functional impossibility of having any kind of signage meeting the setback requirements.
- Given the nature and layout of Wildwood Plaza, it has a particularly unique need for specific identification associated with a building.
- The existing signs are considered to be unattractive.

Ms. Lueking then submitted a picture from the **B.A. 06-2008** petition for review in this discussion. The picture was marked as an exhibit. Discussion followed regarding the locations of the proposed signs.

Speakers:
No Speakers were present to speak in favor of, or in opposition to, the variance request.

CONCLUSION:
Richard Morris made a motion to approve B.A. 7-2008 14808 Clayton Road (Wildwood Shopping Plaza). The motion was seconded by Marilyn Ainsworth.

Ms. Lueking asked if an updated sign could be placed on the site in the existing location. Ms. McCaskill-Clay replied that the City does not allow pole signs. The Petitioner could change the sign face without any further approval but no other changes would be allowed.

Ms. Lueking asked if separate votes could be taken on each of the signs since one was a pole sign. It was clarified that the pole sign would be removed and would be replaced with a ground monument sign. City Attorney Heggie pointed out that the Board is just approving the concept of being able to relocate a new sign to a new location.

Upon roll call, the vote was as follows:

Marilyn Ainsworth	**Yes**
Laura Lueking	**Yes**
Richard Morris	**Yes**
Richard Tucker	**Yes**
Leon Kravetz	**Yes**

The motion passed 5 to 0.

D. B.A. 08-2008 14140 Olive Boulevard (Hog Hollow Centre): A request for variance from Section 1003.165 of the City of Chesterfield Zoning Ordinance to permit a "C2" Shopping-district-zoned retail center to maintain 64 parking spaces in lieu of the required 72 parking spaces.

Staff Presentation:
Ms. Annissa McCaskill-Clay, Lead Senior Planner for the City of Chesterfield, presented exhibits supporting the petition for a variance from Section 1003.165 of the City of Chesterfield Zoning Ordinance to permit a "C2" Shopping-district-zoned retail center to maintain 64 parking spaces in lieu of the required 72 parking spaces.

Ms. McCaskill-Clay stated that Hog Hollow Centre is owned by Christine and Edward Knoll and was zoned “C2” Shopping District prior to the incorporation of the City of Chesterfield. The site sits on a .85 acre tract of land.

On June 19, 2008, the owners submitted an Application for Municipal Zoning Approval for work associated with the new tenant in the Centre. The Application was rejected on July 3rd based on information provided by the Petitioners and by Staff’s interpretation of the City’s Zoning Ordinance parking regulations. It was determined that the site is 8 spaces short of the required amount of parking. The requirement is that the site be parked at 5.5 spaces/1,000 square feet as a “retail shopping center”. City Attorney Heggie added that retail shopping centers such as Wal-Mart and Target are also parked at the 5.5 spaces requirement.

The “C2” zoning is governed strictly by the Zoning Ordinance. “C2” shopping centers have no relief, other than the Board of Adjustment, regarding parking compared to a “C8” or a “PC” district, which have the ability to go to Planning Commission and to City Council to request a parking reduction.

It was noted that the only change to the Centre is that a new tenant is being added. The new tenant, along with the restaurant use on the site, requires a new parking calculation. As a result, the site cannot be parked to be in compliance with the Zoning Ordinance. The site has always had 64 parking spaces and no change is being requested in the number of parking spaces.

General discussion followed regarding “C2” zoning and the uses that are allowed under it.

Petitioner’s Presentation:
Mr. Edward Knoll clarified that they are not adding a tenant – they are replacing “Port St. Louis”, a wine and cheese retail establishment, with a new tenant, “Brio” that will be a therapeutic health facility. The new tenant will have a much lower parking requirement than the wine and cheese retail establishment. The new tenant’s business will be done by appointment.

Mr. Knoll further clarified that there has always been a restaurant on the property. The occupancy permits were granted by the City of Chesterfield in 1999.

Mr. Knoll presented pictures to the Board which were marked as exhibits. He then stated that the City’s parking requirements are designed for high-traffic stores such as Wal-Mart’s and Lowe’s, and are somewhat oppressive for a low-traffic specialty strip center such as Hog Hollow Centre. The Centre has operated since 1999 with all space leased during most of the period to date. At no time, has there been a shortage of parking spaces. Unlike a large strip center, there is no requirement that the stores be opened simultaneously. The Art Gallery, with the exception of Wednesday nights, is not opened in the evening when the restaurant volume is at its highest. The restaurant has seasonal outdoor seating. When it is used, the indoor seating is unused.

Responding to questions from the Board members, Mr. Knoll and Julia Newby of Brio, addressed the following issues:

- Brio does a lot of work for insurance companies and would like to have its own free-standing facility.
- They are only capable of seeing two clients simultaneously at 1 to 1.5 hour increments and would be seen by appointment only.
- There is no change to the number of parking spaces on the site.

Ms. McCaskill-Clay stated that at issue is that outdoor seating has been added to the restaurant use. Parking for a restaurant includes the number of tables and the number of employees on maximum shift. With the inclusion of the seasonal outdoor seating, and the new use, the site cannot meet the parking required by the Zoning Ordinance. The existing parking on the site is 64 spaces, which was sufficient previously. The new use to the site requires that the site have 72 parking spaces. City Attorney Heggie added that the current zoning is based on “C2” retail, which is equivalent to the parking standards applied to a Wal-mart or a Target. If they are not granted relief by this Board, they have no other means of seeking relief.

If there is a turn-over in tenancy in the future, the parking would have to be reviewed again.

Speakers:
No Speakers were present to speak in favor of, or in opposition to, the variance request.

CONCLUSION:
Richard Morris made a motion to approve B.A. 08-2008 14140 Olive Boulevard (Hog Hollow Centre). The motion was seconded by Marilyn Ainsworth.

Upon roll call, the vote was as follows:

Marilyn Ainsworth	**Yes**
Laura Lueking	**Yes**
Richard Morris	**Yes**
Richard Tucker	**Yes**
Leon Kravetz	**Yes**

The motion passed 5 to 0.

V. Adjournment

The meeting adjourned at 8:25 p.m.