

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI

THURSDAY, JULY 23, 2020

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met by Zoom meeting on Thursday, July 23, 2020. The meeting convened at 10:00 A.M.

ROLL CALL

Present:	William Weber	-Member
	Larry Smith	-Member
	Mark Naes	-Member
	Jerome Cox	-Member
	Joshua Arnold	-Member
	Lynn Sprick	-Assistant Planner
	Bryson Baker	-City Engineer
	Robert Jones	-City Attorney

Absent:

Mayor Pat Fribis began the meeting by presenting Jerry Cox with a proclamation for 25 years of service to the City.

APPROVAL OF MINUTES

Copies of the minutes of the June 25, 2020 Board of Adjustment meeting were distributed to the members for their review. Mr. Smith made a motion to approve the minutes, as submitted. Mr. Cox seconded the motion, and it was unanimously approved.

NEW BUSINESS

A-20-20 Notice of Appeal, submitted by Dennis & Lori Wahlig, to vary the minimum lot size from the required 1 acre to 0.85 acre for a minor subdivision at 12851 West Watson Road.

This appeal has been postponed.

A-21-20 Notice of Appeal, submitted by Dennis & Lori Wahlig, to vary the minimum lot size from the required 1 acre to 0.87 acre for a minor subdivision at 12851 West Watson Road.

This appeal has been postponed.

It should be noted that the following petitions were heard at the same time, but voted on separately.

A-23-20 Notice of Appeal, submitted by Ryan Winter, to vary the site coverage allowed in the PD-LI Planned Development – Light Industrial Zoning District from 80% to 88.3% for an existing development on “Proposed Lot 4” and 88.6% on “Proposed Lot 5” at 13066 Gravois Road (Per Appendix B Sec 4.10-13B).

A-24-20 Notice of Appeal, submitted by Ryan Winter, to vary the illumination standards from the required 0.50 minimum 1.00 average and 8.00 maximum foot candles to the existing lighting at the existing developments on “Proposed Lot 3, 4, 5 & 8” at 13066 & 13098 Gravois Road (Per Appendix B Sec 6.3-7).

Ms. Sprick stated in 2019, a Concept Plan was presented to the Planning and Zoning Commission to discuss development of an industrial park. A Land Disturbance and a Flood Plain Development Permit were issued at that time for a portion of the property. They have now applied to rezone a portion of the property, which is currently zoned Non-Urban. It is part of an existing development and the rezoning will correct the map error. The petitioner has submitted a Preliminary Development Plan to create nine lots. Five of those lots contain existing developments. Proposed lot four contains United Rentals and proposed lot five contains Buchheit. Some of the site is covered with gravel, which the City Code is unclear whether gravel is considered site coverage or not. The City would like the Board of Adjustment to make that determination. Four of the

proposed lots that contain existing developments do not meet the City's lighting requirements. Proposed lot three and four are United Rentals, proposed lot five contains Buccheit, and proposed lot eight contains operations for Winter Brothers Material Company. If any of the developments or the petitioner want to change anything on their sites in the future, they would have to come back in front of the Planning and Zoning Commission and the Board of Aldermen with an Amended Development Plan. At that time, all current zoning regulations would be addressed and enforced again. Approval of these two variances is only for the four existing developments.

Marty Henson, with Henson Consulting, and Ryan Winter, property owner, were present. Mr. Henson stated Winter Brothers is requesting to separate four parcels into nine lots, which means all lots have to meet the City's current requirements. Lots one, two, and nine are undeveloped. Site coverage is defined as the area of a site which is covered by buildings, driveways, parking lots, loading areas, but excluding open spaces, plazas, pedestrian circulation, and buffer areas. Each lot has to meet the site coverage requirement. It is unclear whether the gravel areas used for storage of materials should or should not be considered part of the site coverage. If the gravel is considered part of the site coverage, lots three and four do not meet the requirement. They are asking for a variance for those two lots. A site lighting inventory was done for the five existing tenants. There were 15 different lighting fixtures. Some fixtures were too old to find the fixture photometrics. The tenants are equipment and material rental and sale businesses, a contractor, and a concrete ready mix plant. They are generally open for business from 7:00 AM to 6:00 PM. Site lighting is only needed for security purposes. The general public does not come to make purchases and the lots are not located next to residential properties. No complaints have been received about the current lighting. Since they cannot provide to the City that the lots meet the lighting standards, they are requesting a variance for proposed lots three, four, five, and eight. Any new developments on these lights will be required to conform to the lighting standards.

Mr. Smith asked if a definition will be made for whether or not gravel is

considered site coverage.

Mr. Jones stated gravel should be assumed as site coverage and it should be considered whether the petitioner has a hardship or impractical difficulties.

Mr. Smith stated he is concerned that if the variance is granted, future developments will be able to use the variance and not meet the requirement.

Mr. Jones stated a new building or an addition to the building will require a new Development Plan in which they will have to meet current requirements.

Mr. Smith stated that for future developments, they may have to go to other committees, but they would not have to come back for a variance for site coverage.

Ms. Sprick stated in the future, when the Amended Development Plan is submitted, it will be assessed as an entirely new development, so the variance will not apply.

Mr. Weber called for a vote on petition A-23-20 Notice of Appeal, submitted by Ryan Winter, to vary the site coverage allowed in the PD-LI Planned Development – Light Industrial Zoning District from 80% to 88.3% for an existing development on “Proposed Lot 4” and 88.6% on “Proposed Lot 5” at 13066 Gravois Road (Per Appendix B Sec 4.10-13B). With five aye votes and zero nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-24-20 Notice of Appeal, submitted by Ryan Winter, to vary the illumination standards from the required 0.50 minimum 1.00 average and 8.00 maximum foot candles to the existing lighting at the existing developments on “Proposed Lot 3, 4, 5 & 8” at 13066 & 13098 Gravois Road (Per Appendix B Sec 6.3-7). With five aye votes and zero nay votes, the petition was approved.

It should be noted that the following petitions were heard at the same time, but voted on separately.

- A-25-20 Notice of Appeal, submitted by Bob Williams, to vary the height of a ground sign from eight feet (8') to eleven feet (11') at 3720 South Lindbergh Boulevard (Per Appendix D Sec 8a).
- A-26-20 Notice of Appeal, submitted by Bob Williams, to vary the size of a ground sign from 50 square feet to 67.7 square feet at 3720 South Lindbergh Boulevard (Per Appendix D Sec 8d).
- A-27-20 Notice of Appeal, submitted by Bob Williams, to vary the number of ground signs permitted per parcel from one (1) to two (2) at 3720 South Lindbergh Boulevard (Per Appendix D Sec 8d).
- A-28-20 Notice of Appeal, submitted by Bob Williams, to vary the height of a directional sign from 3 feet to 13.75 feet for a clearance bar sign at 3720 South Lindbergh Boulevard (Per Appendix D Sec 9c).
- A-29-20 Notice of Appeal, submitted by Bob Williams, to vary the total square feet of signage from 200 square feet to 316.65 square feet at 3720 South Lindbergh Boulevard (Per Appendix D Sec 5a2g).

Ms. Sprick stated the variances for height and square footage of a ground sign are for the monument sign located on the corner of South Lindbergh Boulevard and East Watson Road. They are asking for another variance, in order to have a second ground sign, that does meet the square footage requirements and it will be placed at the southern entrance. The variance for the height of a directional sign is for a height clearance bar. There are no specific requirements for these types of signs. They are common at these types of establishments, but they do not typically have advertising on them. They would like a variance for the square footage of their overall signage, as well.

Bob Williams and Erin Bielski, of Bill Yount Signs, and Mace Nosovitch, property owner, were present. Mr. Williams stated there are two traffic control boxes along with light poles on the corner of South Lindbergh Boulevard and East Watson Road. They block the view of the monument sign, but if the sign is as tall and large as they are requesting it could be seen better. The lettering on the sign is only eight feet tall, but the structure itself is taller.

Mr. Weber asked about the landscaping and art feature that were supposed to go at the corner where the monument sign is being proposed.

Mr. Williams stated his company is not involved with the landscaping and art feature.

Mr. Weber asked who is going to speak in regards to this issue. He said these were requirements put forth by the City.

Mr. Nosovitch stated he has been in contact with the City's Art Committee and the Mayor. He would like to put the art feature, landscaping, and monument sign all on the corner. He was waiting for the sidewalk and traffic control signal work to be completed, to know exactly where the signal boxes would be. Construction is not to that point, yet. There will be a sculpture at the corner.

Ms. Sprick stated the monument sign is proposed in a certain location, which was approved by the Planning and Zoning Commission. The art feature is shown on the plan northeast of the monument sign.

Mr. Smith stated the development started with a clean site and the owner knew the traffic control boxes and light poles were located at the corner. He asked why they should allow them to put a sign that does not meet the requirements at that corner, when he knew those things were located there in the view of where the sign would be placed.

Mr. Nosovitch stated he would have preferred the monument sign in a different location.

Mr. Smith asked what is keeping him from placing the monument sign in a different location and meeting the requirements.

Mr. Williams stated the sign needs to be placed where it will be visible from South Lindbergh Boulevard.

Mr. Weber stated the petitioner does not meet any of the four requirements for a hardship.

Ms. Bielski stated the way the Code is set up does not quite fit the development. Since pole signs are no longer allowed, visibility is difficult but important at the same time. The site is unique because it has numerous amenities, yet it is not as large as a shopping plaza.

Mr. Weber stated that they were aware of the restrictions from the beginning, so the requirements should be met.

Mr. Smith stated he does not believe the success or failure of the project has anything to do with meeting the sign requirements.

Mr. Williams stated the second monument sign has the Phillips 66 logo, the Smoothie King logo, and the gas prices on it. This monument sign is smaller than 50 square feet and is only 8 feet tall. It identifies the gasoline prices on Lindbergh Boulevard and identifies the Smoothie King, which only faces East Watson Road and cannot be seen from Lindbergh Boulevard. The pay station canopy sign is seen as customers drive into the carwash. It dictates which lane each car should be in, since there are three lanes and a drive thru for Smoothie King in that area. He stated they

could decrease the size of the logo across the top, if necessary. The sign is 140 feet from the property line at East Watson Road. They would like a variance for the total square footage of signs because there are a lot of businesses on site to identify on both East Watson Road and Lindbergh Boulevard.

Mr. Weber asked if they would have to come back for another variance in order to advertise the café.

Mr. Williams stated the café is advertised on two sides of the building.

Mr. Weber stated that all of the variances are for the petitioner's convenience; none have a true hardship.

A representative from Smoothie King was present and stated that his establishment cannot be seen from Lindbergh Boulevard. He believes the secondary sign is imperative to the success of his business.

Mr. Weber stated he does not think two signs are necessary.

Mr. Nosovitch stated they have committed a lot of money to the community and have drastically improved the site. The signage is critical for business success.

Mr. Weber stated all the businesses could be advertised on one sign.

Ms. Sprick asked if there will be signage on the fuel canopy.

Mr. Nosovitch stated typical Phillips 66 signage will be on it.

Mr. Williams stated if all of the businesses were listed on one sign and the sign has to meet the 50 square footage requirement, the writing would be small and not readable.

Mr. Smith stated he is adamantly opposed to the first sign exceeding the square footage requirement.

Mr. Nosovitch asked if they made the first sign smaller, could they move it so it was not blocked by the traffic control boxes.

Mr. Weber asked if they could consolidate the two signs.

Mr. Nosovitch replied he would be fine with that as long as it is large enough to accommodate all of the tenants and still be readable.

Mr. Cox stated the sign could be moved south to avoid the traffic box, so the height of the sign should meet the requirement.

Mr. Nosovitch stated there may not be enough space between the sidewalk and Lindbergh Boulevard if the sign is moved south.

Ms. Bielski asked if the company logo could be designed into the art sculpture.

Mr. Smith stated the Art Committee would have to approve the artwork. The Board approves the sign and location of the sign, but they are not telling the applicant where to put the sign.

Ms. Sprick stated the setback requirement for monument signs is 5 feet from the property line and 50 feet from the intersection of the two streets. The current location does meet the setback requirements, but it does not have to be at that specific location. She asked how big the sign would need to be to include all tenants on one sign.

Mr. Williams stated the sign would have to be redesigned.

Mr. Nosovitch stated the main monument sign is proposed to be 11 feet tall. If the Board could give them a couple more feet in height, they could reduce the Tidal Wave logo, fit the fuel prices, and add Smoothie King's logo. Approximately 14 feet in height could work.

Mr. Weber asked where this will be located.

Mr. Nosovitch stated they would like it to be as close to the corner as possible. They have proposed to wrap the traffic boxes in a decorative pattern, as well.

Mr. Naes stated he would like to see the business succeed. He asked if Missouri Department of Transportation (MoDot) owns the traffic boxes.

Mr. Baker replied yes.

Mr. Naes asked if MoDot would be willing to reduce the size of the boxes or relocate them.

Mr. Baker stated he does not believe that would be possible.

Mr. Arnold stated he agrees with the idea of consolidating everything onto one sign. He asked if Mr. Nosovitch would be willing to have one larger sign where the second sign is proposed and then the art piece and decorated traffic boxes at the corner.

Mr. Nosovitch stated that he likes that idea.

Mr. Weber and Mr. Smith both agreed with this approach.

Mr. Smith stated the application cannot be modified at this time. It would have to be denied, changed, and a new proposal would have to be applied for.

Mr. Jones stated A-25-20 could be modified.

Mr. Weber and Mr. Cox agreed that they would rather be presented with a new proposal than modifying a petition.

Ms. Sprick clarified that the two petitions regarding the height and square footage of the monument sign would be withdrawn, assuming they will come back with a new design for one sign advertising all of the businesses on the property. A-27-20 could still be voted on. A-29-20 would need to be resubmitted, as well, once the new signage is reconfigured.

Mr. Jones stated the petitioner cannot ask for the exact same variance within one year's time, so the petitions being resubmitted should be withdrawn and not denied.

Mr. Weber asked Ms. Sprick if the directional sign would be considered differently if it did not have advertisement on it.

Ms. Sprick replied yes, the City does not issue permits for directional signs, such as clearance bars. Anything with a logo is considered advertising though.

Mr. Weber stated if the advertising was removed, the variance would not be necessary.

Mr. Nosovitch stated only the side of the sign can be seen from Lindbergh Boulevard. This sign is critical for business success of the carwash and Smoothie King in the rear of the development.

Mr. Naes stated he believes the signs are necessary to have good flow of traffic on the lot.

Ms. Bielski stated the sign was designed to designate which lane is for the carwash and which lane is for the Smoothie King drive thru; not for advertising purposes. The pillars light up for visibility at night, but the wave logo on top does not light up.

Ms. Sprick stated she is considering the wave logo along with the carwash and express signs as advertisements.

Mr. Weber stated he does agree that customers need designation between the lanes.

Kathryn Heese was present and stated she agrees with consolidating the signage onto one sign and with having the monument sign at the second sign's proposed location on Lindbergh Boulevard. She does not want the promise of landscaping and artwork at the corner to be taken over by signage. She suggested painting the ground to designate the drive thru and carwash lanes. She asked if the lighted poles on the clearance sign will be turned off when the carwash and drive thru close.

Ms. Sprick stated that can be made as a condition for approval.

Mr. Nosovitch stated the lanes are closed at night and cones are put out to prevent entry. There are plenty of barriers between this development and the residential areas located behind it.

Ms. Heese stated the carwash tunnel lights and lights from the cars entering would be shining directly into her backyard.

Mr. Nosovitch stated all of the cars entering the carwash move toward Lindbergh Boulevard, so their headlights would not shine toward the residence.

Ms. Sprick stated the carwash hours are 7:00 AM to 10:00 PM. She read a letter from Kathy Lalk stating she disagrees with the request for additional signs along with the additional height and width of the monument sign. She does not see a hardship being met. Meeting the Code requirements would assure that this business blends in with the other businesses in the area.

Petition A-25-20 Notice of Appeal, submitted by Bob Williams, to vary the height of a ground sign from eight feet (8') to eleven feet (11') at 3720 South Lindbergh Boulevard (Per Appendix D Sec 8a) was withdrawn by the petitioner.

Petition A-26-20 Notice of Appeal, submitted by Bob Williams, to vary the size of a ground sign from 50 square feet to 67.7 square feet at 3720 South Lindbergh Boulevard (Per Appendix D Sec 8d) was withdrawn by the petitioner.

Mr. Weber called for a vote on petition A-27-20 Notice of Appeal, submitted by Bob Williams, to vary the number of ground signs permitted per parcel from one (1) to two (2) at 3720 South Lindbergh Boulevard (Per Appendix D Sec 8d). With three aye votes and two nay votes, the petition was denied.

Mr. Weber called for a vote on petition A-28-20 Notice of Appeal, submitted by Bob Williams, to vary the height of a directional sign from 3 feet to 13.75 feet for a clearance bar sign at 3720 South Lindbergh Boulevard (Per Appendix D Sec 9c). A roll call vote was taken.

Josh Arnold- Aye

Jerry Cox- Aye

Mark Naes- Aye

Larry Smith- Aye

Bill Weber- Nay

With four aye votes and one nay vote, the petition was approved.

Petition A-29-20 Notice of Appeal, submitted by Bob Williams, to vary the total square feet of signage from 200 square feet to 316.65 square feet at 3720 South Lindbergh Boulevard (Per Appendix D Sec 5a2g) was withdrawn by the petitioner.

Mr. Nosovitch requested a special meeting, so that the petitions being resubmitted do not have to wait.

Ms. Sprick stated in order to meet the posting requirements, the City would need 18 days to process the request and post the public hearing. The deadline for submittal would be August 14th to have a meeting after August 17th.

Mr. Smith stated all Board members need to be able to agree on a date for the meeting.

The meeting was set for August 21, 2020.

ADJOURNMENT

Mr. Smith made a motion to adjourn the meeting at 11:40 A.M. Mr. Naes seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape