CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, March 1, 2007

The Board of Adjustment meeting was called to order at 7:30 p.m. on Thursday, March 1, 2007 by Ms. Laura Lueking, Acting Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Marilyn Ainsworth
Ms. Laura Lueking
Ms. Dru Thomas
Mr. Alan Baudler
Mr. Gerald Schwalbe
Mr. Rob Heggie, City Attorney, City of Chesterfield
Councilmember Barry Flachsbart
Ms. Annissa McCaskill-Clay, Assistant Director of Planning, City of Chesterfield Department of Planning
Ms. Joyce Collins-Catling, Executive Secretary, City of Chesterfield Department of Planning
Court Reporter, Midwest Litigation Services

II. Approval of February 1, 2007 Meeting Summary

Acting Chair Laura Lueking noted that a transcript has been requested for the February 1, 2007 meeting, and that this will act as the official meeting summary.

II. Request for Affidavit of Publication

IV. Public Hearing Items:

A. <u>B.A. 3-2007 Davis Street Land Company (c/o Doster Mickes James Ullom Benson & Guest, LLC)</u>: A request for a variance from Section VIII Specific Criteria, I(4) "Sign Requirements" of City of Chesterfield Ordinance 1884 to permit erection of an off-site free-standing directional sign at 1596 Clarkson Road. (19S420415)

Assistant Director of Planning Annissa McCaskill-Clay presented exhibits supporting the petition requesting a variance for the erection of an off-site free-standing directional sign that would direct traffic into their development. She stated further that these types of signs (directional) are not an allowed use per the governing ordinance.

Thomas O'Toole, Jr., representative for the petitioner, stated that the ordinance prohibits off-site signs, but asked that a reciprocal easement agreement between the two developments (Capitol Land and Chesterfield Oaks) be a part of the record. Mr. O'Toole presented a power point presentation supporting the petitioner's proposal for the sign. He pointed out that earlier during the zoning process, Capitol Land and Chesterfield Oaks developed an agreement regarding directional signs situated on the Capital Land site. He further stated that the reciprocal easement agreement gives Davis Street Land Company permission to install and maintain a sign as well as an electrical conduit (small spotlight during evening hours) on that sign. He pointed out that the petitioner is attempting to avoid a difficulty for customers accessing the site since the Shops and Clarkson Corner has now been fully developed. He said that the proposed sign would not be viewed by residents east of the development. He stated that the sign would provide better customer access, improve safety, and produce unnecessary traffic congestion and better vehicular movement.

There were two additional speakers present in favor of the petition.

David Freeburg, Jr. spoke on behalf of the petitioner noting that the road had to be reconfigured as a result of a traffic study, and an access road was developed as a result. He pointed out that the easement agreement was established to create a temporary road to eventually become a permanent road. He stated that at that time, Davis Street Land was not ready to begin development, and that the ideal was to have clear directional signs for both developments. He also stated that this was fully supported by City Staff in the early planning stages without any opposition.

John Wagner, representative for the petitioner, stated that a directional sign was included in the earlier submittals, but the applicant was told that they could not put a sign at the requested location. He further stated that this had not been addressed earlier during the planning stages, and that he could not think of any developments where the Planning Commission or the City Council approved a specific ordinance for off-site signage; more of the language that no off-site sign is allowed.

Assistant Director of Planning Annissa McCaskill-Clay clarified that the application was rejected due to the specific governing ordinance. She further stated that Shops at Clarkson Corner was advised of the off-site sign and were asked to remove the sign. She also noted that Staff took no position relative to this petition.

There were no speakers present in opposition.

CONCLUSION:

As a result of discussion and questions held between the Board members, Councilmember, and petitioner's representatives, it was determined that no practical difficulty preventing the use of the development had been created, no data showing any demonstrated impact on customer/client access/usage had been proven, Chesterfield Oaks has already used up their sign allotment, existing monument sign would not normally be shared by separate developments, and that this anticipated issue should have been addressed earlier during the planning stages.

Marilyn Ainsworth made a motion to approve the variance request.
Dru Thomas seconded the motion.

The voice vote was as follows: Marilyn Ainsworth, yes; Laura Lueking, no; Dru Thomas, no; Alan Baudler, yes; Gerald Schwalbe, yes.

The motion failed by voice vote 3-2

VI. Adjournment

Meeting adjourned at 8:20 p.m.