

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI
THURSDAY, JUNE 23, 2022

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, June 23, 2022. The meeting convened at 7:00 P.M.

ROLL CALL

Present:	William Weber	-Member
	Mark Naes	-Member
	John Hassis	-Member
	Larry Smith	-Member
	Ronald Hack	-Alternate Member
	Lynn Sprick	-City Planner
	Lyndee Rodamaker	-City Attorney
	Bryson Baker	-City Engineer
Absent:	Joshua Arnold	-Member

APPROVAL OF MINUTES

Copies of the minutes of the April 28, 2022 Board of Adjustment meeting were distributed to the members for their review. Mr. Hassis made a motion to approve the minutes, as submitted. Mr. Smith seconded the motion, and it was unanimously approved.

NEW BUSINESS

A-14-22 Petition for a Variance, submitted by Lida Properties, to vary the number of parking spaces from the required thirty-four (34) spaces to twenty-six (26) spaces for an existing development at 11777 Gravois Road (Appendix B, Section 6.5-1).

Ms. Rodamaker stated Appendix B should be submitted into the record. Exhibit one is the application, exhibit two is the staff report, exhibit three is the petitioner's information, and exhibit four is the public hearing information.

Ms. Sprick was sworn in and stated the commercial structure has been used as an office space. It is being proposed to change in use from office to medical. There is a possibility of adding two parking spaces, but they would still need the variance. If they added the two spaces, they would need a setback variance plus there would be the possibility of a site coverage variance.

Patsy Weddel, Lida Properties representative, was present and sworn in.

Mr. Hassis asked if the space is currently occupied.

Ms. Wedel stated no, it has been vacant for about a year.

Mr. Weber called for a vote on petition A-14-22 Petition for a Variance, submitted by Lida Properties, to vary the number of parking spaces from the required thirty-four (34) spaces to twenty-six (26) spaces for an existing development at 11777 Gravois Road (Appendix B, Section 6.5-1). With 5 aye votes and 0 nay votes, the petition was approved.

A-15-22 Petition for a Variance, submitted by Fastsigns St Peters for Urban Air, to vary the maximum size of a wall sign from one hundred (100) square feet to one hundred fifty eight (158) square feet for a wall sign and to vary the total square footage from two hundred (200) square feet to two hundred fifty eight (258) square feet at 10990 Sunset Hills Plaza (Appendix D, Section 5a2g).

Ms. Rodamaker stated Appendix D should be submitted into the record. Exhibit one is the application, exhibit two is the staff report, exhibit three is the petitioner information, and exhibit four is the public hearing information.

Ms. Sprick stated the proposed sign would be on the north side of the building, facing Watson Road. Steinmart had a sign in the same location, but it was a bit smaller.

Russ Mason, owner of FastSigns St. Peters, was present, sworn in, and stated the approved sign is the Urban Air portion. The variance would allow them to add their logo. This sign location will allow the traffic from Highway 270, coming onto Watson Road to see the building.

Ms. Sprick stated Sunset Hills Plaza is a unique property. Home Depot is not on any street, but it has a sign on the front of it. The drive along the front of these shops is considered a road.

Mr. Mason stated the Code limits the signage to 200 square feet. It meets the 5% requirement, but not the 200 square foot cut off. The previous sign company calculated it wrong. The sign was ordered, built, and purchased based on their incorrect calculation.

Mr. Weber called for a vote on petition A-15-22 Petition for a Variance, submitted by Fastsigns St Peters for Urban Air, to vary the maximum size of a wall sign from one hundred (100) square feet to one hundred fifty eight (158) square feet for a wall sign and to vary the total square footage from two hundred (200) square feet to two hundred fifty eight (258) square feet at 10990 Sunset Hills Plaza (Appendix D, Section 5a2g). With 5 aye votes and 0 nay votes, the petition was approved.

A-16-22 Appeal, submitted by Eric Albers for Bass Pro Shops, to appeal the determination that a proposed large development sign is a pole/pylon sign for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 7f).

THIS SIGN HAS BEEN MODIFIED TO MEET THE GROUND SIGN REQUIREMENTS.
THIS

APPEAL IS NO LONGER NECESSARY AND HAS BEEN REMOVED FROM THE
AGENDA.

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

A-17-22 Petition for a Variance, submitted by Eric Albers for Bass Pro Shops, to vary the maximum height of a large development sign from thirty feet (30') to forty eight (48') for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 5a1).

A-18-22 Petition for a Variance, Submitted by Eric Albers for Bass Pro Shops, to vary the maximum size of a large development sign from 200 square feet to 264 square feet for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 5a1).

A-19-22 Petition for a Variance, Submitted by Eric Albers for Bass Pro Shops, to vary the side setback for a large development sign from the required five feet (5') to two feet (2') for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 8f).

Ms. Rodamaker stated Appendix D should be submitted into the record. Exhibit one is the application for A-17-22, exhibit two is the staff report for A -17-22, exhibit three is the petitioner information for A-17-22 through A-19-22, exhibit four is the public hearing for A-16-22 through A-24-22 , exhibit five is the application for A-18-22, exhibit six is the staff report for A-18-22, exhibit seven is the application for A-19-22, exhibit eight is the staff report for A-19-22, exhibit nine is the petitioner information for A-19-22.

Ms. Sprick stated the existing sign is 30 feet high, which is the maximum allowed. The new sign will be 48 feet tall and will contain all of the tenant's signage in the

Shoppe's development. It is 264 square feet of signage, total. The maximum allowed is 200 square feet. It will be constructed in the same location as the existing sign and is similar to the signage at all of Bass Pro Shops' locations. It will need to be approved by the Board of Aldermen, if it is approved by the Board of Adjustment.

Mr. Weber asked if the current sign is located only two feet from the property line.

Ms. Sprick stated yes, it is legally nonconforming.

Eric Albers, with Bass Pro Shops, was present, sworn in, and stated Bass Pro Shops have unique buildings and this is the same with the signage to match the building. To highlight some of their major brands is important to the company. This is one of the reasons they would like the sign to be larger, plus the other tenants in the plaza would need to have signage on it. There is not a lot of area to shift it to a different location.

Mr. Weber asked if any of their other signs around the country are less than 48 feet in height.

Mr. Albers stated, not to his knowledge. He has never seen a store with less than that height in the 50 stores he has worked on.

Mr. Naes asked the difference between an Outdoor World and an Outpost.

Mr. Albers stated it has to do with the size of the building. The Outdoor Worlds are a lot larger. This one, being smaller, is labeled as an Outpost. The amenities and brands inside are similar, but the Outdoor Worlds do have more.

Mr. Naes stated if the building is smaller, then the sign should be smaller.

Mr. Albers stated even though the footprint is smaller, the grandeur inside the store is no different. The height of the entry structure is over 58 feet in height. The company never wants to downgrade the appeal to the customers.

Mr. Naes stated it may be over-scaled for the size of the building. He asked why the signage was not brought up at the last Board of Adjustment meeting.

Mr. Albers stated the signage was still being processed, but they wanted to move forward with construction.

Mr. Smith asked what the height of the spire from the top up is.

Mr. Albers stated the top is 40 feet and the spire is 8 feet from there. This is another part of Bass Pro Shop's branding.

Mr. Weber stated the location is not an issue to him, since it is currently in that same location.

Mr. Weber called for a vote on petition A-17-22 Petition for a Variance, submitted by Eric Albers for Bass Pro Shops, to vary the maximum height of a large development sign from thirty feet (30') to forty eight (48') for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 5a1). With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-18-22 Petition for a Variance, Submitted by Eric Albers for Bass Pro Shops, to vary the maximum size of a large development sign from 200 square feet to 264 square feet for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 5a1). With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-19-22 Petition for a Variance, Submitted by Eric Albers for Bass Pro Shops, to vary the side setback for a large development sign from the required five feet (5') to two feet (2') for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 8f). With 5 aye votes and 0 nay votes, the petition was approved.

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

A-20-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the number of wall signs allowed from one (1) per street facing

elevation to four (4) for the west elevation at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2a).

- A-21-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the maximum square footage of a wall sign from 100 square feet to 506.50 square feet for the Bass Pro Shops wall signage on the west elevation at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2g).
- A-22-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the maximum square footage of a wall sign from 100 square feet to 133.06 square feet for the Tracker: Boats & ATVs wall signage on the west elevation at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2g).
- A-23-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the maximum square footage of a wall sign from 100 square feet to 381 square feet for the Bass Pro Shops wall signage on the north elevation at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2g).
- A-24-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the total wall signage allowed from 200 square feet to 1102.97 square feet for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2f).

Ms. Rodamaker stated Appendix D should be submitted into the record. Exhibit 1 is the application for A-20-22, exhibit 2 is the staff report for A-20-22, exhibit 3 is the petitioner information for A-20-22 through A-24-22, exhibit 4 is the public hearing information for A-20-22 through A-24-22, exhibit 5 is the application for A-21-22, exhibit 6 is the staff report for A-21-22, exhibit 7 is the petitioner's letter for A-20-22 through A-

24-22, exhibit 8 is the application for A-22-22, exhibit 9 is the staff report for A-22-22, exhibit 10 is the application for A-23-22, exhibit 11 is the staff report for A-23-22, exhibit 12 is the application for A-24-22, and exhibit 13 is the staff report for A-24-22.

Ms. Sprick stated within the plans that were submitted there is a total of 1,107 square feet of signage. A small directional sign is included in that amount, but the City does not count those in total square footage. The signage is consistent with what is used at other Bass Pro Shops. The façade looks like four different businesses, but it is all one.

Amanda O'Hara, senior project manager of Cima Network, was present, sworn in, and stated Mr. Morris likes to keep everything consistent to the brand. Mr. Maliszewski, Chief Financial Officer for Bass Pro Shop, submitted a letter in support stating the company is looking to make a statement, just like all of their other locations. Each building is meticulously designed from the inside out for customer experience. This will bring customers into Sunset Hills and it will revitalize the Watson Road and Lindbergh Boulevard corridor. The size of the signage is important because there is only one entrance. People that are not use to the area will be looking for the signage. This is a standard sign package for Bass Pro Shop.

Mr. Smith asked if this were four separate businesses, would they be able to have four separate signs.

Ms. Sprick stated yes.

Joe Phillips, with Pyros Signs, was present, sworn in, and stated he is the local contractor.

Mr. Hassis asked if he has done the signage for any other Bass Pro Shops locations.

Mr. Phillips stated he has done the signage for Cabela's, but this is the first Bass Pro Shop.

Mr. Weber called for a vote on petition A-20-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the number of wall signs allowed from one (1) per street facing elevation to four (4) for the west elevation at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2a). With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-21-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the maximum square footage of a wall sign from 100 square feet to 506.50 square feet for the Bass Pro Shops wall signage on the west elevation at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2g). With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-22-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the maximum square footage of a wall sign from 100 square feet to 133.06 square feet for the Tracker: Boats & ATVs wall signage on the west elevation at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2g). With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-23-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the maximum square footage of a wall sign from 100 square feet to 381 square feet for the Bass Pro Shops wall signage on the north elevation at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2g). With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on petition A-24-22 Petition for a Variance, submitted by Amanda O'Hara for Bass Pro Shops, to vary the total wall signage allowed from 200 square feet to 1102.97 square feet for the development at 3600 South Lindbergh Boulevard (Appendix D, Section 5a2f). With 5 aye votes and 0 nay votes, the petition was approved.

ANY OTHER MATTERS DEEMED APPROPRIATE

Ms. Sprick stated the Board of Aldermen are evaluating making changes to the Ordinances with regard to Board of Adjustment. An Ordinance is needed that supports the Board of Adjustment's decisions. According to the current Ordinance, no variance should be approved.

Ms. Rodamaker stated the Code requires certain findings and an option would be instead of findings, they could have factors to be considered and weighed into totality. Certain factors may be applicable, while others may not. This gives the Board of Adjustment more discretion to their findings. Nothing has been written up yet, but they are hoping to have it written up by the next Board meeting.

Ms. Sprick stated the Ordinance, itself, would not change, but the section with duties and responsibilities would be altered.

Ms. Rodamaker stated these changes to specific findings would be more beneficial to the City in the event that the City was challenged in court. Instead of ticking all hardships off, they could weigh everything as a whole.

Mr. Baker stated the Code is currently too strict and if something went to court, it would not be good.

Mr. Rodamaker stated the requirements do come from law and there will still be limitations, but overall factors to consider rather than specific findings will be easier to apply.

Mr. Hassis stated he agrees with the change in criteria. He has written regulations for St. Louis County and he would be willing to be a representative to help staff write them.

Mr. Smith asked if the Board has ever been sued.

Ms. Rodamaker stated there is one case. The issue is that the review is very limited, so a potential challenge of the decision was arbitrary.

Mr. Naes stated the variances for Bass Pro Shops were too lenient whereas they have been rather strict on smaller signage.

Ms. Rodamaker stated some way to alleviate this is to consider the Code, overall. If the City reviews the policy, as a whole, there may not be as many variances requested.

Ms. Sprick asked if each appeal should be judged separately or once a precedent is set, should it be fair overall for every application.

Ms. Rodamaker stated someone with a similar application may point this out and they may feel it is unfair if they are not granted the same variance. There will be a training session over these issues.

Mr. Baker stated once the changes are made, these issues will be easier. A new Sign Code is being developed, but Sunset Hills Plaza and the Shoppes are unique because the current Code is written more for normal buildings.

ADJOURNMENT

Mr. Smith made a motion to adjourn the meeting at 8:13 P.M. Mr. Naes seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape