

**Board of Adjustment**  
**July 14, 2020**  
**Staff Report**

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**Application Summary –**

A request of Robert Hollis (attorney), on behalf of the Donna Jean Armstrong Unitrust (owner), GKT Clark Lane, LLC (contract purchaser), and Schnucks Markets, Inc. (lessor), for sign variances to permit the installation of two “Master Shopping Center” signs with sign area greater than allowed, wall signage with sign area greater than allowed on the northern and eastern building facades of the proposed Schnucks grocery store, and wall signage on the eastern façade of the proposed Schnucks grocery store where no street frontage exists as required by Section 29-1.11 (Definitions) and Section 29-4.8 (Signage Standards) of the Unified Development Code on property addressed as 5406 Clark Lane.

Site Characteristics

The subject property is part of an approximately 25-acre site that was recently annexed into the City and zoned M-C (Mixed Use-Corridor) and M-N (Mixed Use-Neighborhood). A proposed 5-lot commercial subdivision, Battle Crossing, has been submitted for Council approval on approximately the eastern two-thirds of the site. The remaining acreage is presently unplatted and will be subsequently developed with M-N (Mixed-use Neighborhood) uses in the future. This acreage; however, has been included in this request for the purposes of consistent shopping center signage.

The proposed subdivision of the site will include two larger lots that face Clark Lane and an arrangement of potential out lots along St. Charles Road and at the intersection of St. Charles Rd and Clark Lane. Access to the site will be primarily from the two abutting arterial streets - Clark Lane on the north and St. Charles Road to the east. The property is generally located at the southwest corner of St Charles Road and Clark Lane which are both classified as minor arterials on the CATSO Major Roadway Plan. However, for purposed of signage, signage for lots that front Clark Lane is permitted as if Clark Lane were a collector street, per Chapter 29-4.8(f)(1). This section places heightened restrictions on signage on arterial streets because of their proximity to existing or planned residential neighborhoods and environmentally sensitive areas.

The site is currently vacant pending the beginning of site work. Currently the site is improved with an existing gravel parking lot in the southeast corner near the St. Charles Road roadway frontage and a pond near the center of the property.

Relief Sought and Purpose

This request consists of two separate, but related signage requests. The first request is to address shopping center signage in two locations – the northwest corner of Lot 5 and the southeast corner of Lot 4 of the proposed Battle Crossing subdivision. The proposed master shopping center signs are not permitted since their locations are on individually platted lots, which is inconsistent with the definition of a “shopping center” (Section

29-1.11) and constitute off-premise advertising for the businesses not located upon the lots to which the signage is proposed (Section 29-4.8(c)).

Shopping center signs have customarily been restricted to non-subdivided commercial developments (i.e. those that do not have platted lots) and are under common ownership/operation. While the applicant has indicated that the lots within the proposed Battle Crossing subdivision will be under the ownership and control of GKT Clark Lane similar to more conventional commercial shopping centers, the platting of the development into lots was viewed as a departure from standard signage permitting and the requested variance to permit the two shopping center signs was deemed necessary.

In addition to requiring that the proposed shopping center sign locations be approved by the Board it was further determined that the proposed signage at the southeast corner of Lot 4 (St. Charles Road frontage) would also require Board authorization to be constructed as depicted in the attached exhibit given the area of the signage exceeds that permitted by UDC. The area of the shopping center signage at the northwest corner of Lot 5 (Clark Lane frontage) as depicted in the attached exhibit is compliant with the UDC sign area standards and could be constructed as shown provided the Board approves its location.

The second variance the applicant is seeking specifically addresses signage needs associated with the proposed development to occur on Lot 5 of the Battle Crossing subdivision. Lot 5 is proposed to be improved with a Schnuck's grocery store. The grocery store is seeking approval to install wall signage as reflected on the attached site plans and elevation drawings. Review of these documents has identified that the proposed signage does not meet the UDC standards as follows:

1. The proposed wall signage on the north façade of the proposed Schnuck's grocery store exceeds the maximum wall signage allowed per Section 29-4.8(f)(2)(ii) of the UDC as this façade face is regulated by the "collector or local non-residential" sign area provisions of Table 4.8-9 and not the "arterial" signage standards; and
2. The proposed wall signage on the east façade of the proposed Schnuck grocery store is not permitted since such signage does not have street frontage as required by Section 29-1.11 of the UDC and historical application of Section 29-4.8(f)(2)(ix) of the UDC. Should the Board of Adjustment approve this requested variance, the proposed square footage of the signage would be consistent with provisions of Table 4.8-9 for the M-C zoning district and for signage reading to St. Charles Road which is classified as an arterial roadway.

### **Variance Analysis –**

The criteria for approval of a variance are outlined in Chapter 29-6.4(d)(2):

- (A) The variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location or other factors of the applicant's site, those difficulties or hardships are not generally applicable to property in the area, and the difficulties or hardships were not created by the actions of the applicant;
- (B) The variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in section 29-3.1 (permitted use table) in the zone district where the property is located, nor shall a variance be granted to modify a standard that operates as part of the definition of any use;

- (C) The variance will not permit a development that is inconsistent with the adopted comprehensive plan;
- (D) The variance is the least change from the requirements of this chapter necessary to relieve the difficulty or hardship; and
- (E) The variance will not harm the public health, safety, or welfare or be injurious to other property or improvements in the area where the property is located.

Summary and Impacts –

A summary and evaluation of the impacts of granting the requested variances from the following regulatory requirements of the Unified Development Code, by section, is presented as follows in terms of the variance criteria:

1. **Section 29-1.11(a), 29-4.8(c), and 29-4.8(f)(i), Table 4.8-8** – Relating to the allowance of off-premise signage to be permitted as “shopping center signage” within a commercial subdivision and to permit an increase in sign area for signage along St. Charles Road.

The applicant has requested that two separate freestanding signs be permitted within the Battle Crossing subdivision - one near the northwest corner of the site along Clark Lane on Lot 5, and the other at the southeast corner of the site along St. Charles Road on Lot 4. Freestanding signs are permitted to be constructed on the same lot as where the business is located, which is referred to as an on-site sign. However, the applicant is requesting that the proposed freestanding signs (see attached exhibits) be permitted to include signage for businesses not located on the same lot as the signs which would constitute off-premise signage and is expressly prohibited in the UDC. The applicant has stated that the regulations as applied would prohibit the reasonable and necessary signage for the use and operation of the property as intended by the applicant and the applicable zoning designation.

The applicant is essentially requesting the ability to construct a shopping center sign to serve multiple lots. However, per the UDC, the ability to construct a shopping center sign is reserved for sites that are located on a single lot under a single owner, but with multiple businesses that would otherwise not be permitted freestanding signage if limited to the standard allowance for signage. While a shopping center sign would not be permitted in this situation since the site is subdivided into multiple lots, each individual lot within the subdivision would still generally be permitted their own freestanding sign along each street frontage where the lot is located, allowing them to advertise their location to the public along a public street.

Pursuant to the current administrative application of the signage standards, shopping center signs are permitted a maximum area of 288 sq.ft. and a maximum height of 30 feet. The table below compares three scenarios and the differences in the number of signs and the amount of sign area that would be permitted in each. The first scenario is what is available to the applicant at this time – separate freestanding signs on each separate lot for each street that fronts. The second scenario demonstrates the signage that would be permitted if the development acreage were one lot and a shopping center sign was permitted along Clark Lane and St. Charles Road. The last scenario is what is being requested per the variance. It is worth noting that if the applicant sought

individual signs for each separate parcel, then the total sign area would be greater than what they are requesting.

Scenario	Sign Areas
Permitted per UDC (non-shopping center)	Along Clark Lane: (64 sq. ft.)*(5 signs) = 320 sq.ft. Along St. Charles: (64-128 sq. ft.)*(3 signs) =192-384 sq.ft. <b>TOTAL: 512-704 sq.ft.</b>
Permitted per UDC for a shopping center	Along Clark Lane: (64 sq. ft.)*(1 sign) = 64 sq.ft. Along St. Charles: (288 sq. ft.)*(1 sign) = 288 sq.ft. <b>TOTAL: 352 sq.ft.</b>
Proposed	Along Clark Lane: (64 sq. ft.)*(1 sign) = 64 sq.ft. Along St. Charles: (306 sq. ft.)*(1 sign) = 306 sq.ft. <b>TOTAL: 370 sq.</b>

In evaluating this request against the criteria established for variances, staff does not find sufficient evidence that the request for off-premise signage is addressing a practical difficulty or hardship with the site not generally applicable to property in the area, but merely addresses a preference on how to manage the freestanding signage for this development. The UDC provides opportunities for signage that appear to be adequate to serve the site.

However, as previously stated, the proposed plan for freestanding signage would likely result in significantly less sign area and fewer signs total than would be permitted otherwise (and is only slightly more than what would be permitted if the site were a single lot/shopping center), thereby reducing the amount of signage clutter and contributing to a clearer, more esthetically pleasing appearance within the community.

If the Board determines that the applicant has met the criteria to grant the relief sought, staff would recommend a condition that freestanding signage for the applicant’s property be restricted to only that shown on the attached exhibits, and that no additional freestanding signage be permitted on the site. The purpose for this recommended condition is to ensure that the purpose of the requested shopping center signs on Lots 4 and 5 serve its intended purpose – to capture individual advertising signage on Lots 1-3. If the variance is approved as submitted there is no restriction to the placement of additional freestanding signs on Lots 1-3 which could result in a greater amount of freestanding signage overall. This conditional is not intended to limit the ability of individual tenants on Lots 1-3 to have monument-style signage on their lots subject to UDC standards.

2. **Section 29-4.8(f)(2)(i), Table 4.8-9 and Section 29-4.8(f)(2)(ii)** – Relating to the increase in area for a wall signage facing a collector street.

Clark Lane is identified as a minor arterial on the Major Roadway Plan, but per Chapter 29-4.8(f)(1), due to its proximity to existing or planned residential neighborhoods or environmentally sensitive areas, it is regulated as if it were a collector street for purposes of allocating signage, along with several other streets listed in the same section. The chart below indicates the differences between the two street classifications, and also what is being proposed by the applicant.

<i>Street Class</i>	<i>M-C zoning</i>
Collector or local nonresidential (allowed)	<b>64 sq. ft. max area</b> ; except that if the business does not have a freestanding sign, for each 1.25 feet of setback, add 3.55 sq.ft. up to a 128 sq. ft. max area
Arterial (Clark is an arterial but regulated as collector)	64 sq. ft. max area; for each 1.25 feet of setback, add 3.55 sq. ft. up to a <b>192 sq. ft. max area</b> <sup>1</sup>
Proposed	Schnucks sign: 378 sq.ft. CVS sign: 44 sq.ft. <b>TOTAL = 422 sq.ft.</b>

The applicant is seeking relief from the maximum allowance of signage area on the north façade of the proposed Schnucks grocery store. Per the table above, the north façade would be permitted up to a maximum of 64 sq.ft. (they are not eligible for the bonus area since they are also requesting a freestanding sign). They are requesting 422 sq.ft., which is 358 sq.ft. more than permitted, or 660% of the permitted signage.

The applicant has stated that this regulation would prohibit the reasonable and necessary signage for the use and operation of the property as intended by the applicant and the applicable zoning designation. While not specifically stated in the application, it is also presumed that the requested relief is to allow the Schnuck’s grocery store to be more easily identified by individuals traveling along Clark Lane, and that the distance between Clark Lane and the grocery store precipitates the need for more sign area to achieve this goal.

In evaluating this request against the criteria established for variances staff does not find sufficient evidence that the request for additional wall signage area along a collector street is addressing a practical difficulty or hardship with the site not generally applicable to property in the area, but merely a preference for more sign area than what the City would permit. The UDC provides for 64 square feet of signage because the property fronts a street that is designated as a collector to protect surrounding properties from excessive signage (the property directly across Clark Lane is currently used as single-family).

With that said, staff notes that additional sign area has been granted in other situations, either by the BOA or through the approval of a Planned Development Plan. Typically these allowances have been granted in recognition that the scale of a proposed sign, while larger than what is typically permitted, was proportional to the size of the building, coupled with a building that was set back from the street a considerable distance. In this case, when reviewing the appearance of the sign in relation to the area of the facade, the resulting signage does not appear out of scale with the building, or contribute to a cluttered appearance.

In addition, the building is setback approximately 350 feet from the Clark Lane right of way. If using the sliding scale for wall signage as a reference (additional 3.55 sq.ft. for every 1.25 feet of setback) and eliminating the maximum area, then the amount of signage permitted for a building setback 350 feet would be an additional 994 square feet of signage. While this amount of signage is not supported, it is a helpful illustration on what might be considered an appropriate amount of signage on a building when considering the distance it is away from a street where the signage will be viewed.

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<sup>1</sup> Due to the setback of the building, the maximum area would be allowed if fronting an arterial.

3. **Section 29-1.11(a) and 29-4.8(f)(2)(ix)**– Relating to the allowance of wall signage on the façade of a building that does not front to a street.

Wall signage for businesses is allowed to be located on the façade of a building when that façade is oriented toward the side of a lot that directly fronts on a street. In this situation, the applicant is requesting wall signage on the east elevation of the Schnucks grocery store. The lot where the store is located, Lot 5, does not have street frontage on its east side; therefore, no wall signage is permitted. Section 29-4.8(f)(2), Table 4.8-9 describes maximum On Premise Wall, Canopy and Awning Sign area is based upon street class and zoning district. The street classification standards cannot be applied without actual street frontage; however, the nearest street to the east of the subject lot is St. Charles Road, which is an arterial street. The amount of signage that would be permitted if the east lot line fronted St. Charles is shown below.

Street Class	M-C zoning
Arterial	64 sq. ft. max area; for each 1.25 feet of setback, add 3.55 sq. ft. up to a <b>192 sq. ft. max area</b> <sup>2</sup>
Proposed	<b>CVS sign: 62.8 sq.ft.</b>

The applicant has stated that this regulation would prohibit the reasonable and necessary signage for the use and operation of the property as intended by the applicant and the applicable zoning designation. While not stated in the application, it is also presumed that the requested relief is to allow the CVS, a tenant of the Schnucks grocery store, to be identified by individuals traveling along St. Charles Road or entering the overall subdivision via the entrance on St. Charles Road.

While signage is not permitted on facades that don't directly front a street (this site fronts only on Clark Lane), the UDC provides ample signage opportunities for businesses to advertise their location to the public along a public street. The Schnuck's grocery store will be permitted to have wall signage facing Clark Lane and in fact are requesting additional sign area to enhance its visibility to Clark Lane. Additionally, they have the ability to install a freestanding sign located near the right of way of Clark Lane; however, are seeking approval for a freestanding "shopping center sign" instead that will permit additional businesses to advertise on their lot which may decrease the area of signage allocated just for Schnucks provided the sign is constructed as shown in the respective shopping center sign exhibit. There are also additional allowances for directional signs within the lot itself that could address the identity needs for which the proposed eastern building façade signage is attempting to accommodate. It is also worth noting the eastern elevation of the grocery will have no public entrances, which could be considered a factor when determining whether additional signage is justified.

Another factor in considering if signage on the eastern façade is justified is the likelihood that this facade will be partially screened from the view of St. Charles Road. A draft site plan (attached) submitted by the applicant indicates that a building will be constructed to the east of the Schnucks on Lot 4 that may screen a portion of the eastern façade of the building and further to the east is an additional commercial pad is proposed that will likely include a building that may further obscure the proposed sign's visibility. Finally, the building itself is located between 450 and 550 feet away from St. Charles Road (from the corners of the building extended east), with 2

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<sup>2</sup> Due to the setback of the building, the maximum area would be allowed.

other commercial lots between the building and the street, further diminishing the utility of signage on the eastern building façade.

In evaluating this request against the criteria for approval of variances, staff does not find sufficient evidence that the request for wall signage on the eastern façade of the proposed grocery, which does not front a street, is addressing a practical difficulty or hardship with the site, but merely is a desired preference to provide signage on a façade not typically permitted to have signage.

## **Recommendation Actions –**

### **Variance # 1**

As it relates to the requested variance from **Section 29-1.11(a), 29-4.8(c), and 29-4.8(f)(i), Table 4.8-8** pertaining to the allowance of off-premise signage to be permitted as “shopping center signage” within a commercial subdivision and to permit an increase in sign area for signage along St. Charles Road staff recommends as follows:

1. **Approval** to allow said signs to be installed as “shopping center signs” in the locations shown on the submitted site plan **subject to the following condition:**
  - a. Signage on Lots 1-3 of Battle Crossing and the remaining unplatted acreage be limited to monument-style signage only.
2. **Denial** of the request to increase sign area for the signage proposed at the southeast corner of Lot 4 (St. Charles Road frontage).

### **Variance # 2**

As it relates to the requested variance from **Section 29-4.8(f)(2)(i), Table 4.8-9 and Section 29-4.8(f)(2)(ii)** pertaining to increased wall sign area facing a collector street staff recommends as follows:

1. **Denial** of the request to increase sign area given no compelling hardship has been shown by the applicant or is associated with this site as compared with other similar sites located within the city that would justify the relief sought. However, staff does acknowledge that the placement of the building on the site, the building’s scale, and the limitation of the permissible signage give the roadway classification restrictions may constitute hardships that the Board may consider in rendering its decision.

### **Variance # 3**

As it relates to the requested variance from **Section 29-1.11(a) and 29-4.8(f)(2)(ix)** pertaining to the allowance of wall signage on a façade of a building that does not front to a street staff recommends as follows:.

1. **Denial** of the request to permit signage on a façade without street frontage given no compelling hardship has been shown by the applicant to justify the request and that future site improvements will likely render such signage not visible from a public right of way. Staff further finds such request is not the least change to the regulations necessary to accommodate the applicant’s needs as other signage option to address visibility can be implemented.