

**Notice of Public Hearing
City of Chesterfield
Board of Adjustment**



NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Tuesday, December 5, 2017 at 6:00 p.m. in the City Council Chambers at the City of Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

The Board will consider the following:

B.A. 03-2017 500 Chesterfield Center (Midwest BankCentre): An appeal of a Planning Commission decision of partial approval of a Sign Package for Midwest BankCentre located at 500 Chesterfield Center. (18S140365)



All interested parties are invited to appear and be heard at the hearing.

Copies of the request are available for review at City Hall Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Jessica Henry, Senior Planner by telephone at 636-537-4741 or by email at jhenry@chesterfield.mo.us.

City of Chesterfield

Jessica Henry, AICP
Senior Planner



IV.A.



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Board of Adjustment Staff Report

Variance Type: Appeal of Planning Commission Decision

Meeting Date: December 5, 2017

From: Jessica Henry, AICP
Senior Planner

Location: 500 Chesterfield Center

Applicant: Midwest BankCentre

Description: **B.A. 03-2017 500 Chesterfield Center (Midwest BankCentre):** An appeal of a Planning Commission decision of partial approval of a Sign Package for Midwest BankCentre located at 500 Chesterfield Center. (18S140365)

PROPOSAL SUMMARY

In June of 2017, Midwest BankCentre submitted a request for a Sign Package for their parcel, which is 2.25 acres in size. In accordance with the Unified Development Code (UDC), if approved, the Sign Package would serve as the site specific sign regulations for the property. As part of the Sign Package request, Midwest BankCentre requested to convert an existing monument sign into an electronic message center. On October 9th, 2017 the Planning Commission passed a motion to approve the Sign Package with "monument sign of size and shape as requested, with signage panels to comply with the regulations of the Unified Development Code."

In passing this motion, the Planning Commission did not grant the Petitioner's request to convert the existing monument sign into an electronic message center. In accordance with Chapter 23-24 of the Municipal Code, the Petitioner is appealing the Planning Commission's partial approval of the Sign Package request.

An application is attached hereto which includes an explanation of the above referenced request and statement of unnecessary hardship.

SITE HISTORY AND EXISTING CONDITIONS

The subject site depicted in Figure 1 below was zoned "C8" Planned Commercial District by St. Louis County Ordinance Number 6815 in 1973.

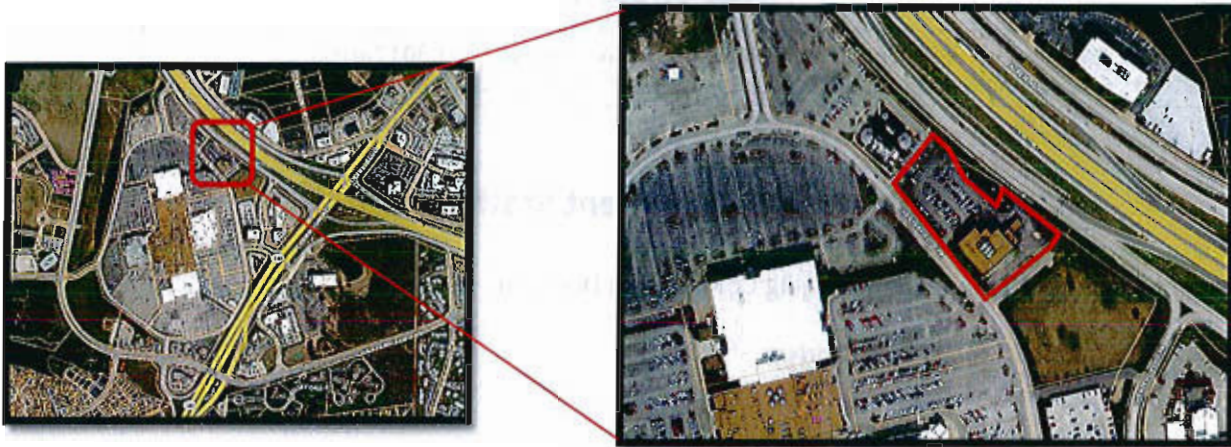


Figure 1: Aerial of Subject Site

Currently, one monument sign is located on the subject site's Outer 40 Road frontage. This sign was constructed prior to the City of Chesterfield's incorporation. The sign is a "V" shaped monument sign and includes an electronic component. The existing sign is depicted in the following image.



Figure 2: Existing monument sign

BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield City Code requirements. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the Applicant has established the necessary "practical difficulties or unnecessary hardship" and when "the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done".

In determining if a practical difficulty or unnecessary hardship has been established by the Applicant, the Board must determine if relief is necessary due to an unusual or unique character of the property or lot. The burden of proving this is on the Applicant and an individual cannot create a situation and then claim he needs a variance. (Wolfner v. Board of Adjustment of City of Warson Woods, 114 S.W.3d 298 Mo.App.E.D, 2003).

PETITIONER'S REQUEST

The Petitioner's request is to convert the existing sign into an electronic message center of the type, nature, construction, illuminance, and capacity detailed in their application. Electronic message center is defined by the City's Unified Development Code in the following manner:

A sign whose alphabetic, graphic, or symbolic informational content can be changed or altered on a fixed display surface, composed of electrically illuminated or mechanically driven changeable segments, either by means of pre-programming or by computer-driven electronic impulses.

Electronic message center signs are classified as a prohibited sign in accordance with 31-04-05.H.2(c) of the UDC which states "All signs not expressly permitted under this UDC or expressly exempt from regulation hereunder in accordance with the above Section are prohibited within the City of Chesterfield."

The UDC further restricts signs illuminated by intermittent light sources such as the proposed sign. Specifically, 31-04-05.B.3 states that "On the effective date of this UDC, no sign, except a sign presently so lighted, shall be illuminated by intermittent light sources."

However, the Sign Package process allows for such prohibited signs to be requested. Sign Packages are reviewed and approved by the Planning Commission, and **no electronic message center sign that is similar in size, design, and capability to the requested sign has ever been approved by the Planning Commission or City Council through the Power of Review process for a user under the City's jurisdictional authority.**

The requested electronic message center sign is comprised of two "watchfire full color electronic displays" with a combined total size of over 70 square feet. While the Petitioner has stated their intent to restrict the content displayed on the screens, these displays have full video capacity. Further, the City treats signage with a "content neutral" approach, regulating only "time, place, and manner" in accordance with well-established legal precedent pertaining to the regulation of signage by municipalities.

REVIEW OF APPEAL OF A PLANNING COMMISSION DECISION REQUEST

The Department of Planning and Development Services has reviewed the request and submits the following information for the Board's consideration during review.

On October 9, 2017 the Planning Commission passed a motion to approve the requested Sign Package with a monument of size and shape requested, with signage panels to comply with the regulations of the Unified Development Code by a vote of 7-0.

Following the October 9, 2017 Planning Commission meeting, Power of Review was not called by either Ward 2 Councilmember or by the Mayor. Power of Review provides for City Council review of Planning Commission decisions and allows for the City Council to “affirm, reverse, or modify, in whole or part, any determination of the Planning Commission.”

As Power of Review was not called for, the Planning Commission decision stood and a letter outlining the Planning Commission’s approval and conditions was sent to the Petitioner.

On October 20, 2017, the Petitioner submitted an application for the Board of Adjustment in accordance with Chapter 23-24 of the Municipal Code which states “Appeal may be taken from any decision or rulings of the Commission to the Board of Adjustment, as provided for in this Code which Board shall hear and pass on such appeals.”

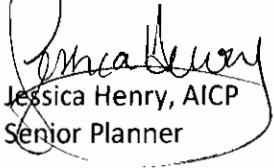
Chapter 89 of the Missouri Revised Statutes states, “In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done...” (emphasis added).

In reviewing the statement of practical difficulty, several factors are to be considered by the Board:

1. How substantial the reversal of the Planning Commission’s decision is in relationship to the requirement. If the Planning Commission’s decision is reversed and the proposed electronic message center is granted, it would constitute an unprecedented approval of an electronic message center sign of this size, capability, and nature within the City’s jurisdictional authority.
2. The effect, if granted, of the reversal of the Planning Commission’s decision on available governmental facilities. If granted, Staff anticipates an increase in applications to the Board of Adjustment requesting appeals of Planning Commission decisions regarding electronic message center signs.
3. Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors. After reviewing the request submitted by the Applicant, Staff is of the opinion that reversing the decision of the Planning Commission would result in a substantial change in the character of the neighborhood. The proposed sign would be highly visible to motorists traveling on North Outer 40 Road. The sign would be highly visible from off-site.
4. Whether the difficulty can be obviated by some feasible method other than reversing the decision of the Planning Commission. The Planning Commission Sign Package approval permits for a monument sign of the size and shape requested, with signage panels to comply with the City’s Unified Development Code. The Petitioner is therefore permitted a monument sign, and the sign size is actually greater than permitted outright by the UDC. It is Staff’s opinion that no difficulty or hardship exists.

5. Whether the interest of justice will be served by reversing the decision of the Planning Commission. All properties within the City of Chesterfield are subject to the Sign Regulations. No other user under the City's jurisdictional authority has been granted approval of an electronic message center of similar size, design, and capabilities of the requested sign. The interest of justice would not be served by reversing the decision of the Planning Commission.

Respectfully submitted,



Jessica Henry, AICP
Senior Planner

Exhibits

1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication
3. Affidavit of Publication (not in packet)
4. Staff Report
5. Petitioner's Application
6. Findings of Fact and Conclusions of Law—Denial
7. Findings of Fact and Conclusions of Law—Approval



City of Chesterfield

RECEIVED
OCT 20 2017
City of Chesterfield
Department of Public Services

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

BOARD OF ADJUSTMENT APPLICATION

EXHIBIT
5

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. It hears requests for variances and appeals of administrative determinations. A variance is a departure from the zoning ordinance requirements for a specific parcel. The types of variances heard by the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning & Development Services at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at chesterfield.mo.us/active-developments.html

Check (✓) the type of variance for which you are applying:

- Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Use variance: A request to allow deviation for the permissible uses of a zoning district.
- Sign variance: A request to allow deviation from dimensional/quantity regulations
- Appeal of Administrative Determination

Please note: Areas in gray will be completed by the Department of Planning & Development Services.

STATE OF MISSOURI

BOA NUMBER _____

HEARING DATE _____

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: Sachs Properties

Address: 400 Chesterfield Center, Suite 600

City: Chesterfield State: MO Zip: 63017

Tel.: 636-537-1000 Fax: 636-537-0718

Petitioner, if other than owner(s): Midwest BankCentre

Address: 2191 Lemay Ferry Road

City: St. Louis State: MO Zip: 63125

Tel.: 314-544-8569 Fax: 314-544-8650

Legal Interest: Lessee at 500 Chesterfield Center, Lease dated July 1, 2017 through June 30, 2027.

(Provide date of contract and date of expiration of contract)

*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760

Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

II. PROPERTY INFORMATION

Project Address: 500 Chesterfield Center

Locator Number(s): 18S140387, 18S140365

(List additional locator numbers on separate sheet and attach to petition)

Acreage: +/-2.251 (To the nearest tenth of an acre)

Subdivision Name (If applicable): _____

Current Zoning District: _____

Legal Description of Property:

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.):

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement:

Allowing a static electronic messaging center eliminates manually changing sign messaging which can be burdensome to the business as well as dangerous for employees. Electronic messaging also eliminates the opportunity for signs to be changed by vandals or pranksters that could be embarrassing or offensive.

Ordinance Number and section to which a variance is sought:

Ordinance Number 2801, Section 31-04-05

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one Yes No

Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:

The current ordinance allows for a manually changeable reader board. The intent of the ordinance is to allow businesses to change advertising messages to the traveling public, but to prohibit flashing or moving messages common to typical electronic message center signs. The current ordinance does have a current exception that allows for signs presently lighted to display time and temperature and stock market quotes.

We understand the intent of this ordinance and propose the reuse of the current monument sign that meets the intent of this ordinance. The monument sign was previously used to display electronic messaging that included time and temperature along with stock market quotes. We are requesting a variance to allow us to use the existing sign to display messages in a static mode.

The hardship with compliance of the ordinance as it is currently written is the burdensome efforts required to change sign messages manually at this location. Manual copy changes are a dated and obsolete method of communication that burden a business with unnecessary labor costs and exposure of employees to the dangers of falling or other injury. Updating messages manually is especially burdensome in hot summer temperatures and can be dangerous in freezing winter conditions when contending with icy conditions. Manual letter signs can also be easily changed by vandals or pranksters to display messages that could be embarrassing to the business and to the City of Chesterfield. Given the location and low height of the current sign, this could be an easy target for such antics.

We are requesting a variance to alleviate the burdens mentioned above.

The reuse of the current sign will only display static messages and will not flash, blink or travel in any way. This is very similar to the previous use that displayed time and temperature along with stock market quotes. The sign will not be programmed to distract drivers by showing moving or flashing messages. Due to the fact that electronic message centers are not currently allowed, we are requesting this variance to perform the function of a static sign with the technology that is already installed and available in the monument that is currently installed and previously used in essentially the same manner.

The City of Chesterfield has previously permitted certain electronic message center signs at various other locations in the community. We believe the proposed reuse of the current sign utilizing updated technology would be consistent with, but not be allowing more than, these previously approved electronic message center signs. Further, numerous other municipalities have updated their sign ordinances to address the expanded use of electronic message center signs and to more closely align such ordinances with recent legal decisions affecting these various signage matters. Of course, these updated ordinances still maintain necessary and appropriate focus on safety concerns of the traveling public. To that end, attached as Exhibit A is a listing of the restrictions Petitioner has incorporated in its design and proposed use of the electronic message center. These restrictions are consistent with other municipalities' updated sign ordinances and would very likely be part of an updated sign ordinance which the City of Chesterfield may initiate in the next year or two.

We are requesting a variance to be consistent with previous approvals of such electronic message center signs within the City of Chesterfield and to better reflect compliance with more current legal standards regarding such matters.

(Attach additional sheets as necessary)

EMC Restrictions

- **Duration of Image Display.** Each image displayed shall have a minimum duration of seven (7) seconds.
- **Presentation.** The image shall be a static display. No portion of the image shall flash, scintillate, fade in or fade out, scroll, twirl, change color, or in any manner to imitate movement.
- **Transition.** When the image or any portion thereof changes, the change sequence shall only be accomplished by means of instantaneous re-pixelization.
- **Malfunction and Non-Compliance.** The electronic message center shall be designed and equipped to freeze the device in one (1) position if a malfunction occurs. The electronic message center shall be equipped with a means to immediately discontinue the display if it malfunctions.
- **Intensity of light.** The maximum luminance produced by the sign shall not exceed three-tenths (0.3) foot-candles greater than the ambient light level. The light level produced by the sign shall be measured at the property line nearest an adjacent dwelling. Automatic dimming capability shall adjust the sign's illumination to the ambient light at all times of the day or night.

Exhibit A

Description of the effect or impact on neighboring properties:

There will be no impact or effect on neighboring properties. The sign is currently in place and already has an electronic messaging center that previously displayed time and temperature alternating with a stock market ticker. The alternating display will be removed and a new static electronic messaging center will be installed maintaining the intent of the current ordinance by prohibiting flashing or moving messages and self-imposing the restrictions set forth in Exhibit A hereto.

(Attach additional sheets as necessary)

For Area or Bulk Variance Requests, complete the following section:

A. Setbacks/Height:

	The Petitioner(s) request the following setback(s):	City of Chesterfield Regulations require the following setback(s) for this site:
Front Yard:	_____	_____
Side Yard:	_____	_____
Rear Yard:	_____	_____
Height:	_____	_____

Provide the following:

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
 - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
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For Sign Variance Requests, complete the following section:

B. Signage:

	The Petitioner(s) request the following :	City of Chesterfield Regulations allow the following for this site:
Number of attached business signs:	N/A	N/A
Size of attached business signs:	N/A	N/A
Number of freestanding business signs:	1	1
Size of freestanding business signs:	78 sf grandfathered sign	50 sf

Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.

Provide the following:

1. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
 - A site plan showing:
 - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
 - The location of proposed signs.
 - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
 - A detail sign plan indicating:
 - Dimension of signs with detail sign lettering layout.
 - Total square feet of signs. If attached, what percent of wall.
 - Light detail, if any.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

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Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

IV. COMPLIANCE

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes No. If no, please explain:

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes No. If no, please explain:

[THIS SPACE INTENTIONALLY LEFT BLANK]

V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

I hereby give CONSENT to David Asmus, Esq. (type, stamp or print clearly full name of agent) to act on my behalf to submit this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the owner contract purchaser. (check (✓) one)

Lisa Bulczak, Lessee Representative

(Name- type, stamp or print clearly)

(Name of Firm)

Note: Attach additional sheets as necessary.

Lisa Bulczak
(Signature)

2191 Lemay Ferry Road
St. Louis, MO 63125

(Address, City, State, Zip)

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 20th day of Oct 2011.

Signed Amanda Wren Print Name: Amanda Wren
Notary Public

Seal/Stamp:

My Commission Expires: 08/24/2020



VI. AFFIDAVIT OF COMPLETENESS AND ACCURACY

INSTRUCTIONS: To be completed by individual submitting application (property owner, petitioner with consent, or authorized agent).

Project Name: 500 Chesterfield Center Monument Sign **Submittal Date:** _____

STATEMENT OF COMPLETION AND ACCURACY

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge and that all property owners have full knowledge that the property they own is the subject of this application. I understand that any knowingly false, inaccurate or incomplete information provided by me will result in the denial, revocation or administrative withdrawal of this application, request, approval or permit and further certify that all owners and petitioners have been provided a complete copy of all material, attachments and documents submitted to the City of Chesterfield relating to this application. I acknowledge this application, related application material and all attachments become official records of the City of Chesterfield, Missouri and will not be returned. I further acknowledge that additional information may be required by the City of Chesterfield to process this application. No arrangement has been made to pay any commission, gratuity, or consideration, directly or indirectly, to any official, employee, or appointee of the City of Chesterfield with respect to this application.

Check (✓) one: I am the property owner. I am the contract purchaser.
 I am the duly appointed agent of the petitioner.

David Asmus, Esq.

(Name- type, stamp or print clearly)

David Asmus

(Signature)
120 South Central, Suite 700
Clayton, MO 63105

(Address, City, State, Zip)

SmithAmundsen, LLC

(Name of Firm)

Note: Attach additional sheets as necessary.

NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 20th day of October 20 17.

Signed *Kimberly Purcell* Print Name: Kimberly Purcell

Notary Public

Seal/Stamp:

My Commission Expires: 11-16-2019



KIMBERLY PURCELL
My Commission Expires
November 16, 2019
St. Louis County
Commission #11415405

**VII. CITY OF CHESTERFIELD
LIENS AND FINES CERTIFICATION**

Project Name: _____ **Ward:** _____
Address: _____ **Locator:** _____

STATE OF MISSOURI, CITY OF CHESTERFIELD

I do hereby certify to the Council of the City of Chesterfield that:

___ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

___ There are the following fines and/or liens owed to the City of Chesterfield:

1. _____
2. _____
3. _____
4. _____
5. _____

Finance Director
City of Chesterfield

Date

[THIS PAGE FOR INTERNAL USE]

STAFF / BOA USE ONLY

Intake Date:

October 20, 2017

This petition

is granted / denied (circle one)

on the

day of

20

Signed:

Chairman

[THIS PAGE FOR INTERNAL USE]



SACHS PROPERTIES®

March 31, 2017

The City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

RE: Midwest BankCentre
500 Chesterfield Center
Chesterfield, MO 63017

Attn: Planning Department,

Please let this letter serve as notification to the City of Chesterfield that Sachs Properties, the property owner for the above location, has approved the proposed signage as depicted on the following drawings for Midwest BankCentre:

#BB 041116 ALT, Revised 3-17-17 – Entry Sign
#BB 022617 Rev 2-27-17 - Refurbish Monument Sign
#BB 041016 A&B Dated 2-27-17 - Three (3) Channel-Letter Wall Signs
#BB 032617 Dated 3-30-17 – Three (3) post-and-panel Directional Signs

Warren Sign Co., Inc. is duly authorized to secure necessary permits for above signage work.

Please call if any further information is needed.

Thank you,

Jamie Marx, Leasing Director
Sachs Properties
636-590-7105
jmarx@sachsproperties.com



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

October 12, 2017

David G. Asmus, Esq
120 South Central, Ste 700
Clayton, MO 63105

Re: 500 Chesterfield Center-Midwest BankCentre—Sign Package

Mr. Asmus:

At the October 9, 2017 Planning Commission meeting, the Planning Commission approved your sign package with the following conditions:

- The identification signage over the door is approved as presented.
- A monument sign of size and shape as requested, with signage panels to comply with the regulations of the Unified Development Code.

The next step in acquiring a building permit is submitting a sign permit and municipal zoning approval application along with five copies of the plans to the City of Chesterfield. These applications can be found under the Planning Development Services drop down menu here: <https://www.chesterfield.mo.us/forms-and-permits.html>

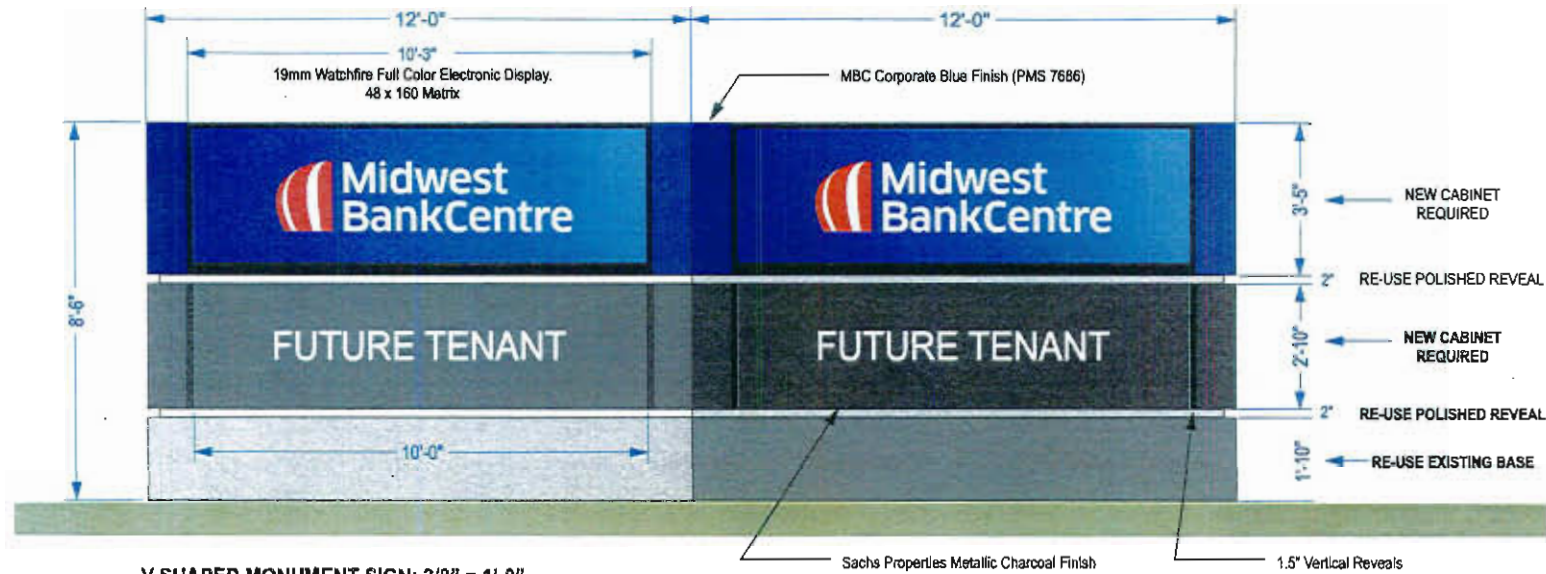
Please feel free to contact me if you have any questions or comments concerning this project. You may contact me at (636)-537-4741 or I am available to meet with you, at your convenience, regarding any comments city staff has throughout the approval process. For your information, you may also visit the "Active Developments" section on the City's website www.chesterfield.mo.us for up-to-date information about this and other projects under review by the Department.

Respectfully,

Cassie Harashe, AICP
Project Planner

cc: Kim Purcell, Smith Amundsen, kpurcell@salawus.com
Bill Behrens, Warren Sign, bbehrens@warrensign.com
Lisa Bulczak, Midwest BankCentre, lbulczak@midwestbankcentre.com
Justin Wyse, Director of Planning and Development Services

St. Louis' Largest Sign Contractor Delivering Quality Since 1929



V SHAPED MONUMENT SIGN: 3/8" = 1'-0"

REMOVE MONUMENT SIGN FROM SITE AND BRING TO SHOP FOR REFURBISHMENT. REPLACE EXISTING CABINETS WITH NEW ALUMINUM CABINETS, REUSING THE POLISHED REVEALS. TOP CABINET SHALL HAVE WATCHFIRE LED MESSAGE DISPLAY UNITS. SECOND CABINET SHALL HAVE ROUTED ALUMINUM FACES WITH WHITE PLEX BACKED ROUTED COPY (TENANT NAME TO COME). INTERNAL ILLUMINATION SHALL BE BY WHITE LEDS. CABINETRY PAINTED WITH MATTHEWS ACRYLIC POLYURETHANE FINISHES. REINSTALL SIGN AS PER ORIGINALLY. CONNECT POWER AND SECURE DATA CONNECTIVITY PROTOCOL AS REQUIRED.



CLIENT
MIDWEST BANK CENTRE / SACHS PROP.
PROJECT
MONUMENT SIGN REFURBISHMENT
LOCATION
500 CHESTERFIELD CENTER
CHESTERFIELD, MO
DATE
2/27/17
SAVED AS
MBC-SACHS V-SHAPED SIGN REFURBISH -
CHESTERFIELD
DRAWING NO.
88 022617
REVISED
DESIGNED BY
Keith Hempen



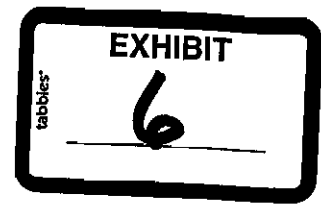
This drawing has been prepared for your exclusive viewing and is the intellectual property of Warren Sign. It may not be reproduced in whole or in part without written permission.



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

warrensign.com

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Board of Adjustment
City of Chesterfield, Missouri

In Re:

Midwest BankCentre)
500 Chesterfield Center)
Chesterfield, MO 63017)
)
)
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING THE APPEAL OF A PLANNING COMMISSION DECISION
APPLICATION (B.A. 03-2017)
FOR THE PROPERTY LOCATED AT 500 CHESTERFIELD CENTER

COMES NOW, the Board of Adjustment (the "Board") of the City of Chesterfield, Missouri, (the "City") and hereby issues the following Findings of Fact and Conclusions of Law denying the appeal of a Planning Commission decision (B.A. 03-2017) submitted on behalf of Midwest BankCentre:

FINDINGS OF FACT

1. That on October 20, 2017, SmithAmundsen on behalf of Midwest BankCentre (the "Applicants"), submitted a request for an appeal to a Planning Commission decision (B.A. 03-2017) of partial approval on their property within the "C-8" Planned Commercial Zoning District, located at 500 Chesterfield Center, Chesterfield, MO. Said request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on October 20, 2017, the applicant submitted a check for the Board of Adjustment application fee to the City of Chesterfield.
3. That on November 24, 2017 a Public Hearing notice appeared in The Countian, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Board of Adjustment of the City at 6:00 p.m., December 5, 2017, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to an appeal of a Planning Commission decision of partial approval on their property within the "C-8" Planned Commercial Zoning District, located at 500 Chesterfield Center, Chesterfield, MO.
4. That on November 27, 2017 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 500 Chesterfield Center, informing them that the Board of Adjustment of the

City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 5, 2017 to consider Applicant's appeal of a Planning Commission decision.

5. That on December 1, 2017 the Public Hearing Notice for the December 5, 2017 Board of Adjustment meeting to be held at 6:00 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall.
6. That on December 5, 2017 a Public Hearing was held by the Board of Adjustment to consider Applicant's request for an appeal of a Planning Commission decision. At that time the Applicants, SmithAmundsen and Midwest BankCentre, were present at the Public Hearing to present their appeal of a Planning Commission decision to the Board of Adjustment.
7. That on December 5, 2017 the Board of Adjustment voted ___ to ___ to approve the Applicant's appeal of a Planning Commission decision. The motion failed to receive the required statutory majority to approve the appeal of a Planning Commission decision, pursuant 89.090 RSMo.

CONCLUSIONS OF LAW

WHEREFORE, the Board of Adjustment of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That Applicant filed a request for an appeal of a Planning Commission decision pursuant to §2-211—§2-220.3 of the Municipal Code of the City and §89.100 RSMo.
2. That at the Public Hearing held on December 5, 2017 the Board of Adjustment made the following conclusions of law, pursuant to §2-211—§2-220.3 of the Municipal Code:
3. That the Applicant has not shown that special conditions or circumstances exist which are peculiar to the land, structure or building involved and that the conditions or circumstances of the Applicant are applicable to other lands, structures or buildings; and,
4. That literal interpretations of the provisions of the applicable chapter of City Code would not deprive the Applicant of rights commonly enjoyed by other properties; and,
5. That the special conditions of the Applicant are a direct result of the actions of the Applicant; and,

6. That granting the appeal of a Planning Commission decision requested by the Applicant would confer on the Applicant special privileges that are denied to owners of other lands, structures and buildings in the same district.
7. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts were considered as the grounds for approving this appeal of a Planning Commission decision.
8. That Applicant has failed to show practical difficulties or unnecessary hardship related to the Applicant's request for an appeal of a Planning Commission decision.
9. That Applicant's request for an appeal of a Planning Commission decision is hereby **DENIED** under authority §2-211—§2-220.3, et seq. of the Municipal Code and §89.100 RSMo, et seq.

So Ordered,

Chairman, Board of Adjustment

ATTEST:

Kathy Reiter
Executive Assistant to the Director of Planning and Development Services

Board of Adjustment
City of Chesterfield, Missouri

In Re:)
Midwest BankCentre)
500 Chesterfield Center)
Chesterfield, MO 63017)
)
)
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING THE APPEAL OF A PLANNING COMMISSION DECISION
APPLICATION (B.A. 03-2017)
FOR THE PROPERTY LOCATED AT 500 CHESTERFIELD CENTER

COMES NOW, the Board of Adjustment (the "Board") of the City of Chesterfield, Missouri, (the "City") and hereby issues the following Findings of Fact and Conclusions of Law denying the appeal of a Planning Commission decision (B.A. 03-2017) submitted on behalf of Midwest BankCentre:

FINDINGS OF FACT

1. That on October 20, 2017, SmithAmundsen on behalf of Midwest BankCentre (the "Applicants"), submitted a request for an appeal to a Planning Commission decision (B.A. 03-2017) of partial approval on their property within the "C-8" Planned Commercial Zoning District, located at 500 Chesterfield Center, Chesterfield, MO. Said request was an appeal of the City's Zoning Code and application by the City's Zoning Officer.
2. That on October 20, 2017, the applicant submitted a check for the Board of Adjustment application fee to the City of Chesterfield.
3. That on November 24, 2017 a Public Hearing notice appeared in The Countian, a newspaper qualified to publish legal notices in St. Louis County, Missouri, stating that a Public Hearing would be held by the Board of Adjustment of the City at 6:00 p.m., December 5, 2017, at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, for the purpose of considering and making findings and recommendations in regards to an appeal of a Planning Commission decision of partial approval on their property within the "C-8" Planned Commercial Zoning District, located at 500 Chesterfield Center, Chesterfield, MO.
4. That on November 27, 2017 a notification was mailed by certified U.S. Mail to property owners and all adjacent property owners of 500 Chesterfield Center, informing them that the Board of Adjustment of the

City of Chesterfield would hold a Public Hearing at 6:00 p.m., on December 5, 2017 to consider Applicant's appeal of a Planning Commission decision.

5. That on December 1, 2017 the Public Hearing Notice for the December 5, 2017 Board of Adjustment meeting to be held at 6:00 p.m. at City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri was posted in the front lobby of City Hall.
6. That on December 5, 2017 a Public Hearing was held by the Board of Adjustment to consider Applicant's request for an appeal of a Planning Commission decision. At that time the Applicants, SmithAmundsen and Midwest BankCentre, were present at the Public Hearing to present their appeal of a Planning Commission decision to the Board of Adjustment.
7. That on December 5, 2017 the Board of Adjustment voted ___ to ___ to approve the Applicant's appeal of a Planning Commission decision. The motion failed to receive the required statutory majority to approve the appeal of a Planning Commission decision, pursuant 89.090 RSMo.

CONCLUSIONS OF LAW

WHEREFORE, the Board of Adjustment of the City of Chesterfield, Missouri, does hereby find and conclude the following as a matter of law:

1. That Applicant filed a request for an appeal of a Planning Commission decision pursuant to §2-211—§2-220.3 of the Municipal Code of the City and §89.100 RSMo.
2. That at the Public Hearing held on December 5, 2017 the Board of Adjustment made the following conclusions of law, pursuant to §2-211—§2-220.3 of the Municipal Code:
3. That the Applicant has shown that special conditions or circumstances exist which are peculiar to the land, structure or building involved and that the conditions or circumstances of the Applicant are not applicable to other lands, structures or buildings; and,
4. That literal interpretations of the provisions of the applicable chapter of City Code would deprive the Applicant of rights commonly enjoyed by other properties; and,
5. That the special conditions of the Applicant are not a direct result of the actions of the Applicant; and,

6. That granting the appeal of a Planning Commission decision requested by the Applicant would not confer on the Applicant special privileges that are denied to owners of other lands, structures and buildings in the same district.
7. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts were considered as the grounds for approving this appeal of a Planning Commission decision.
8. That Applicant has shown practical difficulties or unnecessary hardship related to the Applicant's request for an appeal of a Planning Commission decision.
9. That Applicant's request for an appeal of a Planning Commission decision is hereby **APPROVED** under authority §2-211—§2-220.3, et seq. of the Municipal Code and §89.100 RSMo, et seq.

So Ordered,

Chairman, Board of Adjustment

ATTEST:

Kathy Reiter
Executive Assistant to the Director of Planning and Development Services