Vice-Chair Clithero called the meeting to order at 7:00 p.m. Those members attending included Campbell, Greever-Rice, John, Kasmann and Clithero. Also attending were the City Clerk, Sheela Amin, Building Regulation Supervisor, John Sudduth and Assistant City Counselor, Susan Crigler.

The minutes from the regular meeting of April 12, 2011 were approved as submitted on a motion by Mr. Campbell and a second by Ms. John.

The following cases, properly advertised, were considered. All persons testifying were duly sworn by the City Clerk.

Case Number 1812 was a request by Kimberly R. Black for a variance to the rear yard setback requirement by allowing a reduced rear yard so the structure can remain in its existing location on property located at 5003 Cherry Blossom Lane.

Case Number 1817 was a request by Garrett Taylor, attorney for Zeta Phi Corp of the Beta Theta Pi Fraternity and The Beta Theta Pi Club of Columbia, for variances from compliance with Article V of Chapter 12A – Stormwater Management as it pertains to water quality by allowing off-site water quality treatment and as it pertains to detention due to a net reduction in impervious area on property located at 520 S. College Avenue, 1307 Wilson Avenue, 1313 Wilson Avenue and 1300 Rosemary Lane.

Case Number 1819 was a request by Robert Hollis, attorney for White Castle Systems, Inc., for a variance to the sign ordinance by allowing the installation of a freestanding sign on the Clark Lane frontage that exceeds the maximum height permitted or a determination that the interstate/freeway category is applicable, whereby the sign would be permitted on property located at 3401 Clark Lane.

Vice-Chair Clithero explained there were requests to table Case Number 1812 to the July 12, 2011 meeting, Case Number 1817 to the June 14, 2011 meeting and Case Number 1819 to the June 14, 2011 meeting.

Mr. Campbell made a motion to table Case Number 1812 to the July 12, 2011 Board of Adjustment meeting, Case Number 1817 to the June 14, 2011 Board of Adjustment meeting, and Case Number 1819 to the June 14, 2011 Board of Adjustment meeting. The motion was seconded by Ms. John and approved unanimously by voice vote.

Case Number 1816 was a request by Marjorie Lewis, attorney for Western Oil, Inc., for a variance to the sign ordinance by allowing one freestanding sign on the I-70 frontage, which exceeds the maximum sign area permitted, or by allowing two freestanding signs on the I-70 frontage whereby one of those signs exceeds the maximum sign area permitted and the other sign exceeds the maximum height permitted on property located at 5612 E. St. Charles Road.

Vice-Chair Clithero opened the public hearing.
Marjorie Lewis, an attorney with offices at 601 E. Broadway, stated she was representing Western Oil, Inc., the owner of the property presently zoned C-3 and commonly referred to as the Phillips 66 gas station at 5612 E. St. Charles Road. She submitted exhibits 1-20 related to this application for the record. She explained the applicant currently had three freestanding signs along the I-70 right-of-way. Two of those signs were located in the southwest corner and one was located in the southeast corner. On May 22, 1988, the prior property owners had entered into an annexation agreement with the City whereby the owners agreed to annex the property into the City when it became contiguous. At that time, the 80 foot sign in the southeast corner already existed. On November 18, 1998, the prior owners entered into an amendment to the annexation agreement that referenced a freestanding animated sign, which was the 80 foot sign in the southeast corner. It also stated the owners would be permitted to erect a new 45 foot freestanding sign with a 16 foot by 16 foot sign face at the southwest corner of the property. The property was annexed into the City in 2002, and the applicant began leasing the property in 2003 and purchased the property in 2009. Initially, they had sought a permit to replace all of the signage along the I-70 frontage and place it all on the sign at the southeast corner, but there were area and height variance issues. After considerable thought, they have decided to leave the 45 foot Phillips 66 sign at the southwest corner and were requesting a variance to allow them to keep the 80 foot sign. They would remove the animated display sign from it and add a gas price sign. She referred to Exhibit 18 and indicated it would be smaller, so they could meet the area requirements. In addition, they would not have the ATM, Subway or any other signs on it either due to the area issue. If the City wanted to keep the Visitors Center sign, they would be agreeable. She stated they wanted a height variance to allow the 80 foot sign to remain at its current height.

Vice-Chair Clithero asked where the Visitor Center was located.

Tom Mendenhall, 7300 Quantrills Pass, commented that the Visitors Center was next to Boone County Bank in the shopping area. He explained he had been a part of the negotiations when they annexed into the City and it had been agreed upon that the 80 foot sign with the scrolling message and the 45 foot sign that had been built would be allowed and not be affected by the City’s sign ordinance. The applicant was trying to clean up the signage in the area by creating something that looked good. He reiterated the original intent was to allow the two signs at those heights and areas.

Ms. John asked Mr. Mendenhall to point out the location of the Visitors Center on the map. Mr. Mendenhall showed the Board the location of the Visitors Center.

Ms. Lewis explained they needed two variances. One would be for the height of the 80 foot sign at the southeast corner as they needed something higher than the overpass so the sign could be seen to provide notice to people to start exiting. They also needed a variance to allow two freestanding signs along the I-70 frontage. She noted they would remove the small sign at the southwest corner along I-70 so only two would remain. She referred to Exhibit 15 as it showed the edge of the third, small sign that would be removed, and noted the Phillips 66 sign would stay. She explained everything would be removed from the 80 foot sign shown by Exhibit 16 except the poles, and a fixed unleaded sign and a changeable electronic gas price sign that would meet the area requirements would be placed at the top. She commented that the current situation was not self-imposed as the current owners did not have anything to do with it and the signs were there when the property was annexed into the City. She stated the owner was trying to make the sign look nicer, and due to the terrain, a tall sign was needed to be viewed beyond the overpass. A gas
price sign that could be seen was necessary to a gas station and important to people traveling along the interstate so they knew where to exit. She noted large pylons signs were very expensive to remove or reduce in height and believed the annexation agreement showed these signs were important as the owners at the time had tried to take measures to ensure the signs could go with the property. If the Board provided the requested variances, there would be substantial compliance with the zoning ordinances, the spirit of the zoning ordinance would be observed, public safety and welfare would be secured and substantial justice would be done. She asked the Board to grant the variances to allow the sign at the southeast corner to remain at 80 feet and for two signs along the I-70 frontage to be allowed.

Mr. Campbell asked if the shorter sign needed a height variance as well. Ms. Lewis explained the 45 foot Phillips 66 sign was non-conforming, but they did not believe a variance was required for it because it was allowed to be constructed by the annexation agreement.

Ms. John asked what specifically she wanted from the Board. She wondered if they just wanted a variance for the height of the sign at the southeast corner. Mr. Campbell noted they also wanted to be allowed two freestanding signs on the I-70 frontage. Ms. Lewis stated that was correct. They wanted a variance for the height of the southeast corner sign so it could remain at its current 80 foot height and a variance to allow two signs along the I-70 frontage instead of one.

There being no further comment, Vice-Chair Clithero closed the public hearing.

Ms. Crigler commented that there was a question as to whether the annexation agreement allowed the signs. She believed the ordinance requiring non-compliant signs to be removed by 2006 would apply to these signs, but was not certain the pursuit of that was being contemplated by the City at this time.

Mr. Sudduth noted variances could not be granted for both size and height for freestanding signs. In addition, any non-conforming freestanding sign lawfully in existence on January 6, 1992, including freestanding signs existing pursuant to variances granted by the Board of Adjustment that did not conform with the provisions of this chapter, needed to be removed, altered or replaced so as to conform with the provisions of the sign ordinances no later than January 1, 2007. This did not apply to billboards that were lawfully erected. He explained he had spoken with Fred Boeckmann, the City Counselor, and understood he felt the existing signs were not covered under the annexation agreement. Mr. Sudduth noted he did not have anything in writing from Mr. Boeckmann. In terms of the 80 foot sign, he wondered how far the base was from the property line as it had a bearing on what would be allowed for the height. He pointed out an electronic display sign that had changing letters and numbers was not allowed within the City, but understood they would have a fixed sign with only the price changing, and historically that had been allowed within the City.

Mr. Campbell commented that he was involved with the drafting of the sign ordinance and they had not been as concerned about signs along the interstate as those internal to the City since the State controlled billboards along the interstate. He did not believe the signs being discussed would add significantly to the clutter or remove significant clutter if taken down.

Mr. Campbell made a motion to approve variances to allow two freestanding signs along the I-70 frontage, and for the sign at the southeast corner to exceed the height limitation at 80 feet and for
the sign at the southwest corner to exceed the height limitation at 45 feet. The motion was seconded by Ms. John.

CASE NO. 1816 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, GREEVER-RICE, JOHN, KASMAN, CLITHERO. VOTING NO: NO ONE. Variances to allow two freestanding signs along the I-70 frontage, and for the sign at the southeast corner to exceed the height limitation at 80 feet and for the sign at the southwest corner to exceed the height limitation at 45 feet were approved.

Case Number 1818 was a request by Daniel Beckett, attorney for Columbia College, for a variance to the zoning ordinance by allowing an entrance canopy to have a roof area and projection into the front yard greater than permitted on property located at 702 Range Line Street (Southy Building).

Vice-Chair Clithero opened the public hearing.

Daniel Beckett, an attorney with offices at 111 S. Ninth Street, Suite 200, stated he represented Columbia College, the applicant and owner of 702 Range Line, known as the Southy Building. The were asking for a variance to front yard setback requirement to the Southy Building, which was located in a C-3 zoning district, in order to construct a canopy over the west side entrance of the building. He submitted Exhibits 1-6 related to this application for the record. He understood the front yard of any building in a C-3 district had to have a front yard of not less than 25 feet. There was an exception, which indicated canopies or open porches having a roof area not exceeding 60 feet could project a maximum of six feet into the required front yard. The proposed canopy would keep students, faculty and the public protected from the weather. It would also make the building more aesthetically pleasing and appear more architecturally congruent with the adjacent and attached Southwell Gym for which a variance had been granted by the Board in 2001. The style of the Southy Building was such that a larger canopy would look better than a smaller canopy meeting the requirements of the Code. He referred to Exhibits 5 and 6 and noted the proposed canopy was 155 square feet and would extend nine feet into the front yard. He pointed out the north canopy of the Southwell Gym was 433 square feet and extended 14 feet 10 inches into the front yard and its south canopy was 219 square feet and extended 10 feet 8 inches into the front yard. He commented that granting this variance would not result in a detriment to public safety and would only contribute to the aesthetics of the Southy Building and the comfort of the public at large. He asked the Board to grant the variance as requested.

Ms. John understood this canopy would match the one furthest to the south in size and appearance. Mr. Beckett stated this one would be slightly smaller in square footage and encroach less into the front yard setback. It would not be as tall either.

There being no further comment, Vice-Chair Clithero closed the public hearing.

Mr. Sudduth explained the permit was denied because it was not allowed by ordinance. The Building and Site Development Division did not have any life safety issue with the request.

Ms. Crigler commented that this was an area variance and listed the items the Board needed to consider when granting the variance.
Ms. John made a motion to approve the variance as requested. The motion was seconded by Mr. Campbell.

CASE NO. 1818 VOTERecorded AS FOLLOWS: VOTING YES: CAMPBELL, GREEVER-RICE, JOHN, KASMANN, CLITHERO. VOTING NO: NO ONE. The variance was approved as requested.

There being no further business, the meeting adjourned at 7:48 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk