

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT

Tuesday, June 22, 2021 - 4:00 p.m.

Pursuant to notice, the Zoning Board of Adjustment of the City of St. Joseph met in the 4th Floor Conference Room, City Hall, on Tuesday, June 22, 2021 at 4:00 p.m.

	<u>Name</u> Current	<u>Members' Term Attendance</u> (mtgs attended-mtgs absent)	<u>End of</u> <u>Term of Office</u>
MEMBERS PRESENT:	Terry Hall	(01-00)	
	06/14/26		
	Michael Grimm	(11-00)	
	05/21/24		
	Seth Slayden	(01-00)	
02/23/24			
	Terri Lowdon	(24-06)	
03/14/21			
MEMBERS ABSENT:	Jo Pruitt	(01-01)	
	03/22/26		
STAFF PRESENT:	Ted Elo, Assistant City Attorney Zack Martin, City Planner Rebecca Shipp, Executive Administrative Assistant		

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CITY CLERK

Four members constitute a quorum.

Hall called the meeting to order at 4:00 pm.

(Verbatim transcript starts)

Hall: Certified chapters 11, 26 and 31 are available. Uh, Rebecca, can we have a roll call please?

Shipp: Terri Lowdon

Lowdon: Present

Shipp: Jo Pruitt

silence

Shipp: Mike Grimm

Grimm: Present

Shipp: Terry Hall

Hall: Present

Shipp: Seth Slayden

Slayden: Present

Hall: Approval of minutes we'll leave until the end of the meeting. Uh, however, before we start the agenda and the case before us, we, we have a little housekeeping to take care of. So, um, at the beginning of the year, we didn't have full members to elect officers. So, I'll ask for a motion for a chair for the next six months.

Lowdon: I move Terry Hall be appointed as Chairman for the next six months.

Grimm: Second.

Hall: Any other nominations? Can we have a roll call vote please?

Shipp: Terri Lowdon

Lowdon: Yes

Shipp: Jo Pruitt – sorry. Mike Grimm

Grimm: Yes

Shipp: Terry Hall

Hall: Ted, ted, how does that work? Because I should abstain but if I abstain

Elo: Well, we don't

Hall: we don't have the four votes required.

Elo: You need four votes to approve

Hall: Business

Elo: a BZA exception or variance.

Hall: Okay. Then I will abstain.

Shipp: Seth Slayden

Slayden: Yes

Hall: Alright. Uh, I'll accept motions for Vice Chair. I'll nominate Michael Grimm.

Lowdon: There you go. Second.

Grimm: Thanks Terry.

inaudible

Hall: Any other nominations? Okay. Rebecca can we have a vote please?

Shipp: Terri Lowdon

Lowdon: Yes

Shipp: Mike Grimm

Grimm: I'll pass.

Shipp: Terry Hall

Hall: Yes

Shipp: Seth Slayden

Slayden: Yes

Hall: Alright. So, unless I hear otherwise, we're, uh, refraining from the normal business until the end of the meeting? Uh, are there any changes to the agenda Zack?

Martin: Uh, no changes to the agenda.

Hall: Okay. Uh, a little housekeeping business; if you're going to speak, uh, the rules of conduct of this board is to give your name and complete address. No one may speak more than twice on the same item. No one may speak more than ten minutes at a time without permission from the Chairperson. No one may speak a second time on a question until

every person who wants to speak has done so. All submissions of evidence, i.e., photos, drawings, will be retained by the Board of Adjustment and will become a part of the permanent file. Uh, so if you brought anything and, and you want to take it, don't give it to us because we can't give it back. I believe the uh, item on the agenda for today is Case # 2487 request for an exception from Article VI Section 6 (J)(1) and any and all sections of The Commons, commons, Precise Plan for the purpose of construction of two pylon signs on the property located at 4525 Commons Drive. Applicant is Trevin Reed. Zack, does the city have a report on this matter?

Martin: Yes, uh, as just stated the request is to allow the erection of two pylon signs at 4525 Commons Drive. Uh, in the Precise Plan that this property is located in, which is The Commons Precise Plan, uh, the property does have signage restrictions in place limiting the property to monument signs. Uh, and this request would be an exception to that regulation um, for two 45' pylon signs. I believe the imagery of which are included with the packet. So, when reviewing this case uh, staff had a few findings. First, that the exception would not be detrimental to or cause undue hardship to the surrounding neighborhood and property owners. Uh, staff did not find that it would cause any hardship to the surrounding area. Um, per the submittals that were mentioned earlier uh, the proposed signage would be aesthetically consistent with the new buildings on the property, which is an auto dealership. Uh, and would be deferential in size to Menard's sign which is the largest sign in that development area right there. Uh, it does also meet the height requirements for the precise plan as a whole. The only true exceptions to this is the fact that these four parcels in the precise plan were limited to monument signage. Uh, the owner has since consolidated those four parcels into one large parcel; meaning that

those parcels that were designated in the precise plan technically do not exist anymore. Uh, kinda giving us a fun little grey zone to play with there. Uh, so, these parcels have been vacant for a number of years, and the development of this inward parcel would spur potential additional interest and investment in the surrounding area. Uh, staff also felt the exception sought would be in keeping with the purpose of the sign code. While it does not meet the requirements of the specific parcels indicated which was just discussed, uh, the proposed freestanding signs do meet the requirements of the general Precise Plan. Uh, staff also found there would be minimal modification to the prescribed regulations and the minimum variance uh, that would accomplish that purpose um, simply allowing the freestanding signage versus monument signage. Uh, and the freestanding signs would still meet the requirements of the Precise Plan without any other variance or exception required. And, then finally, that the literal enforcement of the provisions of the ordinance will result in restrictions inconsistent with the purpose of the applicable section. And, given that the owner has combined those parcels as stated before um, the signage situation could be seen to be different than when this precise plan was originally written up. Um, the proposed signage is designed for visibility from major traffic routes, like I-29, and again is consistence, consistent with the dimensions of a large building. And, uh, staff finds that given the nature of uh, the changing of the property, the provisions would result in restrictions that are inconsistent. So, in summation, staff does recommend approval of this request for an exception um, finding that the exception would not be detrimental uh, or cause undue hardship to the surrounding neighborhood and property owners. That the exception would be in keeping with the purpose of the zone district, sign code or fence ordinance, as the case may be, um, as it directly conflicts with Section

31-303 (a) (1). That the exception would be, to be granted would be one that will require the least modification to the prescribed regulations and the minimum variance that will accomplish that purpose. And, that the literal enforcement of the provisions of the ordinance would result in restrictions inconsistent with the purpose of the applicable decision.

Hall: Thank you Zack. Any questions for staff? Hearing none, is there anyone present today that wishes to speak in favor of this proposal?

Applicant: Sure, I would like to. Trevin Reed, owner of 4525 Commons Drive.

Reed: First of all, thank you for hearing us on this. Uh, you know we've been working with Menards on some of the deed restrictions on the property. Uh, I, I would say that we wouldn't even present this outside of proper channels had Menards who we purchased this from and were aware of the restrictions when we purchased it had they not agreed to uh, the design as you see it in the, in the attachment there. Um, and really the signage, um, we're, it's a significant investment and that's neither here nor there for us to do this building but the last piece of that to really make it what we all want it to be for the city and for the business and the tax revenue, and everything else that its gonna do, these, these signs, um, we feel that that is gonna really take it from a good to a great. Um, we love the location. Um, we love everything about it at this point and these signs would help put it over the top. So, I'm happy to field any questions anyone may have for me or us. Thank you gain for the opportunity to be here.

Hall: Any questions for Mr. Reed?

Lowdon: I move to call the vote.

Hall: Okay. Uh, Rebecca, have the proper notifications been sent out?

Shipp: Yes

Hall: And any others received besides what was in the packet?

Shipp: No

Hall: I have a motion. Is there a second?

Grimm: Second

Hall: Any further discussion? Rebecca, will you please call the vote?

Shipp: Terri Lowdon

Lowdon: Approved

Shipp: Mike Grimm

Grimm: Approved

Shipp: Terry Hall

Hall: Approved

Shipp: Seth Slayden

Slayden: Approved

Hall: Its approved. Nice and easy.

Reed: Thank you guys very much. Thanks for your help Zack.

Martin: Yeah, absolutely.

Lowdon: Pictures look good. I like, I like how the signs look. It looks good and only makes sense.

Inaudible—conversation away from microphone as applicant was leaving

Hall: Okay. Everybody should have received uh, a copy of the corrected minutes. I'll accept a motion or any other corrections to approve or fix the minutes.

Lowdon: Motion to accept as amended.

Grimm: Second

Hall: All those in favor?

All present stated aye verbally

Hall: Okay. Is there anything else on the agenda? No findings of fact. I believe we're done. I'll entertain a motion to adjourn.

Grimm: So moved.

(verbatim ends)

Meeting adjourned 4:09 pm

Minutes respectfully submitted.

Rebecca Shipp