



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF FEBRUARY 15, 2012
6:00 P.M.**

CALL TO ORDER

Chairman Dan Meyer called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Bill Kendall; Mr. Dan Meyer; Mr. James Selinger; Mr. Tom Fann; Mr. William Jaggi; Ms. Julie Powers, Director of Planning, Community & Economic Development and Ms. Melissa Vollmer, Recording Secretary. Mr. Nick Trupiano was absent.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of January 19, 2012. Mr. Kendall noted typographical errors in the minutes. Mr. Jaggi made a motion and Mr. Fann seconded to approve the minutes with the corrections made. All in favor, the motion carried and the minutes were approved.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Meyer asked for any reports or communications from the Officers.

NEW BUSINESS:

PETITION 12-C:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-C. Didion Orf Recycling Inc. requests a variance to allow removal of curbing on a 7.38+/- acre parcel in the I-2 Heavy Industrial District. The property is located on Lot 2 of Orf Commercial Estates as recorded in Book 43 Page 16 at the St. Charles Records Office more commonly known as 206 Didion Drive.

Mr. Meyer further stated that the evidence and testimony received this evening would be the only record considered by the Board. Title IV Land Use of the Municipal Code, as amended, shall be Exhibit #1 for this petition.

Mr. Meyer declared the public hearing open to consider Petition 12-C. The petitioner or their agent was requested to step forward to present their position.

Mr. Doug Tieman, Pickett Ray & Silver, was sworn in as the petitioner. Mr. Tieman explained that in 2010 the Planning and Zoning Commission approved a new warehouse within in the Didion Orf Recycling complex and as part of the plan approval there was a contingency that a variance be obtained to allow the removal of curbing on the development. The development addition will include

a fifty feet by one hundred forty-nine feet concrete area that will allow the warehouse to have eight additional parking spaces and loading dock. Due to unique drainage obstacles faced by many developments within the Old Town Levee area, the applicant is requesting variances from a portion of the curbing requirement.

Mr. Meyer asked if there were any questions of the petitioner. Being none, Ms. Julie Powers was sworn in to present the City's position for Petition 12-C.

Ms. Powers stated that the subject site is located on Lot 2 of Orf Commercial Estates is a part of the larger Didion-Orf Recycling complex. In 2010, the Planning and Zoning Commission approved a new warehouse within the complex that would be built in two phases. As part of the plan approval there was a contingency that a variance be obtained to allow the removal of curbing on the development. The second phase of the warehouse is near completion and the applicant needs the variance prior to completing the parking lot and obtaining final occupancy for the development.

The development already has parking spaces in the front of the warehouse; the addition will include a fifty feet by one hundred forty-nine feet concrete area that will be wide enough for two-way traffic in the parking area. The expanded paved area will allow the warehouse to have eight additional parking spaces and a loading dock.

It is noted that the applicant found the same drainage/curbing obstacles as several other developments within the Old Town Levee area which were also granted variances from a portion of the curbing requirement, due to the unique drainage characteristics. These developments include Pro-Lawns, Ferrell Gas, Westhues, Duggan Contracting and Central Country Fire and Rescue training facility, and an adjacent portion of Mid Rivers Trade Park.

Based on the above information, Didion-Orf Recycling requests a variance to allow the removal of curbing on various portions of proposed or future developments on lot 2 of Orf Commercial Estates more commonly known as 206 Didion Drive.

Ms. Powers noted that the variance requested by the applicant is from requirements of the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended) it states:

Section 405.550 [Off-Street Parking]

G. Construction Standards (Drive Aisles And Parking).

- a. Concrete curbing shall be provided and shown on the site development plan along drive aisles and along the entire perimeter of every parking lot, island and other areas associated with parking except for actual driveways, walkways and approved storm drain openings. The City Administrator may authorize perma curb in lieu of concrete curbing if just cause is shown.

Ms. Powers noted that traditional curbing of the site would not be practical - the property is very flat like other sites in the area. It is predicted that standard curbing may cause erosion problems by channeling the water into the existing open drain system making the already difficult drainage pattern of the area worse. The site plan, when approved in 2010, did not show curbing due to the fact of the limited impervious surface and the flat ground where the warehouse will be located. The Planning

and Engineering departments believe the best management practice for this site is that the area should be allowed to develop without curbing. The amount of impervious surface is minimal and the stormwater sheet flow will be limited. Aesthetically, the site sits several hundred feet back from Mid Rivers Mall Drive and any curbing required would not be visible from the roadway nor would it help in traffic management.

It is also noted that this and previous projects are located adjacent to very old industrial developments that have minimal paving and no curbing. Also, most of the recent developments in this area have had to seek variances to remove some or all the curbing due to realistic engineering restrictions. Therefore, the removal of curbing from the subject site for practical engineering requirements will not cause this site to be out of character with the area. Rather, this new development will be paved, landscaped, and constructed to current standards, continuing the general upgrading and appearance of the area.

Based on this review, staff is supportive of the requested variance to allow the removal of curbing on the warehouse located at Lot 2 of Orf Commercial Estates as recorded in Plat Book 43 Page 16 at the St. Charles County Recorder of Deeds Office more commonly known as 206 Didion Drive.

Mr. Meyer asked if any of the board members had questions for Ms. Powers. Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 12-C. Seeing none, Mr. Meyer closed the public hearing.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve Petition 12-C.

Mr. Meyer requested Ms. Vollmer call the roll, which resulted in the following votes:

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Fann	Yes
Mr. Jaggi	Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 12-C was approved.

Mr. Fann presented the findings of fact as follows:

1. The subject site is located at the southeast corner of Didion Drive and Mid Rivers Mall Drive.
2. The subject site is zoned I-2 Heavy Industrial District.
3. The Zoning and Subdivision Regulations require perimeter curbing of all parking and driveways.
4. The site is surrounded by industrially zoned and developed ground.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve the findings of fact. All in favor, the motion carried.

Mr. Jaggi presented the Conclusions of Law for Petition 12-C as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Fann made a motion and Mr. Selinger seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

Mr. Jaggi made a motion and Mr. Fann seconded to enter Executive Session re: Litigation, Real Estate and Personnel, pursuant to Section 610.021(1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6) and then adjourn the Board of Adjustment meeting. Work Session meeting. With the motion approved, the Board of Adjustment entered Executive Session at approximately 6:25 p.m.

Mr. Jaggi made a motion and Mr. Fann seconded to adjourn the Executive Session and the Board of Adjustment meeting. The motion carried and the Executive Session and the Board of Adjustment meeting were adjourned at approximately 6:35 p.m.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman