



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF APRIL 17, 2019
6:00 P.M.**

CALL TO ORDER

Chairman Tom Fann called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Brian Stiens; Mr. John Shetterly; Mr. Bill Jaggi, Mr. Tom Fann; Mr. Bill Kendall; Ms. Julie Powers, Director of Planning, Community & Economic Development; Mr. Ken Braunfeld, Planning Coordinator; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the March 20, 2019 meeting. Mr. Jaggi made a motion and Mr. Kendall seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Fann asked for any reports or communications from the Officers or Staff. Ms. Powers indicated that there were none.

PETITION 19-F

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-F. Ameren Missouri requests a variance to permit the use of chain link fencing without vinyl coating in the I-2 Heavy Industrial District. The property is located on the east side of Algana Drive, north of Interstate 70, on Lot 22 of Cherokee Industrial Park Plat Two, more commonly known as 15 Algana Drive.

Mr. Fann declared the public hearing open for consideration of Petition 19-F. The petitioner or their agent was requested to step forward to present their petition. Seeing no one present to represent Ameren Missouri, Mr. Jaggi made a motion and Mr. Stiens seconded to postpone this item until the May 15, 2019 Board of Adjustment meeting. The motion carried unanimously.

PETITION 19-G

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-G. Key Cornerstone Realty requests a variance to allow a ground sign in the C-1 Neighborhood Commercial District. The property is located on the east side of Mid Rivers Mall Drive, north side of Willott Road, more commonly known as 1000 Mid Rivers Mall Drive.

Mr. Fann declared the public hearing open for consideration of Petition 19-G. The petitioner or their agent was requested to step forward to present their petition. Ms. Carolyn Kullman Carpenter was sworn in as the petitioner. Ms. Kullman Carpenter explained that she would like to install ground signage at the location she is running her real estate business, 1000 Mid Rivers Mall Drive. This address is in the C-1 Neighborhood Commercial District which does not allow ground signage.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition 19-G. Mr. Braunfeld explained that the subject property is located at 1000 Mid Rivers Mall Drive. The property was initially developed in the early 1980s as a church. In the last ten years the property has been used for a variety of light commercial and office uses.

The applicant recently rented space for a real estate business and submitted a sign permit for a small addition to the existing ground sign. At that time it was determined the property is zoned C-1 Neighborhood Commercial District. The C-2 District does not permit a standard ground/pole sign, but only permits a twelve square foot identification sign.

It appears the existing ground sign of approximately forty square feet was installed by the original church. The zoning code permits churches to have a ground sign up to fifty square feet. When the property transitioned to light commercial and office uses the sign face was changed to advertise one of the commercial tenants. Staff advised the applicant, who spoke with the property owner, that to add to the existing sign or allow future alterations a variance would be required.

Based on this the applicant requests a variance to permit a ground sign in the C-1 Neighborhood Commercial District for property located at 1000 Mid Rivers Mall Drive.

Mr. Braunfeld noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV land Use Chapter 405 as amended) state:

Section 405.745 (D) (1) Ground Signs:

- a. Ground signs as described above shall be permitted as follows:
 - (1) "C-1" Neighborhood Commercial. No ground sign permitted.

Mr. Braunfeld explained that the subject site is located at the corner of Mid Rivers Mall Drive, Willott Road and Southwood Drive. To the east is residential development, across the street to the south is a commercial district that includes a QuikTrip convenience store and Walmart Grocery. The zoning in this area is C-2 Community Commercial permitting ground signage of fifty square feet. The provisions of the sign ordinance regulating the number, size, and height of signs within a particular zoning category has proven to be an effective tool to reduce a visual clutter and improve aesthetics. For example, The C-2 Neighborhood Commercial District was designed for properties located close to residential areas and prohibits ground signs to maintain as unobtrusive a commercial presence as possible. In this case, the subject lot faces two major arterial roadways and is adjacent to higher intensity commercial categories and properties which permit ground signage.

Throughout the community, the City has been sensitive to residences that are near properties that have converted from one use to another such as institutional to commercial. The City has worked to maintain appropriate buffering, lighting, signage, etc. during these transitions. Since there has been a sign at the subject location, of approximately the same size as proposed with no known concerns, the continued use of a sign at this location is reasonable.

In addition, given the property faces three streets, two of which are arterial roadways, it would also be reasonable to permit a second ground sign along Willott Road. This would be in keeping with the C-2 Community Commercial District sign regulations, of the other commercially zoned properties along this corridor. The second sign would be limited to frontage along Willott Road so as to not create sign clutter. The second sign would provide additional signage options as the businesses are inside the building and do not have standard store fronts.

It is staff's opinion that the proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Mr. Braunfeld stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

The applicant would not be permitted ground signage to identify the business and entrance to the property in an area that permits other adjacent and nearby properties ground/pole signage; therefore, it would have a negative impact on the subject property.

2. Does the hardship result from the strict application of these regulations?

The code allows no ground signs for this property which has created a hardship for this user.

3. Is the hardship suffered by the property in question?

The adjacent commercial corridor permits ground signage. The subject site has no allowed signage; the variance will allow the subject property to reasonably identify the applicant's business to Mid Rivers Mall Drive and Willott Road.

4. Is the hardship the result of the applicant's own actions?

When the property was developed as a church, the C-1 Neighborhood Commercial District zoning did not prevent the church from placing a ground sign. When the property transitioned to light commercial and offices, the C-1 zoning does not allow commercial signage. Appropriate signage is necessary to identify the property to facilitate safe access to the business.

5. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved the development will be in harmony with the general purpose and intent of the zoning regulations, since the sign will be of modest size and placed in a location which will not interfere with adjacent residential uses or cause blighting within the community.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis staff recommends approval of the requested variance to permit a ground sign in the C-1 Neighborhood Commercial District for the property located at 1000 Mid Rivers Mall Drive with the following contingencies:

1. Ground signs shall not exceed fifty (50) square feet in size and ten (10) feet in height.
2. One ground sign shall be permitted facing Mid Rivers Mall Drive and one ground sign shall be permitted facing Willott Road.
3. Ground signs shall comply with all other City Code requirements.

Mr. Fann asked if any of the board members had questions for Mr. Braunfeld. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 19-G. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Kendall seconded to approve Petition 19-G.

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

Mr. Stiens	Yes
Mr. Shetterly	Yes
Mr. Kendall	Yes
Mr. Jaggi	Yes
Mr. Fann	Yes

There being 5 yes, 0 no vote, Mr. Fann declared that Petition 19-G was approved.

Mr. Jaggi presented the Findings of Fact as follows:

1. The subject property is located at 1000 Mid Rivers Mall Drive.
2. The property is zoned C-1 Neighborhood Commercial District.
3. The adjacent zoning to the east is R-1 Single Family Residential.
4. The property to the south, across Willott Road, is zoned C-2 Community Commercial District.
5. The property to the west across Mid Rivers Mall Drive is R-1 Single Family Residential District.
6. The property to the north across Southwood Drive is R-1 Single Family Residential District.
7. The City of St. Peters Zoning and Subdivision regulations do not permit ground/pole signs in the C-1 Neighborhood Commercial District.

Mr. Jaggi a motion and Mr. Shetterly seconded to approve the findings of fact. The motion carried unanimously.

Mr. Stiens presented the Conclusions of Law for Petition 19-G 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. Kendall made a motion and Mr. Jaggi seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 19-H

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-H. St. Charles County Ambulance District requests a variance to allow a reduction in the front building line setback in the C-3 General Commercial District. The property is located on the north side of Old Mill Parkway, east side of Jungermann Road.

Mr. Fann declared the public hearing open for consideration of Petition 19-H. The petitioner or their agent was requested to step forward to present their petition. Mr. Brandon Harp, CEDC, was sworn in as the petitioner. Mr. Harp explained that SCCAD is constructing a new four bay ambulance/support vehicle facility with crew sleeping quarters at the corner of Old Mill Parkway and Jungermann Road. The shape of the lot requires the proposed plan to shift the building south towards Old Mill Parkway to allow for the proper turning movement into the building by the ambulances and support vehicles and to accommodate the size of the offices and sleeping quarters. To accomplish this, the building will need to be shifted south towards Old Mill Parkway, reducing the front building line setback.

Ms. Julie Powers was sworn in to present the City's position on Petition 19-H. Ms. Powers explained that the applicant submitted a site plan for development of a lot at the northeast corner of Jungermann Road and Old Mill Parkway for a new ambulance base house. The property was owned by the adjacent US Bank and contains a small overflow parking lot for the bank. The site is narrow without room for expansion since it is bound on the north by the bank, the east by an existing Ambulance District office building, the south by Old Mill Parkway and the west by Jungermann Road.

The building will be used by the St. Charles County Ambulance District for a new four bay ambulance/support vehicle facility with crew sleeping quarters. The proposed building will replace the antiquated two bay ambulance base down the street. Access to the site will be from Old Mill Parkway. Vehicles will drive around the building to access either the general parking lot or to enter the rear of the building, so they can exit facing Old Mill Parkway during an emergency.

The shape of the lot requires the proposed plan to shift the building south towards Old Mill Parkway to allow for the proper turning movement into the building by the ambulances and support vehicles and to accommodate the size of the offices and sleeping quarters.

Based on this, the applicant requests a variance to allow a reduction in the front building line setback in the C-3 General Commercial District, for property located on the north side of Old Mill Parkway, east side of Jungermann Road.

Ms. Powers noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV land Use Chapter 405 as amended) state:

Section 405.200 C-2 Community Commercial District:

G. Yard Requirements.

1. Front yard. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth.

Ms. Powers explained that staff is supportive of the development of this difficult site by the St. Charles County Ambulance District. Even with excellent frontage, the subject parcel has never been developed.

It is staff's understanding that the St. Charles County Ambulance District wanted to stay in this general area to maintain emergency service response time and be close to the adjacent existing Ambulance District facilities. Several layouts were examined by the applicant. Due to access limitations to Jungermann Road, access is only allowed to Old Mill Parkway; this coupled with existing development around the property, limits design options. In addition, the minimum required turning movements of the ambulances and the need to leave facing forward further constrain the layout options. Based on these constraints the City agrees the proposed layout is the best choice.

As noted, the building placement is limited by the need to enter from the rear and leave from the front to Old Mill Parkway. The main building will only encroach approximately six feet into the thirty foot front building line. The remainder of the encroachment is the relatively narrow front door and covered patio which will be approximately 13 feet from the property line.

The building fronts both Jungermann Road and Old Mill Parkway. The thirty foot front yard setback to Jungermann Road will be maintained with the setback encroachment limited to Old Mill Parkway. Since the majority of the buildings mass will only encroach about six (6) feet into the front yard setback it diminishes the visual impact of the requested variance. Only a relatively small section of the building, which will be a glassed porch area, will extend closer to the property line.

Ms. Powers stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

The plan had been carefully crafted to accommodate the development of the property given the constraints of the existing lot size and dimensions. In addition, the new facility will further the public good by improving emergency services. Therefore the proposed design provides for the reasonable use of the property.

2. Is the hardship result from the strict application of these regulations?

To accommodate the development of the property given the constraints of the existing lot size, lot dimensions, and unusual access requirements of ambulances, the strict application of the setback regulations would constrain the development of the property.

3. Is the hardship suffered by the property in question?

With the new facility public safety will be increased. The lot size, lot dimensions, and unusual access requirements of ambulance, limit development options of the property. Therefore, the property suffers a hardship.

4. Is the hardship the result of the applicant's own actions?

The existing lot size and lot dimensions were already established and the layout, while at the applicant's direction, is the best for the facility. In addition, the location of the new ambulance district facility is in the best interest of the City's residents to have timely and efficient emergency services.

5. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it would allow the development of the site and the construction of a new facility to provide timely and efficient emergency services.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis, staff recommends approval of the requested variance.

Mr. Fann asked if any of the board members had questions for Ms. Powers. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 19-H. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve Petition 19-H.

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

Mr. Stiens Yes
Mr. Shetterly Yes

Mr. Kendall Yes
Mr. Jaggi Yes
Mr. Fann Yes

There being 5 yes, 0 no vote, Mr. Fann declared that Petition 19-H was approved.

Mr. Shetterly presented the Findings of Fact as follows:

1. The site legal description is Part of Cave Springs Shopping Center Plat 6 as recorded in Book 21 Page 38 at the St. Charles County Recorder's Office, more commonly known as the northeast corner of Jungermann Road and Old Mill Parkway.
2. The lot is zoned C-3 General Commercial District.
3. The adjacent zoning is C-3 General Commercial District.

Mr. Kendall a motion and Mr. Stiens seconded to approve the findings of fact. The motion carried unanimously.

Mr. Stiens presented the Conclusions of Law for Petition 19-H 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. Shetterly made a motion and Mr. Jaggi seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 19-I

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-I. PFEM Hall and Property Board LLC requests a variance to allow a temporary building on a property in the C-3 General Commercial District. The property is located at 115 McMenamy Road.

Mr. Fann declared the public hearing open for consideration of Petition 19-I. The petitioner or their agent was requested to step forward to present their petition. Mr. Chris Marshall, PFEM Hall and Property Board, LLC was sworn in as the petitioner. Mr. Marshall explained that he would like to install a dome canopy over their existing sand volleyball courts. The dome's canopy will be supported by air pressure and attached to the ground with anchors. Mr. Marshall noted that the dome canopy would be used during the winter months to allow the PFEM Hall to continue their sand volleyball leagues year round.

Ms. Julie Powers was sworn in to present the City's position on Petition 19-I. Ms. Powers explained that the subject facility is located on McMenamy Road; it includes a restaurant and banquet facility and outdoor volleyball courts. The proposed project includes the addition of a removable air canopy dome over the existing sand volleyball courts. The dome's canopy will be supported by air pressure and attached to the ground with special anchors. The owner intends to erect the dome for approximately six months a year, from mid fall to mid spring, to allow use of the existing volleyball courts during the winter months. The proposed dome will be adjacent to the existing firefighter's facility and will be approximately 230 feet long, 100 feet wide, and 33 feet tall; the facility will be climate controlled to

allow consistent use. The applicant has indicated this temporary structure will allow year round use of the facility, thereby generating income and tax revenue during now dormant months. The applicant has also indicated the demand for sand volleyball facilities during the colder months of the year.

During review of the site plan and building elevations for the proposed structure, staff advised the applicant that a variance will be needed to accommodate the proposed temporary structure repeatedly on the property. The code allows temporary structures to be approved by the building commissioner only in conjunction with emergencies or during active construction of a permanent building.

Ms. Powers noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV land Use Chapter 405 as amended) state:

SECTION 405.300 Building Structures For Temporary or Emergency Use.

- A. No temporary structure (including trailers, mobile or modular homes) shall be occupied for any residential, commercial or industrial use except as specifically permitted or required by this Chapter. However, the City Building Commissioner may allow a temporary office or shelter incidental to new development. Occupancy of structures for emergency conditions such as fire, explosion or disaster shall be allowed until conditions are abated.

Ms. Powers explained that the existing facility has been operating at the subject locations since 2009. In general, it is a facility used by the members and the community and it has operated without issue at this location. The sand volleyball courts are buffered to the west by large trees and an existing chain link fence – this tree line assist in buffering the residential development to the west. To the south is also a residential development – the existing building on the subject property would partially block the dome from the south, but it would be visible over the existing building. To the north and east are commercial shopping centers.

As noted before the applicant is requesting the temporary use of a dome structure during the winter months. Typically, temporary uses have been approved on a yearly basis since the projects were highly mobile or transient. In this case the applicant would be investing several hundred thousand dollars and is requesting a long-term multi-year approval. In general, there is substantial commercial activity in the site area, especially to the east and north. The architectural design of the proposed dome creates a simple shape which is generally unobtrusive to the commercial uses and should, therefore, have limited visual impact on the commercial uses in the area.

The west side of the site faces residential uses, and other residential uses are across the street to the south. Given the buffering of the trees on the west, and the building on the south, coupled with the temporary nature of the structure which will be installed only during the winter months, the dome structure may be a reasonable temporary building for the proposed use. Staff notes that additional landscape materials on the west side of the site would further buffer and may reduce the mass of the dome from some nearby residential uses. The Planning Commission suggested pine trees be added to this buffer area.

Staff notes that the design of the temporary structure was recently reviewed and approved by the Planning Commission. They approved the design at the April 3, 2019 Planning Commission meeting, noting that noise standard compliance needs to be verified, and additional landscaping should be reviewed and added if buffering can be enhanced; this includes the pine trees referenced above. Also, the Commission requested a sight line study from McMenemy Road be provided so the visibility of the proposed temporary structure can be evaluated.

Staff also advised that, in conjunction with the review of the temporary building by the Board of Adjustment it will be recommended that the temporary building be authorized for three years/six months per year to ensure the building can be used without issue for the site area. Staff notes that a shorter time would not be realistic given the investment by the applicant. If there are no issues, the applicant can request an extension at that time.

Ms. Powers stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

The property is currently developed and being used for a restaurant, meeting facility, banquet facility, and sand volleyball. The temporary structure will allow the outside area to be used during the winter months. This additional use will allow more reasonable use of the property, as the volleyball season will be extended.

2. Does the hardship result from the strict application of these regulations?

The code limits temporary buildings to ensure they are typically used during construction or emergencies, and for a limited time. However, there are instances, especially with institutional uses, where temporary buildings serve a short-term need; several of those institutional uses have obtained variances, with several extending indefinitely or for several years. Therefore, in certain cases, the regulations to create a hardship.

3. Is the hardship suffered by the property in question?

The site is currently developed with a viable, active use and is zoned commercial, which does not create a hardship. The limitation on the use of the volleyball courts during winter months poses a hardship for the owners.

4. Is the hardship the result of the applicant's own actions?

The hardship for the facility is the inability to use the courts during the winter months; this is a result of the climate and the demand for courts. While this is not a hardship resulting from site conditions, addressing this need makes practical sense for the facility.

5. Is the requested variance in harmony with the general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved the development will be in harmony with the general purpose and intent of the zoning regulations, as the facility is currently operating to include a sports facility. This expanded use will not cause hazards to pedestrian and vehicular traffic, or cause blighting within the community.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent, and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis, staff recommends approval of the requested variance to permit a temporary structure with the following contingencies:

1. The temporary building shall be generally as shown on the attached exhibit.
2. The temporary building shall be installed for a maximum of six (6) months per year.
3. The temporary building may be installed during the next three (3) years.

Mr. Fann asked if any of the board members had questions for Ms. Powers. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 19-I. Seeing no one present to comment, Mr. Fann closed the public hearing. There was general discussion among the Board and Petitioner and the Board has requested that the petitioner return with a street-view photo simulation to show what the dome would look like from McMenemy Road. Mr. Jaggi made a motion and Mr. Stiens seconded to postpone this item until the May 15, 2019 Board of Adjustment Meeting. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Fann seconded to adjourn the meeting at 7:12 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman

