



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF FEBRUARY 20, 2019
6:00 P.M.**

CALL TO ORDER

Chairman Bill Jaggi 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; Mr. Ken Braunfeld, Planning Coordinator; and Ms. Melissa Vollmer, Recording Secretary. Mr. Nick Trupiano was absent.

MINUTES

Mr. Jaggi asked the Board for any comments or questions regarding the minutes of the December 19, 2018 meeting. Mr. Stiens made a motion and Mr. Fann seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Jaggi asked for any reports or communications from the Officers or Staff. Mr. Braunfeld indicated that there were none.

PETITION 19-A

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 19-A. Duke Realty Limited Partnership requests a variance to increase the size and number of ground signs. The property is located on Lots 40 and 41 of the Boundary Adjustment Plat of Premier 370 Business Park Plat One as recorded in Plat Book 49 Page 69 at the St. Charles Records Office; south side of Premier Parkway, west of Truman Boulevard – 4000 Premier Parkway.

Mr. Jaggi declared the public hearing open for consideration of Petition 19-A. The petitioner or their agent was requested to step forward to present their petition. Mr. Ryan Hodges, Duke Realty Limited Partnership, was sworn in as the petitioner. Mr. Hodges explained that The project is located on a 72 acre lot that has a half mile of frontage along Premier Parkway. Due to the size of the property, large number of employees and heavy truck traffic they are requesting the additional signage to properly direct employees and truck traffic to the correct entrances.

Mr. Braunfeld was sworn in to present the City's position on Petition 19-A. Mr. Braunfeld explained that the subject site is located in the Premier 370 Business Park and contains the future Amazon fulfillment center scheduled to open in 2019. The property is zoned St. Peters Lakeside 370 Special District as are the other properties in the area. The project is located on a 72 acre lot that has a half mile of frontage along Premier Parkway. The 855,000 square foot distribution center will include parking for 2,500 employees, 300 trailer docks, and four curb cuts of which two are signalized.

City regulations allow each property to have one ground sign and two identification signs. The ground signs along Premier Parkway may be up to 50 square feet per side. Identification signs may be up to twelve square feet per side. It is noted the St. Peters Lakeside 370 Special District properties fronting to Highway 370 are permitted two ground signs if spaced three hundred feet apart and up to one hundred square feet per side. The

applicants have indicated the size of the property, larger number of employees, and heavy truck traffic requires additional signage to properly direct employees and truck traffic to the correct entrances.

Based on this, Duke Realty Limited Partnership, requests a variance to increase the size and number of ground signs. The property is located on Lots 40 and 41 of the Boundary Adjustment Plat of Premier 370 Business Park Plat One as recorded in Plat Book 49 Page 69 at the St. Charles County Recorder's Office; south side of Premier Parkway, west of Truman Boulevard – 4000 Premier Parkway.

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)

Section 405.265 Lakeside 370 Special District.

1. Developments with less than three hundred (300) feet of frontage on Route 370 shall be permitted one (1) freestanding business sign. Developments with frontage of three hundred (300) feet or more on Route 370 shall be permitted two (2) freestanding business signs, provided that there is a minimum distance of two hundred (200) feet between the two (2) signs.
 - b. The maximum size of said signs shall be limited to one hundred (100) square feet per facing and a total aggregate area of two hundred (200) square feet.

Section 405.745 Permanent Sign Regulations

8. Identification signs. One (1) identification sign is permitted for the principal access to the premises and one (1) sign for the secondary access. The sign shall not exceed twelve (12) square feet in area per sign facing or twenty-four (24) square feet for the gross aggregate sign area.

Mr. Braunfeld explained that the subject site is located in the Premier 370 Industrial Park and contains the future Amazon fulfillment center. The project will be located on a 72 acre parcel with a half mile of frontage and four curb cuts, two of which are signalized. The existing sign regulations will allow for one ground sign and two identification signs. The ground signs along Premier Parkway may be up to fifty square feet per side. Identification signs may be up to twelve square feet per side.

The site's considerable size, larger workforce, and high truck traffic requires special traffic consideration. This includes the need for four curb cuts, two of which will be signalized. In addition, the nearby intersection of Executive Centre Parkway and Lakeside Drive and portions of the Highway 370 interchange are also getting upgrades to handle the site's increased peak traffic generation. Specific to the site, additional signage is requested to facilitate the flow of traffic into the site. This includes signage at each curb cut directing vehicles and trucks to the appropriate access point.

Due to the large scale and employment intent use of the project, it is reasonable to expect the need for enhanced signage to facilitate safer traffic flow. The proposed variance will allow an increase in the number of ground signs from one to two and increase the size from fifty square feet to eighty-eight square feet. It is noted that only 50 percent of the sign face will advertise Amazon, with the other 30 percent of the sign directional, and the remaining 20 percent the street address. The two directional signs will increase in size to thirty square feet of which 20 percent will be used for the site address. The increase in signage will allow the signs to better direct vehicles and trucks to the appropriate entrance given the volume of employees and truck traffic and distances between access points. Although these percentages could change over time, the overall scale of the signs, in relation to the site, are still very small.

In summary, although the size and quantity of the signs will increase, it is necessary to safely direct the flow of traffic into the site. Further, the unusually large scale of the project will easily absorb the increase in quantity and size, such that the signs will not be visually out of place.

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?

By allowing for the placement of a second ground sign and an increase in size of the ground signs and identification signs, the signage will better meet the needs of the applicant and facilitate improved traffic flow. These sign modifications ensure a reasonable return by the business and safer traffic flow for the City.

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

The code does not factor in the unique scale of the project or the volume of employee and truck traffic entering and exiting the site. In this case, the addition of a ground sign and an increase in the size of the ground signs and identification signs further the goals of the applicant and the City, thereby creating a hardship if not approved.

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

The unique scale of the project and volume of employee and truck traffic necessitates the need for creative sign solutions, thus impacting the property.

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

The site size creates the signage challenge. While the applicant did plat and develop the property, it was done to accommodate a large user. The unique circumstances of the subject project, create the identification hardship.

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 proposed signage will not cause hazards to pedestrian and vehicular traffic or cause blighting within the community. Further, the signage will facilitate safer traffic flow into and out of the site.

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 extend and till 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 an increase in the size and number of ground signs with the following contingencies:

1. The site shall be permitted two ground signs up to eighty-eight square feet per side.
2. The identification signs shall be permitted to be up to thirty square feet per side.
3. All other sign regulations shall apply to the project.

Mr. Jaggi asked if any of the board members had questions for Mr. Braunfeld. Mr. Jaggi asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 19-A. Mr. Stiens read a letter of support from the Premier 370 Business Park (South) Trustees. Seeing no one present to comment, Mr. Jaggi closed the public hearing.

Mr. Shetterly made a motion and Mr. Fann seconded to approve Petition 19-A.

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

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

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

Mr. Fann presented the Findings of Fact as follows:

1. The property is located on Lots 40 and 41 of the Boundary Adjustment Plat of Premier 370 Business Park Plat One as recorded in Plat Book 49 Page 60 at the St. Charles County Recorder's Office; south side of Premier Parkway, west of Truman Boulevard – 4000 Premier Parkway.
2. The lot is presently zoned St. Peters Lakeside 370 Special District.
3. The adjacent properties are zoned St. Peters Lakeside 370 Special District.

Mr. Stiens made 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-A 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. Shetterly seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 19-B

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 19-B. Timothy Berryman requests a variance to allow the construction of an accessory building (garage) larger than five hundred square feet and an accessory building (garage) that exceeds fourteen (14) feet in height in the R-1 Single Family Residential district. The property is located on the east side of Peach Street, south of West Drive. (1802 Peach Street).

Mr. Jaggi declared the public hearing open for consideration of Petition 19-B. The petitioner or their agent was requested to step forward to present their petition. Mr. Timothy Berryman, homeowner, was sworn in as the petitioner. Mr. Berryman explained that he would like to replace the existing garage with a new 1,200 square foot detached garage. Mr. Berryman noted that his large lot size would accommodate this larger garage and that there are other large detached garages in the neighborhood.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition 19-B. Mr. Braunfeld explained that the subject property is located at the southeast corner of Peach Street and West Drive (1802 Peach Street). The property contains a one-story single-family house on a half-acre lot. Access to the property is from a driveway that extends from Peach Street to West Drive. The site also includes a 160 square foot shed/garage towards the back of the property that is accessed separately from Peach Street. The applicant indicated they would like to replace the existing garage with a new 1,200 square foot detached garage in the same general location. Access to the proposed garage will be from the existing driveway that currently serves the shed towards the back of the property.

The applicant was informed the maximum permitted detached garage size is five hundred square feet and the maximum height is fourteen feet. The applicant indicated they need more space and noted their half-acre lot was more than large enough to accommodate the proposed garage expansion.

Therefore, Timothy Berryman requests a variance to allow the construction of an accessory building (garage) larger than five hundred square feet and an accessory building (garage) that exceeds fourteen (14) feet in height in the R-1 Single Family Residential District. The property is located on the east side of Peach Street, south of West Drive (1802 Peach Street).

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 405.130 Yard Requirements

H. Yard Requirements.

1. The minimum yard requirements shall apply to each lot.

- e. All detached, residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area.

Mr. Braunfeld explained that the lot is relatively large being a half-acre in size with the existing house oriented toward Peach Street with access to both Peach Street and West Drive. The proposed garage will be at the southern end of the property with access to Peach Street. The proposed garage location meets the required side yard and utility easement setbacks; there would be no encroachment issues.

In the past, City regulations allowed the maximum size of the garage to be based on the size of the lot. While the regulations generally worked, in a few cases a detached garage was built out of scale with the surrounding subdivision, resulting in a garage that was too large or too tall. In response, the Board of Aldermen changed the regulations to allow no more than a standard two-car detached garage, which would be about 500 square feet. Since the majority of lots in St. Peters are less than 10,000 square feet, the 500 square foot requirement fits most lots. However, larger lots like the applicant's, which are one-half acre or more in size, can easily accommodate additional building area.

A review of the lot finds ample space for the proposed garage. The one-half acre lot will still have a large backyard area behind the home. The applicant has provided a drawing and details of the garage design. It includes vinyl siding and a painted metal roof to match other similar garages in the area. In addition the garage will have a window, residential style overhead doors, and a side door. Staff believes the proposed garage is attractive and consistent with the area.

Regarding the additional height, staff notes this is needed to accommodate the pitched roof and allow for taller vehicles. The applicant has indicated the overall height of approximately fifteen, in place of fourteen feet, which will not be noticeable to the casual observer. In addition, the height of the garage will be diminished by the topography and the layout of the surrounding properties.

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?

Compliance with the regulations would not allow the applicant to fully utilize the value of their half acre lot, which can easily accommodate the proposed garage. The garage size regulations are more applicable to a traditional 7,000 to 10,000 square foot St. Peters lot.

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

The applicant will be prevented from installing a garage commensurate with the overall size of the lot and, therefore, it would create a hardship for the applicant.

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

The City regulations do not effectively address larger lots and larger garages; therefore, the property owner would suffer a hardship with a smaller accessory building/garage as they could not use their lot to its fullest extent.

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

The property was originally developed in the 1950's; the larger lot size was established at that time. The current owner did not initially develop the property – at that time the proposed garage would have been permitted.

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 would be in harmony with the general purpose and intent of the zoning regulations since the owner would be able to add the additional garage in a manner that is compatible with the area.

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

Mr. Braunfeld noted that based on this analysis staff recommends that the Board of Adjustment grant the requested variances to allow the construction of an accessory building (garage) larger than five hundred square feet and an accessory building (garage) that exceeds fourteen feet in height with the following contingencies:

1. The proposed garage shall be substantially as indicated in the attached building design, including residential style siding, pre-finished metal roof, and overhead doors to match/complement the main house.
2. The maximum size shall not exceed thirteen hundred (1,300) square feet.
3. The height shall not exceed sixteen (16) feet.
4. The existing one-hundred and sixty (160) square foot shed/garage shall be removed.
5. Access to the garage shall be from a paved surface as required by City Code.

Mr. Jaggi asked if any of the board members had questions for Mr. Braunfeld. Mr. Jaggi asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 19-B. Mr. Andrew Alford, 3907 West, spoke in favor of this petition. Seeing no one else present to comment, Mr. Jaggi closed the public hearing.

Mr. Fann made a motion and Mr. Kendall seconded to approve Petition 19-B.

Mr. Jaggi 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. Jaggi declared that Petition 19-B was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located at 1802 Peach Street. (A portion of Lot 5 of Hi-Point Acres Subdivision as recorded in Book 5 Page 41 at the St. Charles County Recorder's Office)
2. The lot is presently zoned R-1 Single Family Residential District.
3. The adjacent properties are zoned R-1 Single Family Residential District.

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

Mr. Shetterly presented the Conclusions of Law for Petition 19-B 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. Fann seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Stiens seconded to nominate Tom Fann as the Chairman. The motion carried unanimously. Mr. Kendall made a motion and Mr. Fann seconded to nominate Bill Jaggi as Vice Chairman. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Fann seconded to adjourn the meeting at 6:42 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Bill Jaggi
Chairman