



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF JUNE 19, 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. Bill Jaggi, Mr. Tom Fann; Mr. Bill Kendall; Ms. Julie Powers, Director of Planning, Community & Economic Development. Mr. John Shetterly, Mr. Ken Braunfeld, Planning Coordinator and Ms. Melissa Vollmer, Recording Secretary were absent.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the May 15, 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-K

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-K. Legacy Housing requests a variance to allow a density increase in a Planned Urban Development (PUD). The property is located north of South Cloverleaf Drive and south of North Cloverleaf Drive at Leonard Drive (Lot B of Cloverleaf Park West Plat 12 as recorded in Book 21 Page 110 at the St. Charles County Recorder of Deeds Office and an adjacent 1.0 +/- acre parcel which is part of survey 6-016-1979) – Pure Apartments.

Mr. Fann declared the public hearing open for consideration of Petition 19-K. The petitioner or their agent was requested to step forward to present their petition. Mr. Bill Walsh, ERC, was sworn in as the petitioner. Mr. Walsh explained that Legacy Housing is the owner of Pure Apartments. The site allows a density of eighty-four units; however, they have received three variances to allow an increased density to 137 units. The development is now complete and the applicant has determined that the project density is 143 units. The unit increase is in two of the buildings. Because of this, the applicant in seeking a variance to allow 143 units.

Ms. Julie Powers was sworn in to present the City's position on Petition 19-K. Ms. Powers explained that the applicant, Legacy Housing, is the owner of a site on North and South Cloverleaf Drive. The site is east of Jungermann Road adjacent to Kokomo's Joe's restaurant/fun center and a strip center with a restaurant and retail space. The subject site is zoned PUD Planned Urban Development and includes a newly opened multiple family development. The site allows a density of eighty-four units – 14 units per 5.98 acres. Per the PUD section of the code, an increase in density can be allowed for amenities; the density was increased to 15.5 units per acre, a total of ninety-three units. Additional density increases were requested via the variance process as follows:

Year	Action
2013	Review and approval of density increase to 120 units via petition 13-L
2016	Review and approval of density increase to 132 units via petition 16-F
2017	Review and approval of density increase to 137 units via petition 17-B

The original development was known as the Vanguard at Cave Springs apartments and was approved with five buildings to be accessed from Cloverleaf Drive. The project did not move forward after the initial 2013 approval. Another revised site plan and architectural elevations to reflect the modified development were submitted, to be known as Carleton Apartments. Modifications to the previous plan included shifting the buildings to avoid impacting an existing cross parking/access agreement and to avoid crossing utility lines. The 2016 plan included a total of 132 units, twelve more than the original 2013 development. The units were shown in four buildings. The development plan also included a pool and clubhouse and a building height the same as originally planned – three stories.

After review of the plan layout, the second developer requested five additional units on the site. Specifically, they requested a total of 137 units, in 4 buildings, remaining at the same density of twenty-two units per acre. This modest additional increase in density required a variance as the density increase linked to the designated design elements in the PUD section of the code has been applied.

The development is now complete and the applicant, who is the third developer, and the City have determined that the project density is 143 units. The unit increase is in two of the buildings. Staff believes that the plans submitted to the Building Department included six additional units that were not indicated on the site plan.

Therefore, Legacy Homes requests a variance to allow an increase in the density of a Planned Urban Development (PUD). The property is located on the north side of South Cloverleaf Drive and the south side of North Cloverleaf Drive at Leonard Drive.

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 405.250 “PUD” PLANNED URBAN DEVELOPMENT

E. Project Area Densities.

1. *Density bonuses.* In order to attract developers to utilize the "PUD", the applicant may be eligible for a maximum increase of thirty percent (30%) in the total number of dwelling units upon application for "PUD" change. Such density increases may be granted only by the Board of Aldermen according to the following:

Maximum Percentage Increase	Design Element
10%	For each five percent (5%) net development area (up to thirty percent (30%) devoted to improved usable open space).
5%	Provision of pedestrian ways (pedestrian, bicycle paths).
5%	Provision of tree and shrub planting, including peripheral and interior screen planting and fencing landscaping and parking lots, and the use of existing trees in the plan. This provision is in addition to the required screening requirements.
5%	Creative building site designs, and groupings which take advantage of natural terrain and minimize future water runoff and erosion problems. Basins into the overall design is encouraged. Variations in building design are permissible.
5%	Recreational facilities, not to exceed three percent (3%) for each; swimming, tennis court, and community center or club building.

1. *Calculations of project density.* The Board of Aldermen shall approve the maximum density allowed in any "PUD". In calculating the density for a tract of land, the developer and/or applicant is encouraged to consult the City's Comprehensive Plan (see Future Land Use Map) to assure compatibility and harmony with surrounding densities. If density bonuses (increases) are requested under this Section, the developer is expected to document all site amenities or improvements for the City's review and consideration.

Ms. Powers noted that the Planned Urban Development (PUD) has been used for development in the City increasingly over the last eighteen years. This district allows a mix of use types as well as variations in development conditions; in exchange, the City may place restrictions or conditions on the development to ensure that the final project is compatible and appropriate for the site. Unit density is one development factor the City has used to ensure a development is appropriate for a specific site and compatible with the surrounding area.

In the subject case, the site was zoned commercial and was vacant for many years. It is adjacent to commercial development and amidst a large commercial area. When the City was originally expanding in the 1970s, this area was seen as a future downtown or central business area. Cloverleaf Drive was designed in a circular fashion with the anticipation that uses would front on it and create a destination area. Over time, however, the area has developed with uses oriented to the interstate, including large box stores and shopping centers facing I-70. The proposal of a residential component will allow this area to become more of a "mixed use" area with housing and commercial uses in close proximity. This concept

has been created in several areas of the metro area with great success, allowing redevelopment of older commercial areas.

Noting that the area is not highly visible, as successful commercial properties typically need to be, it could be developed with offices. However, given the proximity to the Special District, which offers Class A office space, and the abundance of available office area in the county, the likelihood of office uses at this location is not high. Therefore, staff believes the proposed multiple family project will be supported and successful at this location.

The final development evolved to fit the site configuration and location - the elevations changed slightly with different windows and other minor details. The overall appearance of the buildings is substantially the same as the originally approved development. The plan includes four buildings and area for parking and recreational uses within the subject site. Six units were added to two of the building without any changes to the general building configuration or development layout. Noting the location of the development within a mixed use and commercial area and other factors reviewed below, staff is of the opinion this variance is reasonable.

In recent years the density of multiple-family projects in the region has trended upward, although the city's Code has remained the same. Also, developers have noted that the market is changing whereby renters accept smaller units but more amenities to maintain affordable prices. It is noted that while the overall density of the site will exceed the code, the visual impact of the additional units on the site are not noticeable. The previous C-3 District zoning allowed a six story building and the original multiple family project also included three story buildings. Six additional units within the current proposal have not significantly changed the project scale or scope.

Further, staff notes that other multiple family complexes have received variances for density in recent years in an effort to respond to current trends and economic challenges. Specifically, the Celtic development on North St. Peters Parkway has an approved variance which allowed a density of twenty-one units per acre.

Staff notes that the building layout includes usable open space within the development. Behind the buildings is open space connected with sidewalks and a clubhouse and fire pit. Also, the buildings are oriented to Cloverleaf Drive which creates an urban, interesting streetscape. In staff's opinion, the modest unit increase will not be noticeable to the passer by on Cloverleaf Drive.

Staff acknowledges this increase in units should have been identified by City staff during the permit/plan review stage. Staff will better coordinate approved development details in the future.

Overall, staff is of the opinion this development, as modified, is appropriate for the site and area. Staff believes it is appropriate to allow additional density on the site. This residential component adds a new dimension to this area. Staff believes that this project, coupled with the redevelopment of the former Royal Oaks site as Plaza Tire and the new Vantage Bank and re-development of sites along Veterans Memorial Parkway create a new energy in this part of the City. Staff is hopeful that new users and developers will be attracted to other vacant spaces in the vicinity as the population of the area increases.

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?

Development of the site at the standard density would not have been feasible; the market conditions, coupled with the need to accommodate the unique site shape and easement restrictions, required a previous increase in the density to make the development feasible. Added density, including the additional six units, have not impacted the development layout and appearance.

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

If the density is not varied, there will be empty units in the development or the need for modifications that may not be practical or possible. Modification of these regulations will mitigate the hardship created by the City oversight and lack of coordination along with the original impact of the easement and site configuration.

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

The City code allows a multiple family density that is not always compatible with the current market. Also, accommodating a project on the unique shaped site which is impacted by an existing parking and access easement creates a hardship. Without variances, the residential development on the property will be severely impacted.

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

The shape of the site and the impact of the existing easement warranted the original increased density; these conditions were the result of the current applicant actions. The applicant's plan change was not noted by the plan reviewer; therefore, it appears the hardship is a result of the City's noting of the density increase after the permit was issued.

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 continue to be in harmony with the general purpose and intent of the zoning regulations because, while the overall density of the site will increase, the development is of a high quality and creates a mixed use area within the City.

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.

Based on this analysis staff recommends approval of the requested variance with the following contingency:

1. The site shall contain a maximum density of 143 units.

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-K. 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-K.

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

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

There being 4 yes, 0 no vote and 1 absent vote, Mr. Fann declared that Petition 19-K was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located on the north and south side of Cloverleaf Drive at Leonard Drive.
2. The lot is presently zoned R-3 Planned Urban Development (PUD).
3. The PUD agreement has been amended to allow a new development plan.
4. Adjacent zoning to the east and west is C-3 General Commercial District.

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

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

PETITION 19-L

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-L. Central County Fire and Rescue requests a variance to allow parking on an unpaved surface on a 10.2 +/- acre parcel in the I-2 Heavy Industrial District. The property is located on the south side of Ecology Drive, east of Mid Rivers Mall Drive – 10100 Ecology Drive.

Mr. Fann declared the public hearing open for consideration of Petition 19-L. The petitioner or their agent was requested to step forward to present their petition. Mr. Steve Brown, CCFR, was sworn in as the petitioner. Mr. Brown explained that Central County Fire and Rescue has a training facility on Ecology Drive since 2007. The training facility is used by Central County as well as other fire departments throughout the metro area to perform specialized first responder training. Since the original site plan approval, the facility has been modified to include mud volleyball courts and unpaved parking area. The parking area is accessed via a separate curb cut from Ecology Drive and has been installed in the last two years. Central County would now like to expand the unpaved parking area to support the training facility and events, including mud volleyball, until a training facility is constructed on the property.

Ms. Julie Powers was sworn in to present the City's position on Petition 19-L Ms. Powers explained that Central County Fire and Rescue has had a training center on Ecology Drive since 2007; at that time they received site plan approval for the construction of a 10.25 +/- acre training facility. At that time they also applied for and received approval for variances to remove the curbing on a portion of the parking lot and to permit gravel on a portion of the parking lot/training facility.

The training facility is used by Central County as well as other fire departments throughout the metro area to perform specialized first responder training. When initially presented, Central County indicated they would be developing this site in three phases. The first phase was a tower and rescue building with a pavilion; this phase was constructed. The second phase will consist of two other training facilities and the third phase will be a building to hold classes and seminars. Two outbuildings have been constructed which may be used for these activities.

Since the original site plan was approved, the facility has been modified to include mud volleyball courts and unpaved parking area. The parking area is accessed via a separate curb cut from Ecology Drive and has been installed in the last two years. Central County would now like to expand the unpaved parking area to support the training facility and events, including mud volleyball, until a training facility is constructed on the property.

Based on this Central County Fire and Rescue requests a variance to permit unpaved parking on a portion of the parking lot/training facility.

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 405.550 Off Street Parking

G. Construction Standard (Drive Aisles and Parking)

2. All ground level off-street drive aisles and parking shall be constructed to City of St. Peters' standards. Said drive aisles and parking, including access drives to parking spaces within residential districts, shall be paved and maintained in a clean, orderly and dust-free condition...
3. Approved construction materials shall include concrete, asphaltic concrete, brick/stone pavers or other materials of equal quality as approved by the City Engineer.

Ms. Powers explained that as part of the requirements for the training facility two gravel parking/staging areas were originally shown on the plan. These were on either side of the main training area and were to be used for the parking and staging of fire trucks, equipment, and other activities, which would be impractical for a paved surface in conjunction with the specialized training needs. While the use of gravel would not typically be supported, it was supported in this application since it was to be used in conjunction with a very specialized application (fire training facility) and not part of a standard commercial development. This gravel area remains, with slight modification, and is used in conjunction with the training operation.

It is noted that the site area includes some industrial developments that have minimal paving. Didion Recycling, which is adjacent to the site, was developed over time and has some unpaved areas that are grandfathered. However, new parking within this development has been required to be paved. Another site in the area – Xcel Contracting to the east of the site on Mid Rivers Trade Court - has unpaved areas which have received variances. These unpaved areas will be cleared or paved as soon as the temporary projects are finished. A site on Mid Rivers Mall Drive includes an unpaved parking area – it had been used for fireworks sales prior to annexation into the City. The area will be paved when the site develops; in the meantime, the City has repeatedly worked with the land owner to address parking violations. In general, the City has worked with users to allow gravel for unique and/or temporary uses; this includes the gravel area already allowed in conjunction with the training activity at the subject site.

Staff notes that the site has been modified since the plan was originally approved. The plan shows two structures which have been installed; a third structure that is used for training was built within the last two years. Also, a portion of the requested parking area has been installed and used over the last two years. The mud volleyball courts have also been installed inside and outside the fence. Lastly, the site plan shows multiple trees along Mid Rivers Mall Drive and Ecology Drive, while only two have been installed.

While staff notes the need for unpaved area for the training facility, the proposed expanse of unpaved parking exceeds what the City deems reasonable. Therefore, the existing unpaved parking can remain until the permanent building is constructed, but cannot be expanded unless paved to comply with City Code. If additional parking is needed for temporary uses, the grass area should be used for very short-term parking. Staff also notes that an additional curb cut onto Ecology Drive has not been approved. After review, staff believes another curb cut is not safe at this location and believes the access to the parking area should be connected to the existing approved entrance.

Staff also notes that site plan should be updated to reflect the additional structure on the site, and also notes that the landscape improvements designated on the plan should be installed. The site was proposed to be constructed in phases, and included trees along the roads and rear property line. To comply with Phase 1 –

the current phase – staff believes the trees shown along Mid Rivers Mall Drive and along Ecology Drive to the end of the mud volleyball courts should be installed.

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?

If a variance is not granted, the fire district would have to remove the parking and return the area to grass. This would have an impact on the use of the property for temporary events, but would not change the main use of the site as a training center.

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

The strict application of the paving requirement would have an impact on the fire district's temporary event parking. If the applicant is not granted the variance, they would have to limit the events at the site until the next phase of development.

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

The City code requires paved parking to ensure safe and attractive parking areas for all uses. The property can be paved at any time; however, the site area will eventually be used for a future building phase, so paving would have to be removed. While the site does not suffer a hardship, the installation and removal of paving would be an added and inefficient expense for the fire district.

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

The applicant has added volleyball courts to the site for recreational and fundraising events which requires parking. This is a result of the applicant's actions, and does not result in a distinct 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 would be in harmony with the general purpose and intent of the zoning regulations as the development will be as currently developed in an industrial 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.

Based on this review, staff is supportive of the requested variance to permit an unpaved parking area on a portion of the parking lot/training facility with the following contingencies:

1. The unpaved area shall be limited to specific training/staging areas designated on the plan and the unpaved parking area installed as of June 14, 2019.
2. The unpaved parking entrance or the existing approved entrance may be used at any one time.
3. The mud volleyball courts shall be shown on the site plan.

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-L. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Stiens seconded to approve Petition 19-L.

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

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

There being 4 yes, 0 no, and 1 absent vote, Mr. Fann declared that Petition 19-L was approved.

Mr. Jaggi presented the Findings of Fact as follows:

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

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

Mr. Stiens presented the Conclusions of Law for Petition 19-L 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.

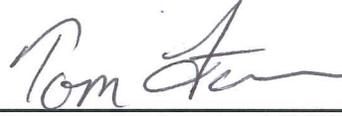
Mr. Jaggi made a motion and Mr. Kendall seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Fann made a motion and Mr. Jaggi seconded to adjourn the meeting at 7:00 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman

