



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF OCTOBER 16, 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. Tom Fann; Mr. Bill Jaggi; Mr. John Shetterly, Mr. Ken Braunfeld, Planning Coordinator and Ms. Melissa Vollmer, Recording Secretary. Mr. Bill Kendall was absent.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the September 18, 2019 meeting. Mr. Jaggi made a motion and Mr. Stiens 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. Mr. Braunfeld indicated that there were none.

PETITION 19-P

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-P. Auto Plaza St. Peters, LLC requests a variance to permit a reduction of the ten-foot buffer strip along the south property line adjacent to an R-1 Single Family Residential District. The property is located on Lot 1.1 of the St. Charles County Missouri Survey 2-119-1766 – Part of Survey 1766 – South Service Road, more commonly known as 8116 Veterans Memorial Parkway.

Mr. Fann declared the public hearing open for consideration of Petition 19-P. The petitioner or their agent was requested to step forward to present their petition. Mr. Paul Carter, owner, was sworn in as the petitioner. Mr. Carter explained that Auto Plaza St Peters is an existing used vehicle sales facility on Veterans Memorial Parkway. During the site plan review it was determined that the existing rear parking lot extended to the edge of the rear property line without the stand four foot landscape buffer strip; therefore, he is requesting the variance as presented tonight.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition 19-P. Mr. Braunfeld explained that Auto Plaza St. Peters is an existing used vehicle sales facility on the south side of Veterans Memorial Parkway, west of Cambridgeshire Drive. The current owner purchased the property a few years ago in its current configuration. This included the existing building, parking layout, and retaining walls. Since that time the new owner has added decorative fencing along the top of the retaining walls for safety and made other cosmetic improvements to the site. Recently, the owner proposed a three-phase expansion to the facility and adjacent property.

On September 4, 2019 the Planning and Zoning Commission approved the three phase redevelopment of the property. Phase 1 will include approximately sixty-one additional parking spaces for the display of

used cars along the front and side of the property. In addition, the existing sales building will receive a new modern façade. Phase 2 will include a new automotive repair/auto body building on the adjacent lot. The existing proposed building will share access and parking including some additional used car display area. Phase three will include an expansion to the existing used car facility and will incorporate the same façade improvements as provided for in Phase 1.

During the site plan review process it was determined the existing rear parking lot extended to the edge of the rear property line without the standard four foot landscape buffer strip. It is unknown how or when the parking lot was constructed in its current location. It is noted the used car facility and subject parking lot were constructed in their current location. It is noted the used car facility and subject parking lot were at this location prior to the rezoning and construction of the residential subdivision. Prior to the residential development, the parking lot landscape buffer strip between the commercial and/or industrial properties was required to be four feet. With the development of the residential subdivision, the parking lot landscape buffer setback increased to ten feet wide. The applicant indicated there were no practical solutions to create the subject setback requirement and that there were no concerns from the adjacent residential subdivision.

Based on this, Auto Plaza, LLC requests a variance to permit a reduction of the ten-foot buffer strip along the south property line adjacent to an R-1 Single Family Residential District. The property is located on Lot 1.1 of the St. Charles County Missouri Survey 2-119-1766 – Part of Survey 1766 – South Service Road, more commonly known as 8116 Veterans Memorial Parkway.

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

Section 405.210 C-3 General Commercial District

I. Miscellaneous Requirements.

2. Where a “C-3” general Commercial District is adjacent to any residential zoning district, a landscaped green belt at least ten (10) feet in width shall be provided continuously on the back and/or sides of the commercial property lines and shall consist of a compact evergreen hedge, foliage screening, solid masonry wall, solid wood fence, or other type of screening with a minimum height of six (6) feet above grade, so long as the degree of screening is not less than the screening afforded by the fence, and shall be maintained along the appropriate property line by the users of the “C-3” General Commercial property. All landscaping shall be maintained in a healthy growing condition by the property owner and the green belt shall not be use for off-street parking facilities or loading space.

Mr. Braunfeld noted that the City has been supportive of the redevelopment of this site which includes a substantial remodel of the existing facility that will significantly improve the look of the commercial corridor. The existing used car facility layout is limited based upon the existing topography, retaining walls, and building location, which combined, limit the parking lot layout. It is noted the residential subdivision property was rezoned from light industrial to residential planned urban development district.

Therefore, prior to this rezoning, the applicant's property would have only been required to have a four foot landscape buffer in place of a ten foot landscape buffer.

The landscaping requirements of the City are in place to ensure development is attractive and that adequate buffers are provided between land uses. In this case, the existing parking lot encroachment pre-dates the existing subdivision so the removal of pavement would not be noticeable to the residential subdivision. Staff notes the existing six foot tall vinyl fence provides an effective visual buffer between the residential and commercial properties. In addition, there are existing trees along portions of this property line. Staff notes, the existing parking lot layout and buffering have not been a problem since the subdivision was built.

Therefore, noting the six foot tall vinyl fence and trees combined with no concerns from the adjacent residents, staff believes the existing parking lot encroachment does not require the establishment of an additional buffer to meet the intent of the ordinance.

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 proposed encroachment on the south side of the property pre-dates the new subdivision and is mitigated by the existing fence and landscaping. In addition, there have been no known problems with the existing buffering. Therefore, the proposed variance allows for the most practical mechanism to maintain an appropriate buffer, providing for the reasonable use of the property.

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

While there will be an encroachment of the rear parking lot setback, the visual impact of the encroachment will be mitigated by the fencing of the development and adjacent landscaping. The strict application of landscape buffer setback regulations would not be practical to implement, resulting in a hardship.

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

The subject property is of limited size with unique topographical and existing site improvements which limit the practical options for redevelopment and, therefore, the ability to achieve the highest and best use of the property.

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

The existing layout of the subject property, topography, and existing improvements restrict the practical options to accommodate the proposed encroachment. Together these factors create a 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 it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow for the reasonable redevelopment of the facility, thus providing for the reasonable use of the property.

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, it's staff's recommendation to permit a reduction of the ten foot buffer strip along the south property line with the following contingencies:

1. The rear yard parking lot setback landscape buffer shall be reduced from ten (10) feet to zero (0) feet.
2. A six (6) foot vinyl fence shall be maintained in good condition between the commercial and residential properties and shall be maintained by the commercial property.
3. Future redevelopment of fifty percent (50%) or more of the site shall require the establishment of a landscape buffer strip as required by City Code at the time.

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-P. 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-P.

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

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

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

Mr. Jaggi presented the Findings of Fact as follows:

1. The property is located on Lot 1.1 of the St. Charles County Missouri Survey 2-119-1766 – Part of Survey 1766 – South Service Road, more commonly known as 8116 Veterans Memorial Parkway.
2. The lot is presently zoned C-3 Planned Urban Development (C-3/PUD).

3. Adjacent zoning is R-1 Planned Urban Development (R-1/PUD) to the south, C-3 General Commercial District to the west, Veterans Memorial Parkway, to the north and Cambridgeshire Drive to the east.

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

Mr. Fann made a motion and Mr. Stiens seconded to adjourn the meeting at 6:32 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman