**MINUTES BOARD OF ADJUSTMENT**
**ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376**
**MEETING OF SEPTEMBER 18, 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 Kendall; Mr. John Shetterly, Mr. Ken Braunfeld, Planning Coordinator and Ms. Melissa Vollmer, Recording Secretary. Mr. Bill Jaggi was absent.

MINUTES
Mr. Fann asked the Board for any comments or questions regarding the minutes of the July 17, 2019 meeting. Mr. Stiens 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-N
Mr. Fann stated that the purpose of the meeting was to consider Petition 19-N. Edward L. and Milee Gallagher request a variance to permit a fence that encroaches into the setback area in the R-1 Single-Family Residential District. The property is located on lot 196 of Savannah Plat Two as recorded in Book 39 Pages 151-153 at the St. Charles County Recorder's Office, more commonly known as 1 Red Ridge Parkway.

Mr. Fann declared the public hearing open for consideration of Petition 19-N. The petitioner or their agent was requested to step forward to present their petition. Mr. Lee Gallagher, homeowner, was sworn in as the petitioner. Mr. Gallagher explained that he installed a wrought iron fence on his property, which is on a corner lot. He had previously contacted the City to inquire about a permit and was told a permit was not required. Subsequent to the installation of the fence, he was advised that the fence was located in the second front yard (side yard) and encroached into the setback. Since the fence is already installed, he is requesting a variance from the setback requirement.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition 19N. Mr. Braunfeld explained that the subject site is located at 1 Red Ridge Parkway, which is at the northeast corner of Red Ridge Parkway and North Hillview Drive, in the Savannah Subdivision. The home faces Red Ridge Parkway with the subject fence facing North Hillview Drive.

The applicant contacted the City regarding the fence regulations. Subsequent to this a four foot tall wrought iron style fence was installed. It was then brought to the City's attention that the fence was installed more than ten feet beyond the "second" front building line to North Hillview Drive. Staff

inspected and advised the homeowner that the fence was installed eighteen (18) back from the street placing the fence approximately nine (9) feet too close to the street.

Based on this, Edward L. and Milee Gallagher request a variance to permit a fence that encroaches into the setback area in the R-1 Single Family Residential District. The property is located on lot 196 of Savannah Plat Two as recorded in Book 39 Pages 151-153 at the ST. Charles County Recorder of Deeds Office, more commonly known as 1 Red Ridge Parkway.

Based on this, Halle Properties, LLC (Discount Tire) requests a variance to permit wall signage that exceeds five percent of the wall area and wall signage without street frontage. The property is located on the south side of South St. Peters Parkway, west of Woodstone Drive.

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 405.360 Fence Requirements

4. On a corner lot, a fence shall not extend beyond the front building line, as platted, which is parallel to the front of the house. Along other front building lines as platted on a corner lot, the fence may extend ten (10) feet beyond the front building line as platted and shall not extend into the sign distance area as defined in Section 405.340 of this Chapter.

Mr. Braunfeld noted that fence setback regulations were designed to prevent the fencing of front yards and side yards on corner lots thereby maintaining these areas as open space and ensuring adjacent neighbor's views are not blocked. In addition, fencing setbacks were created to help insure proper visibility of an intersection by maintaining an acceptable sight visibility triangle.

In this case, the placement of the fence on the lot and the style of fence do not create a visually noticeable encroachment. The proposed four foot tall wrought iron fence is mostly see-through with thin black rails blending into the background. If the fence design is limited, as required by the proposed contingencies, the spirit of the fence regulations can be met. This includes limiting the height to no more than four feet and a wrought iron style design that is mostly open air, maintaining and open appearance.

Staff further notes that expanded fenced areas on corner lots allow increased backyard area. In this case the applicant has a large landscape area near the rear of the yard. Allowing a setback modification creates a more usable yard area with minimal impact to the site area.

Given the design, the open front yard streetscape along North Hillview Drive is visually maintained and thus in keeping with the spirit of the ordinance. A review of the sight visibility at the intersection also finds no visual obstruction for drivers looking north from Red Ridge Parkway or for southbound vehicles on North Hillview Drive.

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?

   In this case, the placement of the fence on the lot and the style of fence do not create a visually noticeable encroachment. The proposed variance will allow the property owner some flexibility while maintaining the sight visibility triangle for safety, thus providing for the reasonable use of the property.

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

   The placement of the fence on the lot and the style of the fence do not create a visually noticeable encroachment. The proposed variance allows the proposed fence to meet the intent of the corner lot fence regulations while maintaining the sight visibility triangle for safety. The strict application of setback regulations would lessen the use of the side and rear yard, resulting in a hardship.

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

   Although the site does not suffer a hardship, to the applicant, the placement of the fence on the lot and the style of fence do not create a visually noticeable encroachment. A fence placement per code would unnecessarily limit the usable rear yard area.

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

   The placement of the house and lot occurred with the original subdivision development, not by the applicant.

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 a fence to be installed on the subject residential 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, staff recommends approval of the variance to allow a fence to extend beyond the font building line in the R-1 Single Family Residential District with the following contingencies:

1. The fence shall be set back a minimum of eighteen (18) feet from the property line adjacent to North Hillview Drive and shall also comply with the City's sight visibility standards from the adjacent streets.
2. The fence shall be predominately open air wrought iron style.
3. The fence shall not exceed four feet in heights.
4. No landscaping shall be installed along either side of the fence which diminishes the open air appearance of the fence by more than fifty percent.

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-N.Mr. Joe Reynolds, 81 N. Hillview, spoke in favor of this petition. Ms. Christine Wintersteiger,78 N. Hillview, spoke in favor of this petition. Mr. William McGowan, 85 N. Hillview, spoke in favor of this petition. Mr. Mike Wiss, HOA Trustee, spoke in favor of this petition. Mr. Fann noted that the board also received two emails in support of this petition. Seeing no one else present to comment, Mr. Fann closed the public hearing.

Mr. Stiens made a motion and Mr. Shetterly seconded to approve Petition 19-N.

Mr. Fann requested Ms. Powers call the roll, which resulted in the following votes:
Mr. Stiens Yes
Mr. Shetterly Yes
Mr. Kendall Yes
Mr. Jaggi Absent
Mr. Fann Yes
There being 4 yes, 0 no and 1 absent vote, Mr. Fann declared that Petition 19-N was approved.

Mr. Shetterly presented the Findings of Fact as follows:
1. The property is located on lot 196 of Savannah Plat Two as recorded in Book 39 Pages 151-153 at the St. Charles County Recorder's Office, more commonly known as 1 Red Ridge Parkway.
2. The lot is presently zoned R-1 Residential District.
3. The adjacent zoning is R-1 Residential District.

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

PETITION 19-O

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-O. TWG Development, LLC requests a variance from the rooftop screening requirement and to reduce building and parking setbacks in an R-3 PUD Planned Urban Development. The property is located on the south side of Executive Centre Parkway, west of St. Peters Centre Boulevard.

Mr. Fann declared the public hearing open for consideration of Petition 19-O. The petitioner or their agent was requested to step forward to present their petition. Mr. Tyler Bowers, TWG Development, was sworn in as the petitioner. Mr. Bowers explained that they are planning a 272 unit multiple family development at the southwest corner of Executive Centre Parkway and St. Peters Centre Boulevard. The proposed development will include two buildings that will be four stories in height and oriented to Executive Centre Parkway and St. Peters Centre Boulevard, with parking between the buildings. A multi-use trail is planned along the south edge of the property. The development also includes a pool/patio area and amenity space. There is open space along the west edge of the property which will include an existing tree buffer. Mr. Bowers explained that the site is located midway between Veterans Memorial Parkway and Mexico Road; the properties near the north are at a higher elevation that the properties along Mexico Road. Therefore, the rooftop utilities within this development will be visible from some points in the vicinity. Mr. Bowers noted that there may be some visibility of the rooftop equipment from the interior parking area of the development and possible from locations near the property for someone walking or driving south on St. Peters Centre Boulevard. Mr. Bowers also noted that a reduction in the building and parking setback is needed which will allow the development to be closer to the sidewalk, thereby creating the desired streetscape and also accommodating the needed parking between the buildings. A parking setback reduction is also needed to allow parking spaces closer to the property line near the entrances.

Ms. Julie Powers was sworn in to present the City's position on Petition 19-0. Ms. Powers explained that the subject site is currently an undeveloped 8.0 +/- acre tract at the intersection of St. Peters Centre Boulevard and Executive Centre Parkway. The planned 272 unit multiple family development was approved by the Planning Commission on September 4, 2019. The units will be marketed as apartments that range between studio and two bedrooms. The units will have high-end finishes and will include patios and balconies. The development will include many amenities including a pool and community room.

The site is zoned SD-OC Special District Office/Commercial and SD-RC Special District Retail/Service Commercial and is part of the overall Special District. This area, which generally extends from Spencer Road to Barnes St. Peters Hospital and Mexico Road to Interstate 70, was designated in the early 1990s as the "downtown" of St. Peters. The district criteria include enhanced architectural and landscaping standards. As the district has evolved, it has included primarily office uses, especially medical offices in the eastern area near Barnes St. Peters Hospital. Other uses include financial institutions, senior housing, and support retail/restaurants. A multiple family development recently opened near the site on Mexico Road.

In recent years the City's vision for the Special District has been modified to include mixed use development with a possible residential component. Therefore, the special district regulations were

amended in 2014 to add residential uses as a special use. It is the City's hope that residential uses will be adjacent to or developed with non-residential uses to create living environments attractive to all ages, including millennials and baby boomers. The City notes the importance of attracting these groups, which comprise 40% of the County population, and references the study conducted by Partners for Progress in 2016 that indicated the need for housing growth in St. Charles County to meet the projected housing need by 2030. The study also indicates that "placemaking" housing and living environments are key to millennials and boomers. The type of placemaking housing identified by both groups is higher density housing, smaller homes, and including a variety of amenities within walking distance.

Noting the City's goals to create a destination district, a masterplan for the center of the special district was created with the first residential development. The plan for this area, now known as the Town Centre, designates pedestrian zones and trail linkages, new roads, modifications to the roads, and design concepts to create a mixed use, downtown attractive streetscape. The proposed multiple family development will be the second development within this mater planned area and will include many of the plan features – pedestrian linkages/trail, outdoor/community spaces and an attractive streetscape.

The proposed development will include 272 units in two buildings that will be four stores in height and oriented to executive Centre Parkway and St. Peters Centre Boulevard. Parking will be between the buildings. A multi-use trail is planned along the south edge of the property – this trail si part of the overall trail system planned for the Town Centre. The development also includes a pool/patio area and amenity space near St. Peters Centre Boulevard; there is open space along the west edge of the property which will include an existing tree buffer.

Staff notes that the developer obtained a parking reduction from the Planning Commission per Section 405.560. Additional parking will be constructed by the City as part of the modifications to Executive Centre Parkway. This roadway will be modified to a "main street" design with on-street parking, pedestrian paths, and closer building placement. These modifications are part of the improvements planned for the Town Center.

As noted above, the site is located midway between Veterans Memorial Parkway and Mexico Road; the properties near the north are at a higher elevation than the properties along Mexico Road. Therefore, the rooftop utilities within this development will be visible from some points in the vicinity. The code requires the visibility of rooftop units be screened; over time, staff has determined that visibility must be blocked from adjacent streets/parking areas and properties in close proximity to a site.

The applicant has indicated that there may be some visibility of the rooftop equipment from the interior parking area of the development and possible from locations near the property for someone walking or driving south on St. Peters Centre Boulevard.

The applicant has also indicated that a reduction in the building and parking setback is needed which will allow the development o be closer to the sidewalk, thereby creating the desired streetscape and also accommodating the needed parking between the buildings. By designing the development with an internal parking area, the western area of the development can be retained as a wooded buffer. A parking setback reduction is also needed to allow parking spaces closer to the property line near the entrances.

Noting the above, the applicant has requested a variance from the rooftop screening requirements and a variance from the building and parking setbacks.

Ms. Powers 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 405.250 St. Peters Centre Special District

E. *Minimum Building Setbacks.*

| | "SD-I" | "SD-LI" | "SD-OC" | "SD-RC" | "SD-T" |
|---|---|---|---|---|---|
| Front yard (Ft): | | | | | |
| a) Arterial | 50 | 40 | 40 | 35 | 40 |
| b) Collector | 45 | 35 | 40 | 35 | 35 |
| c) Local | 35 | 35 | 35 | 35 | 35 |
| Side yard (ft)* | 20 | 20 | 15 | 15 | 20 |
| Rear yard (ft)* | 40 | 40 | 30 | 25 | 40 |

F. *Minimum Parking Setbacks.* No parking space, loading space or internal drive, except point of ingress or egress, shall be located in the following setbacks:

| | "SD-I" | "SD-LI" | "SD-OC" | "SD-RC" | "SD-T" |
|---|---|---|---|---|---|
| Front Yard | 15 | 15 | 20 | 15 | 15 |
| Side Yard* | 15 | 15 | 15 | 15 | 15 |
| Rear Yard* | 10 | 10 | 10 | 10 | 10 |

Section 405.460 Site Plan Review

*E.4. Criteria.*

a. Roof top utilities such as, but not limited to, cooling towers and heating and cooling equipment installed in conjunction with any buildings or installed on any building heretofore erected shall be screened/enclosed with walls of brick, wood, or other similar architectural material extending to the height of the highest projection of such equipment from all sides

Ms. Powers noted the site will be developed with a multiple family development; the development will be part of the new Town Centre, a mixed use area to the north of City Hall.

The developer has provided sight line studies of the future development from multiple locations including the adjacent streets, Executive Centre Boulevard and St. Peters Centre Boulevard. From these key locations, there will be very limited visibility of the rooftop equipment. Within the development, the developer has indicated there may be a few locations where rooftop equipment is visible. Specifically, the developer has indicated they

may be near the entrance on Executive Centre Parkway and possibly near the intersection of Executive Centre Parkway and St. Peters Centre Blvd.

Staff notes that the developer has indicated that this internal screening waiver is desired to reduce the cost of the parapet wall on the interior of the project. In discussions with the applicant, they also indicated that the change in elevation in the site area impacts the visibility of the rooftop equipment. Staff notes the key visibility concerns for this development are from the adjacent streets and from City Hall to the south - these views of rooftop equipment will largely be screened. However, within the center and at an occasional location on the street to the north, there may be locations where there is some visibility of rooftop equipment. Staff notes this is similar to 5300 Centre; the rooftop equipment on the west building in that development has some visibility to travelers coming south on St. Peters Centre Blvd.

Regarding the requested setbacks, staff notes that the City has envisioned the Towne Centre as a mixed use destination with options to live, work and recreate. The reduced setbacks will allow the buildings to shift closer to the adjacent streets. Staff notes that Executive Centre Parkway is being redesigned to have a "Main Street" quality which will include on-street parking and sidewalks. This proximity to the buildings will allow the residents and their guest to use the parking and it will also assist in creating an urban streetscape.

The parking setbacks established in the Special District were established for non-residential uses to ensure that large parking fields were buffered by a greenspace along the roads. In the case of this residential development, the parking within the setback is along the entrance drive; this will have minimal impact on the overall design and appearance of the development, and will allow additional parking.

Noting the above, staff is of the opinion the requested waiver of the rooftop utilities at occasional locations on the site is reasonable. Also, staff notes that the reductions in the reduced building and parking setbacks are minor and reasonable and will facilitate the creation of the "Main Street" concept in the Town Centre.

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 applicant's return and reasonable use of the property are enhanced with the proposed variance as the rooftop screening waiver would be needed in only minimal locations; the investment can be used in other areas of the development more visible to the public. If the setbacks are retained, less parking will be provided and the plan goal of an urban streetscape may not be obtained at this location.

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

   Strict application of the regulations would result in the installation of screening that may only be needed in limited locations. The change in elevation of the site and in the site area has an impact on

the site and creates a hardship for the development. If the setbacks are imposed, the interior parking area would be narrowed and the parking would have to expand into the wooded area to the west.

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

   The elevation change in the site area creates a hardship for the property, and may result in a few locations within the interior of the development and near the corner of the development where there may be visibility of the rooftop utilities. The parking and building setbacks are impacted by the site layout which was designed to accommodate the City's plan for the Town Centre and also to allow the wooded area at the west end of the site to be retained.

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

   The hardship is created by the site/area elevation change and the larger goals of the City related to the Town Centre development.

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 it would be in harmony with the general purpose and intent of the zoning regulations, as the development will be attractive and be another key element of the new Town Centre. The modest changes to the screening of rooftop equipment and setbacks will have minimal impact on the development and allow it to move forward.

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; there will be no ill effects on surrounding properties or the City as a whole.

Based on this analysis, it is staff's recommendation to permit a variance to allow a reduction in the screening for rooftop utilities and the building and parking setbacks with the following contingencies:

1. The screening waiver shall only apply to locations approved by the Planning Department.

2. The parking and building setback reductions shall be as indicated on the approved 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-O. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Shetterly made a motion and Mr. Kendall seconded to approve Petition 19-O.

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

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

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

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located at located in the southwest quadrant of Executive Centre Parkway and St. Peters Centre Blvd.
2. The site is presently zoned SD-RC Special District Retail/Service Commercial and SD-OC Special District General Office/Commercial.
3. The zoning in the general area is a mix of SD-OC, SD-RC, and CPD Commercial Planned District for an automobile dealer.

Mr. Kendall 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-O 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. 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 6:55 p.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Tom Fann
Chairman