



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF NOVEMBER 18, 2020
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. Tom Fann; Mr. Brian Stiens; Mr. Bill Jaggi; Ms. Brynn Palmer; Mr. Ken Braunfeld, Planning Coordinator; and Ms. Melissa Vollmer, Recording Secretary. Mr. John Shetterly was absent.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the October 21, 2020 meeting. Mr. Jaggi made a motion and Mr. Stiens seconded. 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 VAR 20-20

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-20. Gateway Towing c/o Jeff Moon, Bax Engineering, requests a variance to permit an unpaved surface in the I-2 Heavy Industrial District. The property is located on the east side of Algana Drive, north of Interstate 70, on Lot 21 of Cherokee Industrial Park.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-20. The petitioner or their agent was requested to step forward to present their petition. Mr. Cliff Heitmann, Bax Engineering, was sworn in as the petitioner. Mr. Heitmann explained that Gateway Towing is proposing to develop an 18,000 square foot office warehouse building. The proposed business will refurbish mobile office units and store metal storage shipping containers. The storage containers do not have wheels and when they are moved for delivery the repeated loading/unloading destroy standard pavement. Therefore, they are requesting the variance as presented.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition VAR 20-20. Mr. Braunfeld explained that the applicant is proposing to develop an 18,000 square foot office warehouse building on a 3.6 acre tract on the east side of Algana court, north of Cherokee Drive. The proposed business will refurbish mobile office units and store metal storage shipping containers for lease and use off-site. It is anticipated the site plan for this project will be reviewed at the December 2, 2020 Planning and Zoning Commission meeting. The modular offices are on wheels and can be parked on standard pavement; however, the storage containers do not have wheels. The applicant noted that when the storage containers are moved for delivery, the repeated loading/unloading destroys standard pavement.

Based on this, Gateway Towing c/o Jeff Moon, Bax Engineering, requests a variance to permit an unpaved surface in the I-2 Heavy Industrial District. The property is located on the east side of Algana Drive, north of Interstate 70, on Lot 21 of Cherokee Industrial Park.

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 405.230 I-I Light Industrial District:

I. *Miscellaneous Requirements.*

8. All of the lot used for parking of vehicles and storage and display, and all driveways used for vehicle ingress and egress shall be paved and maintained in accordance with Section 405.550(G) Off-Street Parking, Construction Standards (Drive Aisles and Parking).

Section 405.550 Off-Street Parking:

G. *Construction Standards (Drive Aisles And Parking).*

1. 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....
2. Approved construction materials shall include concrete, asphaltic concrete, brick/stone pavers, or other materials of equal quality as approved by the City Engineer.

The proposed office/warehouse project will meet all development code requirements including architectural standards, paving, lighting, stormwater management, and landscaping. The applicant has indicated the storage of the metal shipping containers scrapes and gouges the pavement when loaded/unloaded onto the trucks for delivery to customers. The applicant has provided pictures of another existing site that shows the asphalt being ground up and rutted by the weight of the metal units being dragged across the pavement.

Because of the very nature of the heavy metal storage units and the way they are loaded/unloaded from the delivery trucks, staff is of the opinion the use of a standard paving surface would pose a hardship, as it would constantly be damaged and in need of repair. The owner indicated that in place of just gravel, they will upgrade to asphalt millings, for the this portion of the storage yard. The asphalt millings will provide a more solid and dust free surface than gravel, that when damaged can more economically be fixed. In addition the asphalt millings will be ringed with curbing or other edging to maintain a clean edge and defined parking area. It is noted that other limited gravel areas have previously been approved in the past for other specialized circumstances, including a portion of the adjacent Ameren Substation and other small industrial sites. It is also noted the unpaved area will be behind the future office/warehouse building, and thereby somewhat screened from Algana Court. Also the rear of the site includes substantial tree growth that will buffer the parking area from Executive Center Parkway.

The paving standards were established to provide for a durable, long lasting, dust free surface for driving, parking, and storage. Concrete and asphalt pavement typically do not require constant maintenance; however, with the size and constant movement of the metal shipping containers, a typical concrete or asphalt surface would quickly be in disrepair.

Staff is of the opinion it would be appropriate for the applicant to use asphalt millings for the metal shipping container area as long as it is maintained in a uniform flat and dust free condition. It is noted that this area will not be used for any general storage or the parking of wheeled vehicles. In the future, if more standard parking or storage area is needed, the owner can always pave more of the millings area.

Mr. Braunfeld presented 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 will not allow the applicant to fully utilize the lot as the weight, metal material, and shape of the storage units will damage standard pavement.

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

The unique nature of the facility including the heavy metal storage units, the way they are loaded/unloaded from the delivery trucks, and the subsequent damage to standard pavement, will prevent the applicant from the normal operation of the business; therefore, it will create a hardship for the applicant.

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

City regulations do not effectively address specialized operations such as proposed by the applicant; therefore, the property owner would suffer a hardship.

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

Although the owner has chosen to be in the storage container business, the unique requirements of the business are not effectively addressed by the City regulations.

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 property would be in harmony with the general purpose and intent of the zoning regulations since the owner would be able to appropriately operate the storage container business in a manner that is compatible with the area and subject lot.

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 to permit an unpaved surface in the I-2 Heavy Industrial District, for property located on the east side of Algana Drive, north of Interstate 70, on Lot 21 of Cherokee Industrial Park, with the following contingencies:

1. The asphalt milling storage area shall only be used for the storage of enclosed, non-wheeled, storage containers.
2. The storage of all other items, including but not limited to, materials, equipment, vehicles, mobile offices, shall be on a paved surface as required by City Code.
3. The granting of the variance will allow the use of asphalt millings in place of standard asphalt or concrete paving.
4. The asphalt millings shall be maintained in a uniform flat, mud free, and dust free condition.
5. The millings area shall not to exceed 160 feet wide and 330 feet long as generally shown on the Gateway Towing and Modular exhibit site plan.
6. The perimeter of the milling's area shall be concrete curb or other edging material, as approved by the Planning Department, to maintain a smooth edge and prevent migration of the milling material.

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 VAR 20-20 seeing no one present to comment, Mr. Fann closed the public hearing.

Ms. Palmer made a motion and Mr. Jaggi seconded to approve Petition VAR 20-20.

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

Mr. Stiens	Yes
Mr. Shetterly	Absent
Ms. Palmer	Yes
Mr. Jaggi	Yes
Mr. Fann	Yes

There being 4 yes, 1 absent and 0 no vote, Mr. Fann declared that Petition VAR 20-20 was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located on the east side of Algana Drive, north of Interstate 70, on Lot 21 of Cherokee Industrial Park.
2. The lot is presently zoned I-2 Heavy Industrial District.
3. The adjacent zoning is I-2 Heavy Industrial District.
4. The City Code requires asphalt or concrete pavement.

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

Mr. Jaggi presented the Conclusions of Law for Petition VAR 20-20 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.

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

Mr. Jaggi made a motion and Mr. Stiens seconded to adjourn the meeting at 6:35 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman