

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY BOARD OF ZONING ADJUSTMENT

DATE: February 6, 2020

TIME: 7:00 P.M.

PLACE: COUNTY EXECUTIVE BUILDING
100 NORTH THIRD ST.
EXECUTIVE COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Gerry Prinster, Chairman; Kevin DeSain, Secretary; David Bauer, Vice-Chairman; and John Matlick

MEMBERS ABSENT: Vicki LaRose; Leslie Gross, Alternate Board Member; and Robert Boschert, Alternate Board Member

STAFF PRESENT: Robert Myers, Planning & Zoning Director; Mark Price, County Planner; Ardita Roark, Associate County Counselor; and Sheila Weiss, Recording Secretary

SPEAKERS: **VAR 20-01:** Mike Meiners from St. Charles Engineering, owner's representative; Fred Dyer, property owner, 210 East Governor Place, 63301; and Rick Rehm, 3250 North Highway 94, 63301

CALL TO ORDER

Board of Zoning Adjustment Chairman Gerry Prinster called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, he welcomed the audience, explained the functions of the Board of Zoning Adjustment and the format of the meeting, and explained the procedures for speakers. Chairman Prinster also introduced The Unified Development Ordinance (UDO) and Zoning Maps of St. Charles County into the record.

CHANGES TO THE AGENDA

NONE

PUBLIC HEARINGS

I. VARIANCE REQUEST - 3300 NORTH HIGHWAY 94

Application: VAR20-01
Owner: Dyer-Weisz, LLC
Applicant: Fred Dyer
Variance Requested: Section 405.175.D.2 - A request to vary the front yard setback from 35 feet to 10 feet
Property Zoning: I2, Heavy Industrial District, With Floodway and Floodway Fringe Overlay Districts
Area: 21.59 acres
Location: On the east side of Highway 94 North, approximately 750 feet north of Hawning Road; adjacent to the City of St. Charles
Council District: 6
Account No.: 880770G000

Board Secretary Kevin DeSain read the variance request aloud. Chairman Gerry Prinster then opened the public hearing and asked the owner or owner’s representative to approach the podium to explain the request.

Mike Meiners from St. Charles Engineering, the owner’s representative, was sworn in. Mr. Meiners stated that he is representing the property owners. There is a drainage channel that runs through this 21.59-acre site that has a 25-foot non-disturbance area. The plan is to develop the first phase of the property outside of the high-density floodway area at the front of the property. The required 25-foot front non-disturbance setback that is required along each bank of the channel that runs across the property, plus the 35-foot required front yard setback, means there would only be 70 to 100 feet of usable property for the first phase of this development. The owner is requesting that the front yard setback be varied from 35 feet to 10 feet to allow for two rows of 40-foot deep parking stalls to be developed between Highway 94 and the drainage channel.

Chairman Gerry Prinster asked the Board if they had any questions for the owner’s representative.

There were no questions.

Fred Dyer, property owner, was sworn in. Mr. Dyer stated that the 35-foot required front yard setback would only allow for one row of parking to be put in, and he would like to be able to fit in two rows of parking. Although he knew the property was in the floodway when he purchased it, all the setback requirements make it hard to develop this property even though it’s 22-acres. In terms of structures, they do not plan to build any buildings on the property. They are asking for this variance in order to allow for the fencing at the front of the property to be closer to the road.

Gerry Prinster asked Mr. Dyer what type of vehicles will be parked on this property.

Fred Dyer responded that the parking will likely be used mainly to store shipping containers, and it may also be used to store recreational vehicles and semi-tractor trailers.

Dave Bauer asked Mr. Dyer if the rear portion of the property has ever flooded.

Fred Dyer responded that it did flood during the 1993 flooding event.

Dave Bauer asked Mr. Dyer how much of the property was underwater in 1993.

Fred Dyer responded that most of the rear portion of the property was underwater in 1993, but the front portion may not have been flooded. About 3.5 acres of the property is at the 100-year flood elevation.

Dave Bauer asked Mr. Dyer if the parking stalls will be graveled or asphalt.

Fred Dyer responded that they would prefer gravel and will probably use Roto mill on top of the gravel.

Dave Bauer asked Mr. Dyer why he only plans to develop the front portion of this property at this time.

Fred Dyer responded that for safety reasons, most people prefer the parking area to be located at the front of the property.

Gerry Prinster asked Mr. Dyer what is on the rear of the property to the west of the tree line.

Mr. Dyer responded that there are trees and some concrete and rubble that was put there by the previous owners.

There being no further questions for the owner's representative, Chairman Gerry Prinster asked if County staff had any comments regarding to this variance request.

Robert Myers, Director of Planning & Zoning, described the zoning of the property and the variance request. He stated that St. Charles County changed the Ordinance in 2006 to allow only landscaping, driveways, and signage to be placed within the required front yard setbacks. The Heavy Industrial Zoning District allows for several types of outdoor storage which could include trailers, shipping containers, and other items. A 10-foot front yard setback as opposed to a 35-foot front yard setback could dramatically change the street view of this property. While there are other properties in this area that were developed with reduced setbacks, those properties were either developed prior to the current setback requirements being implemented in 2006, or they were developed under a different zoning district's requirements outside of the County's jurisdiction. Any new development under County jurisdiction within the I2, Heavy Industrial District would have to meet the current setback standards. A large portion of the subject property is located within the Density Floodway District, in which only 18 percent of the property can be developed. The eastern portion of the property that is located within the Floodway Fringe District contains approximately 3.5 acres of land, which could be developed and used for outdoor storage without the issuance of a variance. The storage on the property located to the south of this property is approximately 35-feet from the front property line and is located within the City of St. Charles zoning jurisdiction. He also pointed out that the recreational vehicle storage lot to the east of this property was totally underwater during the 2019 flooding event.

County staff recommends that the Board of Zoning Adjustment deny this application as it fails to meet any of the four required criteria in Section 405.590.C of the Unified Development Ordinance of St. Charles County, Missouri.

Should the Board of Zoning Adjustment wish to approve the variance, County staff suggested the following conditions to the variance:

1. This variance shall apply to the proposed development only. Any future development would have to meet the setbacks as provided in the I2, Heavy Industrial District.
2. The variance shall only apply to an outdoor storage yard and shall not apply to any buildings.
3. The requested variance shall not apply to screening and landscape buffer requirements of the County.

Dave Bauer asked Fred Dyer when he purchased this property, and if he was aware of the required 35-foot front yard setback when he purchased it.

Fred Dyer responded that he purchased this property last year. He was not aware of the 35-foot minimum front yard setback when he purchased this property. Mr. Dyer stated that he owns another property in this area that is only a couple of feet back from the roadway, and all of the other properties to both the north and the south of this property are developed right up to the property line.

For the record, the County did not receive any written communications regarding this variance request.

Chairman Gerry Prinster asked if there was anyone in the audience who would like to speak for or against this application.

Rick Rehm, 3250 North Highway 94, was sworn in. Mr. Rehm stated that he owns a storage lot to the south of this property. He stated that he followed all County regulations when he developed his property in 2002 and he followed the front yard setback that was required at that time. He has no problem with Mr. Dyer following the fence line and developing his property at the same setback as his property. The other properties in the area were developed a long time ago and they are closer than 25 feet from the front property lines. He is not here to bash or belittle the proposed business, but the other storage facility on North Highway 94 that they own and manage is not very well kept. He submitted photographs of that property for the Commission to review. He stated that has spent over a half-a-million dollars over the past 18 years developing and maintaining his property. He also maintains the adjacent properties on both sides of his by cutting the grass, spraying weeds, and picking up trash along both Highway 94 North and Hawning Road. He has also designed and built one storage facility on Highway 94 and four others adjacent to Hawning Road. After reviewing the plans for this development, he noticed several flaws in its design including the following:

1. This issue deals with the variance to allow the setback from 35 feet to 10 feet. By allowing this, utility companies will not be able to access their utility easement with their work vehicles due to the build out being so close to the highway drainage ditch and it would also hamper any future plans for widening Highway 94. During the construction of his facility, he was required to follow the County's 35-foot setback ordinance for his fence.
2. Depending upon what will be stored at this development, the 9-foot wide parking spaces shown on the drawing are too narrow to allow tractor trailers, boats, and recreational vehicles. 9-foot wide spaces are used for standard car and truck parking lots.
3. The distance between the front row along the Highway and the back row is only 24 feet, which would make it virtually impossible to maneuver long vehicles in the spaces shown.
4. The steep hill on the common area at the south side of the property that joins his property needs to be covered with a weed prevention fabric and decorative stone, not sod. This would

prevent grass clippings being discharged on to his lot and also prevent erosion debris onto my lot.

5. A storm water runoff detention area is not located on the drawing. The water way/creek behind this property is already stressed due to development in the area and debris. The water way/creek needs to have debris removed and be enlarged to allow better flow and prevent increased flooding at his facility if a detention area is not proposed.
6. Is there adequate security lighting for this facility? Theft is a growing concern, especially in this area. From past experiences over 18 years in the business, storage facilities attract thieves and security measures need to be put in place to deter theft.
7. Will the shrubs and plants in the proposed landscape buffer be irrigated? If not, what are the plans to address the issue?
8. Will the perimeter of the fenced area be bordered to prevent gravel from spreading or washing out of the parking area during heavy rains?

Mr. Rehm stated that he is not against this development, but he does care deeply about the North side of St. Charles and wants the best for its future and to maintain the property values of the surrounding areas. This property is across from hundreds of newer homes on Twillman Drive. He finds it hard to understand the need to build out this project all the way out to the property line and negate the 35-foot setback ordinance when the owners have 20 acres of property directly behind them at their disposal that is out of the public view.

There being no further audience speakers, Chairman Prinster asked County staff if they had any further comments regarding this application.

There being no further comments from staff, Chairman Prinster called the applicant's representative back to the podium to respond to questions from the Board.

Mike Meiners, the owner's representative returned to the podium.

John Matlick stated that 9-foot parking spaces, as shown on the concept plan, may be too tight for the vehicles the owner stated he intends to have parked on the property.

Mike Meiners replied that the concept plan submitted is conceptual in terms of where the parking will be. Smaller boats and vehicles will certainly fit into a 9-foot wide parking space, and tractor trailers generally require a 10-foot to 11-foot wide parking space. Due to the narrowness of the property, it will be difficult to park large vehicles on the front portion of the property. He would imagine that this portion of the property may be used for smaller vehicle parking. Should they choose to move forward with the second phase and develop the rear portion of the property, larger vehicles may be better accommodated on that portion of the property. He stated that the lot to the south of this property has a setback 20-feet from the right-of-way. Mr. Meiners stated that it appears that the channel that runs through the neighboring property has been re-graded and trees have been removed along the stream bank, thus allowing them more space for parking. They will grade the banks along the channel on the property, as they are required to maintain a 25-foot non-disturbance area along the channel banks. This setback, coupled with the 35-foot minimum required front yard setback, only leaves them with a lot width of between 70 and 100 feet for outdoor storage.

Rick Rehm returned to the podium. He stated that if the Board would require that the front yard setback on the subject property to be even with the front yard setback on his property, he would not have an issue with that. He added that he followed the County's setback requirements when he developed his property, whatever those requirements may have been at that time. The owner of this property can follow the required setbacks and will still have the ability to develop a storage lot on the property. He may not be able to put in as many rows of parking as he would like to, but he will still be able to develop the property.

There being no further speakers from the audience, Chairman Gerry Prinster closed the public hearing.

Gerry Prinster stated that he does not believe this request meets the four required criteria for a variance request. He stated that FEMA has strict requirements that need to be met in order for the County to be included in the National Flood Insurance Program. He is concerned that if the Board were to grant this variance request, it would be granting a privilege that is not available to others since the property can still be developed without a variance.,

There being no further discussion from the Board, Chairman Prinster asked for a motion to approve this variance request.

David Bauer made a motion to approve VAR20-01, subject to the staff recommended conditions.

The motion was seconded by John Matlick.

The vote on the motion was as follows:

Gerry Prinster	- No	Kevin DeSain	- No
David Bauer	- No	John Matlick	- No

Application VAR20.01 was unanimously **DENIED**.

The vote count was 0 Yeas, 4 Nays, and 0 Abstentions.

APPROVAL OF THE MINUTES FROM THE JANUARY 2, 2020 REGULAR MEETING

Chairman Gerry Prinster asked for a motion to approve the minutes from the January 2, 2020 regular meeting. Dave Bauer made the motion to approve, and the motion was seconded by Kevin DeSain.

The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

NONE

ADJOURNMENT OF MEETING

Chairman Gerry Prinster called for a motion to adjourn the meeting.

The motion was made by David Bauer and was seconded by Kevin DeSain.

The motion was approved by unanimous voice acclamation, and the meeting adjourned at 7:51 PM.

Respectfully submitted by:

Gerry Prinster, Chairman

Date