



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case **B.A. 12-22**

City of Wildwood's Board of Adjustment

Public Hearing of May 19, 2022

City Hall Council Chambers

16860 Main Street, Wildwood, Missouri

Nature of Request:

B.A. 12-22 St. Louis County Catholic Church Real Estate Corporation, 20 Archbishop May Drive, St. Louis, Missouri 63119, c/o Matt Schlichter, Network Real Estate, L.L.C., 5055 State Route N, St. Charles, Missouri 63304 – A request for an exception to the *Minimum Yard Requirements (General)* for the purpose of erecting a one hundred ninety-five (195) foot tall monopole for telecommunications purposes, along with an associated equipment area, such being encumbered by a lease established for the same, all being located upon a property at 2001 Shepard Road (St. Louis County Locator Number: 22V140282, Enhraim Babler State Share Subdivision). The request would authorize a front yard setback of ninety-seven (97) foot in lieu of the two hundred fifteen (215) feet standard. The petitioner is also requesting a side yard setback of sixty-one (61) feet in lieu of the one hundred ninety-five (195) foot standard. These requests are contrary to the requirements of Chapter 415.090 NU Non-Urban Residence District of the City of Wildwood Zoning Ordinance, Chapter 430 Regulation of Placement of Wireless Facilities and Wireless Support Structures of the Wildwood Municipal Code, and Conditional Use Permit (CUP) P.Z. 9-20. **(Ward One)**

Determination of Issues:

Principle to this request is the identification of its issues. This identification process is intended to determine whether the variance is reasonable and appropriate under the criteria that the property's site-specific characteristics create a unique hardship or practical difficulty with the application of individual ordinance requirements and, if granted, its impacts are contained to the tract of land under consideration or negligible enough upon adjoining properties to be considered acceptable. In the instance of **B.A. 12-22**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The site of this request is three (3), legal lots of record, which are owned by Archdiocese of St. Louis, and located at the intersection of State Route 109 and Shepard Road. The collective tract of land has frontage on three (3) roadways, all of which are publicly maintained streets, i.e., State Route 109 (Missouri Department of Transportation) and Shepard Road and Old Eatherton Road

(City of Wildwood). Access relative to the property is from Shepard Road, which terminates a short distance to the south from its intersection at State Route 109.

2. The lot, where the telecommunications tower is to be located, is 12.3 acres in size and has a number of buildings, structures, and parking areas located upon it, which are part of the current activity conducted there – St. Alban Roe Church. The church and school buildings collectively have over 74,000 square feet of lot coverage, with the parking area exhibits the largest extent of the use of the lot, with over 50,000 square feet of pavement.
3. The property is zoned NU Non-Urban Residence District and has been since the incorporation of the City of Wildwood in 1995. Prior to 1995, the site was designated NU Non-Urban District by St. Louis County, which was first placed upon the property in 1965. This zoning district designation allows church and all related accessory uses and structures as permitted by right.
4. The site has significant slope associated with it along its western boundary, while the remainder of it is relatively level, given the extent of development that is in association with it. The area of greatest topographic relief is also fully wooded.
5. The facility is located in an area that has a pattern of mixed use. The properties that are located to the north and south of the subject site are used for athletic fields for the church, group housing for religious purposes, in association with the church, a plant nursery with salesroom, and an elevated water storage tank at a height of 152 feet. To the west is an extensive area of residential uses, including large lots, with single family dwellings located upon them (Portland Cove Subdivision) and suburban-style residences, which are part of Ashford Oaks Subdivision. Crossing State Route 109 is Babler Elementary School and suburban style residential development (Dartmouth Subdivision).

Current Request

6. The nature of this request is to allow the placement of the telecommunications tower at a front yard setback distance of ninety-seven (97) feet in lieu of the required two hundred fifteen (215) feet. The petitioner is also requesting a side yard setback of sixty-one (61) feet in lieu of the one hundred ninety-five (195) foot standard. These additional setback distances are both required, given that any structure that is over thirty (30) feet must be setback an additional one (1) foot for every foot from the applicable property line that is in its proximity.
7. The petitioner notes the location of the tower is the most logical from the standpoint of its screening and service provision, while also stating that said placement has previously been authorized by the Planning and Zoning Commission and a Conditional Use Permit (CUP) granted by that body for it.
8. The action of the Planning and Zoning Commission was conditioned on the applicant submitting a request to the Board of Adjustment for the needed setback area reductions to be considered.

The permit cannot become effective until this step is completed by the Board of Adjustment and then action by City Council.

Correspondences and Previous Actions

9. The site was duly posted in accordance with City code requirements, including the placement of a sign on the property, an advertisement in a newspaper, and a posting at City Hall. Along with these notifications, a direct mailing was sent to surrounding properties advertising the request.
10. The Department of Planning has received three (3) letters relative to this request, at the time this report was written and completed for distribution. In each of these letters, the individuals note their opposition to the setback reductions sought by this request in association with this tower structure.
11. The City of Wildwood's Board of Adjustment has not authorized any variances to the City zoning requirements on this lot in the past. However, other variances of a similar nature have been granted by the Board of Adjustment to other telecommunications towers located within the City of Wildwood, e.g. Metro West Fire Protection District Headquarters, which is located at State Route 109 and Manchester Road.

Findings of Fact:

The Department of Planning has reviewed this request with regard to the criteria established for its approval or denial, i.e. site characteristics, which render a unique hardship or a practical difficulty and impacts on adjoining properties, and believes this request **does meet** the requirements set forth to be considered reasonable and appropriate. This position is premised upon a number of site-specific findings. These findings are as follows:

1. The proposed location of this tower was selected by the Planning and Zoning Commission to assist in screening it by clustering it near another vertical improvement, i.e., the water tank, and equipment compound area from view. The screening of the structure and compound area was a priority in the consideration of this location, so as to limit impacts on surrounding properties and the abutting roadway system.
2. The location of the tower and compound area are logical and based upon the physical characteristics of the site as well. The location that has been selected for the placement of the tower is one (1) of the high points on the property (776 feet above MSL). The placement eliminates any major grading on the site, provides easy access and limited installations of impervious surfaces to serve it, and removes no existing trees to accommodate it.
3. The abutting property to the north is impacted in a very limited manner given its location of improvements and their type.

4. The need for the wireless communication service is substantial in this area of City and creates a practical difficulty for residents, if such is not provided.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment approve the requested variance, as submitted.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning