



WILDWOOD

Determination of Issues and Findings of Facts Board of Adjustment Case **B.A. #13-23**

City of Wildwood's Board of Adjustment - Public Hearing of July 20, 2023
City Hall Council Chambers – 16860 Main Street

Nature of Request:

B.A. 13-23 Union Electric Company D/B/A Ameren Missouri, 1901 Chouteau Avenue, MC 700, St. Louis, Missouri, 63103, C/O Heather Donze - requests an exception to the Permitted Land Uses And Developments and Supplementary Off-Street Parking And Loading Requirements for the purpose of maintaining a temporary gravel storage area and construction laydown yard for ongoing transmission line repair and maintenance projects in the surrounding vicinity, as well as continuing to provide, on a short-term basis, a secure off-street parking area for employees on this same site. This site is located at 18824 St. Albans Road (Locator Number 24Y630140). This request is contrary to the requirements of Chapter 415.280 Off-Street Parking and Loading Requirements – General, Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood Zoning Ordinance, and Chapter 415.070 FPNU Floodplain Non-Urban District Regulations. **(Ward Six)**

Update on Request (since June 2023 Meeting of Board):

The petitioner, the group of residents, and the Department met on Thursday, July 13, 2023, to discuss this proposal and use of the property on State Route T. The Ameren Missouri representatives discussed steps to address the non-compliant use of the property and return it a permitted activity under its current zoning district designation. The ultimate timeline for compliance, according to the representatives of the petitioner, will be March 1, 2024.

The residents were encouraged by a final date for all activity to end at the location, by March 1, 2024. They were also advised of the interim steps that are planned as well, with these efforts to begin immediately, and the milestones in that process being August 31, 2023, then September 30, 2023.

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. 13-23**, the issues relating to the variance's reasonableness and appropriateness are as follows:

- - Area and Site Characteristics -

1. The subject of this request is a 14.68 acre tract of land that is located on the south side of St. Albans Road (State Highway T), east of its intersection with Ossenfort Road. This roadway provides access into

and out of western Wildwood and Franklin County. St. Albans Road (State Highway T) provides the principal access to the east for the St. Albans Community.

2. The roadway does have moderate volumes of traffic, despite its rural nature. The roadway is just two (2) lanes of driving surface, grass shoulders and swales, and no sidewalks, lights, or other amenities of this nature. However, the roadway is located in a valley formed by Wild Horse Creek, and is one (1) of the more scenic in the City, and the entire west St. Louis County Area.
3. The roadway has a posted speed of forty-five (45) miles per hour, and along the subject's location, is relatively level and straight in its alignment.
4. The roadway to the east intersects State Route 100 and, unfortunately, an intersection that has experienced a number of fatalities due to vehicle accidents over the years.
5. The site is a mix of developed areas and woodlands. The woodlands cover approximately the southern two-thirds of the overall lot. The creek trends through the site's northern one-third in an east to west direction. The developed area is an unauthorized storage yard and parking lot for the contractors serving the area. Formerly, before this activity was in-place, this portion of the lot was a farm field.
6. The lot has substantial relief, over one hundred thirty-five (135) feet and trends in terms of slope from the roadway to the creek (north to south) and from the hilltop to the same (south to north).
7. The lot is served by one (1) access point onto St. Albans Road (State Highway T), and no information is available regarding its sight distance and location relative to overall safe ingress and egress onto the roadway, along with turning movements into and out of the site. This wide access point is also rocked to provide access to the nearby transmission easement area.
8. The property has a temporary trailer situated upon it, along with a large gravel parking lot, and extensive material storage areas for electrical equipment for its owner - Ameren Missouri. The lot was originally used for a lay down area for tower components, when these tall and large structures were being replaced in the nearby transmission easement. The City granted a limited grading permit in 2013 for this project, which expired, but the property owner continued to use it for other projects, while growing its size and use characteristics.
9. The property is zoned a combination of FPNU Floodplain Non-Urban Residence District and NU Non-Urban Residence District. These districts are intended for primarily residential use and, given the floodplain components, limited use in that regard. These zoning districts do not allow industrial uses, such as what are situated on the site at this time.
10. The area in the vicinity of the site is all residential in nature, and these uses are on lots that minimally meet a three (3) acre size threshold or greater. The only exception to this use pattern is Fahr Greenhouse, which is located to the east on St. Albans Road (State Highway T), and is a legal, but non-conforming use.
11. The issue of its use was identified to the City by a complaint lodged by a nearby resident.

-- Current Request --

12. The applicant is requesting a use variance to continue its current activity upon this lot, which is a material storage and contractor's yard, which are non-residential uses in a residential zoning district designation. The applicant does not provide details on improvement levels that are in place on the site at this time.
13. The rationale for this request are the planned, on-going projects scheduled in this area by this public utility, and the need for a location of this nature for the storage of materials, the assignment of work orders to contractors, and the parking need of these employees. These projects are anticipated to occur over the span of several years. A specific length of time was not provided in this regard.
14. The applicant has noted that steps will be taken to address any issues with the character of the site and safety in its use. In conversations with the applicant, the Department has been advised of efforts to clean up the site at this time.

- - Correspondences and Previous Actions -

15. 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.
16. The Department has received a number of comments on this request, since its posting, with all being opposed to the granting of the variance.
17. The City of Wildwood's Board of Adjustment has not authorized any variances to the City zoning requirements on this lot in the past.

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 **it does not 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 impact on Wild Horse Creek from non-mitigated/managed stormwater runoff into it cannot be understated and causes a detriment to the physical environment around it.
2. The impact of this current activity on the area is substantial and threatens not only property values of nearby lots, but also the public's safety that traverse this roadway.
3. The Department would note the City's Master Plan designates this area, and almost all properties in a very significant large radius around it, as Non-Urban Residential Area. This land use category identifies only those uses in the NU Non-Urban Residence District as types that are allowed on properties so designated. Accordingly, the granting of a variance for the current use would be in violation of the Master Plan, and the accompanying City Charter, given the latter of these two (2) documents links them together for land use purposes.
4. The lack of permitting and unauthorized expansion by the applicant, despite good intentions, threatens the City's zoning and permitting processes, if such were to continue to be allowed to operate at that location.

5. The need for access to job sites and saving time and resources, which is offered as logical rationale for the use's existence, does not represent a hardship relating to the character of the subject site, nor a unique circumstance, since other properties within nearby jurisdictions may allow for an industrial use of this nature, while being situated upon appropriately zoned sites.

Recommendation:

Based on the above described Findings of Fact, the Department of Planning is recommending the requested variance not be approved. However, if the Board of Adjustment is inclined to allow for a temporary allowance of time for the property owner to return the site to a permitted use and allow for the requested time to make arrangements for the relocation of the current activities in association with it, the Department would ask the following conditions to be added to such a motion:

1. End of August 2023 – all contractor activity, including parking, offices, and related storage, including temporary structures, be eliminated from the site.
2. End of September 2023 – all storage of materials and use of the property as a contractor's storage yard be eliminated.
3. Conclusion of all activity relating to the non-permitted uses on the property – March 1, 2024.

As noted, the Department holds the requested use variance on this lot should not be supported on a permanent basis.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning