



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case B.A. #17-23

City of Wildwood's Board of Adjustment

Public Hearing of August 17, 2023

City Hall Council Chambers – 16860 Main Street

Nature of Request:

B.A. 17-23 Meadows Of Wildwood Homeowners Association, 111 Meadows Of Wildwood Boulevard, Wildwood, Missouri 63040 – requests an exception to the Large Water Feature definition in the City of Wildwood Zoning Ordinance for the purpose of maintaining normal pool elevations for a stormwater retention pond, which is located upon the property at 140 Meadows of Wildwood Boulevard (Locator Number 24V131114, The Meadows of Wildwood Plat 2, Common Ground), thereby authorizing use of a private well to address ongoing fluctuations in the condition of this facility. This request is contrary to the requirements of Chapter 415.030 Definitions and Chapter 415.160 R-6A 4,000 square foot Residence District Regulations of the City of Wildwood Zoning Ordinance, and Planned Residential Development Overlay District (PRD) Amended Ordinance No. 1635, approved by the City of Wildwood in 2009, which precludes the use of groundwater for non-potable purposes. (**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. 17-23**, the issues relating to the variance's reasonableness and appropriateness are as follows:

- - Area and Site Characteristics -

1. The subject site of this request is a 2.05 acre area of common ground that is located within the center portion of this senior-oriented residential development, which is designated the Cultural-Institutional Overlay District by the Regulating Plan of the Town Center Area.
2. The Cultural-Institutional Overlay District was added to the Town Center's Regulating Plan at the time when both the Wildwood Family YMCA and the St. Louis Community College made decisions to locate facilities in this area of the City and provide excellent services of this nature to Wildwood residents. This overlay district was to encourage further growth of similar uses,

along with those types that could be considered complementary, such as senior-orientated housing, like the Meadows of Wildwood.

3. The subject site is part of a sixty (60) lot development with all of the properties utilized for single family detached and attached units. Lot sizes range from approximately 4,500 square feet to over 5,000 square feet, with common ground utilized for recreation and other purposes.
4. The subject common ground area is located to the rear of a grouping of dwellings and utilized for stormwater management purposes, in the form on a retention pond. A trail abuts the perimeter of the retention pond and allows for recreational access this green space as well.
5. The retention pond, given its size, which is over one (1) acre in area, is considered by the City's Zoning Ordinance as a large water feature. A large water feature is defined as follows: an impoundment of water that exceeds one (1) acre or more in size, while also including lesser-sized areas located in the main channel of a named watershed located in the City of Wildwood.
6. The definition, in this case, of a large water feature also contains a certain prohibition regarding water sources, which is as follows: **No large water feature shall be allowed to be filled by ground water resources associated with any public or private well.**
7. The access to this area for stormwater management purposes is via stormwater and sidewalk easements, with no public right-of-way frontages in association with it. Additionally, certain maintenance easements exist on all lots to the Homeowners Association, given all properties and buildings are maintained by it.
8. The subject lot has very limited relief and was heavily graded at the time of the project's initial development to accommodate this stormwater/aesthetic feature. The landscaping of this area was required by the City, as part of its use for this purpose.
9. The property is zoned R-6A 4,000 Residence District, with a Planned Residential Development Overlay District (PRD). This overlay district is governed by a site-specific ordinance that sets conditions for the use of the properties and all common ground areas.
10. The area in the vicinity of the site is all residential in nature and part of this senior-orientated development. Beyond the boundaries of this residential community are several unique uses in its vicinity, These uses include the community college, Rockwoods Reservation, and the planned Mugaran Temple.

- - Current Request - -

11. The applicant is requesting a variance to allow the use of a private well to supplement stormwater runoff into the retention to better manage normal pool elevation, which has been fluctuating and, at one point during late June and early July, was almost dry. The representatives of the homeowners investigated this situation and did find several leaks in the area leading to part of

the low water level, besides this summer's early drought. These leaks have been discussed, and it appears they will be repaired.

12. The design of the lot layout placed a number of them next to the large water feature, making it an amenity to those owners, which view it each day.
13. The City's residential zoning districts identify large water features as being precluded from using groundwater resources for the purposes of maintaining such an improvement. The rationale for this prohibition is that many residents in the large-lot areas of Wildwood are dependent on this same groundwater asset for potable water purposes for their homes.
14. The petitioner has not provided detailed information on the well, its depth, the volume of flow necessary for the operation, or other items, but it will be required to meet all State requirements for its permitting, installation, and operation.
15. The State of Missouri is a riparian water law state and applies the reasonable use doctrine relative to surface and groundwater use. Accordingly, property owners can utilize as much of the touching or laying above water resources, as reasonably needed, without overly adversely impacting other users and landowners.

- - Correspondences and Previous Actions -

16. 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.
17. The Department has not received any comments regarding this request, since its posting.
18. 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 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 Department acknowledges the dual role this particular large water feature has to this residential area and the property owners that have lots abutting it. Besides a required stormwater management tool, it is a recreational and aesthetic feature as well, making it unusual in this regard. This dual role lends justification to the request, given its intended design was to have a normal pool elevation in place during normal times.

2. The impact of granting this variance can certainly be considered positive to the immediate community, with this common ground area, and large water feature, being one (1) of two (2) major amenities within the overall residential area.
3. The intent of the well is to utilize the groundwater drawn from it to maintain normal pool elevation within the defined area of the large water feature, which will be utilized during dry or drought conditions, given planned repairs to the facility are intended to address leaks. The use of the well on an as-need basis lessens impacts on the aquifer that stores the groundwater.
4. The general area of this request is either public open space, in this case, 2,000 plus acres in association with Rockwoods Reservation, along with other uses that are served by a public water source, i.e., Missouri American Water Company. Accordingly, the draw on the groundwater resource will have an impact on the aquifer, but in an area that is characterized by limited utilization of it.
5. The applicant will need to obtain all permits from the State of Missouri and the City of Wildwood to ensure safe drilling techniques, appropriate casing to protect the groundwater resource, and ensure no contamination enters the aquifer from this source.

Recommendation:

Based on the above described Findings of Fact, the Department of Planning is recommending the requested variance be approved, contingent on the State's permit for the installation of this well being provided to the City for verification of compliance to its rules and laws.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning