

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI
THURSDAY, JULY 26, 2018

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, July 26, 2018. The meeting convened at 7:00 p.m.

ROLL CALL

Present:	William Weber	-Member
	Larry Smith	-Member
	William Groth	-Member
	Mark Naes	-Member
	Jerome Cox	-Member
	Robert E. Jones	-City Attorney
	Lynn Sprick	-Assistant Planner
	Bryson Baker	-City Engineer

Absent:

APPROVAL OF MINUTES

Copies of the minutes of the June 28, 2018 Board of Adjustment meeting were distributed to the members for their review. Mr. Cox stated on page two, Mr. Weber called for the vote on A-07-18. Mr. Cox made a motion to approve the minutes, as amended. Mr. Smith seconded the motion, and it was unanimously approved.

NEW BUSINESS

It should be noted that A-15-18 and A-16-18 were presented simultaneously, but voted on separately.

A-15-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the front setback from the required forty (40) feet to ten (10) feet for the construction of nine (9) service islands (vacuum stations) at 3720 South Lindbergh Boulevard.

A-16-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the front setback from the required thirty (30) feet to ten (10) feet as required for motor vehicle oriented businesses for the construction of nine (9) service islands (vacuum stations) at 3720 South Lindbergh Boulevard.

Mrs. Sprick stated the petitioner is able to use the one variance that was approved last month. The new petitions include nine vacuum stations; eliminating the vacuum furthest to the east, nearest to the residences.

Brandon Harp, Principal with Civil Engineering Design Consultants, was present and stated the Planning and Zoning Commission felt the vacuum stations being placed in the proposed location was appropriate. Missouri Department of Transportation (MODOT) approved the traffic study and all traffic mitigation implementations. The vacuum stations are located on the northeast corner of the property. The August Board of Alderman meeting will include a public hearing for residents' concerns. Parking is allowed in these spaces, but vacuums are considered an ancillary use, and are required to meet the building setbacks. The vacuums are approximately eleven feet tall. The site sits four feet lower than East Watson Road, so they will only show seven feet above the road. They will be screened with dense evergreen landscaping and the applicant has agreed to add extra landscaping or fencing. A sound study was done on the noise produced by the vacuums. With all nine vacuums turned on at once, the decibel reading is 65 decibels. This reads 52 decibels at the nearest residential property line. A conversation between two people equates to 53 decibels. According to St. Louis County's noise ordinance, the allowed decibel level is 65 decibels. Cars driving on East Watson Road are at 80 decibels. The vacuums will not be heard over the background noise of cars on the road. They are allowed to put them on the east side of the property and meet the setback requirement, but they would have to decrease landscaping on that side. They would still meet the required decibel levels, but they would be closer to the residential area. They have to meet minimum drive aisle requirements for site circulation, which makes re-locating the vacuums difficult. They will not be seen from the road due to landscaping.

Mr. Cox asked if the company used DBA, B, or C readings and asked to see the data report.

Mr. Jones stated St. Louis County uses DBA readings.

Mrs. Sprick asked if the vegetation and buffer were taken into account when the readings were taken.

Mr. Harp stated the readings were done on a flat, concrete slab. The buffers and landscaping were not included but they will help absorb some of the noise when added.

Mr. Smith asked if all vacuums were running at once, during the reading.

Mr. Harp stated the reading was taken with ten vacuums running.

Mr. Smith asked if the major equipment is located inside the building.

Mr. Harp replied yes.

Mr. Cox asked what the distance is to the nearest residence to the east.

Mr. Harp stated approximately 200 feet. St. Louis County does not measure decibel levels at a right of way line, due to road noise.

Mr. Weber asked how tall the berm will be.

Mr. Harp stated the vacuums are 4-5 feet lower than East Watson Road, but they can drop that level down lower. Six foot tall hedge will block them from sight.

Mr. Weber asked if it would be a full hedge.

Mr. Harp stated they will be evergreens.

Mr. Weber stated he is concerned with their appearance.

Mr. Harp stated they will be completely screened by evergreen material.

Mr. Weber stated they do not qualify for the four basic hardship requirements and the reasoning for the variance is due to the applicant's own desire.

Mr. Harp stated any development is of the applicant's desires. With a narrow frontage to Lindbergh Boulevard and odd shape, where typically the development would be wider on the main street, the project is difficult to accommodate. Being a corner lot, they have to meet two front yard setback requirements of 40 feet, which is where the gas canopy is located. The hardship is the geometry of the site. He stated the resident to the north will hear louder cars than the vacuums.

Mr. Cox stated based on the manufacturer's sound data, the noise problem is within limits allowed by the City. He concurs with what has been presented.

Kathryn Heese, of 8811 Ryegate Court, asked if the developer has considered taking advantage of the vacant Autotire lot, so that the building can be turned to face Lindbergh Boulevard.

Randy Latel, of 8835 Ryegate Court, stated he is not happy with a 75% variance. He asked for clarification on the two separate variances.

Mrs. Sprick stated the setback is mentioned in two different sections of the City's Code of Ordinances. Since it is addressed twice, they have to ask for a variance for each section.

Mr. Latel stated he is concerned about the safety of a four to five foot drop off from the road onto the site. If the variance is allowed, it opens a door to let all commercial buildings use a 75% setback variance.

Mr. Weber stated each variance is taken into account separately.

Mace Nosovic, owner, contractor, and developer of the property, was present and stated he is investing in the project and in the community. He is doing his best to do what works better for the site and reduce welfare issues of residents in the future. He would like to move the project forward. He stated it is possible to stand directly next to the vacuums and hold a conversation; they are quieter than home vacuums.

Mr. Smith asked City staff if the vacuums are allowed to be placed on the east side of the property without a variance.

Mr. Baker stated the City staff would need more time to review.

Mr. Weber asked if the City is satisfied with the sight protection of the vacuums.

Mr. Baker stated if they do what is proposed they are providing additional buffering to what is required.

Ms. Sprick stated they can design the site so that it can drop off in topography. The ordinance states the vacuums have to be screened from ground level to six feet above the adjacent street.

Mr. Weber called for a vote on A-15-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the front setback from the required forty (40) feet to ten (10) feet for the construction of nine (9) service islands (vacuum stations) at 3720 South Lindbergh Boulevard. With 4 aye votes and 1 nay vote, the motion passed.

Mr. Weber called for a vote on A-16-18 Notice of Appeal, by Edison Real Estate, LLC, to vary the front setback from the required thirty (30) feet to ten (10) feet as required for motor vehicle oriented businesses for the construction of nine (9) service islands. With 4 aye votes and nay 1 vote, the motion passed.

ADJOURNMENT

Mr. Smith made a motion to adjourn the meeting at 7:41P.M. Mr. Cox seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape