



WILDWOOD

Determination of Issues and Findings of Facts

regarding

Board of Adjustment Case B. A. #14-16
City of Wildwood's Board of Adjustment
Public Hearing of July 21, 2016
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 14-16 Stonecrest At Wildwood, C/O NorthPoint Development, 5015 Northwest Canal Street, Riverside, Missouri 64150, C/O George M. Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, Missouri 63005 request an exception to the Particular Yard Requirements for the purpose of constructing a senior living facility on a property that is located at 261 Plaza Drive (Locator Number 23V220233, Wildwood Town Center Plat Two, Lot 1), which would thereby authorize a minimum setback distance of fifteen (15) feet in lieu of the required forty (40) foot standard for any parking area, internal drive, loading space or structure adjoining a property in the NU Non-Urban Residence District. This request is contrary to the requirements of Chapter 415.190 C-8 Planned Commercial District Regulations of the City of Wildwood Zoning Ordinance and the Amended C-8 Planned Commercial District Bill #2200. (**Ward Eight**)

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. 14-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The site of this subject request are two (2) legal lots of record located within the Wildwood Town Center Subdivision. Combined these two (2) lots form a 1.6 acre tract of land that is the subject of this request.
2. This combined tract of land has frontages onto State Route 100 and Plaza Drive and is L-shaped. State Route 100 is a State-owned right-of-way, while Plaza Drive is under the jurisdiction of the City of Wildwood. The principle frontage for the purposes of the City's Town Center Plan for the overall tract of land is Plaza Drive.

3. This parcel of ground is located in the City's Town Center Area and designated "Neighborhood General" District, which allows for its development for higher-density residential uses.
4. The tract of land is zoned Amended C-8 Planned Commercial District. All of the lots in this subdivision are governed by this same site-specific ordinance, which sets regulations and requirements for the use of the properties, including where buildings and structures can be located. This Amended C-8 Planned Commercial District is being amended by the City Council to allow a senior care facility upon it that would include first floor commercial activities abutting the public plaza area owned by the City of Wildwood and up to ninety-five (95) assisted and memory care beds within it.
5. The property is currently vacant and has been since its platting in 2005, but all utilities are provided to it or in its vicinity.
6. The physical characteristics of the property are minimal, since it has been graded to a relatively flat site, with a slight amount of relief, and drainage toward the southwest corner of it. The property is entirely in lawn area at this time, with no trees located there.
7. The surrounding land use pattern is primarily existing commercial land uses, such as the medical building to the east, the hotel to the southeast, and the City's parking garage to the south. Additionally, several vacant lots exist in the vicinity of the subject site that are commercially zoned as well and part of the Wildwood Town Center Project. The western boundary of the subject site abuts a NU Non-Urban Residence District zoned property that has a single family dwelling located upon it.

Current Request

10. The intent of this request is to reduce the required structure setback distance from forty (40) feet to fifteen (15) feet along the western property line, which abuts a site that is designated NU Non-Urban Residence District.
11. The request relates to a commercially designated property abutting a residentially zoned tract of land. Therefore, any structure on the commercially designated property must meet a higher standard in terms of its setback distance. The underlying regulations of the C-8 Planned Commercial District identified this required setback distance as follows: "No parking area, internal drive, loading space or structure shall be permitted within forty (40) feet of a property line adjoining property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" Residence District.'
12. The underlying regulations of the Zoning Ordinance cannot be altered by the site-specific ordinance in this case, so as a variance is needed in this regard.
13. The application submitted by the petitioner indicates the need for this variance is substantial, given the shape and size of the lot limits its buildability for this use, which is allowed by the Town Center Plan and supported by City Council.

Correspondences and Previous Actions

14. 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.

15. The Department of Planning has not received any letters and/or comments at the time this report was written and completed for distribution in this regard.
16. The review of the City's files indicates the City of Wildwood's Board of Adjustment has not granted any variances in this subdivision or this specific lot.

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's 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 characteristics. These factors are as follows:

1. The petitioner has established a practical difficulty relating to the physical characteristics of the site - its unique shape.
2. The adjoining property, although zoned NU Non-Urban Residence District, is designated "Downtown District" by the Town Center Plan's Regulating Plan, which means its future use, at some point, will be commercial, just as the subject site. Therefore, the additional setback distance of twenty-five (25) feet ($40' - 25' = 15'$) provides only a temporary benefit to the current use of abutting property to the subject site. This temporary benefit to the abutting property would be a permanent disadvantage to the subject site, since once the building is constructed upon it, it will, in all likelihood, not be relocated in the future.
3. The location of the dwelling on this NU Non-Urban Residence District zoned lot is toward the south, while the proposed senior care building is situated further to the north on its property, which eliminates any direct line of site between the residence and this senior care building, thereby reducing its impact upon it.
4. The reduction in the required setback distance still provides a separation of fifteen (15) feet, which can be landscaped to reduce the impact of the use's proximity as well, which is a requirement of the planned district ordinance under review by the City Council at this time.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance be approved.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning