

**CITY OF FENTON, MISSOURI**  
625 NEW SMIZER MILL ROAD  
FENTON, MISSOURI 63026

**BOARD OF ADJUSTMENT**  
**MINUTES OF MEETING**  
**JULY 16, 2019 - 7:00 p.m.**

**BOARD MEMBERS:**

Gary Wiseman, Chairperson (May 2022)  
Gary Siebert, Vice-Chairperson (May 2023)  
Carl Brandt (May 2022)  
Bruce Rogers (May 2021)  
Vacant Seat (May 2024)

**ALTERNATE BOARD MEMBERS:**

Susan Phillips-Pigg (May 2023)  
Ken Karpowicz (May 2020)  
Jill Adkisson (May 2022)

**CALL TO ORDER:**

Chairperson Wiseman called the Board of Adjustment meeting of the City of Fenton, St. Louis County, Missouri, to order on Tuesday, July 19, 2019, at 7:00 p.m. The meeting was held in City Hall.

**PLEDGE OF ALLEGIANCE:**

All attendees recited the Pledge of Allegiance.

**ROLL CALL:**

Chairperson Wiseman	Present
Vice-Chairperson Siebert	Present
Member Brandt	Present
Member Rogers	Present
Alternate Member Adkisson	Present

**OTHERS PRESENT:**

Nikki Finkbiner, Community Development Director  
Erin Seele, City Attorney  
Amy Starck, Community Development Department  
Charmaine Spradling, Court Reporter  
Alternate Member Susan Phillips-Pigg

**CHAIRPERSON’S STATEMENTS:**

Chairperson Wiseman briefly explained how the proceedings for the night’s case would be conducted, reminded the petitioner of its burden, explained the purpose and ground rules for recording the proceedings, and announced that the City’s Code of Ordinances, the Petitioner’s applicable request for the variance, the notice of tonight’s public hearing, and the applicable staff report were available for review and made a part of the official record.

**OATHS FOR TESTIMONY:** (Administered by Chairperson) Persons wishing to address the Board at this Public Hearing regarding a petition were asked to attest to the truth of their testimony before each case. Persons taking the Oath were Director Finkbiner, George Stock, Scott Haley, Robert Schnell, and Shaun Tulley.

**OLD VARIANCE PETITIONS:** None

**NEW VARIANCE PETITIONS:**

**CASE 2019-V-08: A Petition by Scott Haley of US Capital Development, LLC, for a Variance from Section 470.060(H) of the Zoning Code to seek relief from the requirement to place all utilities underground in Fenton Logistics Park. The property is addressed as 2055 Fenton Logistics Park Boulevard and is zoned “PID” Planned Industrial Development District.**

Director Finkbiner stated that all was in order for the Case to be heard.

George Stock of Stock and Associates, representing the Petitioner, US Capital Development, approached. Mr. Stock gave a Power Point presentation, on file with the Community Development Department, to the Board outlining the Variance request. Mr. Stock stated that the Petitioner is seeking to place a proposed overhead power corridor along a future road, Assembly Parkway, and connecting to existing overhead power across Fenton Logistics Park Boulevard with all other utilities, including electric connections to future buildings, to be placed underground. Mr. Stock stated that the proposed overhead power lines will provide flexibility for the developer to build to suit in the future, will provide redundancy should there be power outage, and will allow the developer to be competitive. Mr. Stock added that overhead power is not uncommon in industrial parks and provided examples in the area. Additionally, the Petitioner also testified as to the challenges of crossing open drainage channels with underground utilities.

Robert Schnell and Shaun Tulley of Ameren Missouri approached. Mr. Schnell explained that Ameren’s concern is public safety and reliability. He stated that overhead power allows for more flexibility but that it is susceptible to the weather, however; linemen can access the lines more quickly if repair is needed. Underground power, while not subject to the weather, is more costly. Mr. Tulley stated that both options are possible for the developer, but that underground power may need to be retrofitted when new buildings are proposed which would add costs to the job.

The Board queried Director Finkbiner regarding the reason the Code requires all new utilities to be placed underground. Director Finkbiner answered that it is for aesthetics

and safety and that this has been a code requirement for many years. Mr. Stock expressed concern that the Code does not take into consideration a development of this size and that it ties the hands of the developer by not allowing for flexibility as the final locations of buildings and lot lines are unknown. Scott Haley, the Petitioner, approached. Mr. Haley stated that US Capital Development has been very sensitive to the how the park looks and how infrastructure is placed and reiterated that an overhead power corridor would provide the flexibility for future development while maintaining the aesthetics of Fenton Logistics Park.

Discussion continued concerning the placement of the proposed overhead powerline adjacent to Mraz Lane and its visibility from Interstate 44. Scott Haley stated the proposed placement is intended to run along the back of future buildings. The Board questioned whether the proposed overhead line can be placed along Fenton Logistics Park Boulevard to the intersection of Assembly Parkway. Shaun Tulley answered that it is possible to move the overhead power from the standpoint of Ameren Missouri and the details can be worked out with the developer.

The Board additionally asked if other utilities would have the same issue with flexibility. Mr. Stock answered that the electric is the first to be installed and is the only utility that would be concrete encased when placed underground. All other utilities are placed when the infrastructure is built. Mr. Stock explained that any potential changes to the concrete encased electric lines would be difficult to retrofit and would not provide the developer with the ability to pick and choose new building locations. Member Rogers then asked if there were any other limitations other than cost if it is run underground. Robert Schnell answered that it can be made to work either way, but that the underground option is more expensive.

For the record, Director Finkbiner stated that she had received no calls or questions from the public concerning the requested variance.

Chairperson Wiseman asked for public comment. No person from the audience came forward in favor or against the Petition.

Chairperson Wiseman closed the public comment portion of the meeting.

**Following discussion, Member Rogers made a motion to APPROVE, WITH CONDITIONS AND REVISED EXHIBIT 1, CASE 2019-V-08. Vice-Chairperson Siebert seconded the motion.**

**Conditions of Approval:**

1. This approval is solely for a Variance from Section 470.060(H) of the Zoning Code to seek relief from the requirement to place all utilities underground in Fenton Logistics Park, as indicated on the site plan submitted with the application, dated June 14, 2019 with the condition that the eastern overhead line be moved along Fenton Logistics Park Boulevard as indicated in attached revised Exhibit 1.
2. Compliance with all other applicable City Codes and Ordinances.

**Roll Call:**

Chairperson Wiseman	Aye
Vice-Chairperson Siebert	Aye
Member Brandt	Aye
Member Rogers	Nay
Alternate Member Adkisson	Aye

**4 Ayes; 1 Nays; Motion APPROVED.**

The Court Reporter was dismissed at 8:15 pm.

**APPROVAL OF MINUTES: *June 18, 2019***

**Vice-Chairperson Siebert made a motion to approve the June 18, 2019 meeting minutes and workshop minutes, with corrected scrivener's error. Member Adkisson seconded the motion. The motion was approved by roll call vote as follows:**

**Roll Call:**

Chairperson Wiseman	Aye
Vice-Chairperson Siebert	Aye
Member Brandt	Aye
Member Rogers	Aye
Alternate Member Adkisson	Aye

**5 Ayes; 0 Nays; Motion APPROVED.**

**OTHER BUSINESS: None**

Director Finkbinder informed the Board that one (1) application has been received for the August meeting.

**ADJOURNMENT:**

**A motion to adjourn was made by Vice-Chairperson Siebert and seconded by Member Adkisson. The motion was approved by roll call vote as follows:**

**Roll Call:**


Chairperson Wiseman	Aye
Vice-Chairperson Siebert	Aye
Member Brandt	Aye
Member Rogers	Aye
Alternate Member Adkisson	Aye

**5 Ayes; 0 Nays; Motion APPROVED.**

The meeting was adjourned at 8:19 pm.

Respectfully submitted,

  
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Amy Starck  
Community Development Department  
City of Fenton, Missouri

  
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Gary Siebert  
Vice-Chairperson  
Board of Adjustment