



BOARD OF ADJUSTMENT AGENDA
March 2, 2026

BOARD OF ADJUSTMENT:

Richard Alferman, Chair
Latonya Grotegeers, Vice-Chair
Marita Malone, Secretary
Maureen Rogers-Bouxsein
Keith Whittimore

Don Garrison Jr., Alternate
Bob Kneemiller, Alternate

In accordance with Chapter 400 (Zoning Code) of the Code of Ordinances of the City of St. Charles, Missouri, notice is hereby given that the Board of Adjustment will conduct a public hearing on **Monday, March 2, 2026** at 6:00 p.m. on the fourth floor of City Hall in the City Council Chambers, 200 North Second Street in St. Charles, Missouri for the purpose of giving interested parties and citizens an opportunity to be heard on the following matters:

Call to Order and Call the Roll

The Pledge of Allegiance

Approve the Minutes from the February 2, 2026 Meeting

1. Case No. BOA-2026-01. Address: 3801 Harry S Truman (Gwen Keen – Quik Trip Corporation). A request to increase the maximum height of a freestanding pole sign from thirty (30) feet to fifty (50) feet as regulated in Section 400.1470(A)(5)(c) of the City of St. Charles Code of Ordinances. The property is zoned C-3 Highway Business District (Ward 6). ***This application was TABLED at the February 2, 2026 Planning & Zoning Commission meeting. The applicant has requested this item be TABLED again to the April 6, 2026 Planning & Zoning Commission meeting.***
2. Case No. BOA-2026-02. Address: 1115 Hall Street (St. Charles Engineering & Surveying). A request to decrease the minimum lot width at the building line from sixty (60) feet to fifty-three (53) feet as regulated in Section 400.150(E)(2)(c) of the City of St. Charles Code of Ordinances. The property is zoned R-1E Single-Family Residential District (Ward 2).

3. Case No. BOA-2026-03. Address: 2001 Truman Industrial Blvd and 3251 Harry S. Truman Blvd (Trinity Products LLC). A request to appeal the decision/determination of an administrative official via Section 400.1080(A)(1) of the City of St. Charles Code of Ordinances. This request is specific to challenge the decision/determination of City Staff regarding the definition and application of the term “Paved Surface Area” as defined in Section 400.050 of the City of St. Charles Code of Ordinances, which states:

“Ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), poured concrete with or without decorative surface materials, blacktop or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.”

The applicant alleges that “chip seal” (also referred to as “chip-and-seal”, “seal coat”, or “seal coating”) meets this definition. The property located at 3251 Harry S Truman Blvd. is currently zoned I-1 Light Industrial District and the property located at 2001 Truman Industrial Blvd. is currently zoned I-2 Heavy Industrial District (Ward 6).

Adjournment

The next meeting of the Board of Adjustment is scheduled for Monday, April 6, 2026 on the fourth floor of City Hall in the City Council Chambers, 200 N. Second Street, St. Charles, MO 63301.

The City of St. Charles offers all interested citizens the opportunity to attend public meetings. If you wish to attend this public meeting and require an accommodation due to a disability, please contact the Office of the City Clerk to coordinate an accommodation at least two (2) business days in advance of the scheduled meeting at 636-949-3282 or 636-949-3289 (TTY – for the hearing impaired). The City of St. Charles, Missouri fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information or to obtain a Title VI Complaint Form, please call the City Clerk’s Office at 636-949-3282 or visit City Hall located at 200 North Second Street, St. Charles, Missouri, 63301.

All decisions and official actions of the Board of Adjustment are considered filed in the office of the Board upon the adjournment of the meeting in accordance to Section 89.080 RSMo.

INCLEMENT WEATHER: In case of inclement weather, please call 636-949-3222 after 4:00 p.m. on the day of the meeting to be informed of the status of the meeting.

POSTED ON 02/25/2026 @ 5:00 pm by MPB

CITY OF ST CHARLES

STATE OF MISSOURI

BOARD OF ADJUSTMENT MEETING

February 2, 2026

THE HONORABLE RICHARD ALFERMAN, CHAIRMAN PRESIDING

TIME: 6:00 p.m.

MINUTES

By Madelyn P. Brown

City of St. Charles, Missouri

200 N Second Street

St. Charles, Missouri 63301

(636) 949-3222

PROCEEDINGS

(WHEREUPON, at 6:00 p.m. o'clock, Monday February 2, 2026, at the Saint Charles City Hall Building, 200 North Second Street, Fourth Floor, Saint Charles, Missouri, and the following proceedings were held, to-wit: with the following persons being present.)

Richard Alferman, Chairman

Latonya Grotegeers, Vice-Chair

Maureen Rogers-Bouxsein, Secretary

Marita Malone

Keith Whittemore

John Boyer, Assistant Director of Community Development

Madelyn P. Brown, City Planner

AGENDA ITEM #1 – GWEN KEEN – QUIKTRIP CORPORATION

CASE NO. BOA-2026-01. ADDRESS: 3801 Harry S Truman Boulevard

MOTION WAS MADE BY LATONYA GROTEGEERS: I move to table a request to increase the maximum height of a freestanding pole sign from thirty (30) feet to fifty (50) feet as regulated in Section 400.1470(A)(5)(c) of the City of St. Charles Code of Ordinances. The property is zoned C-3 Highway Business District (Ward 6).

MOTION WAS SECONDED BY MARITA MALONE

ROLL-CALL VOTE 5 IN FAVOR 0 AGAINST: TABLED.

AGENDA ITEM #2

Administrative Item: Election of Chair, Vice-Chair, and Secretary for 2026

RICHARD ALFERMAN NOMINATED FOR CHAIRPERSON BY MARITA MALONE

NOMINATION WAS SECONDED BY: LATONYA GROTEGEERS

ROLL-CALL VOTE 5 IN FAVOR 0 AGAINST: GRANTED.

LATONYA GROTEGEERS NOMINATED FOR VICE CHAIR BY MARITA MALONE

NOMINATION WAS SECONDED BY: RICHARD ALFERMAN

ROLL-CALL VOTE 5 IN FAVOR 0 AGAINST: GRANTED.

MARITA MALONE NOMINATED FOR SECRETARY BY LATONYA GROTEGEERS

NOMINATION WAS SECONDED BY: KEITH WHITTEMORE

ROLL-CALL VOTE 5 IN FAVOR 0 AGAINST: GRANTED.

Meeting adjourned at 6:04 p.m.



Memorandum

To: Board of Adjustment

From: Madelyn P. Brown, Planner

Meeting Date: March 2, 2026

Subject: BOA-2026-01: Request to Table

This item has been requested to be **TABLED** by the applicant to the April 6, 2026 Board of Adjustment meeting.



AGENDA ITEM #2

**STAFF REPORT
BOA-2026-02
1115 HALL STREET**

**MARCH 2, 2026
BY MADELYN P. BROWN**

GENERAL INFORMATION

Applicant: St. Charles Engineering & Surveying, Inc
801 S 5th Street, Suite 202
St. Charles, MO 63301

Owner: Progroup Services LLC
425 Katy Lane
St. Charles, MO 63303

Location: 1115 Hall Street
Ward 2

Request: A request to decrease the minimum lot width at the building line from sixty (60) feet to fifty-three (53) feet as regulated in Section 400.150(E)(2)(c) of the City of St. Charles Code of Ordinances.

Zoning: R-1E/EHP Single Family Residential District within the Extended Historic Preservation District

***Adjacent Zoning
& Land Use:***

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	C-1	Commercial
South	R-1E	Residential
East	R-1E	Residential
West	C-1	Commercial

REQUEST

The subject property is located at 1115 Hall Street. The property is approximately 0.38 acres (16,350 square feet) and is zoned R-1E/EHP Single Family Residential District within the Extended Historic Preservation District. The site was formerly the location of a single-family residence, which was demolished. The applicant is seeking a variance to decrease the minimum lot width at the building line from sixty (60) feet to fifty-three (53) feet, specifically to construct two (2) single-family residences at a future date.

BACKGROUND

Demolition Background:

At the February 24, 2025 Landmarks Board meeting, the subject property received approval to demolish the single-family home that was formerly located on the subject property. Due to the age of the structure and its location within the Extended Historic Preservation District, approval from the Landmarks Board was required. The structure was demolished on September 29, 2025.

Platting Background:

The subject property located at 1115 Hall Street appears to be non-conforming as it is comprised of two and one-half (2.5) platted lots; Lot 7, Lot 8, and the northern half of Lot 9 in the LRA C. Jones Addition Subdivision. While a General Warranty Deed has established ownership of the parcels under one property, this was not a legal lot consolidation. Pursuant to Section 405 of the City of St. Charles Code, a record plat is required to legally combine platted lots. As no record plat has been approved or recorded, the property remains two and one-half individual lots of record.

The applicant proposes to resubdivide the property into two (2) separate lots (see Figure 1, below) in order to permit the construction of two (2) single-family residential structures. Each proposed lot would have a width of fifty-three (53) feet. The R-1E zoning district, however, requires a minimum lot width of sixty (60) feet at the building line, which necessitates the approval of a variance.

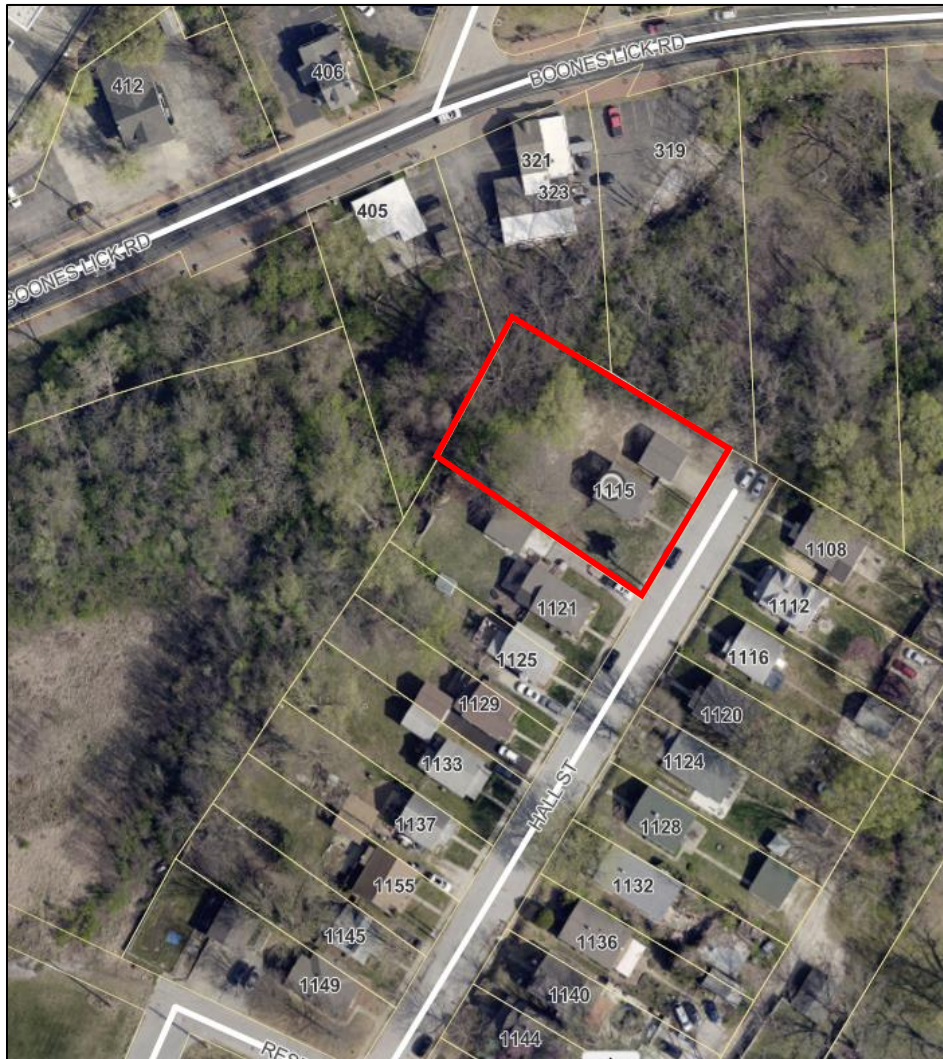


Figure 1: Aerial Photo of Subject Property (prior to home demolition).

ANALYSIS

Criteria for Granting a Variance:

A variance is intended to provide relief to property owners who, due to their unique circumstances, would face practical difficulties or unnecessary hardship from the strict application of the zoning ordinance. However, while a variance can provide relief to a property owner and still protect the zoning ordinance from invalidation, variances are typically granted because of conditions or circumstances existing that are peculiar to the property or lot of record and not the result of the actions of the applicant.

Pursuant to §400.1080, the power to hear and decide variance cases regarding the requirements of Chapter 400 (Zoning Code) lies with the Board of Adjustment. The Board's decision is considered a quasi-judicial act; thus, the board shall consider the evidence submitted by staff, as well as the evidence presented by the applicant and make a finding with regard to the request for a variance. The decision of the Board is subject to appeal to the Circuit Court of St. Charles County.

In addition to the criteria established §400.1090(E & F), G of the same section provides additional policies that should be considered before a ruling on a variance. Therein, it establishes that:

1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning;
2. The Board does not possess the power to grant a zoning variance permitting the use of land or buildings that is not included as a use in the district involved;
3. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of the chapter; and
4. The Board shall study the effects of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare.

According to §400.1090 (F), the following factors are relevant to determining whether strict application of the regulation would result in practical difficulties or unnecessary hardship:

- (1) ***Size of the variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five foot variance is substantial if the required setback is seven feet; it is not as substantial if the required setback is 100 feet.***

The request to decrease the minimum lot width at the building line from sixty (60) feet to fifty-three (53) feet, is an approximate 12% decrease. This request would be considered **not substantial** as it is less than 25%.

- (2) ***Effect on government services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.***

No negative effects on government services have been documented via staff review.

- (3) ***Effect on neighbors or neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.***

Overall, the approval of the variances should **not** have a negative impact on the adjacent properties. The majority of the lots along Hall Street at non-conforming with lot widths less than sixty (60) feet, which is typical for neighborhoods in the Extended Historic Preservation District that predate current Zoning Code. However, non-conforming properties should not be the standard and instead be remediated and brought into compliance with code over time. Instead of reestablishing additional non-conforming lots along Hall Street, the applicant has the opportunity to create a parcel which is compliant with the current design standards.

(4) Alternatives to a variance. The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.

As discussed above, the subject property appears to be non-conforming as it is comprised of two and one-half (2.5) platted lots. This irregular subdivision pattern should be addressed, and regardless of the outcome of the variance request, the parcels will need to be re-platted legally to consolidate the one-half of Lot 9 with an adjoining parcel.

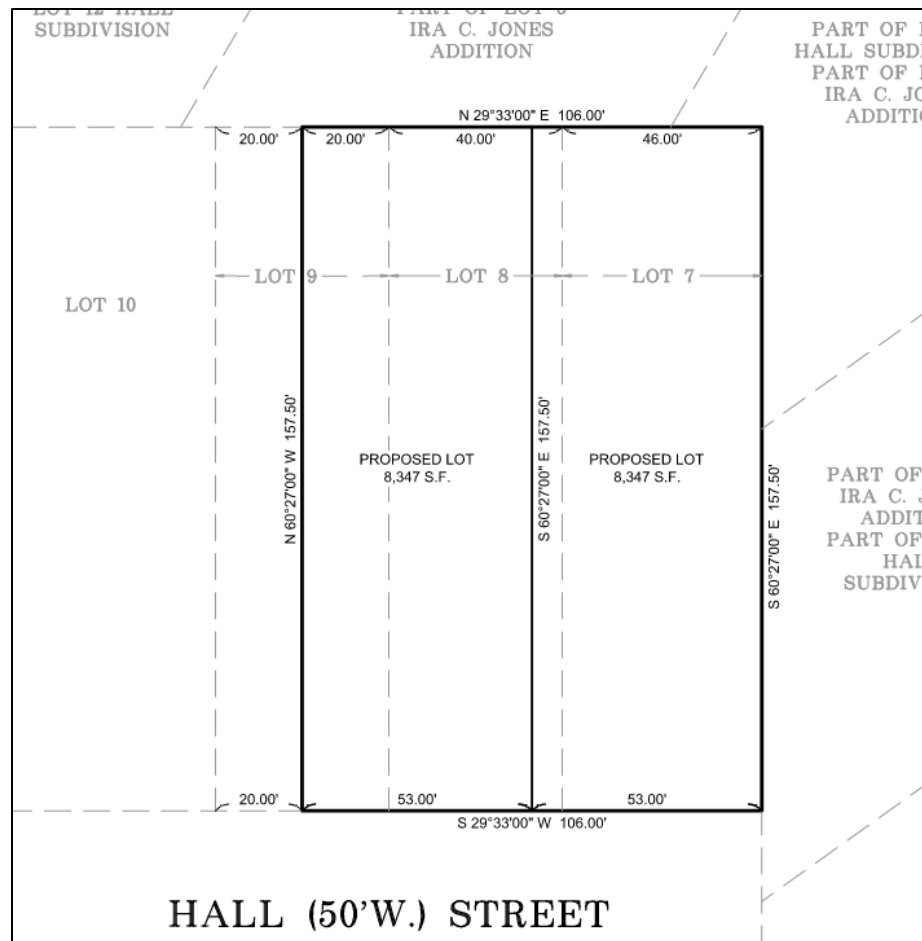


Figure 2: Existing and Proposed Lot Configuration.

Through the platting process, the applicant may consolidate the northern half of Lot 9 with Lot 8 while retaining Lot 7 as it sits in order to create two (2) single-family structures without the need of a variance as these lots are existing legal non-conforming (aka grandfathered). According to the applicant's statement (attached), an alternative would be to construct a single-family home on the existing 46 foot wide Lot 7 and an additional home on the 60 foot

wide consolidated Lot 8 and one-half of Lot 9. The applicant states that, in this scenario, the structure on the 46 foot lot would be a maximum of 32 feet in width in order to adhere to required setbacks. If the variance were granted to allow the applicant's preferred two (2) lots of equal width of 53 feet, two (2) structures of comparable width could be constructed.

It should be noted that because the Lot 7 is considered a legal non-conforming lot, there are provisions to "permit utilization of recorded lots which lack adequate width and/or depth so long as reasonable living standards can be provided". Those provisions require a new structure to be constructed to be at least seventy-five percent (75%) of those required by the district's design standards. As it applies here, Lot 7 would have a required sideyard setback of 5.25 feet as opposed to the 7 foot requirement of the R-1E District. This would provide space to construct a structure up to 35.5 feet in width.

Additionally, while the applicant compares the proposed 53 foot lot width to other nearby properties, a review of Hall Street indicates that nearly all existing homes contain structures that are less than 30 feet in width; including but not limited to 1121, 1116, and 1120 Hall Street. This further demonstrates that the construction of a compliant single-family structure is feasible without the requested variance.

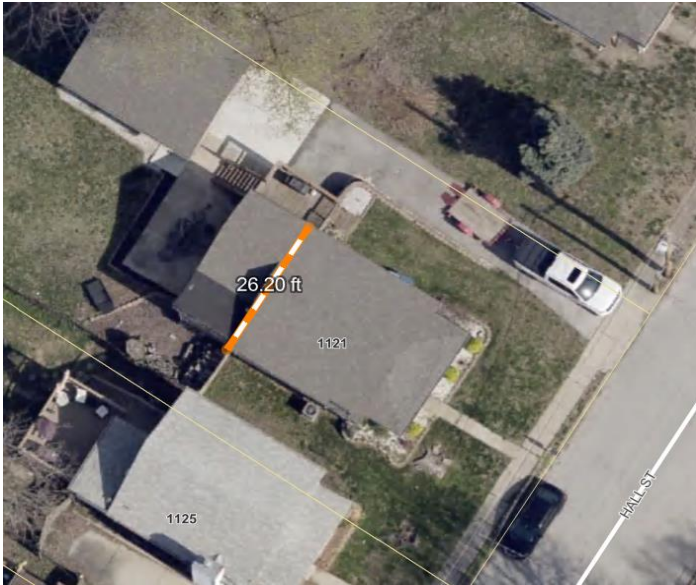


Figure 3: Home width at 1121 Hall Street.



Figure 4: Home width at 1120 Hall Street.



Figure 5: Home width at 1116 Hall Street.

Another alternative would be for the applicant to take the opportunity to eliminate the existing non-conformities through the consolidation of the parcels into a single lot. This would allow the construction of one single-family residence that fully complies with the R-1E design standards. This alternative would result in a similar condition of 1115 Hall Street prior to the demolition of the previous structure, while also addressing the existing platting irregularities.

Based on these factors, Staff has identified the following legal alternatives without the need of a variance:

1. Consolidate Lot 8 and one-half of Lot 9 to create one code-compliant 60 foot wide lot, while retaining Lot 7 as a non-conforming lot, thereby allowing construction of two single-family residences, one on each lot.
2. Consolidate all parcels into one larger conforming lot, allowing for construction of a single-family residence that fully complies with the R-1E District standards.

(5) *Justice. The granting of a variance is a just action. The cause of the difficulty or the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty.*

As discussed throughout this report, the subject property at 1115 Hall Street is comprised of two and one-half (2.5) lots. The property will require at least a partial consolidation, in which the applicant acknowledges that the tract of land is not large enough to create two (2), compliant lots of a minimum width of 60 feet. As a result, the applicant has requested a variance to create two (2), equally sized lots that are 53 feet in width each.

The justice of granting a variance should be based on a practical difficulty or hardship related to the property. While a unique circumstance has presented itself through the two and one-half (2.5) platted lots under a single tract of land, reasonable alternatives are available that would not require approval of a variance. These alternatives include reconfiguring the property to create one (1) conforming lot and one (1) legal non-conforming lot, or eliminating the legal non-conformities entirely through full consolidation of the parcels, as discussed in the Alternatives to a Variance section above. This is opposed to what the applicant is requesting, which would result in two (2) lots that do not meet code requirements.

Furthermore, the applicant's statement references properties along Hall Street that are legal non-conforming in lot width. This condition is common for properties located within the historic district, along with other design conditions that predate current City Code. While nearby properties have lot widths that are equal to or less than that which the applicant is requesting, the non-conforming lots are intended not to serve as a precedent or for expansion, but to be eliminated over time and made compliant with code. In this case, there is an opportunity to at least partially resolve the non-conforming condition. Additionally, there is adequate space to construct up to two (2) single-family structures without the approval of a variance.

Based on these factors, Staff believes the approval of this request would not be considered a just action.

STAFF RECOMMENDATION

After review of the request and all pertinent information, the Department of Community Development recommends that the request be ***DENIED***.



Figure 6: Street view of Subject Property.

The following are the criteria that the Board of Adjustment must consider when hearing an appeal to the zoning ordinance. Please address the following criteria in relation to your request:

1. Size of the Variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five-foot variance is substantial if the required setback is seven feet, it is not as substantial if the required setback is 100 feet.

The R-1E District requires a lot width of 60 feet. We proposed to vary the lot width to 53 feet wide
lots which is a 7 foot reduction from the required 60 feet wide to 53 feet side. This reduces the lot
width 11.67% from the required lot width.

2. Effect on Government Services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.

The variance will allow for a wider second home on the property as two homes could be built on the current platted lots. The home on Lot 7 as currently platted could not be as wide as a
home on Lot 8 and half of Lot 9. A sanitary line and a water line are on Hall Street in front of the property. Hall Street provides access to the property that can be used by the fire and police departments to
to respond to emergency calls or for patrolling.

3. Effect on the Neighbors or Neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.

The original subdivision, Ira C. Jones Addition, create 40 foot wide lots. There are currently 14 homes on Hall Street built on 40 foot wide lots. A lot across the street at 1108 Hall Street is a 46 foot wide lot. The adjacent home at 1121 Hall Street is built on Lot 10 and half of Lot 9 and is 60 feet wide. The proposed varied 53 foot lot width and 7 foot side yards would allow for a home width to be 38 to 39 feet wide which is a comparable width to the home at 1121 Hall Street on the 60 foot wide lot and wider than other homes on the street that are about 26 feet wide. Obtaining the variance would not affect the general character of the the neighborhood as the future homes would likely be wider than the current home widths on Hall Street.

4. Alternatives to a variance. The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.

The property width of 1115 Hall Street at 106 feet wide consisting of two full width platted lots and half of a third platted lot. A home could be built on the 46 foot wide Lot 7 on the northeast side of 1115 Hall Street and a second home could be built on the 60 foot width of Lot 8 and half of Lot 9. By allowing the variance the property boundary lines could be adjusted to have two 53 foot wide lots that would allow the same width home to be built on the two lots.

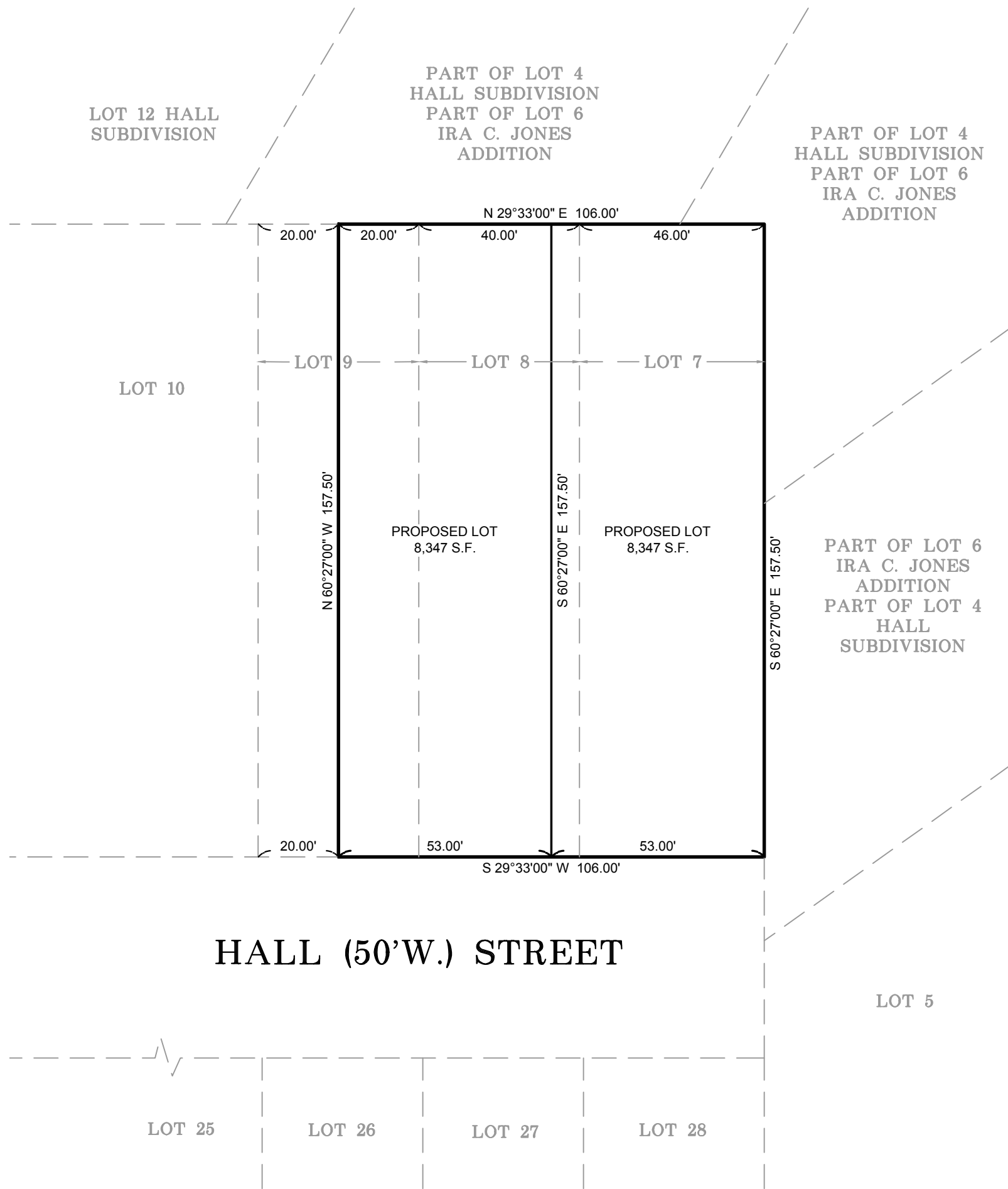
5. Justice. The granting of the variance is a just action. The cause of the difficulty - the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty:

The current lots in Ira C. Jones Addition are none conforming lots in the R-1E Zoning District with most of the lots being 40 feet wide instead of current required R-1E width of 60 feet wide. The property width at 1115 Hall Street is 106 feet is not wide enough to boundary adjust the property into two lots that are 60 feet wide conforming to the R-1E lot width. The justice to this variance request is to be able to build on two lots with the same lot width so comparable home could be constructed on the two lots. If not granted an alternative could be to build one home on the 46 foot wide Lot 7 and with 7-foot wide side yards and that home could not be wider than 32 feet wide. Then the adjacent lot of 60 feet wide could have a second home that is 46 feet wide. By granting the variance the two future home could each be 39 feet wide or comparable in width.

BOUNDARY ADJUSTMENT EXHIBIT

LOTS 7, 8, AND THE NORTH HALF OF LOT 9 OF LRA C. JONES ADDITION

PLAT BOOK 3, PAGE 105
ST. CHARLES COUNTY, MISSOURI



THIS IS NOT A SURVEY

SCALE
1" = 30'

REVISED -	ST. CHARLES ENGINEERING & SURVEYING, INC.	SHEET 1 OF 1
	801 S. FIFTH STREET, SUITE 202 ST. CHARLES, MO 63301 TEL:(636) 947-0607 FAX:(636) 947-2448 <small>ST CHARLES ENGINEERING AND SURVEYING, INC. PROFESSIONAL ENGINEERING AND LAND SURVEYING CORPORATION MISSOURI STATE CERTIFICATES OF AUTHORITY - 001647 & 000379</small>	ORDER NO. 2026005 <hr/> DATE 02/02/26



Memorandum

To: Board of Adjustment

From: Lara Berry, Planner

Date: March 2, 2026

Subject: BOA-2026-03: Executive Summary

Location: 3251 Harry S Truman Boulevard & 2001 Truman Industrial Boulevard

The intent of this memo is to provide an executive summary to the request of this application. **While an executive summary is provided to summarize the request, the Board should carefully analyze the attached report and data to make a decision.** The specific issue in this application before the Board of Adjustment is the applicant disagrees with a determination/decision of an Administrative Official of the City of St. Charles in regards to the definition of a “Paved Surface Area.” It should also be noted that since the applicant is alleging the City erred, the burden of proof resides with the applicant, not the City. The Board shall not discuss the appropriateness of the suitability, cost, or efficiency of the proposed paving material. Rather, the Board must determine whether the applicant has met its burden of proof to demonstrate that Staff erred in its interpretation or application of the Zoning Code.

Staff has reviewed the applicant’s proposal against all applicable code sections and believes the applicant has failed to prove that City Staff made an error in their determination of City Code (burden of proof resides with the applicant and not the City). Upon review of the Zoning Ordinance and the applicable facts and as detailed in the attached report, staff indeed acted correctly and made the correct determination based upon a plain and simple reading of the code using available evidence. **The Department of Community Development recommends that the request be DENIED as submitted.**

If the Board denies the applicant’s request, therefore upholding the Administrative Official’s determination, the applicant shall comply with City Code as determined by City Staff. If the Board overturns the Administrative Decision of a City Official, and approves the applicant’s request, the applicant may pursue construction review (site plan, improvement plans, and other construction documents) with the proposed materials and methods.



AGENDA ITEM #3

**STAFF REPORT
BOARD OF ADJUSTMENT
CASE NO. BOA-2026-03
3251 HARRY S TRUMAN BLVD. &
2001 TRUMAN INDUSTRIAL BLVD.**

**MARCH 2, 2026
BY LARA BERRY**

GENERAL INFORMATION

Applicant/Owner: Trinity Products LLC
5650 Mexico Road, Suite 1
St. Peters, Missouri 63376

Location: 3251 Harry S Truman Blvd. & 2001 Truman Industrial Blvd.
Ward 6

Request: A request to appeal the decision/determination of an administrative official via Section 400.1080(A)(1) of the City of St. Charles Code of Ordinances. This request is specific to challenge the decision/determination of City Staff regarding the definition and application of the term “Paved Surface Area” as defined in Section 400.050 of the City of St. Charles Code of Ordinances, which states:

“Ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), poured concrete with or without decorative surface materials, blacktop or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.”

The applicant alleges that “chip seal” (also referred to as “chip-and-seal”, “seal coat”, or “seal coating”) meets this definition.

Zoning: I-1 Light Industrial District (3251 Harry S Truman Blvd.)
I-2 Heavy Industrial District (2001 Truman Industrial Blvd.)

3251 Harry S Truman Blvd.

***Adjacent Zoning
& Land Use:***

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	I-1	Semi-Truck Trailer & Construction Trailer Storage
South	R-1E, R-1C, I-1	Single-Family Residences & Undeveloped Lot
East	I-1 & I-2	Trailer Storage & Undeveloped Lot
West	I-1 & St. Peters	Undeveloped Lot & Warehouse

**2001 Truman Industrial Blvd.
Adjacent Zoning &**

<u>Land Use:</u>	<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
	North	I-1	Semi-Truck Trailer & Construction Trailer Storage
	South	I-1	Trailer Storage
	East	I-1	Undeveloped Lot
	West	I-1	

SUMMARY OF REQUEST

The specific issue before the Board of Adjustment is whether the Administrative Official (i.e. Staff) erred in interpreting the Zoning Code definition of a ‘Paved Surface Area’ as it applies to the applicant’s proposed materials.

In this report, Staff will provide applicable history on this request as well as a discussion on Staff’s ruling with applicable facts, codes, etc. The applicant, in turn, has provided a submittal with attachments (Exhibit A) which provide arguments for their request for the Board of Adjustment’s consideration.

SCOPE OF REVIEW

The Board of Adjustment’s charge is to hear the facts of the matter and make a determination to either uphold the decision of the Administrative Officer of the City OR to over-turn that decision in favor of the applicant. It should also be noted, that since the applicant is alleging the City erred, the burden of proof resides with the applicant, not the City. In addition, the Board shall not discuss the appropriateness of the proposed materials **but only make a decision/determination as to whether the applicant has met their burden of proof that the City’s Administrative Officer erred in its interpretation of the Zoning Ordinance related to the request.**

BACKGROUND/HISTORY

Background

Trinity Products, LLC (“Trinity”) has operated at 3251 Harry S Truman Boulevard (“Original Site”) since 2005 for the manufacturing, assembly, and storage of steel pipes. In 2021 in a response to the business’s proposal to expand its sites compacity to include steel beam manufacturing, staff reviewed and determined that steel beam manufacturing was not permitted in the I-1 zoning district, prompting Trinity to submit a new site plan for additional buildings and improvements (Exhibit B: SP-2022-15) to the original site and an adjacent site, across Harry S Truman Blvd., located at 2001 Truman Industrial Boulevard.

Also in 2021, Trinity acquired the secondary site (2001 Truman Industrial Boulevard) and began storing their steel products without formal approval by the City, creating a zoning violation (Exhibit C). At that time, this secondary site was also zoned I-1 Light Industrial District. Trinity requested a rezoning (Z-2022-07) of the secondary site to I-2 and submitted a Site Plan (Exhibit D: SP-2022-14). These two (2) requests were approved in June 2022 by the City. The Site Plan was subsequently amended in 2023 to expand building size and reconfigure storage areas.

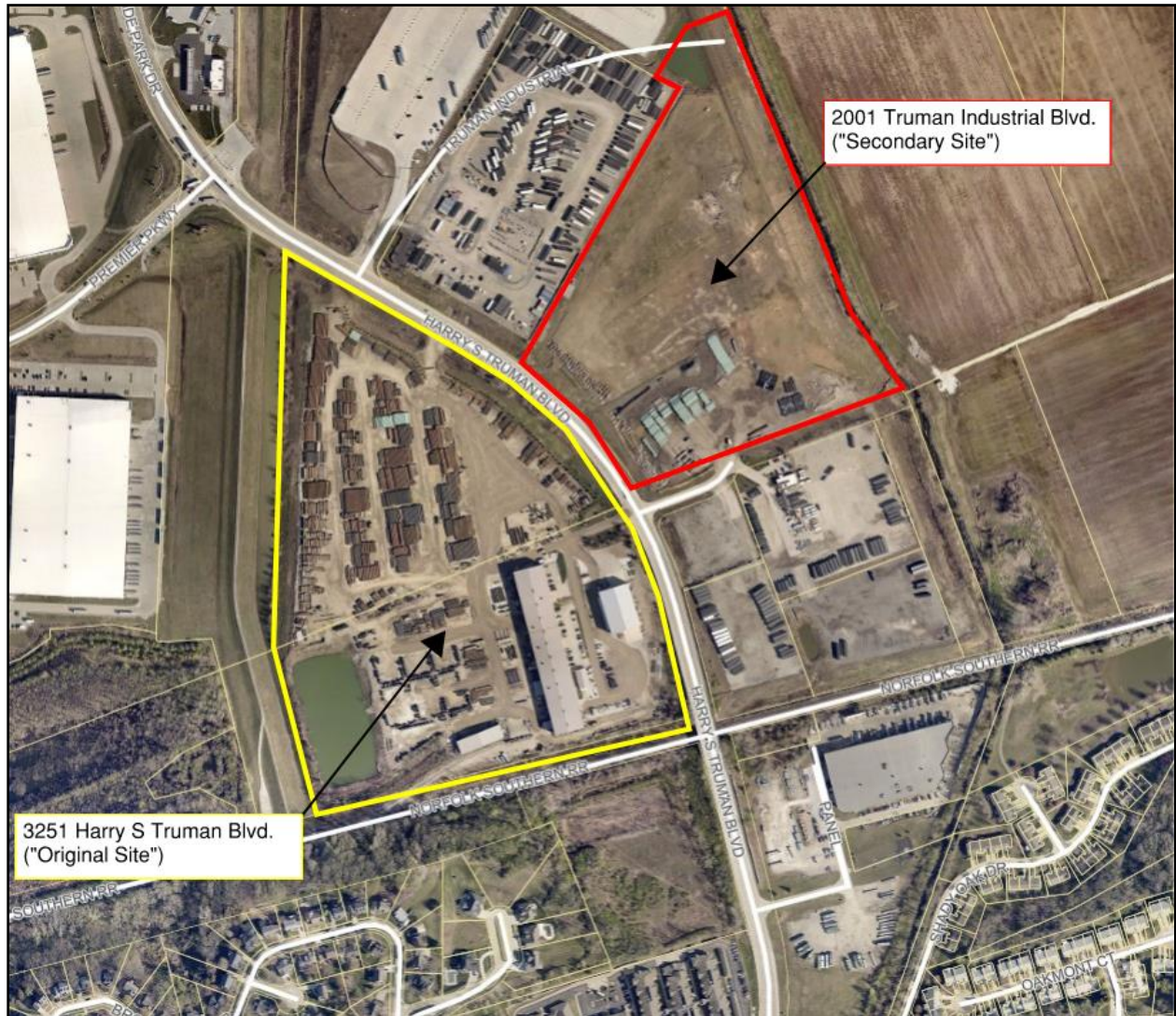


Figure 1: Map identifying the subject properties.

History of Site Plan Approvals on the Subject Properties

In addition to the original 2005 site plan (Exhibit E: SP-77-05) approval for the property located at 3251 Harry S Truman Boulevard, Trinity Products, LLC has received multiple subsequent site plan approvals related to both properties.

The 2005 site plan of 3251 Harry S Truman Blvd., permitted outdoor gravel storage areas and drive aisles; however, even at that time, staff expressed concerns regarding dust generation associated with gravel surfaces. As reflected in the original Staff Report (Exhibit E), the approval included a condition requiring the gravel pipe storage areas to be sprayed as necessary to prevent dust impacts to surrounding properties.

In 2014, two (2) additional site plans (Exhibits F & G: SP-2014-34 and SP-2014-44) were approved for expansion of outdoor storage at the 3251 Harry S Truman Blvd. These approvals included conditions requiring the submission of a drive aisle plan to the Department of Community

Development outlining the timing and phasing for construction of paved drive lanes once grading was complete. These conditions were imposed due to continued staff concerns and community complaints regarding dust generation, the long-term functionality of drive aisles consisting of alternate materials for industrial operations, and a reflection that paving was a requirement of City Code.

More recently, Site Plans approved in 2022 for each site (and amended in 2023 for 2001 Truman Industrial Blvd.) included explicit conditions requiring paved drive aisles. **These approvals required that all drive aisles shown on the site plan be paved using an approved pavement material in compliance with City Code and further specified that any future drive aisles added to the site would be subject to the same requirement.** The approvals also required submission of a compliant paving plan prior to issuance of any building permits. These conditions reflected staff's ongoing efforts to address continued non-compliance, operational impacts, including dust generation and vehicle circulation, through durable and code-compliant paving solutions.

Overall, these successive approvals demonstrate a clear progression toward durable, paved drive aisles as a longstanding and repeatedly reinforced requirement of City Code.

Enforcement and Current Status of the Subject Properties

As noted above, Trinity Products, LLC was formally notified of Zoning Code violations (Exhibit C) in 2021 following staff investigation and complaints related to site conditions and operations. In 2022, the City's Code Enforcement staff issued citations related to multiple issues, including failure to adequately mitigate dust generation, failure to submit and implement a required drive aisle paving plan, and failure to comply with previously approved site plans governing outdoor storage and loading operations.

Following the 2022 and 2023 site plan approvals, Trinity's legal counsel engaged in ongoing correspondence with City staff regarding the outstanding violations. Through this correspondence, the applicant indicated that they were evaluating various pavement options beginning in 2023 to determine durability and suitability for installation across the subject properties. In a letter dated March 27, 2024 (Exhibit H), the applicant's counsel stated that this evaluation process was expected to conclude during the summer of 2024. A subsequent letter dated June 9, 2025 (Exhibit I) indicated that Trinity anticipated completing paving improvements during the 2025 calendar year.

In addition, City records show that two (2) building permits, Permit No. 22-4278 and Permit No. 24-3259, and Improvement Plans for each site were submitted by the applicant and included construction documents depicting asphalt-paved drive aisles that comply with City Code requirements (Figures 2 & 3, Page 5). Although these permits documented compliant paving materials, the asphalt paving shown on the approved plans has not been installed on the subject properties to date. The submission of these permits reflects the applicant's prior acknowledgment of the City's paving requirements and their ability to design compliant solutions, notwithstanding that the approved asphalt paving has not been installed.

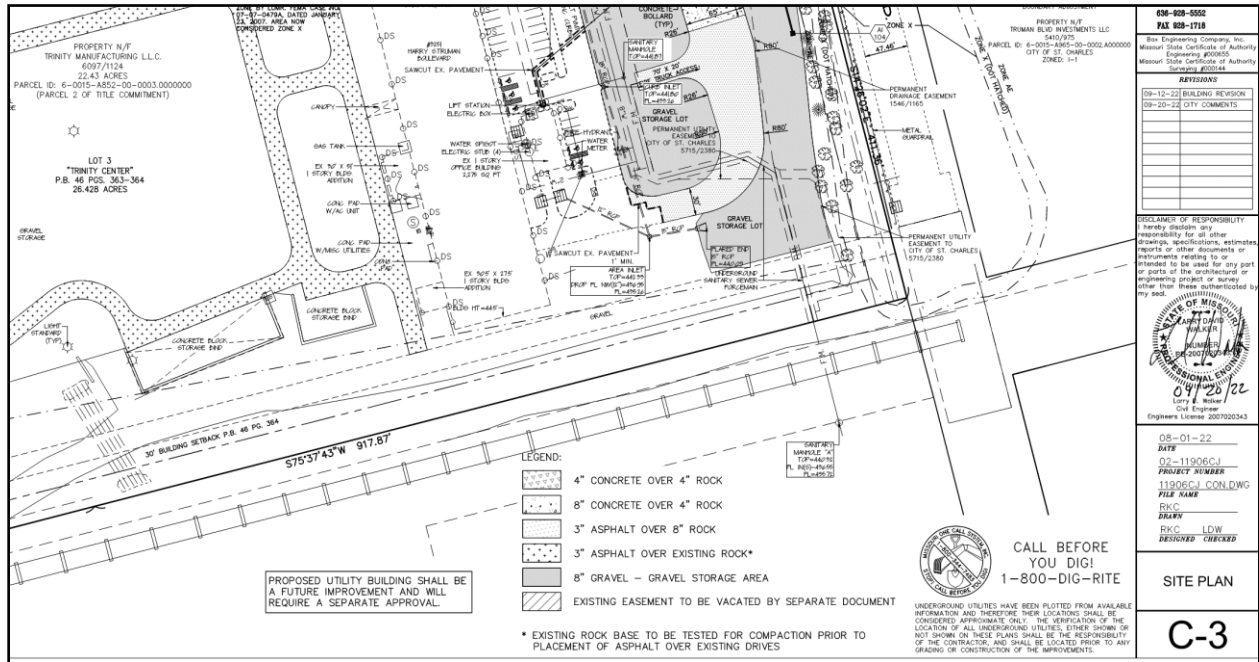


Figure 2: Screenshot of the approved Improvement Plans for 3251 Harry S Truman Blvd.

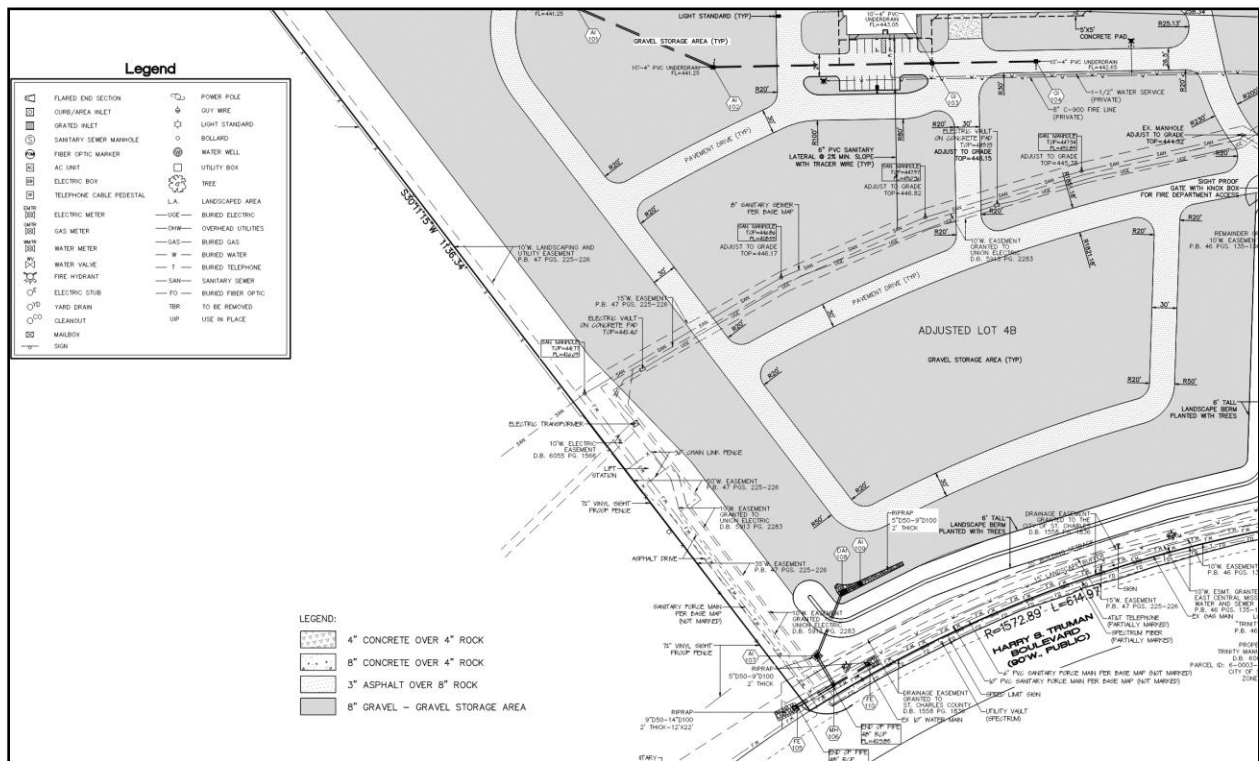


Figure 3: Screenshot of the approved Improvement Plans for 2001 Truman Industrial Blvd.

In October 2025, the City received a new Site Plan amendment application for the property located at 2001 Truman Industrial Boulevard. Upon conducting a completeness review, staff determined that the application could not be processed due to the existence of unresolved Zoning and Site Plan

violations, specifically related to the required paving of drive aisles. In accordance with Section 100.155(B) of the City Code (Exhibit J), staff advised the applicant that no further permits or approvals could be granted until the outstanding violations were resolved and the property brought into compliance with applicable regulations.

Chapter 100, Article I, Section 100.155(B) states:

“In enforcing or administering the ordinances of the City, no permit, license, franchise or approval of any kind shall be granted to any applicant if the applicant or a related person or entity is charged with or in violation of any relevant law until such time as the applicant or the related person or entity resolves the pending charge or comes into compliance with the relevant law.”

Procedural Background and Basis for Appeal

As a result of the unresolved zoning and site plan violations related to drive aisle paving, and the City’s determination that no further approvals could be processed pursuant to Section 100.155(B), the applicant sought to resolve the outstanding compliance issue by proposing an alternative paving material. In doing so, the applicant asserted that a chip seal surface applied over an aggregate base satisfies the City’s definition of a “Paved Surface Area” under Section 400.050 of the Zoning Ordinance.

Staff reviewed this assertion in the context of the Zoning Ordinance, prior site plan conditions, adopted Fire Code provisions, and applicable engineering standards. Based on that review, Staff determined that the proposed chip seal surface does not meet the City’s paving requirements. The applicant subsequently filed the present appeal, asserting that Staff erred in its interpretation of the Zoning Code. This appeal is therefore limited to whether Staff’s interpretation of the definition and application of ‘Paved Surface Area’ was in error.

ANALYSIS OF APPLICABLE FACTS

Issue Before the Board

The Board must determine whether Staff erred in interpreting “Paved Surface Area” **to exclude chip seal surfaces applied over aggregate bases or subgrades**. The Board shall not consider the material’s suitability for industrial operations; the question is purely an interpretation of the Zoning Code.

Applicable City Code Definitions and Design Standards

The following are sections of the City of St. Charles Code of Ordinances, relevant to this case. Some words or phrases have bold font for emphasis.

- Chapter 400, Article I, Section 400.050 regarding the definition of a **“Paved Surface Area”** (Exhibit K):
“Ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), poured concrete with or without decorative surface materials, blacktop or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.”

- Chapter 205, Article II, Section 205.060 regarding the adoption of the 2021 Edition of the International Fire Code (IFC) and Section 205.070(A)(40), where Appendix D, Section D102.1 (Access and Loading) is amended to read as follows (Exhibit Q):
“Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an **asphalt or concrete driving surface capable of supporting the imposed load of fire apparatus weighing up to eighty thousand (80,000) pounds.**”

Interdepartmental Review and Technical Evaluation

In evaluating whether the proposed chip seal surface satisfies the City’s definition of a “Paved Surface Area,” Planning staff coordinated with the City’s Engineering Department and Fire Department to ensure a consistent interpretation of the Zoning Ordinance, adopted technical standards, and public safety requirements. While the definition of “Paved Surface Area” is contained within the Zoning Code, its application necessarily implicates structural performance, load-bearing capacity, and emergency access considerations.

The Engineering Department reviewed the proposed chip seal application in the context of City-adopted reference standards and industry guidance, while the Fire Department evaluated the proposal relative to the International Fire Code requirements for fire apparatus access roads. The input from both departments assisted with Staff’s determination that chip seal surfaces applied over aggregate bases **do not provide the continuous structural integrity, durability, or load support contemplated by the City’s paving standards or required for safe emergency response operations.**

Applicant’s Proposed Material

In an email dated October 8, 2025 (Exhibit L) Kurt Kutter of Byrne and Jones Sports Construction, on behalf of Trinity Products LLC, proposed a method of “chip and seal over a prepared and stabilized base” for the drive aisles at both subject properties as a means of satisfying the City’s paving requirements and resolving the outstanding paving compliance issues. Upon review, City staff, including the Planning Division and Engineering Department, determined that the proposed chip seal surface does not meet the City’s paving standard as defined in Section 400.050 of the Zoning Code. Staff noted that the chip seal method is typically used as a maintenance or pavement preservation treatment applied over an *existing* asphalt or concrete surface, rather than as a standalone pavement system. Applied directly over a subgrade or aggregate base, the chip seal surface does not achieve the continuous load-bearing capacity or surface integrity intended by the City’s definition of a “Paved Surface Area.”

Additionally, in an email dated November 19, 2025 (Exhibit M), Mr. Kutter submitted supplemental reasoning to Daniel Mann, Director of Engineering for the City. This email proposed a hybrid paving approach, with all publicly visible areas from Harry S Truman Boulevard to the site gate paved in asphalt and all interior drive aisles within the secured perimeter surfaced with chip seal. Planning Division staff reviewed the proposal and, after consultation with the Fire and Engineering Departments, concluded that the City’s position remained unchanged. Staff emphasized that the International Fire Code, as adopted by the City, requires fire apparatus access roads to be constructed of **asphalt or concrete** to meet the definition of a “paved surface area” and support emergency vehicles safely, which chip seal surfaces over aggregate bases do not reliably achieve.

Applicant's Justification Letter

Included with appeal submittal was a letter dated January 27, 2026 from Trinity's legal counsel, Drew Weber of Hamilton-Weber LLC (Exhibit A). This letter was provided as their justification for the appeal request and organized into two (2) main sections: Fire Apparatus Access Roads and Drive Aisle Paving.

Fire Apparatus Access Roads

Regarding fire apparatus access roads, the applicant contends that the IFC, as adopted by the City, requires access only within 150 feet of the exterior walls of first-story building walls, with specified width, surface, and load-bearing capacity. Based on this interpretation, the applicant asserts that their proposed access roads, constructed to support 80,000-pound fire apparatus and located within the 150-foot buffers, satisfy IFC and City Code requirements.

Staff Analysis: Upon review, the City's Fire Department references multiple provisions of the International Fire Code indicating that fire apparatus access roads must be designed to meet specific operational needs, including surface type, load capacity, minimum widths, dead-end limitations, and turnaround requirements. Furthermore, the Fire Marshal notes that additional standards apply based on building height and configuration, including requirements for multiple access routes, aerial apparatus access widths, proximity to buildings, remoteness between access points, and the avoidance of overhead obstructions. **Collectively, these provisions are intended to ensure safe and effective fire department operations, beyond solely meeting the 150-foot access distance criterion referenced by the applicant.**

Staff further notes that the amended IFC requirement for asphalt or concrete fire apparatus access roads is not arbitrary, but is directly related to the need to consistently support the weight and operational stresses of fire department vehicles, which can approach or exceed 80,000 pounds. These loading conditions are comparable to those of the heavy trucks, forklifts, cranes, and industrial equipment anticipated to operate on a routine basis within the subject properties. Accordingly, the Fire Code standard reinforces the intent of the City's paving requirements by ensuring that driving surfaces are structurally capable of supporting both emergency response vehicles and the day-to-day industrial traffic associated with the use of the site.

Fire apparatus access roads must remain reliable under all site conditions, including routine industrial operations that subject these surfaces to comparable or greater loading than emergency response vehicles.

Drive Aisle Paving

The applicant asserts that the City Code requires truck maneuvering and circulation areas to be paved only to the extent that they meet the Code's definition of a "paved surface area," and does not impose additional material standards within the I-2 zoning district. They contend that chip seal qualifies as a paved surface because it is an asphaltic mixture with embedded aggregate that creates a hardened, unified surface, consistent with the City Code definition and distinct from rolled stone or loose gravel. In support, the applicant cites industry standards adopted by the City, including Missouri Department of Transportation (MoDOT) and American Association of State Highway and Transportation Officials (AASHTO) guidance, which recognize chip seal as a form of flexible pavement suitable for low-traffic applications.

The applicant further argues that heightened paving requirements apply only in zoning districts or land uses subject to conditional use permits, and that imposing similar standards in the I-2 district would exceed what is required by the City Code. Based on this interpretation, the applicant maintains that the proposed chip seal paving is code-compliant, consistent with City-adopted engineering standards, and appropriate for the limited private vehicle traffic anticipated on the site.

Staff Analysis: Upon review, the Engineering Department clarifies that while these standards define chip seal as flexible pavement, the guidance generally addresses rural, low-volume roadways or pavement preservation over existing asphalt or concrete. Although these standards are adopted by the City, the Engineering Department notes they are intended to establish industry-wide minimum benchmarks, and the specific citations referenced by the applicant address only the definition of the chip seal method, not its design or application standards. (Exhibits N, O, & P)

The Engineering Department further explains that these standards generally characterize chip seal as appropriate for lower-volume, typically rural roadways where rutting is not anticipated, and/or as a pavement preservation or maintenance treatment applied over an **existing pavement structure**.

Additionally, the Engineering Department notes that guidance from the Federal Highway Administration (FHWA) characterizes chip seals as a surface treatment rather than a structural pavement layer. FHWA guidance expressly states that “chip seals are not a structural layer,” meaning they do not contribute to the load-bearing capacity of a pavement system. This distinction is critical in the context of the City’s paving requirements, which are intended to ensure a durable, structurally capable surface suitable for repeated industrial loading and emergency vehicle access. As a result, the use of chip seal over an aggregate base does not provide the structural performance contemplated by the City’s definition of a paved surface area.

Accordingly, staff maintains that chip seal, by itself, even when placed over an aggregate base, does not meet the definition or the intent of the City’s paving standards.

CONCLUSION

Staff has reviewed the applicant’s proposal against all applicable provisions of the City of St. Charles Code of Ordinances and finds that the applicant has failed to demonstrate that City Staff erred in its interpretation or application of the Zoning Code. **As the appealing party, the burden of proof rests with the applicant**, and the record does not establish that the definition of “Paved Surface Area” in Section 400.050 is ambiguous or that Staff’s interpretation is unreasonable or inconsistent with the Code’s plain language or intent.

The record further reflects that the applicant previously submitted construction documents depicting compliant asphalt-paved drive aisles and that the International Fire Code’s requirement for asphalt or concrete paving directly corresponds to the operational loading demands anticipated on the site, including the weight and frequency of industrial vehicles and equipment. These facts reinforce staff’s determination that chip seal surfaces applied over an aggregate base **do not** satisfy the City’s paving standards.

Based on a plain reading of the Zoning Ordinance, applicable Fire Code provisions, and the evidence presented in this report, staff has acted appropriately and within its administrative

authority. Overturning the administrative decision would require adoption of an alternative interpretation of the Zoning Code that is unsupported by the ordinance language, adopted standards, and the factual record before the Board.

Accordingly, staff believes the Board of Adjustment should uphold the determination of the Administrative Official.

STAFF RECOMMENDATION

After review of the request and all pertinent information, the Department of Community Development recommends that the request be **DENIED** as submitted. Since the applicant is alleging City Staff erred in a determination/interpretation, the burden of proof resides with the applicant. After review of the pertinent information, Staff believes the Applicant has failed that burden. In fact, the record shows that Staff clearly acted appropriately per the Zoning Ordinance and their decision should be upheld.

If the Board denies the applicant's request, therefore upholding the Administrative Official's determination, the applicant shall comply with City Code as determined by City Staff. If the Board overturns the Administrative Decision of a City Official, and approves the applicant's request, the applicant may pursue construction review (site plan, improvement plans, and other construction documents) with the proposed materials and methods.

Recommended Motion (motion must be made in the form of a positive):

Motion to approve the Applicant's request and overturn the administrative decision of a City Official as submitted.

A YES vote will overturn Staff's Decision in favor of the applicant, i.e. the applicant's interpretation is correct; whereas, a NO Vote will uphold Staffs decision in favor of the City, i.e. the City Staff's determination is correct. Staff recommends the Board vote NO on the above motion.

TRINITY CENTER PLAT TWO
02-11906CJ
LAND DESCRIPTION

A tract of land being all of Lots 1, 2 and 3 of “Trinity Center”, as per Record Plat thereof recorded in document number 2023R-009407 of the St. Charles County Records.

TRUMAN BUSINESS CENTER PLAT TWO RESUBDIVISION OF LOT 4
07-14146J
LAND DESCRIPTION

A tract of land being lots 4B and 4C of “Truman Business Center Plat Two Resubdivision of Lot 4”, as per Record Plat thereof recorded in document number 2022R-010903 of the St. Charles County Records.



HAMILTON
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January 27, 2026

VIA ELECTRONIC TRANSMISSION:

john.boyer@stcharlescitymo.gov

lara.berry@stcharlescitymo.gov

City of St. Charles, Missouri
Department of Community Development
Attn: John Boyer, Lara Berry
200 N. Second St.
St. Charles, MO 63301

Re: SP-2025-09 – Trinity (East) Site Plan – 2001 Truman Industrial Blvd.; Trinity
Alleged Code Violations

Dear Mr. Boyer and Ms. Berry:

This letter responds to prior correspondence concerning (1) the review of the Site Plan application for the above-referenced project undertaken by my client, Trinity Manufacturing, LLC (“Trinity”), at its property located at 2001 Truman Industrial Boulevard (“East Parcel”), and (2) alleged zoning violations of the Code of Ordinances of the City of St. Charles, Missouri (“City Code” or “Code”), at Trinity’s property located at 3251 Harry S. Truman Boulevard (“West Parcel”), which were referenced in City correspondence regarding the East Parcel Site Plan.

1. Fire Apparatus Access Road.

Fire apparatus access for the East Parcel and the West Parcel is governed by the City Code’s adoption of the International Fire Code. City Code Section 205.060 adopts the International Fire Code, 2021 edition (“IFC”), subject only to the specific amendments set forth in City Code Section 205.070. The City Code contains no amendment to IFC Section 503.1.1, which establishes the baseline requirement for when and where fire apparatus access roads are required. City Code §§ 205.060, 205.070.

IFC Section 503.1.1, as adopted by the City, provides, in relevant part, that:

“Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of

this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.”

The IFC further defines the scope of what constitutes a “Facility.” Under IFC Section 202, “Facility” is defined as “A building or use in a fixed location” City Code § 205.070. As provided in the IFC, the phrase “mobile home and manufactured housing parks, sales and storage lots” modifies “mobile home and manufactured housing,” such that the referenced “storage lots” are storage lots associated with mobile home and manufactured housing uses, not general storage lots of other materials. IFC § 202. Accordingly, the IFC, as adopted unamended by the City Code, does not require fire apparatus access roads to serve the entirety of a steel materials storage lot, but rather requires access to be provided to within 150 feet of all portions of the exterior walls of the first story of each building. IFC §§ 202, 503.1.1; City Code §§ 205.060, 205.070.

The term “Fire Apparatus Access Road” is also expressly defined by the IFC. IFC Section 202 defines it as “A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.” The City Code contains no amendment to this definition. City Code § 205.070. The operative requirement, therefore, is functional access to qualifying buildings or portions thereof, not blanket coverage of an entire parcel irrespective of building location. IFC §§ 202, 503.1.1.

With respect to dimensional requirements, IFC Section 503.2.1, which likewise is unamended by the City Code, provides that “Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates.” City Code § 205.070. In addition, the City Code imposes specific surface and load-bearing requirements through its amendments to the IFC. City Code Section 205.070(A)(16) provides that “Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced with asphalt or concrete.” City Code Section 205.070(A)(40) further requires that such roads be capable of withstanding loads of 80,000 pounds.

As reflected in **Exhibit A**, attached hereto and incorporated by reference, Trinity has identified 150-foot buffers measured around all portions of the exterior walls of the first story of each of the three existing buildings on the West Parcel. Within each of these 150-foot buffers, there is ample area to construct fire apparatus access roads with an unobstructed width of at least 20 feet, in full compliance with IFC Section 503.2.1. Trinity proposes to install fire apparatus access roads within these identified 150-foot buffers for each existing building on the West Parcel and install an additional fire apparatus access road leading directly to the proposed single building on the East Parcel, consistent with the access requirements of IFC Section 503.1.1.

All proposed fire apparatus access roads on both the East Parcel and the West Parcel will be paved with hot-mix asphalt capable of withstanding 80,000 pounds, thereby satisfying the surface and load-bearing requirements imposed by City Code Sections 205.070(A)(16) and 205.070(A)(40). This approach meets every applicable requirement imposed by the City Code and the IFC provisions adopted by reference therein, including the requirement that access be provided to within 150 feet of all portions of the exterior walls of the first story of each building,

and the requirements governing width, surface material, and load capacity. IFC §§ 202, 503.1.1, 503.2.1; City Code §§ 205.060, 205.070.

In sum, Trinity’s proposed fire apparatus access roads, paved with hot-mix asphalt and located within the identified 150-foot buffers around each building on the East Parcel and the West Parcel, fully comply with the City Code and the IFC. Because Trinity has met all applicable fire apparatus access requirements, the City’s refusal to advance the Site Plan to the Planning and Zoning Commission for consideration, and its continued pursuit of alleged Code violations predicated on an erroneous interpretation of fire apparatus access obligations, is improper and cannot be sustained.

2. Drive Aisle Paving.

The City Code establishes that the Site Plan for Trinity’s project—specifically the areas intended for truck maneuvering and circulation—must provide paving consistent with the definition of “paved surface area.” The City Code requires that “in all zoning districts, off-street parking spaces and driveways for the maneuvering . . . of motor vehicles for the use of occupants, employees or patrons of the buildings or structures hereafter erected . . . **shall be paved as defined in section 400.050.**” City Code § 400.660(A)(1) (emphasis added). Trinity’s proposed surface treatment is intended precisely for these areas and is therefore required only to satisfy the definition of “paved surface area” in the City Code.

The City Code also anticipates review of paving specifications by both the Community Development Department and the Department of Public Works. The Code provides that plans for parking facilities “shall be submitted to the Department of Community Development and the Department of Public Works,” including information on the “surfacing and base materials to be used.” City Code § 400.660(A)(5). In addition to the Code itself, the City has formally adopted multiple design and engineering standards that govern pavement materials. The City of St. Charles Department of Public Works Engineering Design Standards state that “the following are the minimum engineering design standards and construction specifications that must be met for each project,” including, under “Transportation,” multiple guides from the American Association of State Highway and Transportation Officials (“AASHTO”). The Department of Public Works Final Design Checklist (PMM Standard 9.10) provides that, “Ultimately the design of projects shall be in accordance with the standards outlined in the City’s PMM (Project Management Manual),” and references both AASHTO and the Missouri Department of Transportation’s Engineering Policy Guide (“MoDOT EPG”) under “Roadway Standards.” The City’s Project Management Manual reiterates that roadway engineering design standards include “St. Louis County Highway Design Criteria, AASHTO Policy on Geometric Design, MoDOT EPG or LPA Manual, etc.” City of St. Charles Project Management Manual (rev. 2012) at 22. Collectively, these City-adopted design resources confirm that the City looks to industry transportation and pavement standards when evaluating proposed surfacing materials.

The definition of “paved surface area” in the City Code aligns with the industry sources the City itself references. The Code defines a paved surface area to include:

“blacktop or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.”
City Code § 400.050.

Industry authorities accepted by the City consistently support that chip seal (also referred to as “chip-and-seal,” “seal coat,” or “seal coating”) meets this definition. The MoDOT EPG identifies chip seal under Category 400 Flexible Pavement, which explains that “Flexible pavements consist of a mixture of liquid asphalt and aggregate.” MoDOT EPG Category 409 Seal Coat further provides that seal coating is “the application of a bituminous binder immediately followed by the application of an aggregate cover.” AASHTO’s Emulsion Task Force (“ETF”) similarly defines chip seal as “The application of an emulsified asphalt to a roadway surface followed by a single layer of aggregate,” noting that aggregate may be natural or synthetic and specifically includes “gravel” as a natural aggregate. AASHTO, “Best Practices for Emulsified Asphalt Chip Seals” (Feb. 8, 2021). Taken together, these authorities demonstrate that chip seal consists of an asphalt binder plus aggregate—making it an “asphaltic . . . mixture” and one that, consistent with City Code § 400.050, “may include sand or gravel as an ingredient.”

Chip seal also results in a hard, unified pavement surface: MoDOT EPG Category 409 Seal Coat notes that the asphalt binder hardens rapidly after application, requiring timely placement of the aggregate layer. Thus, the surface created is not a “graded natural surface” nor one “covered with rolled stone or overlaid with loose gravel.” City Code § 400.050.

The distinction between chip seal and “rolled stone” is further supported by industry standards. “Rolled stone” appears in MoDOT EPG Category 300 Bases as a flexible base layer for shoulder maintenance—not a finished pavement surface. It is a single material and does not contemplate a binder being added. In contrast, chip seal is a cohesive pavement system in which aggregate is embedded into a hardened asphalt binder. Therefore, chip seal is not “rolled stone” as contemplated in City Code § 400.050.

Additionally, both AASHTO ETF and the Federal Highway Administration (“FHWA”) note that chip seal can serve as a pavement construction technique rather than merely preventive maintenance and is suitable for roadways with low traffic volumes. AASHTO, “Best Practices for Emulsified Asphalt Chip Seals” § 1.0, p.2; FHWA, “Evaluation of Pavement Safety Performance” (Pub. No. FHWA-HRT-14-065) (Feb. 2015), Ch. 3. Trinity’s drive aisles will be used only by Trinity vehicles on private property with very limited traffic, placing the proposed chip seal well within industry-recommended applications for long-term pavement performance.

For these reasons, requiring Trinity to use a different pavement material in the I-2 zoning district would impose a higher standard than the City Code provides. In an October 14, 2025, email, Ms. Berry stated that “the proposed chip and seal surface does not meet the City’s paving standard as defined in Section 400.050 of the Zoning Ordinance.” Respectfully, Trinity believes this conclusion misunderstands both the City Code and the City’s adopted design standards.

The City Code imposes heightened pavement material standards only where conditional use permits are required in other zoning districts. For example, in the C-1 district, where an in-vehicle sales or service operator seeks a conditional use permit, the operator must provide a “surface paved with concrete or bituminous material.” City Code § 400.210(C)(g)(1)(e). Motor vehicle sales and temporary storage uses in the C-2 district are subject to the same requirement. City Code § 400.220(C)(1)(c)(1)(b). Likewise, the Wellhead Protection District requires, as a condition of securing a conditional use permit, that “all areas used for storage or parking shall be

paved with an approved impervious surface.” City Code § 400.320(F)(2)(a). The City Code does not apply these heightened pavement requirements to I-1 and I-2 districts.

Accordingly, Trinity’s proposed pavement material meets the definition of “paved surface area” in the City Code, is consistent with pavement and flexible surface design standards incorporated by the City through its own Department of Public Works manuals, and is well-suited to the actual anticipated use of the drive aisles on the East Parcel, and the actual existing use of the drive aisles on the West Parcel.

Therefore, because Trinity’s proposed plans comply with applicable City standards, policies, and regulations—including City-authored standards and City-adopted industry or model standards—Trinity respectfully requests that the City (1) approve its proposed fire apparatus access road installation plan and proposed drive aisle paving plan, which are the only outstanding issues as of the date of this letter, (2) advance the Site Plan to the City Planning and Zoning Commission for consideration, and (3) dismiss all alleged Code violations, as Trinity’s proposed plans demonstrate full compliance with the applicable City standards. Trinity remains committed to meeting all applicable standards and welcomes continued collaboration with City staff to complete the development review process as efficiently as possible.

Should you have any questions, please contact me directly.

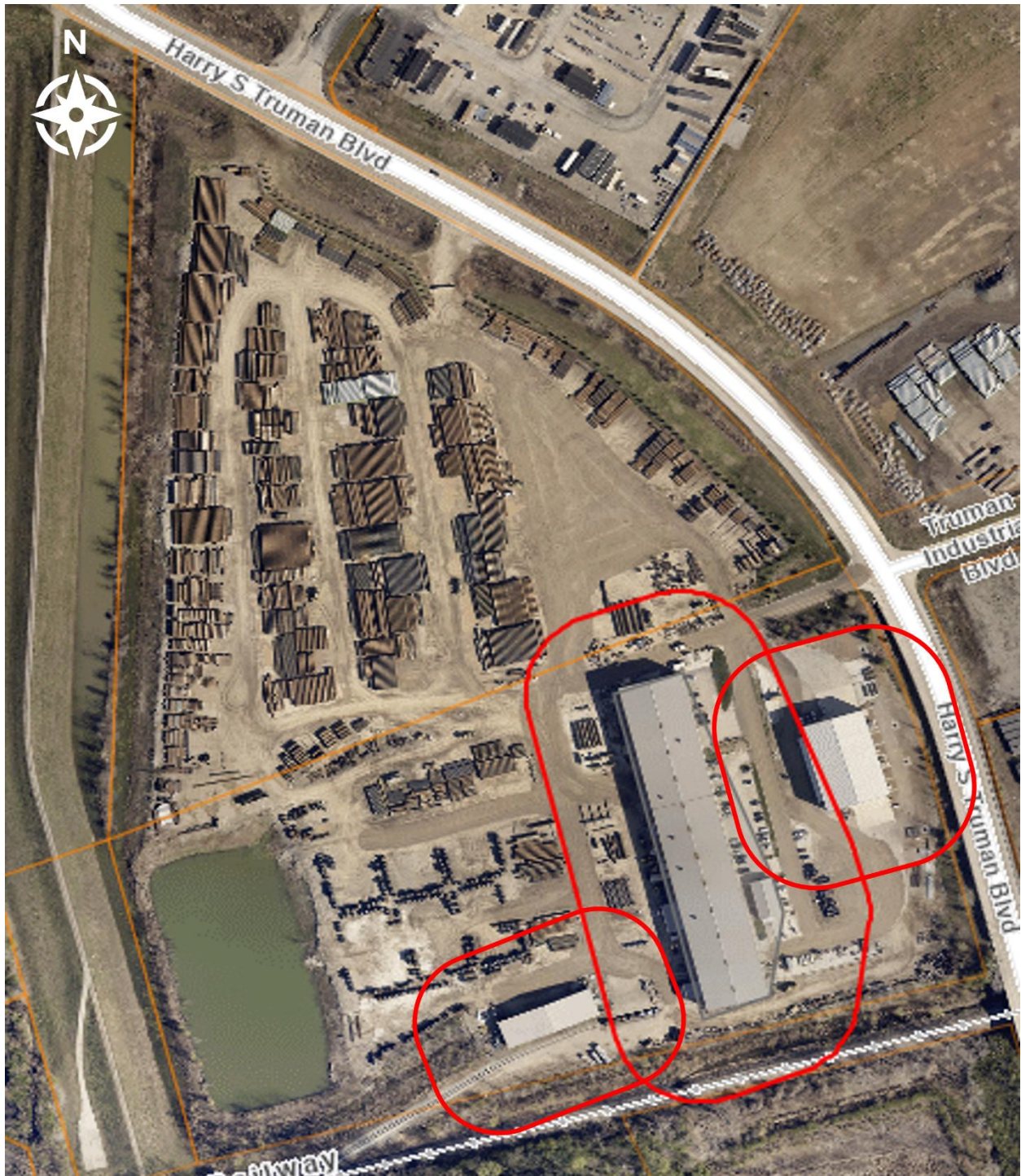
Very truly yours,



K. Andrew Weber

EXHIBIT A

West Parcel 150-foot buffers in which fire apparatus access roads to be installed.



BIBLIOGRAPHY

Below is a complete list of all materials referenced:

City of St. Charles Code — [Chapter 400 “Zoning Ordinance”](#):

- City Code § 400.050 (definition of “paved surface area”)
- City Code § 400.660(A)(1) (paving requirement for off-street parking and maneuvering areas)
- City Code § 400.660(A)(5) (submission of surfacing and base material to Community Development and Public Works)
- City Code § 400.210(C)(g)(1)(e) (C-1 CUP use — “surface paved with concrete or bituminous material”)
- City Code § 400.220(C)(1)(c)(1)(b) (C-2 CUP use — “surface paved with concrete or bituminous material”)
- City Code § 400.320(F)(2)(a) (WHP CUP — “approved impervious surface”)
- City Code § 400.250(B)(8)(m) (steel manufacturing as permitted use in I-2)

City of St. Charles – Department of Public Works Standards:

- [Engineering Design Standards](#) (rev. 2014) — page 2: minimum design standards; AASHTO references
- [Final Design Checklist \(PMM Standard 9.10\)](#) (rev. July 2013) — page 2: “design ... shall be in accordance with the City’s PMM”; page 3: AASHTO and MoDOT EPG references
- [Project Management Manual](#) (rev. 2012) — pages 22–23: roadway design standards list (AASHTO, MoDOT EPG, St. Louis County Highway Design Criteria, LPA Manual, etc.)

MoDOT Engineering Policy Guide (EPG):

- [Category 400 Flexible Pavement](#) (EPG page describing flexible pavement as “mixture of liquid asphalt and aggregate”)
- [Category 409 Seal Coat](#) (definition: “Seal Coating (previously called chip sealing) is the application of a bituminous binder immediately followed by the application of an aggregate cover.”)
- [“Aggregate Pocket Guide”](#) (Mar. 25, 2022) — Section 409 Seal Coat, p. 9 (work consists of placing bituminous material followed by cover aggregate)

American Association of State Highway and Transportation Officials (AASHTO):

- [AASHTO Emulsion Task Force \(ETF\)](#) — *Best Practices for Emulsified Asphalt Chip Seals* (Feb. 8, 2021)

Federal Highway Administration (FHWA) – U.S. Department of Transportation:

- [FHWA](#) — *Evaluation of Pavement Safety Performance* (FHWA-HRT-14-065) (Feb. 2015), Ch. 3 (Discusses chip seals and use of treatments for unpaved roads and low-volume roadways.)



Discover.

May 24th, 2022

LARRY WALKER
BAX ENGINEERING COMPANY
221 POINT WEST BLVD.
ST. CHARLES MO 63301

Dear Applicant:

**RE: SITE PLAN NO. SP: 2022-15
3251 HARRY S TRUMAN BLVD.
TRINITY PRODUCTS**

This letter is to inform you that on May 23rd, 2022 the Planning and Zoning Commission for the City of St. Charles approved a Site Plan for the above mentioned property, with the following conditions:

1. *Lots 1, 2 and 3 of Trinity Center Subdivision shall be consolidated to dissolve the existing lot line through the subject property. A consolidation plat shall be approved by the City and recorded with the St. Charles County Recorder of Deeds prior to approval of any Building Permits.*
2. *All drive aisles depicted on the site plan shall be paved by an approved pavement material in compliance with City Code. This shall also apply to any future drive aisles that may be added to the site subsequent to approval of this site plan. A plan depicting compliant drive aisle pavement shall be submitted prior to approval of any Building Permits.*
3. *A final landscape plan shall be provided in accordance with City Code prior to approval of any Building Permits. If native drought-resistant plants are proposed, a planting schedule shall be provided and shall be signed and sealed by a Missouri-registered landscape architect or certified arborist.*
4. *A detail of the sight-proof gate, including final color and material selection, shall be provided prior to approval of any Building Permits.*

Community Development

City of Saint Charles
200 North Second Street
Saint Charles, MO 63301
636.949.3222
www.stcharlescitymo.gov

5. *A floodplain development permit and an elevation certificate (both pre- and post-construction) shall be required for the new structure.*
6. *Approval from the City's Fire Marshal shall be documented prior to approval of any Building Permits.*
7. *Verification that the buildings are compliant with the sound proofing requirements of the Zoning Ordinance specific to Industrial Performance Standards shall be documented prior to issuance of any Building Permits.*
8. *Water quality treatment shall be coordinated with the Engineering Department prior to issuance of any Building Permits.*

This notice of approval is not a building permit, demolition permit or a certificate of occupancy. This notice does not in any way relieve the owner and/or developer of the responsibility to file for and obtain a building permit or zoning approval where required, nor from the following all other applicable codes, ordinances and variances of the City of Saint Charles. Should the applicant's plans change, a revised site plan must be submitted to the Planning and Zoning Commission for review and approval. Site plan approval is valid for a period of one (1) year after the date of approval with construction or use substantially underway, unless extended by the Planning and Zoning Commission prior to the expiration date.

If you have any questions you may contact the Planning Division at 636-949-3222.

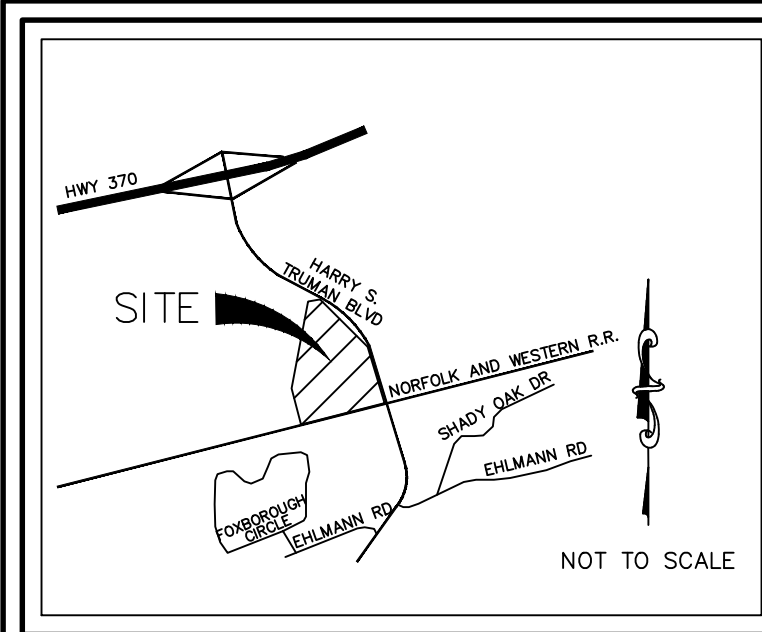
Thank You,



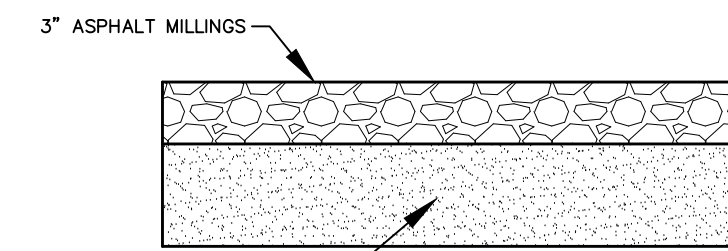
John Boyer
Planning Manager
Community Development Department

A SITE PLAN FOR TRINITY PRODUCTS

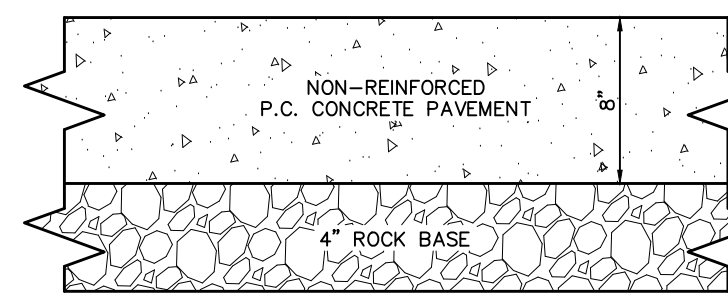
THREE TRACTS OF LAND BEING
ALL OF LOTS 1, 2 AND 3 OF "TRINITY CENTER"
PLAT BOOK 46 PG. 363 IN U.S. SURVEY 291
AND FRACTIONAL SECTION 22.
TOWNSHIP 47 NORTH, RANGE 4 EAST
OF THE FIFTH PRINCIPAL MERIDIAN
CITY OF ST. CHARLES
ST. CHARLES COUNTY, MISSOURI



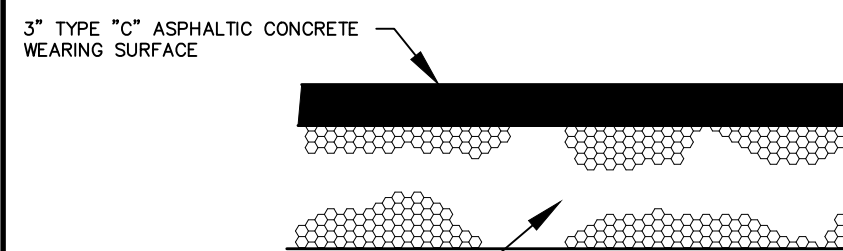
Location Map



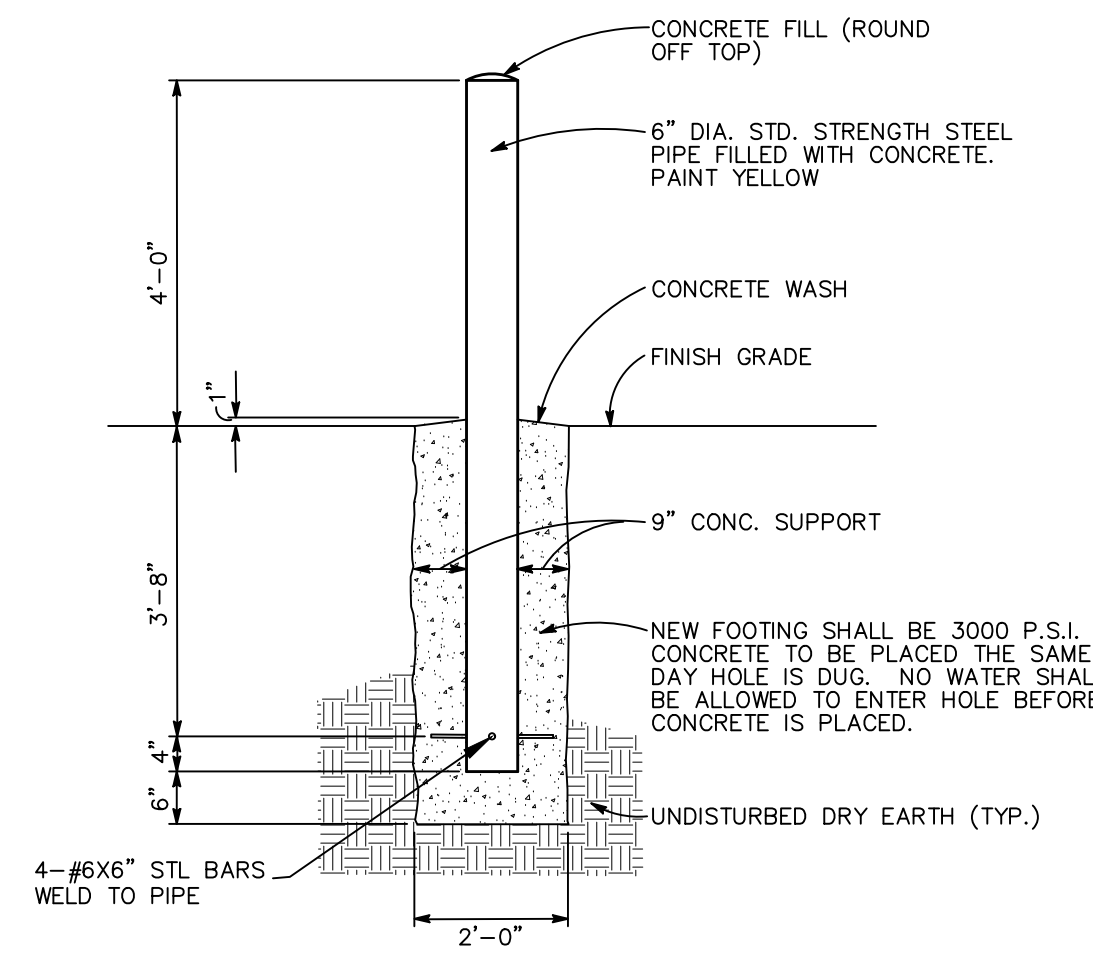
ASPHALT MILLINGS DETAIL
NOT TO SCALE



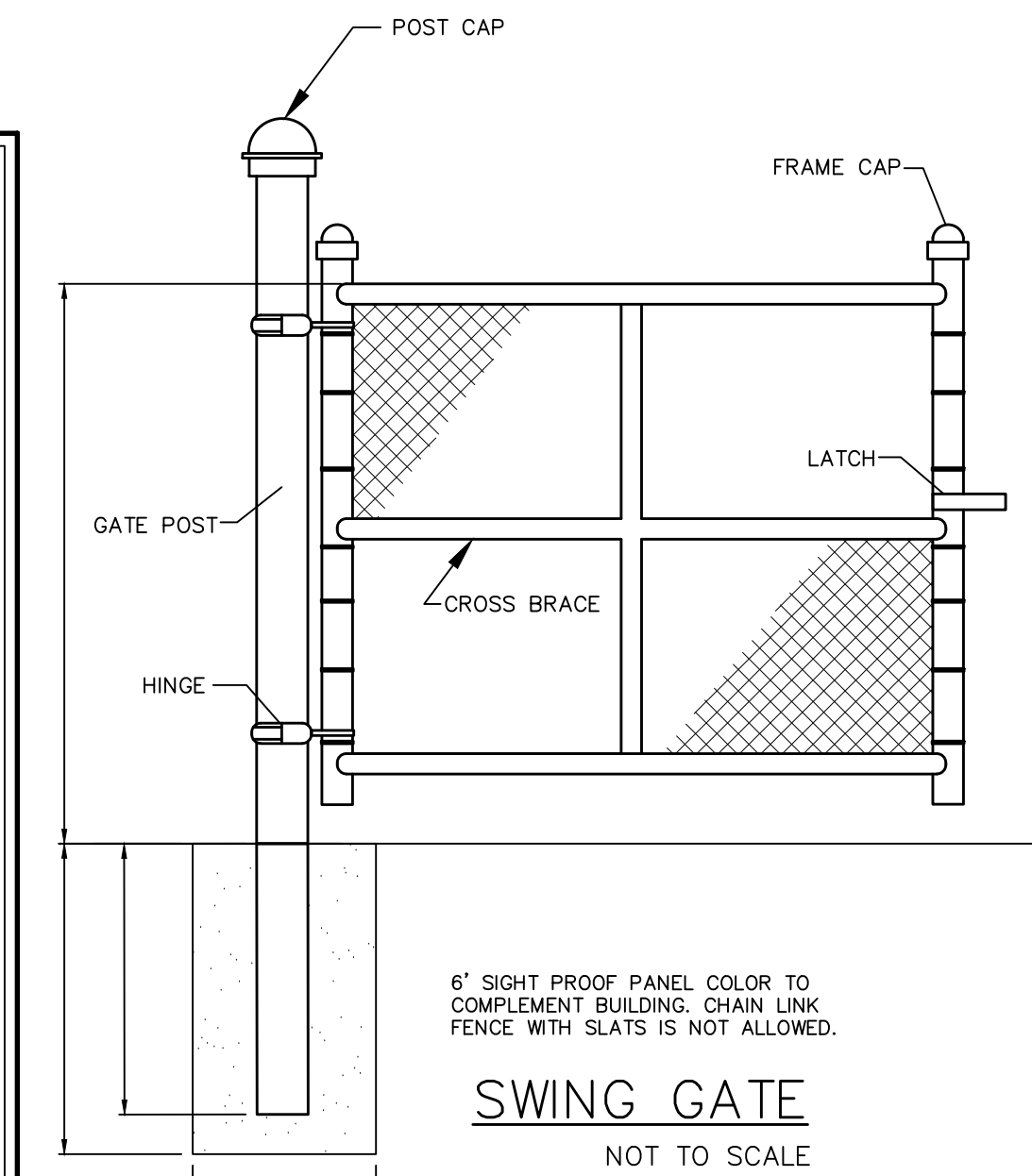
CONCRETE PAVEMENT DETAIL
NOT TO SCALE



ASPHALT PAVEMENT DETAIL
NOT TO SCALE



PIPE BOLLARD DETAIL
NOT TO SCALE



SWING GATE
NOT TO SCALE

Landscape Legend		
	QTY. (155) DOGWOOD SHRUB	CORNUS FLORIDA MINIMUM 5' HIGH
	QTY. (305) SWEETPIRE SHRUB	ITEA 2 GALLON
	QTY. (13) EASTERN WHITE PINE	PINUS STROBUS MINIMUM 2-1/2" CALIPER
	QTY. (15) AUTUMN FLAME MAPLE	ACER RUBRUM MINIMUM 2-1/2" CALIPER

ALL SHRUBS SHALL BE A MINIMUM OF 18 INCHES IN HEIGHT AT TIME OF PLANTING. ALL SHADE TREES SHALL BE A MINIMUM CALIPER OF 2.5 INCHES MEASURED 1 FOOT ABOVE GRADE. LANDSCAPING AS DEPICTED IS SUBJECT TO FINAL DESIGN BY A QUALIFIED LANDSCAPE DESIGNER.

Benchmarks:
REFERENCE BENCHMARK: RM 106 ELEV 443.19
CHISELED SQUARE ON TOP OF THE NORTHWEST CORNER OF HEADWALL OF RAILWAY BRIDGE OVER SANDFORT CREEK.
SITE BENCHMARK: ELEV. 440.23
THE "PLUS" SIGN OF 52+00 THAT IS STAMPED INTO THE WEST EDGE OF THE CONCRETE PAVEMENT OF HARRY S. TRUMAN BLVD. THE 52+00 STAMPING IS APPROXIMATELY 36 FEET NORTH OF THE CENTERLINE OF TRUMAN BUSINESS BLVD.

Sheet Index
C1 COVER SHEET
C2-C3 SITE PLAN
C4 OVERALL SITE PLAN

Legend			
	FLARED END SECTION		BOLLARD
	CURB/AREA INLET		WATER WELL
	GRATED INLET		UTILITY BOX
	SANITARY SEWER MANHOLE		EXISTING TREE
	FIBER OPTIC MARKER		EXISTING SHRUB
	AC UNIT		L.A. LANDSCAPED AREA
	ELECTRIC BOX		UGE BURIED ELECTRIC
	TELEPHONE CABLE PEDESTAL		OHW OVERHEAD UTILITIES
	ELECTRIC METER		GAS BURIED GAS
	GAS METER		W BURIED WATER
	WATER METER		T BURIED TELEPHONE
	WATER VALVE		SAN SANITARY SEWER
	FIRE HYDRANT		FO BURIED FIBER OPTIC
	ELECTRIC STUB		TBR TO BE REMOVED
	YARD DRAIN		UIP USE IN PLACE
	CLEANOUT		
	MAILBOX		
	SIGN		
	POWER POLE		
	GUY WIRE		
	LIGHT STANDARD		

- Development Notes:**
- THIS PROPERTY IS A PART OF THE PROPERTY REFERENCED AS:
PARCEL I.D. NUMBERS: 6-0015-A852-00-0003.0000000
6-0003-A852-00-0003.0000000
6-0003-A852-00-0002.1000000
6-0003-A852-00-0002.0000000
6-0003-A852-00-0001.0000000
 - AREA OF TRACT: 45.17 ACRES
 - ADDRESS OF SITE: 3251 HARRY S. TRUMAN BLVD.
ST. CHARLES, MO 63301
 - OWNER: TRINITY MANUFACTURING LLC
1969 W TERRA LN
O'FALLON, MO 63366-2347
 - EXISTING ZONING: I-1 LIGHT INDUSTRIAL
CITY OF ST. CHARLES
 - PROPOSED USE: OUTDOOR STORAGE LOT & MANUFACTURING BUILDINGS
 - BUILDING SETBACKS: FRONT = 35 FEET
SIDE = NONE
REAR = NONE
 - THIS PROPERTY IS SERVED BY THE FOLLOWING UTILITIES:
AMEREN MISSOURI ELECTRIC 636-359-8201
ATT DISTRIBUTION 636-949-4230
CHARTER COMMUNICATIONS 636-441-7737
SPIRE INCORPORATED 636-978-2263
CITY OF ST. CHARLES FIRE DEPT 636-949-3250
CITY OF ST. CHARLES SEWERS 636-949-3237
CITY OF ST. CHARLES WATER 636-949-3366
 - WE HAVE DETERMINED THE HORIZONTAL LOCATION OF THIS TRACT OF LAND IN ST. CHARLES COUNTY, MISSOURI, BY SCALING THE PROPERTY IN REFERENCE TO THE "FLOOD INSURANCE RATE MAP (FIRM), ST. CHARLES COUNTY, MISSOURI".
MAP NUMBER 29183C0266 G (COMMUNITY PANEL NUMBER, CITY OF ST. CHARLES 290318 0266 G, WITH AN EFFECTIVE DATE OF JANUARY 20, 2016).
MAP NUMBER 29183C0260 G (COMMUNITY PANEL NUMBER, CITY OF ST. CHARLES 290318 0260 G, WITH AN EFFECTIVE DATE OF JANUARY 20, 2016).

BY EXPRESS REFERENCE TO THESE MAPS AND THEIR LEGENDS, THIS TRACT IS INDICATED TO BE WITHIN THE FOLLOWING ZONES:

- ZONE AE, BASE FLOOD ELEVATIONS DETERMINED
- ZONE X (DOT-HATCHED) - OTHER FLOOD AREAS - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
- ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- NOTE THAT FLOOD LINES ARE SHOWN HEREON. EXISTING BUILDING REMOVED FROM ZONE AE BY LOMR, CASE NO 07-07-0479A, DATED JANUARY 23, 2007, AS INDICATED ON THIS SURVEY DRAWING.

THE EVALUATION PROVIDED IN THIS NOTE IS RESTRICTED TO SIMPLY INDICATING THE APPARENT PHYSICAL, HORIZONTAL LOCATION OF THE PROPERTY WITH RESPECT TO THE FEATURES DISPLAYED ON THE MAP. NO FIELD STUDY OF THE DRAINAGE CHARACTERISTICS TO WHICH THIS PROPERTY MAY BE SUBJECT TO HAS BEEN CONDUCTED AND NO REPRESENTATION CONCERNING THE INSURABILITY OF THIS PROPERTY OR THE POTENTIAL OF THIS PROPERTY TO BE SUSCEPTIBLE TO FLOODING OR SUBJECT TO ANY FLOOD HAZARD HAS BEEN MADE. WE MAKE NO REPRESENTATION CONCERNING THE ACCURACY OF THIS FIRM WHICH INCLUDES A NOTE THAT, "THIS MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM; IT DOES NOT NECESSARILY IDENTIFY ALL AREAS SUBJECT TO FLOODING, PARTICULARLY FROM LOCAL DRAINAGE SOURCES OF SMALL SIZE, OR ALL PLANIMETRIC FEATURES OUTSIDE SPECIAL FLOOD HAZARD AREAS."

10. LOT COVERAGE CALCULATIONS:
TOTAL AREA = 1,967,725 SQ. FT. (45.17 ACRES)
BUILDINGS = 100,419 SQ. FT. = 5%
PAVEMENT = 77,021 SQ. FT. = 4%
GRAVEL = 1,230,818 SQ. FT. = 63%
GREEN SPACE = 559,467 SQ. FT. = 28%
ESTIMATED DISTURBED AREA = 4.10 ACRES

11. PARKING CALCULATIONS:
OFFICE: 1 SPACE PER 350 SQ. FT. (2 SPACES MINIMUM)
2415/350 SQ. FT. X 1 SPACE = 7 SPACES
INDUSTRIAL: 1 SPACE PER 2 EMPLOYEES ON MAXIMUM SHIFT, PLUS SPACE FOR BUSINESS VEHICLES
81/2 EMPLOYEES X 1 SPACE = 41 SPACES
REQUIRED PARKING = 48 SPACES
PROVIDED PARKING = 52 SPACES (INCLUDING 5 ACCESSIBLE SPACES)

12. LANDSCAPE CALCULATIONS:
15' LANDSCAPE BUFFER: 1 TREE PER 50 FT. FRONTAGE ALONG PUBLIC RIGHT-OF-WAY
1 SHRUB PER 5 FT. FRONTAGE ALONG PUBLIC RIGHT-OF-WAY
2,343.93/50 FT. R/W FRONTAGE X 1 SHADE TREE = 46.88 = 47 TREES REQUIRED
EXISTING CONIFERS = 67 TREES
EXISTING DECIDUOUS = 130 TREES
2,343.93/5 FT. R/W FRONTAGE X 1 SHRUB = 468.79 = 469 SHRUBS REQUIRED
EXISTING SHRUBS = 9 SHRUBS
TOTAL TREES PROVIDED = 197 EXISTING TREES + 28 PROPOSED TREES
TOTAL SHRUBS PROVIDED = 9 EXISTING SHRUBS + 460 PROPOSED SHRUBS
NATIVE DROUGHT-RESISTANT PLANT SPECIES ARE PROPOSED. NO UNDERGROUND IRRIGATION IS THEREFORE PROPOSED FOR STORAGE LOT LANDSCAPING PER THE "GPRSG"

13. A FLOODPLAIN DEVELOPMENT PERMIT AND ELEVATION CERTIFICATE WILL BE REQUIRED PRIOR TO THE ISSUANCE OF ANY PERMITS.

14. ALL NEW LIGHTS SHALL BE DOWNCAST LIGHTS CONSISTENT WITH SECTION 400.700(F) AND SECTION 400.965(B)(3) OF THE CITY OF ST. CHARLES ZONING CODE.

15. DIFFERENTIAL RUNOFF:
NEW BUILDINGS = 0.70 ACRES
0.70 ACRES X (3.54-3.24) = 0.21 CFS INCREASED RUNOFF
NO ADDITIONAL DETENTION IS PROPOSED.

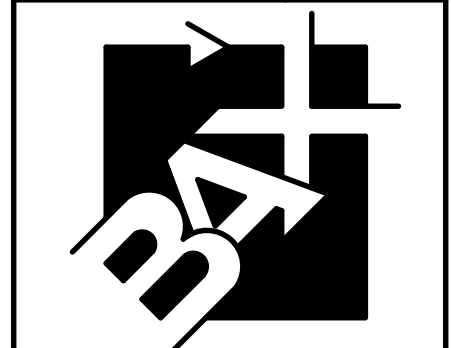
16. ANY PROPOSED EASEMENTS WILL BE PROVIDED ON A RECORD PLAT.

17. THESE PLANS ARE PRELIMINARY AND NOT FOR CONSTRUCTION.



CALL BEFORE
YOU DIG!
1-800-DIG-RITE

A SITE PLAN FOR
TRINITY PRODUCTS
 3251 HARRY S. TRUMAN BLVD
 ST. CHARLES, ST. CHARLES COUNTY, MISSOURI, 63301

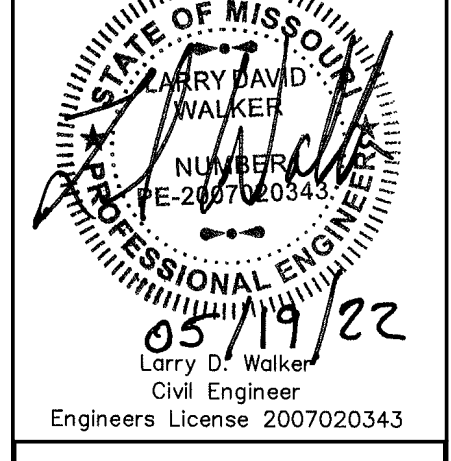


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PLANNING
SURVEYING**
221 Point West Blvd.
St. Charles, MO 63301
636-928-5552
FAX 928-1718

Box Engineering Company, Inc.
Missouri State Certificate of Authority
Engineering #000655
Missouri State Certificate of Authority
Surveying #000144

REVISIONS	
05-16-22	CITY COMMENTS
05-19-22	CITY COMMENTS

DISCLAIMER OF RESPONSIBILITY
I hereby disclaim any responsibility for all other drawings, specifications, estimates, reports or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey other than those authenticated by my seal.

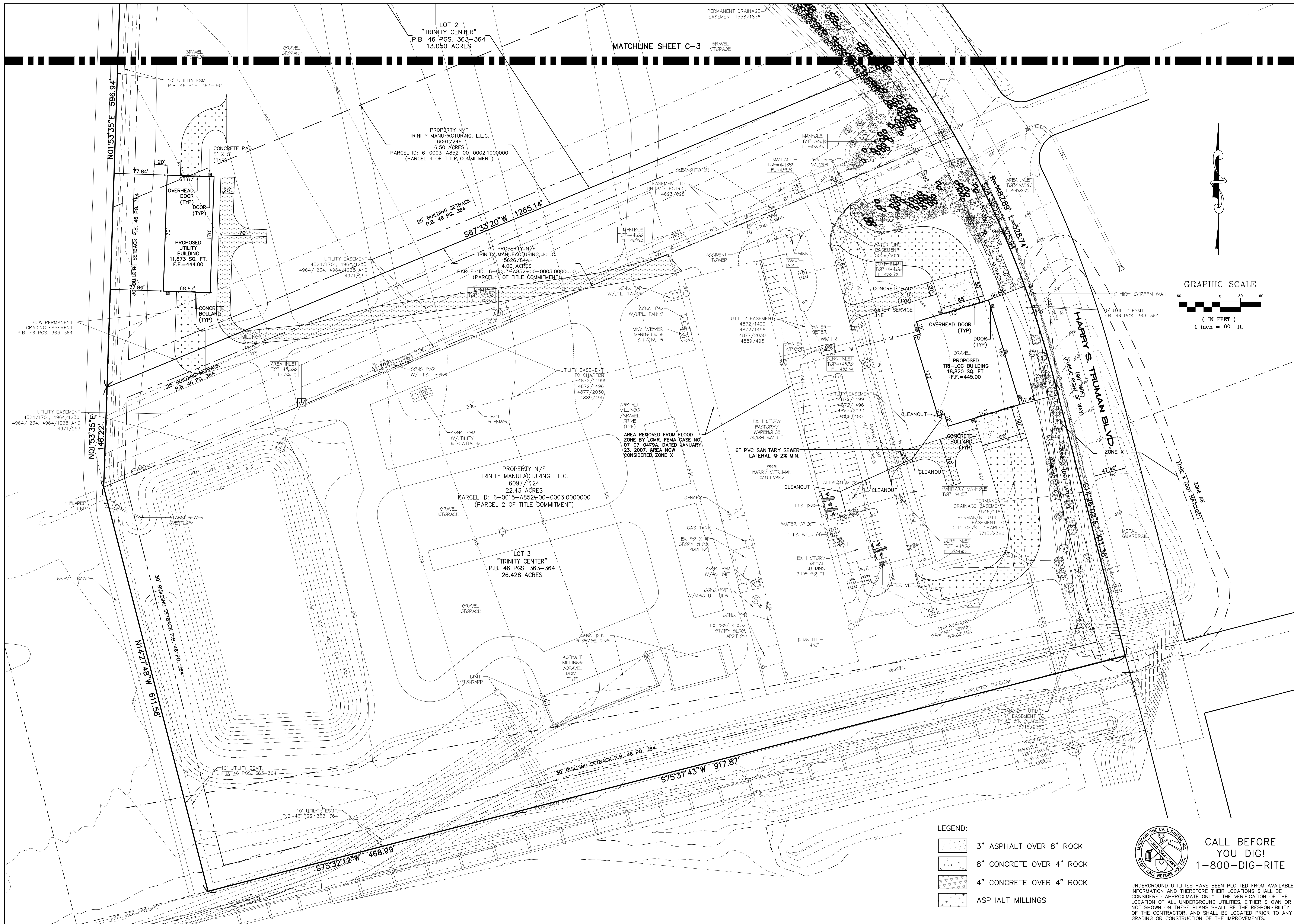


03-10-22
DATE
02-11906CJ
PROJECT NUMBER
11906CJ PRE.DWG
FILE NAME
AKA
DRAWN
LDW LDW
DESIGNED CHECKED

COVER SHEET

C-1

UNDERGROUND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE INFORMATION AND THEREFORE THEIR LOCATIONS SHALL BE CONSIDERED APPROXIMATE ONLY. THE VERIFICATION OF THE LOCATION OF ALL UNDERGROUND UTILITIES, EITHER SHOWN OR NOT SHOWN ON THESE PLANS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR, AND SHALL BE LOCATED PRIOR TO ANY GRADING OR CONSTRUCTION OF THE IMPROVEMENTS.



A SITE PLAN FOR
TRINITY PRODUCTS
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 ST. CHARLES, ST. CHARLES COUNTY, MISSOURI, 63301

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STATE OF MISSOURI
 LARRY D. WALKER
 PROFESSIONAL ENGINEER
 NUMBER
 PE-2007-020343
 05/19/22
 Lorry D. Walker
 Civil Engineer
 Engineers License 2007020343

03-10-22
 DATE
 02-11906CJ
 PROJECT NUMBER
 11906CJ PRE.DWG
 FILE NAME
 AKA
 DRAWN
 LDW LDW
 DESIGNED CHECKED

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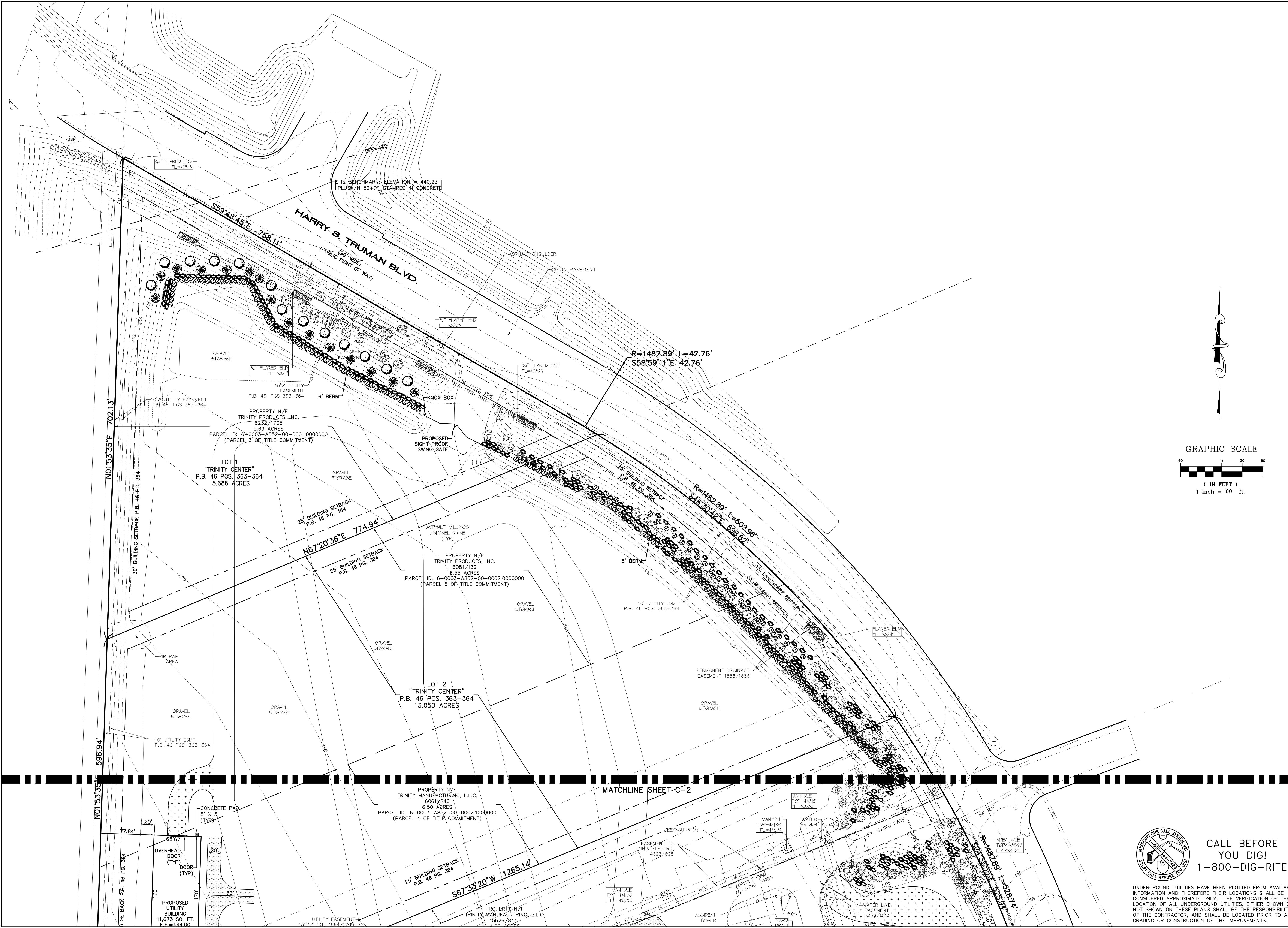
SITE PLAN

C-2

- LEGEND:
- 3" ASPHALT OVER 8" ROCK
 - 8" CONCRETE OVER 4" ROCK
 - 4" CONCRETE OVER 4" ROCK
 - ASPHALT MILLINGS



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A SITE PLAN FOR
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 ST. CHARLES, ST. CHARLES COUNTY, MISSOURI, 63301

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REVISIONS

05-16-22	CITY COMMENTS
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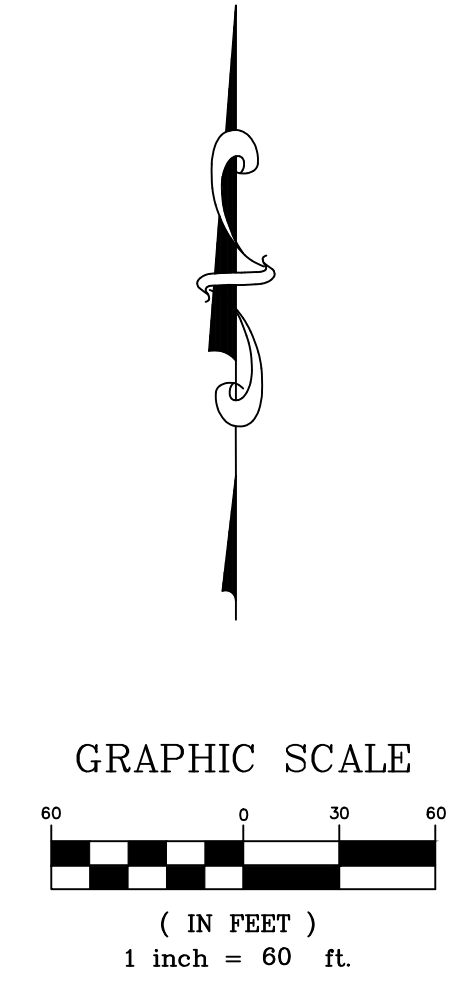
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Lorry D. Walker
 Civil Engineer
 Engineers License 2007020343

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 FILE NAME
 AKA
 DRAWN
 LDW LDW
 DESIGNED CHECKED

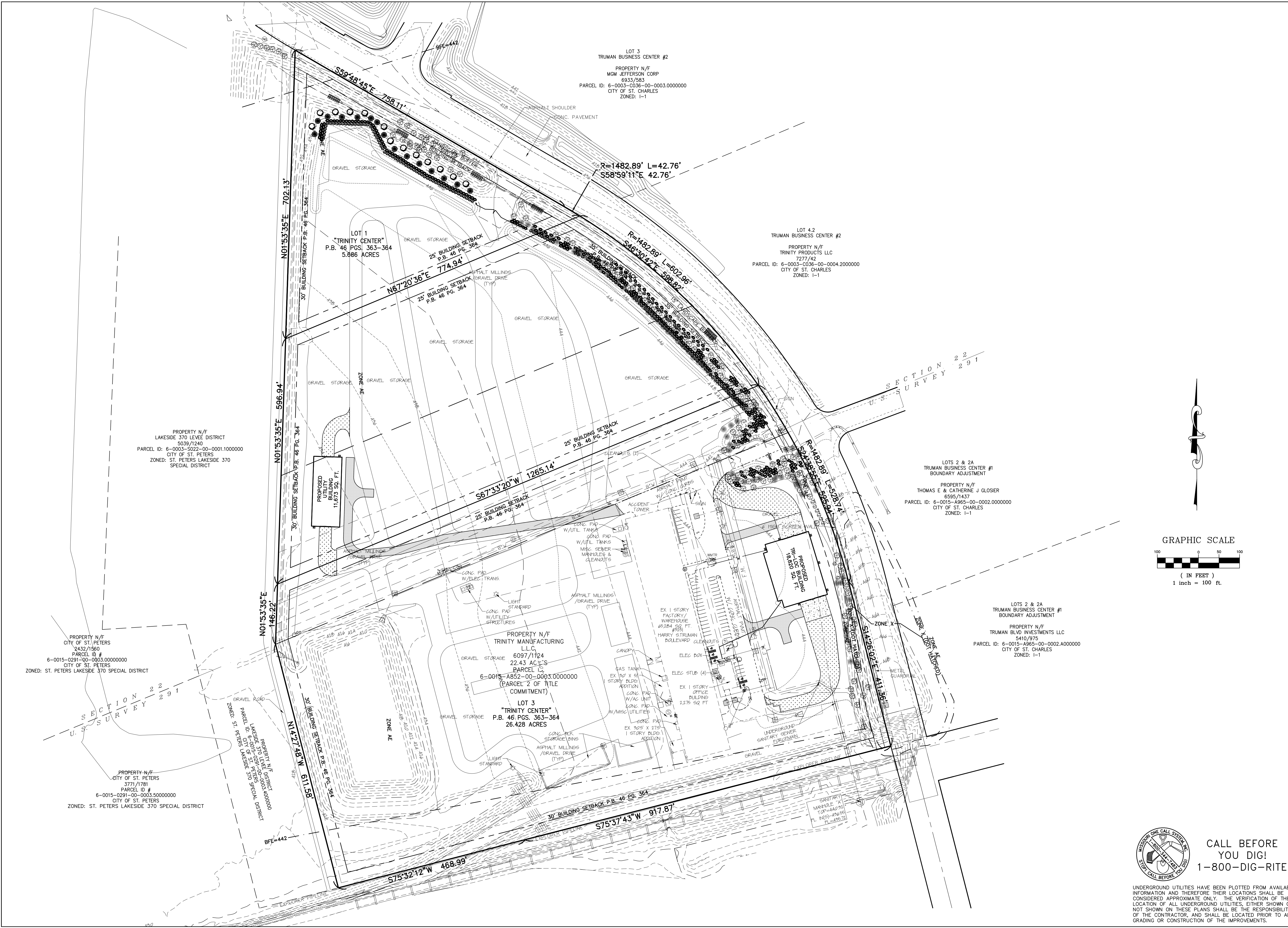
SITE PLAN

C-3



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A SITE PLAN FOR
TRINITY PRODUCTS
 3251 HARRY S. TRUMAN BLVD
 ST. CHARLES, ST. CHARLES COUNTY, MISSOURI, 63301

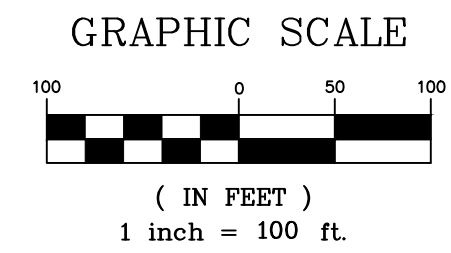
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REVISIONS

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**OVERALL
 SITE PLAN**

C-4



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May 24th, 2022

DREW WEBER
HAMILTON WEBER, LLC
200 N 3RD ST.
ST. CHARLES MO 63301

Dear Applicant:

**Re: REZONING Z-2022-07/SITE PLAN NO. SP-2022-14
LOTS 4B AND 4C TRUMAN BUSINESS CENTER – TRINITY**

This letter is to inform you that on May 23rd, 2022 the Planning and Zoning Commission for the City of St. Charles recommended approval to the City Council for a Rezoning application for Trinity Products at the above mentioned property.

Additionally, the Planning and Zoning Commission for the City of St. Charles approved a Site Plan application for Trinity Products at the above mentioned property, subject to the following conditions:

1. *Approval of this Site Plan is subject to approval of the rezoning request to the I-2 Heavy Industrial District by the City Council. Approval of this Site Plan shall become null and void should the rezoning request not be approved.*
2. *Lots 4B & 4C of Truman Business Center Plat 2 Resubdivision of Lot 4 shall be consolidated to dissolve the existing lot line through the center of the subject property. A consolidation plat shall be approved by the City and recorded with the St. Charles County Recorder of Deeds prior to approval of a building permit.*
3. *All drive aisles depicted on the site plan shall be paved by an approved pavement material in compliance with City Code. This shall also apply to any future drive aisles that may be added to the site subsequent to approval of this site plan. A plan depicting compliant drive aisle pavement shall be submitted prior to approval of a building permit.*

Community Development

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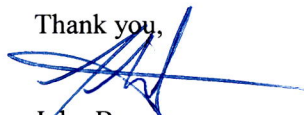
4. *A final landscape plan shall be provided in accordance with City Code prior to approval of a building permit. If native drought-resistant plants are proposed, a planting schedule shall be provided and shall be signed and sealed by a Missouri-registered landscape architect or certified arborist.*
5. *A detail of the sight-proof gate, including final color and material selection, shall be provided prior to approval of a building permit.*
6. *A floodplain development permit and an elevation certificate (both pre- and post-construction) shall be required for the new structure.*
7. *Prior to the issuance of a building permit for the proposed structure, confirmation that proposed work will be compliant with the I-2 Performance Standards (noise) shall be documented.*
8. *Approval from the City's Fire Marshal shall be documented prior to approval of a building permit.*

The Conditional Use application will be forwarded to City Council for final approval at the June 7th, 2022 meeting.

This notice of approval is not a building permit, demolition permit or a certificate of occupancy. This notice does not in any way relieve the owner and/or developer of the responsibility to file for and obtain a building permit or zoning approval where required, nor from the following all other applicable codes, ordinances and variances of the City of Saint Charles. Should the applicant's plans change, a revised plan must be submitted to the Planning and Zoning Commission for review and approval. Conditional Use approval is valid for a period of one (1) year after the date of approval with construction or use substantially underway, unless extended by the Planning and Zoning Commission prior to the expiration date.

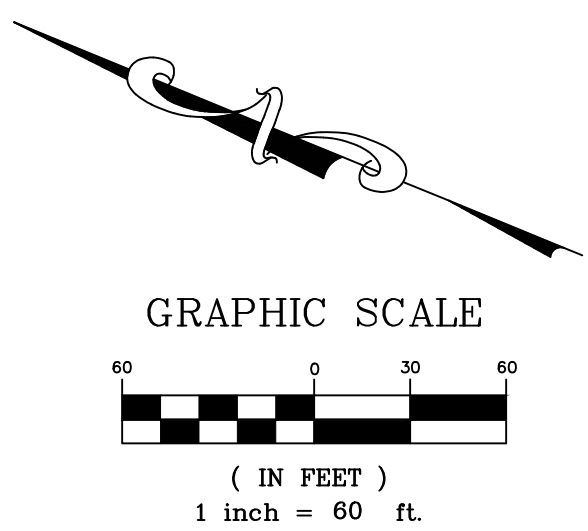
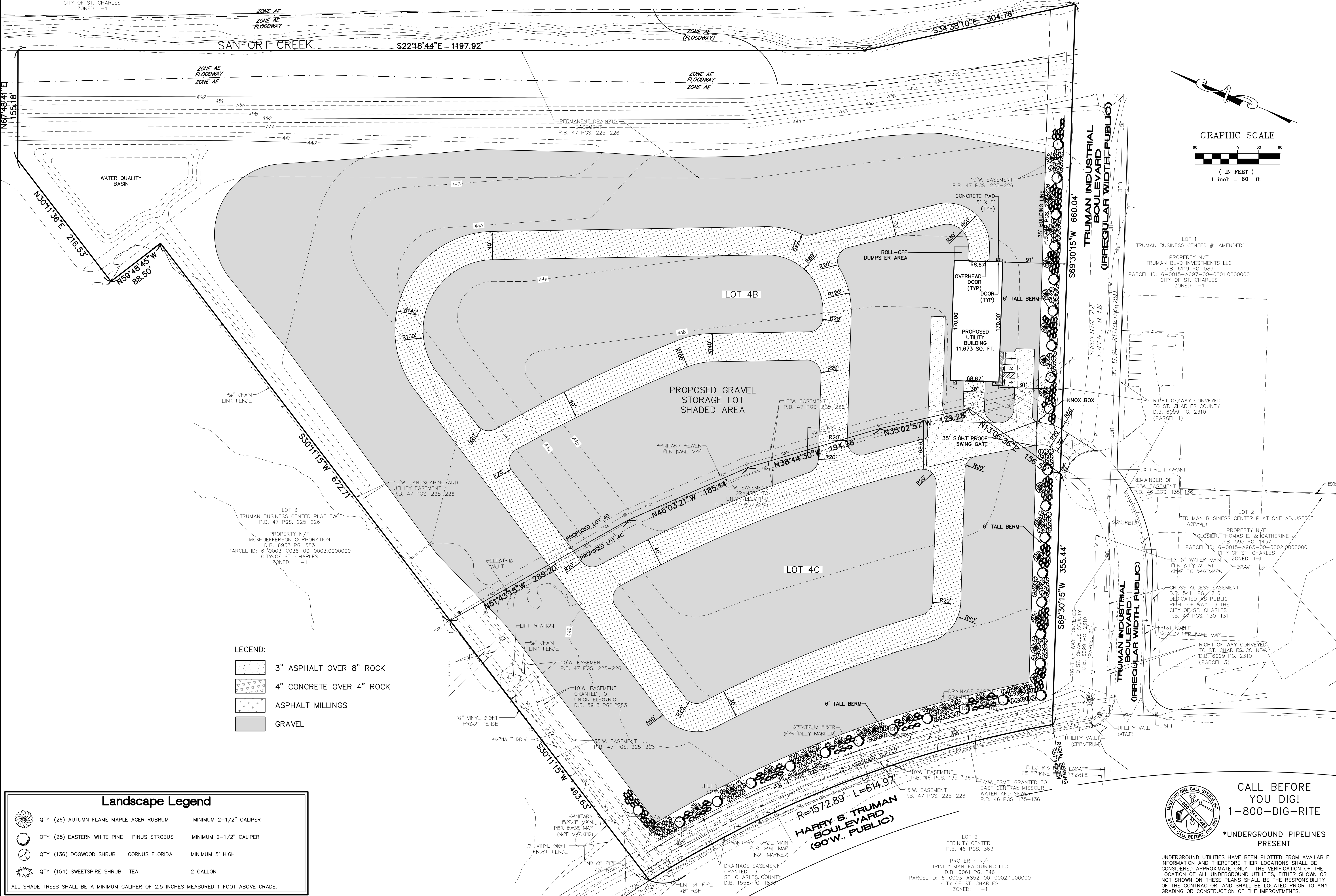
If you have any questions you may contact the Planning Division at 636-949-3222.

Thank you,



John Boyer
Planning Manager
Community Development Department

PROPERTY N/F
GLARUS LLC
D.B. 7242 PG. 600
PARCEL ID: 6-0003-5022-00-0002.0000000
CITY OF ST. CHARLES
ZONED: I-1



- LEGEND:**
- 3" ASPHALT OVER 8" ROCK
 - 4" CONCRETE OVER 4" ROCK
 - ASPHALT MILLINGS
 - GRAVEL

- Landscape Legend**
- QTY. (26) AUTUMN FLAME MAPLE ACER RUBRUM MINIMUM 2-1/2" CALIPER
 - QTY. (28) EASTERN WHITE PINE PINUS STROBUS MINIMUM 2-1/2" CALIPER
 - QTY. (136) DOGWOOD SHRUB CORNUS FLORIDA MINIMUM 5' HIGH
 - QTY. (154) SWEETPIRE SHRUB ITEA 2 GALLON
- ALL SHADE TREES SHALL BE A MINIMUM CALIPER OF 2.5 INCHES MEASURED 1 FOOT ABOVE GRADE.

A SITE PLAN FOR A
STORAGE LOT
HARRY S. TRUMAN BOULEVARD
ST. CHARLES, ST. CHARLES COUNTY, MISSOURI, 63301

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REVISIONS	
04-20-22	RESUBMITTAL
05-16-22	CITY COMMENTS
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STATE OF MISSOURI
LARRY D. WALKER
PROFESSIONAL ENGINEER
05/19/22
Lorry D. Walker
Civil Engineer
Engineers License 2007020343

03-10-22
DATE

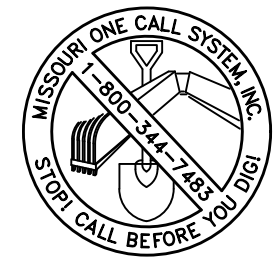
07-14146J
PROJECT NUMBER

14146J PRE.DWG
FILE NAME

AKA
DRAWN
LDW LDW
DESIGNED CHECKED

SITE PLAN

C-2



CALL BEFORE
YOU DIG!
1-800-DIG-RITE

*UNDERGROUND PIPELINES
PRESENT

UNDERGROUND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE
INFORMATION AND THEREFORE THEIR LOCATIONS SHALL BE
CONSIDERED APPROXIMATE ONLY. THE VERIFICATION OF THE
LOCATION OF ALL UNDERGROUND UTILITIES, EITHER SHOWN OR
NOT SHOWN ON THESE PLANS SHALL BE THE RESPONSIBILITY
OF THE CONTRACTOR, AND SHALL BE LOCATED PRIOR TO ANY
GRADING OR CONSTRUCTION OF THE IMPROVEMENTS.



September 21st, 2021

Trinity Products LLC
1969 West Terra Lane
O'Fallon MO, 63366

Re: **Parcels #6-0003-C036-00-0004.2000000 & 6-0003-C036-00-0004.1000000 – Site Violations (Case #21-2176)**

To Whom It May Concern,

The City has inspected the area in the vicinity of 3251 Harry S. Truman Blvd. While inspecting the area, staff noticed violations at your lots on the North side of Harry S. Truman Blvd specifically regarding the general use and appearance of the properties. After review of the property and its approval history the City documents the following pertinent information:

- Properties are Zoned I-1 Light Industrial District within the 100 year floodplain.
- Current land use appears to be outdoor storage/material storage yard.
- No record of approved Site Development Plan or Condition Use Permit for outdoor storage.

After review of the site history, the above pertinent information and site visits, staff has found the following violations:

- 1. Use of site without a Conditional Use Permit (Section 400.240(C)(1)(a)).** Per Staff research, no Conditional Use Permit has been approved by the Planning & Zoning Commission or City Council for a material storage yard. (Associated with the Conditional Use Permit would be a screening requirement.)
- 2. Floodplain Development Violation: No approved floodplain development permit (Section 410.090).** There is no record of plan approval for excavation, grading and storm water management activities.
- 3. Public Works/Engineering Violation: No approved site development permits (Chapter 510).** There is no record of plan approval for excavation, grading and storm water management activities.

Community Development

City of Saint Charles
200 North Second Street
Saint Charles, MO 63301
636.949.3222
www.stcharlescitymo.gov

Staff would be more than happy to discuss the above information and to provide guidance on bringing the subject properties into compliance. Please contact staff within five (5) days of the date of this letter to establish a time to discuss. Failure to show good-faith and/or progress in seeking compliance will result in future action by the City. If you have any questions, please feel free to call me at 636-949-3230 or via email at lara.berry@stcharlescitemo.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read 'L. Berry'.

Lara Berry
Planner
Department of Community Development

cc. Bruce Evans, Director of Community Development
John Boyer, Planning Manager
Dan Mann, Assistant City Engineer
Kierstyn Lorince, Project Manager



Discover.

November 24, 2021

Trinity Manufacturing LLC
Attn: Robert Griggs
1969 West Terra Lane
O'Fallon MO, 63366

Re: **3251 Harry S. Truman Blvd. – Site Violations (Case #21-2742)**

Mr. Griggs,

The City has reviewed the approved Site Plans and the conditions associated with these plans for the property located at 3251 Harry S. Truman Blvd. After this review and site visits, staff has found the following violations:

- 1. Generation of dust:** [Section 400.240\(E\)\(4\)\(c\)](#) - Staff has viewed large dust clouds generated from the site by vehicles driving on and off site. Per the conditions of Site Plans SP-77-05, SP-21-11, SP-2014-34 and SP-2014-44, “the gravel pipe storage area must be sprayed as necessary to prevent the generation of any dust”.
- 2. Sight-proof fence:** [Section 400.240\(E\)\(2\)](#) - Per Site Plans SP-2014-34 and SP-2014-44, a sight-proof fence (no shadowbox) with gates was proposed to be installed on the property. The conditions of SP-2014-34 required a revised submittal of a fence location plan to include the continuation of a sight-proof fence and landscaping along the northern-most storage boundary to provide the maximum coverage from vehicles traveling south along Harry S. Truman Blvd. SP-2014-44 shows a proposed eight foot sight-proof fence along the border of Harry S. Truman, however as of the date of this letter, the installation has not been completed.
- 3. Paved drive aisles:** [Section 400.240\(E\)\(4\)\(c\)](#) - Per the conditions of Site Plans SP-2014-34 and SP-2014-44, a drive aisle plan was required to be submitted to the Department of Community Development outlining the timing for the construction of paved drive lanes, once the property was graded. As of the date of this letter, a paved aisle plan has not been found in City records, nor do any of the drive aisles appear to be paved.
- 4. Working outside confines of a structure:** [Section 400.240\(E\)\(2\)](#) - Per the conditions of Site Plan SP-02-13, all work (cutting, sandblasting and light painting, etc.) on the large pipes shall be done within the confines of the on-site structure. All outdoor activities are limited to the previous site plan approvals (SP-77-05 and SP-21-11) which noted outdoor pipe storage and the loading

Community Development

City of Saint Charles
200 North Second Street
Saint Charles, MO 63301
636.949.3222
www.stcharlescitymo.gov

operations related to the approved use. A promotional video on the company's website shows cutting of pipe outside the confines of a building. Staff has also observed outdoor sandblasting on the subject property. Staff believes that some of the noise complaints from neighboring residential properties may be connected to unpermitted outdoor activities.

- 5. Outdoor storage of structural steel/I-1 Light Industrial:** [Section 400.240](#) & [Section 400.250](#) - As stated previously, outdoor activities are limited to previous site plan approvals for the outdoor storage of pipes and loading operations. The staff reports for SP-77-05 and SP-25-06 indicate the factory/warehouse is used to manufacture steel pipe by welding and coiling steel. Staff has witnessed the storage of structural steel in conjunction with steel pipes. This property is currently zoned I-1 Light Industrial District which does not permit the manufacturing or assembly of structural iron and steel fabrication; this use is only permitted in an I-2 Heavy Industrial District.

Staff would appreciate the opportunity to discuss the above information with you and to provide guidance on bringing the subject property into compliance. Please contact staff within fifteen (15) days of the date of this letter to establish a time to discuss. Failure to show good-faith and/or progress in seeking compliance will result in future action by the City. If you have any questions, please feel free to call me at 636-949-3222 or via email at lara.berry@stcharlescitemo.gov.

Sincerely,



Lara Berry
Planner
Department of Community Development

cc. Zach Tusinger, Director of Community Development
John Boyer, Planning Manager
Andrew Stanislav, Planner
K. Andrew Weber, Attorney at Law

AGENDA ITEM # 15



**STAFF REPORT
SITE PLAN NO. SP-77-05
TRINITY METALS FACTORY**

DECEMBER 19, 2005

APPLICANT: Robert Griggs
1969 West Terra Lane
O'Fallon, MO 63366

REPRESENTATIVE: Bax Engineering
1052 South Cloverleaf Drive
St. Peters, MO 63376

ADDRESS/LOCATION: West side of Truman Boulevard, North of the Norfolk and
Southern Railroad tracks and approximately 2,900 feet
South of Highway 370
Ward 6

ZONING: I-1 Light Industrial District

PROPOSED USE: New factory/warehouse

BACKGROUND

The subject property is located on the West side of Harry S. Truman Boulevard, North of the Norfolk and Southern Railroad tracks and approximately 2,900 feet South of Highway 370. The applicant, Trinity Metals, is proposing to construct a 62,500 square foot factory/warehouse facility. Trinity Metals manufactures steel pipe by welding and coiling steel. In addition to the factory/warehouse building, the applicant is seeking approval of an approximately 5.2 acre outdoor storage area. The site plan shows several other buildings on the property that are now in conceptual stages and will be addressed at a later date.

The site will be accessed by a drive connecting to Truman Boulevard. A proposed railroad spur will run to the south end of the building for the loading and unloading of products onto and off of railroad cars. The applicant states that the Norfolk and Southern Railroad has approved conceptual and preliminary plans for the spur; however, an approval letter from the railroad was not provided with the revised site plan.

The proposed building will be constructed of ribbed metal panels. There will be several doors and openings used for various loading and unloading functions. A small pre-fabricated security booth will be constructed on the north side of the main building. It cannot be determined by the elevations whether or not the minimum design standards for metal buildings will be met. The Ordinance states that metal buildings must be constructed of insulated panels, at least 24 inches in width. All fasteners on the insulated panels must be concealed. It is also unclear whether mechanical units will be mounted on the ground or the roof of the building. The elevations do not indicate that there will be a parapet to screen any rooftop equipment.

The 5.2 acre outdoor storage area behind the factory will be used for the storage and stacking of finished steel pipes. The applicant has stated that the storage area will have a reinforced gravel surface, as concrete cannot support the weight of the equipment used to move the pipes. This gravel storage area must be sprayed frequently to ensure that it does not generate any dust. Outdoor equipment and machines commonly used in this type of operation are forklifts and front-loaders. The pipes will be stacked approximately nine (9) to ten (10) feet in height. Trucks are not to be stored or parked on the gravel surface. Trucks waiting to be loaded and unloaded must queue on the drive to the north of the pipe storage area.

The site plan indicates that all parking lot perimeter and interior landscaping requirements have been met. However, the outdoor storage area will be visible to nearby residents and motorists on Truman Boulevard. The houses on the bluff to the south of this property are at an elevation of 540 feet, whereas the factory and storage area will have a finished floor elevation of approximately 445 feet. The applicant believes that the 95 foot difference in elevation cannot be offset by any type of screening. As proposed, the outdoor storage area and factory will be in view of residents in the Foxborough Estates Subdivision. A site line study provided by the applicant shows that the factory will block the storage area from the view of motorists on Truman Boulevard traveling over the crest of the hill and bridge to the southeast. However, it is likely that the storage area will be in the view of motorists at certain points as they travel along Truman Boulevard. It should also be noted that fencing has not been proposed around the perimeter of the site or around the wet detention basin.

The applicant has assured City Staff that the factory and related activities on the property will not produce smoke, particulate matter, noxious gases, odors or vibration. The equipment within the factory will make very little noise. The outdoor equipment (front-loader, forklifts, loading equipment, etc.) will produce the majority of noise at this site. It is possible that these machines and the activities they perform could be heard from the nearby residences. This property is in the floodplain and a Floodplain Development Permit will be required before permits are issued.

STAFF RECOMMENDATION

The proposed use of this property is permitted within an I-1 Light Industrial District. However, careful consideration needs to be given to the outdoor pipe storage area located behind the factory. The industrial performance standards in an I-1 Light Industrial District state that “all permitted and conditional uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material, and supplies or waste material, or finished

or semi-finished products manufactured on the premises, unless screened from the street or any residential or business district by landscaping, fences or walls in accordance with these (I-1) district regulations.” The Planning and Zoning Commission will need to determine whether the proposed screening around the outdoor storage area is sufficient.

If the Planning and Zoning Commission finds the proposed screening to be sufficient, the Department of Community Development recommends that the site plan be approved with the following conditions:

1. The railroad spur must be approved by the Norfolk and Southern Railroad prior to the issuance of any permits for its construction.
2. The building must be constructed of insulated metal panels, at least 24 inches in width. All fasteners on the insulated panels must be concealed.
3. All mechanical units, whether ground-mounted or roof-mounted, must be screened from public view in accordance with the architectural and design standards ordinance.
4. Trucks cannot be parked or stored outside of the enclosed building overnight. Trucks waiting to be loaded and unloaded during business hours must queue on the drive to the north of the pipe storage area.
5. All loading must take place in the rear of the building or on the side of the building where the railroad spur is located. Truck loading within the enclosed building is permitted.
6. The gravel pipe storage area must be sprayed as necessary to prevent the generation of any dust.
7. A fence must be placed around the wet detention basin. Details of the fence must be provided to the Department of Community Development for approval.
8. A photometric lighting plan must be submitted with the improvement plans and approved by the Department of Public Works prior to the issuance of any building permits.
9. A Floodplain Development Permit must be obtained from the Department of Community Development prior to the issuance of any permits. A flood study must be furnished if requested by the City’s Floodplain Administrator or the Department of Public Works.
10. This site plan approval is for the factory/warehouse building and pipe storage area only. Site plans must be submitted for the solar/wind power structure, office buildings or any other structures or improvements on this property.
11. No smoke, particulate matter, noxious gases, odors, excessive noise or vibration may be created by the operation of this facility.
12. The trash enclosure must be relocated to the rear or side of the building.

**AGENDA ITEM # 16****STAFF REPORT
SITE PLAN NO. SP-2014-34
STORAGE EXPANSION
3251 HARRY S TRUMAN BLVD****AUGUST 25, 2014**

APPLICANT: Bax Engineering
221 Point West Blvd.
St. Charles, MO 63301

REPRESENTATIVE: Larry Walker

ADDRESS/LOCATION: 3251 Harry S Truman Boulevard
Wards 6 & 8

ZONING: I-1 Light Industrial District

PROPOSED USE: Storage Expansion for Existing Business

BACKGROUND/DESCRIPTION

The applicant has submitted a Site Plan application for the expansion of an existing outdoor storage lot associated with the Trinity Manufacturing business at 3251 Harry S Truman Boulevard. The existing storage area encompasses 16.61 acres and the applicant notes that an additional 18.79 acres will be graded for storage of large pipes produced by Trinity Manufacturing. This includes storage areas in front of the building which are currently being used but have not been previously approved. A floodplain permit will be required prior to the issuance of site work permits. The Floodplain Administrator has requested a letter from the applicant regarding the items to be stored in the floodplain and to ensure they are compliant with City Code §410.120.

As a part of the expansion, the applicant proposes fencing along the Harry S Truman Boulevard perimeter with a large number of evergreens planted to provide additional screening. Staff would like to ensure that the fencing and landscaping continue along the northern-most storage boundary and have added a condition to revise the plan. Industrial Performance Standards require outside storage to be screened from view. Also, the fencing should be sight-proof (not shadow-box) in order to provide the greatest visual coverage and combined with the landscape berm, the two screening elements should provide adequate buffering for the tall pipes. The applicant notes the use gravel for the storage areas which is currently used in the existing lot to the south. Staff has expressed some concern with dust and has listed a condition relative to the I-1 Light Industrial District Performance Standards. A final drive aisle paving plan has also been requested based on final grading and storage locations. The applicant has indicated that they will

pave the drive lanes once all site construction is complete. A 151 foot tall flag pole is depicted near the northern property lines and outside of the storage area. Staff notes that height regulations permit flag poles in excess of the zoning district height maximums; however, they are required to be set back at least the height of the pole from all adjacent property lines. The Public Works Department and Fire Department have no additional comments at this time.

Staff Recommendation

The proposed outdoor storage area is consistent with the existing development and the new fencing and landscaping will improve the perimeter aesthetics as viewed from the street. The Community Development Department recommends approval of the proposed storage area for 3251 Harry S Truman Boulevard subject to the following conditions:

1. A floodplain permit for all proposed changes is required prior to the issuance of any permits. A letter confirming the items to be stored are not buoyant subject to §410.120 of the City of St. Charles Code of Ordinances should accompany the floodplain permit.
2. Submit a drive aisle plan to the Department of Community Development outlining the timing for the construction of paved drive lanes once the property is graded. Upon completion of grading, the applicant shall be required to pave all drive lanes subject to City of St. Charles standards.
3. The applicant shall submit a revised fence detail to note sight-proof (no shadowbox) fencing for the storage lot perimeter prior to the issuance of any permits.
4. The applicant shall submit a revised fence location plan to note the continuance of sight-proof fencing and landscaping along the northern-most storage boundary to provide the maximum coverage from vehicles traveling south along Harry S Truman Boulevard. A combination of berm and fence height shall be utilized to accomplish a screening height which will screen items in the storage areas.
5. The proposed flag pole shall be set back a minimum of 151 feet from any property line subject to maximum height regulations as noted in §400.580(A) of the City of St. Charles Code of Ordinances.
6. The gravel pipe storage area must be sprayed as necessary to prevent the generation of any dust.
7. No smoke, particulate matter, noxious gases, odors, excessive noise or vibration may be created by the operation of this facility.
8. Approval of this site plan constitutes an understanding by the applicant that any comments submitted by the Public Works Department in regards to this site plan review must be addressed to the satisfaction of the Public Works Department prior to improvement plan approval. Additional comments, significant and/or minor in nature, may be generated during the site improvement plan review process for incorporation into the development plan.

Recommended Motion

Motion to approve the Site Plan for an expanded outdoor storage area for the business at 3251 Harry S Truman Boulevard subject to the conditions recommended by staff.



Picture 1: Aerial view of subject property.



Picture 2: View facing west towards subject property and storage expansion area.



Picture 3: View facing north from Trinity's entrance.



Picture 4: View of storage area in front of existing building and adjacent to road.



Picture 5: View facing south towards expansion area.

**AGENDA ITEM # 4****STAFF REPORT
SITE PLAN NO. SP-2014-44
STORAGE EXPANSION
3251 HARRY S TRUMAN BLVD****NOVEMBER 24, 2014**

<i>APPLICANT:</i>	Bax Engineering 221 Point West Blvd. St. Charles, MO 63301
<i>REPRESENTATIVE:</i>	Larry Walker
<i>ADDRESS/LOCATION:</i>	3251 Harry S Truman Boulevard Wards 6 & 8
<i>ZONING:</i>	I-1 Light Industrial District
<i>PROPOSED USE:</i>	Amendment to Previously Approved Site Plan for Storage Expansion (SP-2014-34)

BACKGROUND/DESCRIPTION

The applicant recently received approval of a Site Plan in August 2014 for the expansion of an existing outdoor storage lot associated with the Trinity Manufacturing business at 3251 Harry S Truman Boulevard. The August approval (see attached) included 18.79 acres of storage area that was squared off along the northern end of the lot. The applicant is now requesting to expand the storage area to the north to include an additional 3.4 acres (20.01 acres total). This was originally proposed in August but was reduced in area prior to the Commission review. The new submittal also depicts the location of the 4 ft. landscape berm and 8 ft. sight-proof vinyl fence as previously required by conditions #3 and 4 of SP-2014-34. The August approval letter is attached for reference. Staff attached all of the prior conditions to this approval with the exception of the two fence conditions. The Public Works Department and Fire Department have no additional comments at this time.

Staff Recommendation

The proposed outdoor storage area is consistent with the existing development and the new fencing and landscaping will improve the perimeter aesthetics as viewed from the street. The Community Development Department recommends approval of the proposed storage area for 3251 Harry S Truman Boulevard subject to the following conditions:

1. A floodplain permit for all proposed changes is required prior to the issuance of any permits.

A letter confirming the items to be stored are not buoyant subject to §410.120 of the City of St. Charles Code of Ordinances should accompany the floodplain permit.

2. Submit a drive aisle plan to the Department of Community Development outlining the timing for the construction of paved drive lanes once the property is graded. Upon completion of grading, the applicant shall be required to pave all drive lanes subject to City of St. Charles standards.
3. The proposed flag pole shall be set back a minimum of 151 feet from any property line subject to maximum height regulations as noted in §400.580(A) of the City of St. Charles Code of Ordinances.
4. The gravel pipe storage area must be sprayed as necessary to prevent the generation of any dust.
5. No smoke, particulate matter, noxious gases, odors, excessive noise or vibration may be created by the operation of this facility.
6. Approval of this site plan constitutes an understanding by the applicant that any comments submitted by the Public Works Department in regards to this site plan review must be addressed to the satisfaction of the Public Works Department prior to improvement plan approval. Additional comments, significant and/or minor in nature, may be generated during the site improvement plan review process for incorporation into the development plan.

Recommended Motion

Motion to approve the Site Plan for an expanded outdoor storage area for the business at 3251 Harry S Truman Boulevard subject to the conditions recommended by staff.



Picture 1: Aerial view of subject property. Red triangle is approximate location of storage expansion.



Picture 2: View facing west towards subject property and storage expansion area.



Picture 3: View facing north from Trinity's entrance.



Picture 4: View of storage area in front of existing building and adjacent to road.



Picture 5: View facing south towards expansion area.



HAMILTON
WEBER LLC

EXHIBIT H

Attorneys at Law

200 North Third Street
St. Charles, Missouri 63301-2890
636-947-4700
Fax: 636-947-1743

www.hamiltonweber.com
jkilper@hamiltonweber.com

March 27, 2024

Sent via e-mail to:

prosecutor@stcharlescitemo.gov

Tim Engelmeyer, Prosecuting Attorney
City of St. Charles Municipal Court
1718 Zumbahl Road
St. Charles, MO 63303

Re: *City of St. Charles v. Robert Lee Griggs, Jr.*
Citation Nos. 190579497, 190579501, 190579502, 190579503, 190579504, 190579530,
190579533, 190579534

City of St. Charles v. Bryan Paul Davis
Citation No. 2203210281

Dear Mr. Engelmeyer,

As you are aware, we represent Robert Lee Griggs, Jr., and Bryan Paul Davis with respect to the above-referenced citations. Mr. Griggs is the former President of Trinity Products, LLC (“Trinity”), and Mr. Davis is the current President of Trinity.

These citations relate to alleged code violations at Trinity’s operations occurring on two properties situated on either side of Harry S. Truman Blvd. The property on the west side of Truman Blvd. is commonly known and numbered as 3251 Harry S. Truman Blvd., St. Charles, MO 63301 (the “West Property”), whereas the property on the east side of Truman Blvd. is located just north of Truman Industrial Blvd. and bears Parcel ID No. 6-003-D392-00-004B.0000000 (the “East Property”) (collectively referred to herein as the “Trinity Properties”). Trinity is in the business of manufacturing and delivering steel piping and related products and has been using the West Property for this purpose since the company was founded in 1979.

I am sending this letter as a follow-up to the meeting we had during the last court appearance. During that meeting, we talked about the history concerning the citations issued to Mr. Griggs and efforts Trinity has made to address the issues identified in the citations, as well as the more recent citation for an alleged noise violation. Consistent with our conversation, I am sending this letter to provide additional background information about Trinity’s efforts to address the earlier citations and to reiterate our position that there is no merit to the more recent noise violation.

A. Factual Background

On April 20, 2022, the City of St. Charles issued Mr. Griggs a total of eight (8) citations for various violations of the Code of Ordinances of the City of St. Charles (the “City Code”) which allegedly occurred at the Trinity Properties (the “Initial Citations”). Six (6) of the citations were issued for alleged violations occurring at the West Property, and two (2) were issued for alleged violations occurring at the East Property. The citations issued with respect to the West Property include:

Failure to remediate the generation of dust (Citation No. 190579497);

Failure to install a sight proof fence (Citation No. 190579501);

Failure to create a drive aisle plan and install paved drive aisles (Citation No. 190579502);

Failure to comply, by continuing with working outside the confines of a structure (Citation No. 190579503);

Failure to comply, by continuing to manufacture, assemble, or fabricate structural iron and steel (Citation No. 190579504); and

Failure to comply with site plan approvals, for the outdoor storage of pipes and loading operations (Citation No. 190579530).

Regarding the East Property, when the citations were issued, the Property was two separate parcels bearing Parcel ID Nos. 6-0003-C036-00-0004.1000000 and 6-0003-C036-00-0004.2000000. As such, the City issued two citations, one tagged to each parcel as follows:

Failure to obtain a conditional use, floodplain development and site development permit, Parcel ID 6-0003-C063-00-0004.2000000 (Citation No. 190579533); and

Failure to obtain a conditional use, floodplain development and site development permit, Parcel ID 6-0003-C036-00-0004.1000000 (Citation No. 190579534).

However, due to subsequent events discussed herein, the East Property is no longer separated into two parcels, but rather, is one large contiguous parcel. Therefore, all the responses contained in this letter with regard to the East Property apply equally to both Citation Nos. 190579533 and 190579534.

More recently, on September 26, 2023, the City issued Bryan Paul Davis Citation No. 220320281, alleging a violation of § 230.050 of the City of St. Charles Code of Ordinances. As discussed in our letter dated January 25, 2024, a copy of which was previously e-mailed to you, the City cannot meet its burden of proof with respect to this alleged violation because the Sound Study upon which the City relied is insufficient to support a violation of the City Code.

Moreover, upon further investigation, it is now clearly apparent that Trinity is not the only noise producing business/activity within the general area, a fact which further undermines the sound study and the City’s ability to meet its burden of proof.

B. West Property

After the issuance of the Initial Citations, Trinity worked diligently with City Staff to address various issues. For instance, on November 24, 2021, City Staff advised Trinity via letter, in part, that “[s]taff has viewed large dust clouds generated from the site by vehicles driving on and off [West Property]. Per the conditions of [former Site Plans] ‘the gravel pipe and storage area must be sprayed as necessary to prevent the generation of any dust.’” Trinity responded to City Staff on December 9, 2021, and explained that it purchased a water truck that is used to spray the drive aisles and other areas on site to prevent the generation of dust as required by the previously mentioned site plans. However, notwithstanding this communication, the City still issued Citation No. 190579497. In response, Trinity increased its use of the water truck, which has significantly limited the amount of dust created by its operations and has brought it into compliance with the aforementioned site plans, a fact that Trinity has relayed to City Staff on several occasions.

With respect to paving the drive aisles, Trinity continues to seek a viable option that does not lead to additional issues, such as excess dust generation. As discussed with City Staff on multiple occasions, there is an inherent difficulty with paving the drive aisles due to the nature of operations that occur on the West Property.

Specifically, the enormous weight of the various tractors, trucks, other equipment, and materials that traverse the Trinity Properties cause paved surfaces to break down relatively quickly. Trinity fears that upon paving the drive aisles, the weight of the equipment and materials will lead to immediate damage to the pavement, potentially increasing the amount of dust created at the site and reversing the mitigation steps implemented by Trinity since the issuance of Citation No. 190579497.

Notwithstanding these issues, Trinity advised City Staff in May 2023 of its plan to install strips of various types of pavements on the West Property to evaluate the durability of each pavement for eventual installation on the Trinity Properties. Trinity expects the tests to conclude during the summer of 2024 after the strips are fully exposed to all environmental factors and temperature changes experienced within one year. When the tests are complete, Trinity will determine which paving method is the most durable and minimizes new dust creation.

As of January 25, 2024, Trinity moved all structural iron and steel fabrication and storage operations off of the West Property. Trinity has also ceased performing metal fabrication work outdoors. Consequently, the violations charged in Citation Nos. 190579503 and 190579504 have been remediated.

Further, Trinity constructed a six-foot berm, as contemplated on the West Property’s Site Plan, approved by the City on May 23, 2022, along with other screening materials, thereby screening the operations at the West Property from the publicly traveled right-of-way in satisfaction of the violation underlying Citation No. 190579501. Additionally, Trinity installed a gate at the northern entrance of the West Property further screening its operations thereon. These measures addressed certain site plan requirements, the violation of which resulted in Citation No. 190579530. Thus, both of these Citations have been addressed as well.

Trinity has therefore remediated most of the issues identified in the Citations issued in connection with operations at the West Property. In light of the foregoing, we ask that the City

cease the prosecution of our client, Robert Griggs (and by implication Trinity) and dismiss Citation Nos. 190579497, 190579501, 190579503, 190579504, and 190579530. After Trinity determines a viable option regarding paving the drive aisles, and installs that pavement, Citation No. 190579502 will also be remediated.

C. East Property

As discussed above, Citation Nos. 190579533 and 190579534 relate to the East Property and contain the same operative language, namely “Failure to obtain a conditional use, floodplain development and site development permit.” Prior to 2022, the East Property was zoned “I-1” Light Industrial District. Storing structural iron and steel is a conditional use in the City’s “I-1” Light Industrial District. During the summer of 2022, Trinity began the process of rezoning the East Property from the City’s “I-1” Light Industrial District to its “I-2” Heavy Industrial District. By rezoning the East Property in this manner, Trinity could, as a permitted use, store structural iron and steel outdoors at the East Property. *See*, § 400.250(B)(9) of the City Code.

The St. Charles City Council passed Bill No. 13505, rezoning the East Property to the City’s “I-2” Heavy Industrial District on June 21, 2022. Because storing materials outdoors is permitted in the “I-2” zoning district and the East Property is within such district, Trinity was no longer required to obtain a conditional use permit for its operations at the East Property. Following the zoning change, Trinity began preparations for moving all outside storage of pipes and other materials to the East Property, which was completed in January 2024.

Further, on May 23, 2022, the City’s Planning and Zoning Commission approved Trinity’s Site Plan for the East Property. Trinity has also obtained its flood development permit required for the East Property. Thus, with respect to Trinity’s operations at the East Property, Trinity has complied with all the alleged City Code violations. In light of the foregoing, we ask that the City also dismiss Citation Nos. 190579533 and 190579534.

D. Noise Violation (Citation No. 2203210281)

As described in our letter dated January 25, 2024, the City cannot meet its burden of proof regarding the alleged noise violation because of the insufficient and incomplete Sound Study upon which the City relied in issuing the Citation.

In addition to the deficiencies identified in the previous letter, upon further investigation it is apparent that the entire area surrounding Trinity’s operations is saturated with noise producing businesses, activities, and uses. As such, the sound study, which concludes Trinity is the sole responsible party for all noise produced in general vicinity, without any proof, is further undermined.

The sound study does nothing to distinguish between noise produced by Trinity and noise produced by other activities and businesses. By way of example, other nearby sources of noise include:

- (1) Loading, unloading, and moving of metallic materials by the Eisen Panel Group which is located directly across Truman Boulevard from Foxborough Estates at 3300 Panel Way. Enclosed with this letter are photographs showing stacked pieces of metal and an active

forklift moving metal. Metal clanging sounds and backup alarms from equipment emanate from this property.

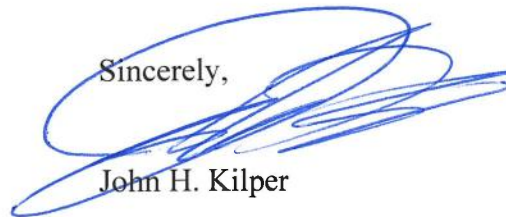
- (2) Mobile Office Trailer business known as WillScot St. Louis which is located immediately north of the East Property. The WillScot property contains vehicles with backup alarms and dozens of metal office trailers.
- (3) Two trash enclosures adjacent to Foxborough Estates and serving The Boulevard Senior Living of St. Charles property (which includes metal noises and backup alarms, two items which the sound study concluded were a result of Trinity's operations).
- (4) Central County Fire and Rescue Station 5.
- (5) Last, but certainly not least, there are hundreds of truck bays associated with the Lakeside 370 Industrial Park which is located north of Foxborough Estates and east of the West Property. Within that Industrial Park are Amazon and Best Buy Distribution Centers, Reckitt Manufacturing, and Reckitt Logistical Center. These uses are associated with trucks and other equipment which uses backup alarms, the opening and closing of metal doors on trucks and loading docks, and the sound of constant travel, loading, and unloading of hundreds of semi-trailer trucks.

The Sound Study measured noise located in the Foxborough Estates subdivision, which is surrounded by multiple business and other uses that generate significant amounts of sound. Because the study failed to distinguish between noise created by Trinity and noise created by these other identified businesses and uses, the City's ability to rely on the Sound Study to meet its burden with respect to Citation No. 2203210281 is further undermined.

As such, given the initial concerns with the Sound Study as described in the enclosed letter, combined with the noise saturation of Trinity's surrounding area, we again ask the City to cease the prosecution of our client, Bryan Davis (and by implication Trinity) and dismiss Citation No. 2203210281.

Should you have any questions pertaining to these matters, please do not hesitate to contact me.

Sincerely,

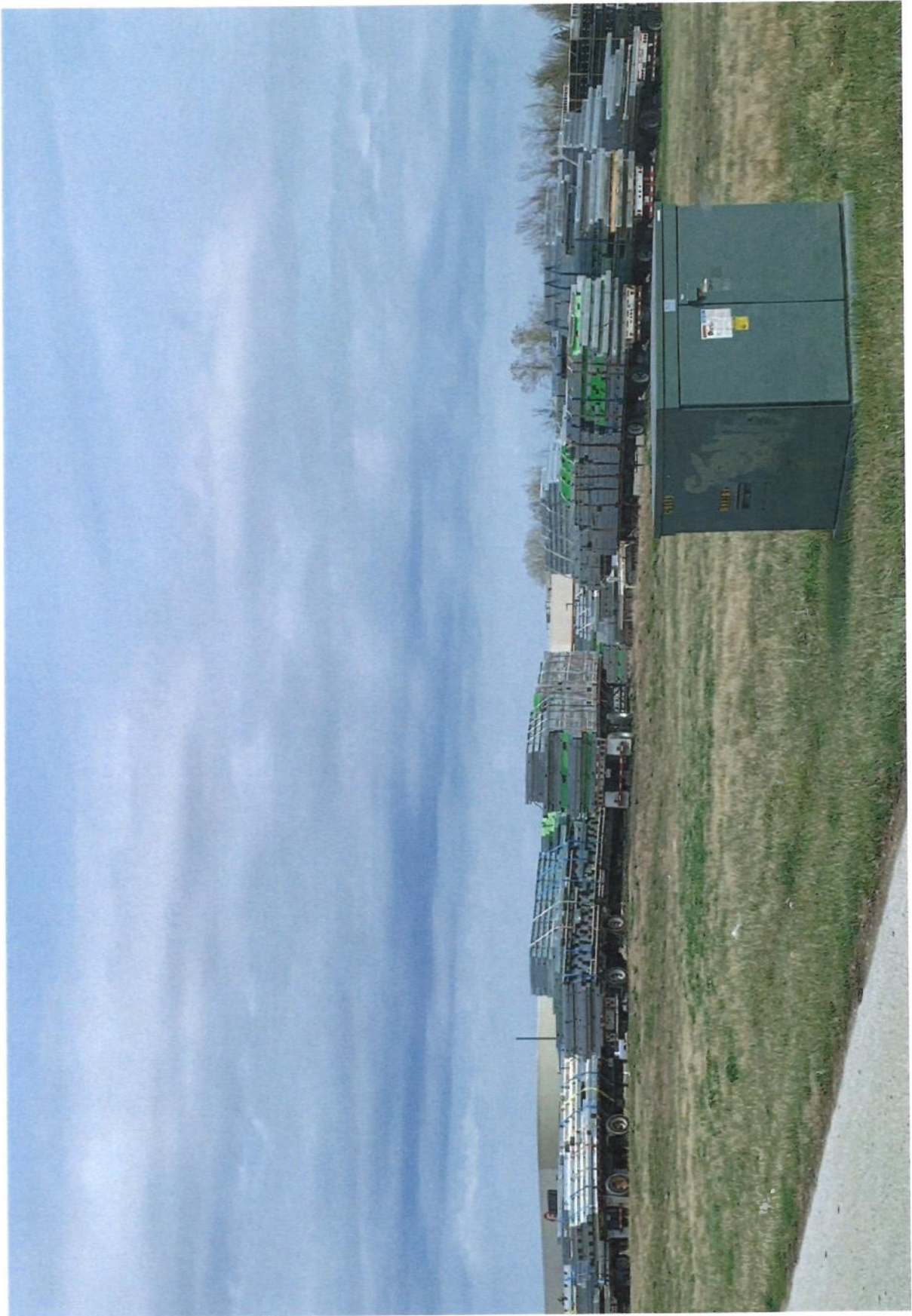


John H. Kilper

Enclosures

cc: Zach Tusinger, Director of Community Development
Zachary.Tusinger@stcharlescitemo.gov







Attorneys at Law

200 North Third Street
St. Charles, Missouri 63301-2890
636-947-4700
Fax: 636-947-1743

*www.hamiltonweber.com
dweber@hamiltonweber.com*

June 9, 2025

Sent via e-mail to:

zachary.tusinger@stcharlescitemo.gov

Zachary Tusinger, Director of Community Development
City of St. Charles
200 North Second Street, Room 303
St. Charles, MO 63301

Re: 3251 Harry S Truman Blvd. and 2001 Truman Industrial Blvd. (collectively, the
“Properties”)

Dear Mr. Tusinger,

This letter serves as a response to both your letter dated May 9, 2025, and our videoconference on June 2, 2025. As you know, I represent Trinity Products, LLC (“Trinity”), which is the owner of the two Properties described above. Your letter and our conversation related to the status of several pending citations issued by the City of St. Charles against Trinity (the “Citations”). In this letter, I will summarize Trinity’s anticipated timelines and proposed resolutions for those Citations.

3251 Harry S Truman Blvd. (“West Property”):

A Site Plan application (SP-2022-15) for the West Property was approved at the May 23, 2022 Planning & Zoning Commission meeting. That approval included certain conditions. The City has indicated that “the paving of drive aisles and the additional parking spaces are still outstanding and are in violation of the City Code and the approved Site Plan.”

Without admitting the validity of the Citations, Trinity is currently in the process of obtaining quotes for paving the drive aisles and additional parking spaces on the West Property. Further, Trinity anticipates that such paving will be completed during the calendar year 2025.

2001 Truman Industrial Blvd. (“East Property”):

A Site Plan application (SP-2022-14) for the East Property was approved at the May 23, 2022 Planning & Zoning Commission meeting and amended at the July 24, 2023 meeting. Included in this Site Plan is a new building on the East Property. Those approvals also included

certain conditions. The City has indicated that the following violations of the City Code and Site Plan exist on the East Property:

1. Paved drive aisles have not been installed on the East Property.
2. Steel fabrication, which is allowed on the East Property, must be conducted completely within an enclosed building. A building permit for a “New Manufacturing Facility and Office” was reviewed and approved for issuance in late 2024 via Building permit #24-3259.
3. The approved Site Plan documents six foot (6’) landscape berms and a sight proof gate. The berms have been installed but there is no landscaping on the berms and the sight-proof gate has not been installed.

Without admitting the validity of the Citations, Trinity is currently in the process of resolving the violations alleged by the City. Specifically, Trinity is obtaining quotes for paving the drive aisles on the East Property and anticipates that such paving will be completed during the calendar year 2025. Trinity also plans on picking up Building permit #24-3259 in the next few weeks. Finally, Trinity anticipates installing landscaping on the berm and a sight proof gate on the East Property within 90-120 days.

Should you have any additional questions pertaining to these matters, please do not hesitate to contact me.

Sincerely,



K. Andrew Weber

*City of St. Charles, MO
Wednesday, February 25, 2026*

Chapter 100. General Provisions

Article I. General Code Provisions

Section 100.155. Restrictions On Delinquent Applicants.

- B. In enforcing or administering the ordinances of the City, no permit, license, franchise or approval of any kind shall be granted to any applicant if the applicant or a related person or entity is charged with or in violation of any relevant law until such time as the applicant or the related person or entity resolves the pending charge or comes into compliance with the relevant law.



November 6, 2025

Bax Engineering
221 Pointwest
St. Charles, MO 63301

Sent via Email to: lwalker@baxengineering.com

Re: SP-2025-09 – Trinity (East) Site Plan – 2001 Truman Industrial Blvd.

To Whom It May Concern:

Staff have completed their review of the information submitted in response to the Site Plan comment letter issued on October 27, 2025, regarding the Trinity Products properties. As noted in that letter (See attached), City Code requires that active violations on a property be resolved or the application itself would resolve the violations before this Site Plan application can advance to the Planning and Zoning Commission for consideration.

Section 100.155(B):

“In enforcing or administering the ordinances of the City, no permit, license, franchise or approval of any kind shall be granted to any applicant if the applicant or a related person or entity is charged with or in violation of any relevant law until such time as the applicant or the related person or entity resolves the pending charge or comes into compliance with the relevant law.”

Items in violation remain:

- Failure to complete the paving of drive aisles on the western property, 3251 Harry S Truman Blvd.

Due to these outstanding violations, the City is unable at this time to process the Site Plan application for 2001 Truman Industrial Blvd. under City Code. Once a compliant paving detail and a reasonable, documented timeline for completing all required improvements provided, and all other active violations are addressed, the City will resume processing the application.

Please feel free to contact me if you have questions or wish to discuss the steps needed to move forward.

Sincerely,

John Boyer

Digitally signed by John Boyer
DN: cn=John Boyer,
o=City of Saint Charles, ou=Community Development,
email=jboyer@stcharlesmo.gov,
c=US
Reason: I am not to the accuracy and integrity
of this document.
Date: 2025.11.06 12:29:02-0600'

John Boyer, CFM

Assistant Director of Community Development/Planning Div. Manager
Community Development Department

Cc: Zach Tusinger, Director of Community Development
Lara Berry, Planner
Drew Weber, Hamilton Weber LLC



October 27, 2025

Bax Engineering
221 Pointwest
St. Charles, MO 63301

Sent via Email to: lwalker@baxengineering.com

Re: SP-2025-09 – Trinity (East) Site Plan – 2001 Truman Industrial Blvd.

To Whom It May Concern:

The Department of Community Development is reviewing the Site Plan application for the above-referenced project. Upon review, the Department of Community Development provides the following comments:

- 1) While staff understands this proposal will have a larger building and will reduce the area for storage, the previously approval (SP-2022-14) included additional drive aisles for the storage area (see attached overlay). Please provide a narrative explaining the reduced drive aisle plan.
- 2) Per the previous submittal: “Trinity’s operations on the Property will include coating, cutting, welding, and storing various sizes of steel pipes and beams.” Please confirm this is still the intended use for the property.
- 3) A concrete or asphalt fire apparatus access road, designed to support an 80,000 lb apparatus in all weather conditions, is required to provide access within 150 feet of all portions of the building. This access road must be a minimum clear width of 20 feet and an approved turn-around provided if longer than 150 ft. ([Section 205.060](#))
- 4) Please provide a fire apparatus mobility sheet.
- 5) Per the applicant’s legal counsel, the applicant has been evaluating pavement options since 2023 to determine “the durability of each pavement for eventual installation on the Trinity Properties” with the conclusion of the evaluation ending “during the summer of 2024” (letter from Drew Weber, Hamilton Weber LLC, dated March 27, 2024). Additionally, in a letter dated June 9, 2025, the applicant’s legal counsel states that “Trinity anticipates that such paving will be completed during the calendar year 2025.”
- 6) Please confirm the pavement detail to be used for the drive aisles that is also in compliance with the City’s paving standards.
- 7) Please be advised, per Ordinance 20-144 ([Section 100.155.B](#)), the City may not be able to process this application due to active violations on the Trinity properties. While this application may assist with resolving the violations on this site, this does not resolve the



- active violation (required paving) on the western site, 3251 Harry S Truman Blvd. Please provide a reasonable timeline and documentation (i.e. contract for paving) for the resolution of all active violations on both sites for staff evaluation. Violations include:
- a. Failure to complete the paving of drive aisles on each property.
 - b. Failure to complete the full site plan installations and construction on the subject property.
 - c. Failure to complete the installation of a sight-proof gate on the subject site.
- 8) Please pay the Site Plan application fee (\$200) associated with this review. This payment may be submitted via check (sent to my attention at City Hall) or paid over the phone with a credit card by calling 636-949-3222 (press Option 1). Please reference the application number SP-2025-09.

Based on the above comments, staff cannot confirm a projected meeting date for the consideration of this proposal. Once staff has received and reviewed the resubmittal, staff will confirm a Planning and Zoning Commission agenda date. Please feel free to contact me at 636-949-3230 or Lara.Berry@stcharlescitymo.gov if you have any questions regarding this letter.

Upon review of the above referenced project, the Fire Department, Building Division, and the Engineering Department may have forthcoming comments via a separate correspondence.

Sincerely,

A handwritten signature in black ink that reads 'L. Berry'.

Lara Berry
Planner
Community Development Department

- Restrictions
- > Sch V One-Way Streets
- ▼ **Title IV: Land Use**
- ▼ Ch 400 Zoning Code
- ▼ Art I General Provisions
 - § Section 400.010 Title.
 - § Section 400.020 Applicability.
 - § Section 400.030 Purpose.
 - § Section 400.040 Conflicting Provisions.
 - § Section 400.050 Definitions.
 - § Section 400.060 Districts Established.
 - § Section 400.070 Reference To District Names.
 - § Section 400.080 District Map — Adopted — Where Filed — Amendments.
 - § Section 400.090 District Map — Boundary Interpretation.
 - § Section 400.100 Compliance With Provisions.
 - § Section 400.110 Location And

sale or rent.

PARKING SPACE

A paved area permanently reserved for the temporary parking of one (1) motor vehicle, located within either a private or public parking area and connected to a street, alley or other designated roadway by a surfaced aisle or driveway. The dimensions and layout of parking spaces and aisles shall be in accordance with the requirements set forth in Section 400.700(B), Parking Dimensions.

PARKING WELL

A paved parking area where each parking space has direct access to a public or private street.

PAVED SURFACE AREA

Ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), poured concrete with or without decorative surface materials, blacktop or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

PHOTOVOLTAIC (PV) SYSTEM

An energy system that converts sunlight into electrical energy.
[Ord. No. 20-038, 4-7-2020]

PHOTOVOLTAIC SYSTEM, BUILDING INTEGRATED (BIPV)

An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. BIPVs, include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings. PV shingles or tiles, PV laminates, and PV glazing are all examples of BIPV.
[Ord. No. 22-088, 7-12-2022]

Lara Berry

From: Lara Berry
Sent: Tuesday, October 14, 2025 5:02 PM
To: 'Kurt Kutter'
Subject: RE: Trinity Products

Hi Kurt,

After reviewing your request, city staff has determined that the proposed chip and seal surface does not meet the City's paving standard as defined in Section 400.050 of the Zoning Ordinance. It is our understanding that the chip and seal method is typically used as a maintenance treatment over an existing hard surface, such as asphalt or concrete, rather than as a standalone paving system. The subgrade you referenced is generally provided as the base or foundation upon which pavement is constructed, not as the finished surface itself. Pavement requires a hard surface (such as asphalt, concrete, or a comparable material) that provides a durable and stable layer suitable for ongoing use. A chip and seal application directly over a subgrade does not produce the same level of load-bearing capacity or surface integrity intended by this standard. For these reasons, the chip and seal method would not be considered a compliant paving material.

Lara Berry

Planner
Department of Community Development
City of Saint Charles
200 North Second Street
St. Charles, MO 63301
Main Office 636.949.3222
Direct Phone 636.949.3230
Fax 636.949.3557

From: Kurt Kutter <KKutter@byrneandjones.com>
Sent: Tuesday, October 14, 2025 10:54 AM
To: Lara Berry <Lara.Berry@stcharlescitymo.gov>
Subject: RE: Trinity Products

CAUTION: This email originated from outside of the City of Saint Charles. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry I said millings! I meant the chip and seal.

Thank you,

Kurt Kutter, P.E.
Director of Engineering
Byrne & Jones | Sports Division
O: 314-501-7454
C: 314-941-6428
www.byrneandjones.com



Byrne & Jones
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Check out this video to learn more about our company:

<https://www.youtube.com/watch?v=rkKaUTMarOo>

From: Lara Berry <Lara.Berry@stcharlescitymo.gov>

Sent: Tuesday, October 14, 2025 9:26 AM

To: Kurt Kutter <KKutter@byrneandjones.com>

Subject: RE: Trinity Products

Hi Kurt,

I have sent your proposal to our Engineering and Fire Depts for review. In the meantime, please see the attached site plans for both the east (2001 Truman Ind.) and west (3251 Harry S Truman) properties. In the past, asphalt millings have not been accepted as an approved paved surface.

Lara Berry

Planner

Department of Community Development

City of Saint Charles

200 North Second Street

St. Charles, MO 63301

Main Office 636.949.3222

Direct Phone 636.949.3230

Fax 636.949.3557

From: Kurt Kutter <KKutter@byrneandjones.com>

Sent: Tuesday, October 14, 2025 6:10 AM

To: Lara Berry <Lara.Berry@stcharlescitymo.gov>

Subject: RE: Trinity Products

CAUTION: This email originated from outside of the City of Saint Charles. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lara,

I wanted to follow up to see if you could provide me with the site plan or conditional use for this project? Also, wanted to see if you were able to look into the request for the asphalt milling surface?

Thank you,

Kurt Kutter, P.E.

Director of Engineering

Byrne & Jones | Sports Division

O: 314-501-7454

C: 314-941-6428

www.byrneandjones.com



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Check out this video to learn more about our company:

<https://www.youtube.com/watch?v=rkKaUTMarOo>

From: Kurt Kutter

Sent: Wednesday, October 8, 2025 8:46 PM

To: lara.berry@stcharlescitemo.gov

Subject: Trinity Products

Lara,

Thank you for the call this afternoon. I wanted to follow up with respect to our conversation regarding Trinity Products to see if the City would allow chip and seal over a prepared and stabilized base for the drives at Trinity Products? Per our discussion the City's code states:

Section 400.050 - Definition of "Paved"

Paved means: "Ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), poured concrete with or without decorative surface materials, blacktop or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface."

Chipseals are constructed by evenly distributing a thin base of hot bitumen or asphalt emulsion onto the stabilized subgrade and then embedding finely graded aggregate into it. The aggregate is evenly distributed over the hot seal spray, then rolled into the bitumen using heavy roller creating the surface. This is a method county's use across the state on existing gravel roads with a good base to prevent water intrusion, increase traction and provide a dust free surface.

Also, can you please provide the site plan or conditional use that was referenced on the call today?

Thank you,

Kurt Kutter, P.E.

Director of Engineering

Byrne & Jones | Sports Division

O: 314-501-7454

C: 314-941-6428

www.byrneandjones.com



Byrne & Jones
SPORTS CONSTRUCTION

Lara Berry

From: Lara Berry
Sent: Thursday, December 4, 2025 12:59 PM
To: 'Kurt Kutter'
Cc: Zachary Tusinger; Daniel Mann; John Boyer; James Hill; James Gillam
Subject: RE: Subject: Trinity Products

Good afternoon, Kurt.

Thank you for the follow-up information and for providing details on the proposed hybrid approach. Staff has discussed and reviewed the proposal again in relation to both the Zoning Code, Engineering criteria, and the Fire Department's adopted standards. We appreciate the effort to find a workable path forward; however, the City's position remains unchanged.

While some jurisdictions may use chip and seal for certain public roadways, and while chip and seal may function as a **maintenance overlay** on an **existing, structurally paved roadway**, those practices do not translate to private property paving requirements within the City. The Zoning Code and the Fire Department's adopted standards establish specific paving expectations for private development that chip and seal does not meet.

In particular, Section 205.070 adopts (and amends) the International Fire Code, which requires fire apparatus access roads to have an **asphalt or concrete** driving surface capable of supporting fire apparatus up to 80,000 pounds. Chip and seal applied over aggregate base is not recognized by the Fire Department as an approved driving surface for this purpose, nor does it meet the City's standard for a permanent paved surface (as defined in Section 400.050) on private property.

Additionally, the fire apparatus weight requirement is only a minimum standard for fire. This site will see daily use by equipment and vehicles that are as heavy as, or heavier than, fire trucks. Staff recommends a solution that exceeds City standards due to this expected loading; however, we can only enforce minimum paving (asphalt/concrete). Be advised, if a minimal compliant surface is provided and the subject use breaks down the surface, this would create an ongoing maintenance problem for the property. This type of deterioration is not consistent with the City's expectations for a durable, long-term paved surface and would generate property maintenance issues open to enforcement.

Any areas intended for vehicular access, including occasional access by fire apparatus, must be constructed with an approved asphalt or concrete surface.

Thank you,
Lara Berry

Planner
Department of Community Development
City of Saint Charles
200 North Second Street
St. Charles, MO 63301
Main Office 636.949.3222
Direct Phone 636.949.3230
Fax 636.949.3557

****Please be advised, City Hall will be closed December 24, 2025 - January 1, 2026 for the holidays.****

> On Nov 25, 2025, at 5:03 PM, Daniel Mann <Daniel.Mann@stcharlescitymo.gov> wrote:
>
> John, I haven't circled back to this. Do you have context you could share or would you like to discuss?
>
> From: Kurt Kutter <KKutter@byrneandjones.com>
> Sent: Wednesday, November 19, 2025 4:18 PM
> To: Daniel Mann <Daniel.Mann@stcharlescitymo.gov>
> Subject: Subject: Trinity Products
>
> CAUTION: This email originated from outside of the City of Saint Charles. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
>
> Dan,
>
>
>
> Wanted to follow up with my phone call yesterday regarding Trinity Products. I appreciate the City's careful review of this matter and understand the concerns raised about meeting Section 400.050 of the Zoning Ordinance. I would like to respectfully provide additional information that demonstrates chip and seal over a properly prepared aggregate base is indeed a viable paving solution that satisfies the code's definition of "paved."
>
>
>
> Section 400.050 of the code defines paved as "ground surface covered with...blacktop or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface." Chip seal directly meets this definition as it consists of a hot bitumen or asphalt emulsion base with aggregate embedded and rolled into the surface, creating a hard, durable asphaltic wearing surface. While chip and seal is commonly used for maintenance of existing pavements, it is equally effective and widely accepted as a primary pavement system when applied over a properly prepared and compacted aggregate base. This method is routinely used throughout Missouri and across the country by municipalities and counties for permanent roadway surfaces—not just as maintenance treatments. The key is proper subgrade preparation, which we are proposing.
>
>
>
> I have attached a photograph from Abby Kate Lane in Foristell, Missouri, which demonstrates chip and seal successfully applied over prepared aggregate base. This installation has provided years of reliable service as a permanent pavement surface, demonstrating the durability and load-bearing capacity of this system when properly constructed.
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> [cid:image003.png@01DC5886.AEAF53A0]
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> When properly designed and constructed, chip and seal over aggregate base provides:
>
>
>

- > * A hard, durable wearing surface that sheds water effectively
- > * Adequate load-bearing capacity for the intended use (low-traffic yard area)
- > * Dust suppression and erosion control
- > * A surface suitable for ongoing vehicular use, including fire apparatus access on firm base
- >
- >
- >
- > The structural capacity comes from the properly compacted aggregate base (which we will engineer to appropriate specifications), while the chip seal provides the waterproof wearing surface that prevents water intrusion and base deterioration. For Trinity Products, this is not a high-volume traffic area but rather a storage yard where the primary objectives are dust control, water management, and providing a firm surface for occasional vehicle access. Chip and seal is well-suited for this application and represents a cost-effective solution that meets the code requirements while serving the project's functional needs.
- >
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- > Understanding the City's desire to maintain high standards for visible and public-facing areas, we would like to propose a hybrid approach that addresses aesthetic and functional concerns while providing practical solutions for the secured operational areas:
- >
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- >
- > * Front Area (Outside Secure Gate): All publicly visible areas and primary access drives leading up to the security gate/fence line would be paved with conventional asphaltic pavement (hot-mix asphalt over aggregate base).
- > * Rear Yard Area (Inside Secured Perimeter): The operational storage yard behind the security fence and gates would utilize chip and seal over prepared aggregate base. (Knox box and keys provided to fire department)
- >
- >
- >
- > This approach provides full conventional asphalt pavement for all areas visible from the public right-of-way and primary access points, while utilizing the proven chip and seal system for the interior secured yard where the primary needs are dust control, water management, and a stable surface for low-volume operational traffic. The security fencing would clearly delineate these two paving zones. Please see the below aerial image showing the general layout of the proposed fencing and paving areas. This compromise solution addresses the City's standards for public-facing areas while providing a practical, code-compliant solution for the operational yard space. If required, we would be open to attending a City Council meeting to discuss with elected officials for an amended plan.
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- > [cid:image002.png@01DC5886.538B43D0]
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- > We believe this hybrid approach and specifically the chip and seal component complies with Section 400.050 and would be happy to discuss this further with you, Laura Berry, and any other relevant City staff. If necessary, we are prepared to present this proposal to City Council to demonstrate how this solution meets the City's paving standards while serving both the public interest and the project's operational requirements.
- >
- >
- >

> Would you be available for a meeting or call to discuss this further? I'm confident we can work together to find a solution that satisfies the City's requirements while meeting the project's needs.

>

>

>

> Thank you for your consideration.

>

>

>

> Kurt Kutter, P.E.

>

> Director of Engineering

>

> Byrne & Jones | Sports Division

>

> O: 314-501-7454

>

> C: 314-941-6428

>

> www.byrneandjones.com<<http://www.byrneandjones.com/>>

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> [Graphical user interface, application Description automatically generated]

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> ASPHALT | CONCRETE | SPORTS | PARKS & RECREATION

>

> Check out this video to learn more about our company:

>

> <https://www.youtube.com/watch?v=rkKaUTMarOo>

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>

Category: 400 FLEXIBLE PAVEMENT



Safety Video

[Asphalt Operations](#)

Pavements are [designed](#), [constructed](#), and [maintained](#) to provide adequate strength for loads imposed by traffic, and to provide a uniformly firm, stable, smooth, and weather surface. To achieve these objectives, the [subgrade](#), [base](#), [underlay](#), and pavement must function together properly so that the pavement will support traffic under the predicted traffic loads. Pavements are either flexible or rigid.

Flexible pavements consist of a mixture of liquid asphalt and aggregate. There are three general categories of asphalt pavement design. Selection is based on traffic volume.

- Plant Mix Surface Leveling mixes are our least stable mixes and are used only on lower volume roads. Rutting is not expected to be an issue. The general requirements for this mix type can be found in [Surface Leveling](#).
- Plant Mix Bituminous Bases and Pavements have higher stability requirements than surface leveling mixes and are used on medium volume roads. The general requirements for these mix types can be found in [Bituminous Bases and Pavements](#).
- Superpave is the most stable of all asphalt pavement types and is used on the highest volume roads. The general requirements for this mix type can be found in [Concrete Pavement](#).

Read

View history

Search Engineering Policy Guide



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oads. The general requirements for Superpave mixes can be found in [Asphaltic](#)





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- 400 Flexible Pavement
- 500 Rigid Pavement
- 600 Incidental Construction
- 700 Structures and Hydraulics
- 800 Roadside Development
- 900 Traffic Control

Category

Category:409 Seal Coat

Seal Coating (previously called chip sealing) is the application of a bituminous binder immediately followed by an aggregate cover. The aggregate is then rolled to embed it into the binder. The desired functions are:

1. Seal the road surface against the entrance of moisture and air.
2. Provide a new skid resistance wearing surface.
3. Rejuvenate or enliven a dry or weathered surface against abrasion and disintegration.
4. Reinforce and help restore design surface.
5. Provide a demarcation in texture between the road surface and the shoulders for traffic guidance.
6. Cover ragged patches and other discrepancies.

Seal coats cannot be used to correct the pavement profile or correct a rough ride. When selecting a seal coating, the existing pavement should exhibit a good cross section and a good base, and have a good surface. Working cracks should be sealed, and non-working cracks $\geq 3/8$ in. wide should be filled prior to the placement of the seal coat. For more information on working and nonworking cracks see [Crack Treatment in Bituminous Pavements](#).

Read

View history

Search Engineering Policy Guide



 Help

allowed by the application
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Contents [\[hide\]](#)

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- 409.2 Construction Inspection for Sec 409
 - 409.2.1 Description (Sec 409.1)
 - 409.2.2 Material (Sec 409.2)
 - 409.2.3 Job Mix Formula (Sec 409.3)
 - 409.2.4 Equipment (Sec 409.4)
 - 409.2.5 Construction Requirements (Sec 409.5)
 - 409.2.6 Traffic Control (Sec 409.6)
 - 409.2.7 Basis of Acceptance (Sec 409.7)
 - 409.2.8 Method of Measurement
- 409.3 Materials Inspection for Sec 409
 - 409.3.1 Procedure

**Best Practices for
Emulsified Asphalt Chip Seals**



**Prepared for the
AASHTO TSP-2
by the
Emulsion Task Force (ETF)**

February 8, 2021

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- Scott Shuler
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Disclaimer

The opinions expressed in this document are those of the authors and do not necessarily reflect the view of the AASHTO TSP-2 ETF or AASHTO Committee on Materials and Pavements (COMP).

Forward

This document titled “Best Practices for Emulsified Asphalt Chip Seals” was developed solely to address Chip Seals using emulsified asphalt. It is recognized that there are other chip seal applications that use hot applied asphalt binders. For simplicity, Chip Seal, as used in this document refers solely to chip seals placed using emulsified asphalt and is used universally to mean Asphalt Emulsion Chip Seals.

A chip seal is the application of emulsified asphalt, followed immediately by a single layer of aggregate to a prepared surface. The primary purpose of the chip seal is to seal fine cracks in the underlying pavement surface and prevent water intrusion into the base and subgrade. Chip seals and similar surface treatments have been used since the 1920’s to seal aggregate surfaced roads. Since then, chip seals have evolved into maintenance or preservation treatments that can be used on both low volume and high volume roads.

In recent years, considerable work has been done through the National Cooperative Highway Research Program (NCHRP) on developing best practices and specifications for chip seals. NCHRP Synthesis 342-Best Practices for Chip Seals (2005-Dough Gransberg); NCHRP report 680 Manual for Emulsion Based Chip Seals for Pavement Preservation (2016-Scott Schuler); NCHRP report 14-37 Guide Specifications for the Construction of Chip Seals and Fog Seals (2018- Scott Schuler). Much of the information related to this document is drawn from these publications along with information published by the International Slurry Surfacing Association (ISSA), the Asphalt Emulsions Manufacturers Association (AEMA), AASHTO Transportation System Preservation Technical Service Program (TSP-2) ETF and the (AASHTO COMP). Over the past several years, the ETF has developed AASHTO materials and design standards for chip seals that have been published by the AASHTO COMP. Construction Guide specifications for this treatment have also been developed and approved by the AASHTO COMP and are awaiting publication.

The objective of this document is to provide the user with the knowledge and guidance necessary to construct a chip seal that provides the expected service life or life extension. It is a summary of best practices for chip seals that addresses the following:

- Background and terminology
- Project selection
- Materials used in chip seals
- Mix design and performance tests
- Specifications
- Construction
- Quality Assurance
- Check lists and problem solving

Chapter 205. Fire Protection and Fire Prevention

Article II. Fire Prevention

Division 1. General Provisions

Section 205.070. Amendments.

40. Appendix D, Section D102.1, Access and loading, is amended to read as follows:

Section D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt or concrete driving surface capable of supporting the imposed load of fire apparatus weighing up to eighty thousand (80,000) pounds.