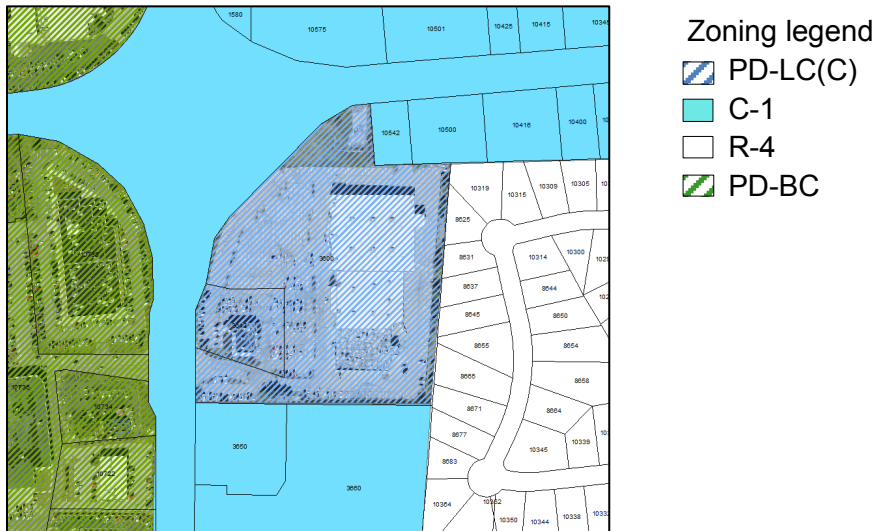


Summary:

This Application is to vary the setbacks for a parking lot at 3600 South Lindbergh Boulevard. The existing spaces that were formerly occupied by Toys R Us and Ross Dress are proposed to be occupied by a Bass Pro Shop. The Tile Shop will remain. The property is located on the southeast corner of South Lindbergh Boulevard and Watson Road. The property is currently zoned PD-LC(C) Planned Development – Limited Commercial. The properties to the north are zoned C-1 Commercial District, the properties to the east are zoned R-4 Single Family Residential, the properties to the south are zoned C-1 and the properties to the west are zoned PD-BC Planned Development – Business Commercial.



History:

A Record Plat (P-18-97) was approved in 1997 and the existing 90,223 square foot building was constructed the same year.

The Petitioner is proposing to redevelop the property, utilizing the existing structure (with major improvements and façade changes) occupying the space with a Bass Pro Shop.

In August of this year, a Community Improvement District (CID) was approved for this project (see attached). It calls for a 1% increase in sales tax for all transactions that occur in the development for a period of 40 years. The money is to be used to help pay for redevelopment expenses.

The Petitioner has applied for an Amended Development Plan for redevelopment of the property. At the January 5, 2022 Meeting, the Planning & Zoning Commission recommended approval of the Amended Development Plan with the following conditions:

1. Approval from the Metropolitan Sewer District (MSD) for the site;
2. Establishment and installation of the cross access drive from this development onto the development to the south;
3. Submittal of as built photometric plans, to meet the City's newly adopted lighting ordinance;
4. Installation of sidewalks is required prior to issuance of an occupancy permit;
5. Installation of an eight foot (8') fence and an enhanced landscape buffer between the back of the building and the property line is required prior to issuance of an occupancy permit;
6. The Board of Adjustment approves all necessary variances from the requirements of Appendix B;
7. Mehlville Fire District must approve the development;
8. The existing intersection at South Lindbergh Boulevard must be improved; and
9. The Petitioner must continue discussions with MoDOT to establish a second entrance into the development, off Watson Road.

Staff Analysis:

This Application is to vary the requirements in Appendix B Zoning Regulations, Section 6.3-4, which requires parking areas to meet a ten foot (10') requirement from any front property line or right of way and five feet (5') from any side or rear property lines. The Petitioner is proposing to expand the existing parking lot and the setback requirements would not be met along the north property line (along Watson Road) or east property line (along the property line adjacent to the property currently occupied by Midas at 10542 Watson Road). The expanded area would be 1.8 feet from the northern property line, along Watson Road and extend nearly to the eastern property line, along the property currently occupied by Midas.

Per Appendix B Zoning Regulations, Section 9.3-2 Findings: The Board of Adjustment may grant variances from the strict application of this Ordinance when by reason of the strict application of this Ordinance or Amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property; provided that such variance can be

granted without substantial impairment of the intent, purpose and integrity of this ordinance. It is further provided that this provision shall not permit the board of adjustment to permit a use of land not authorized by the provisions of this ordinance for a specific zoning district or to increase the height or volume of a building or structure or to increase the density of development beyond that permitted by this ordinance for any particular zoning district. Before granting a variance, there must be a finding by the Board of Adjustment that all of the following conditions exist:

- (A) That if the owner complied with the provisions of this ordinance, the owner would not be able to make any reasonable use of the property which is permitted in the district in which the property is located.

If the owner complied with the provisions of this ordinance, they would be able to make use of the property as it currently exists.

- (B) That the difficulties or hardships are peculiar to the property in question in contrast with contrast with those of other properties in the same district.

The difficulties and hardships could be considered peculiar to this property. This is an existing development and areas for expansion are limited.

- (C) That the hardship was not the result of the applicant's own action and is not merely financial or pecuniary.

The hardship is not the result of the applicant's own action. The petitioner proposes to occupy and make improvements to the existing development. The hardship is not financial or pecuniary.

- (D) That the issuance of a variance will not be detrimental to the public welfare or health or injurious to other property.

Based on the information provided by the petitioner, this variance should not be detrimental to the public welfare or health or injurious to other property.

If the Board believes that application of this Ordinance would result in unusual difficulty or unreasonable hardship upon the owner of said property, this Variance should be approved.