

# A-10-22

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**Title:** Appeal, submitted by Bass Pro, to vary the height of two parapet walls from sixteen feet (16') to twenty-four feet (24') and twenty-six and one-half feet (26 ½') for façade walls at 3600 South Lindbergh Boulevard (per Appendix B, Section 5.10)

**Owners:** Sunset Hills Owner, LLC  
120 South Central Avenue, Suite 500  
St Louis, Missouri 63105

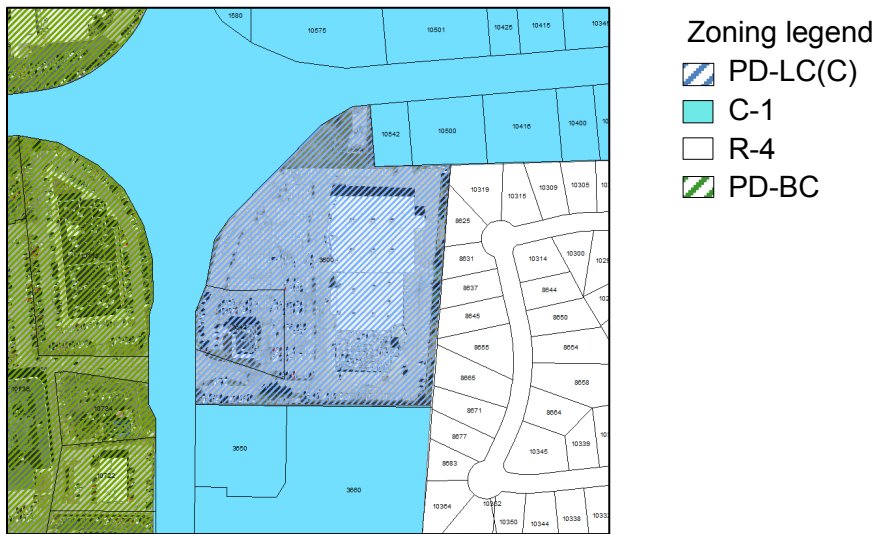
**Date:** April 2022



\*Maps are for informational use only. Not a representation of the project. X – Not part of the project

**Summary:**

This Appeal is to allow the height of two (2) parapet walls to exceed the height allowed at 3600 South Lindbergh Boulevard. The existing spaces that were formerly occupied by Toys R Us and Ross Dress For Less 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 2021, 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.

In March of this year, an Amended Development Plan was approved for redevelopment of the site, with the following conditions:

- A. All requirements of Appendix B of the Code of Ordinances (the Zoning Code), including, without limitation, the below listed requirements, shall either be met, anticipated to be met or the Board of Adjustment approves variances for any substantive requirement that shall not be met.
  - a. Appendix B Zoning Regulations, Section 6.3-4: Parking areas shall 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.
  - b. Appendix B Zoning Regulations, Section 4.10-11B3: Total site coverage shall not exceed 70% total site coverage.
  - c. Appendix B Zoning Regulations, Section 5.13-5B5: Parking rows shall not exceed fifteen (15) spaces without the provision of a landscape planting area.
- B. Lighting: Applicant shall provide an as-built photometric plan for the Property that shall satisfy the illumination requirements of Appendix B Zoning Regulations, Section 6.3-7 before an occupancy permit is issued. No light spillage onto the residential areas to the east of the site is permitted.
- C. Fence: Applicant shall construct an eight feet tall site-proof fence on the east side of the Property between the parking area behind the building and the property line.
- D. Applicant shall obtain approval from Metropolitan St. Louis Sewer District (MSD) for the proposed use of the Property.
- E. Cross Access Easement: Applicant shall establish a cross access easement and install a cross access drive between the Property and the Comfort Suites/Helen Fitzgerald property to the south of the Property.

- F. Sidewalks: Applicant shall install sidewalks adjacent to the Property pursuant to Section 24-108(a) of the Code of Ordinances before an occupancy permit is issued.
- G. Landscaping: The landscaping depicted on the submitted Landscaping Plan shall be completed as shown and maintained in good condition.
- H. Signage: All signs shall be erected in compliance with the Code of Ordinances and any deviations must be approved by the Board of Aldermen.
- I. Construction Hours: The hours of external construction and related activities outside of the building(s) shall be limited to that which is permitted in Section 16-34 of the Code of Ordinances - namely 7:30 a.m. to 6:30 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturdays, and no external construction or activities on Sunday.
- J. Lindbergh Access: Applicant shall reconstruct the Lindbergh Blvd. access to the Property as depicted on the Lindbergh Entrance Exhibit, Sheet I and Sheet 2, dated 2-4-2022 prepared by Castle Contracting before an occupancy permit is issued.
- K. Watson Road Access: Applicant shall use all reasonable efforts to establish and construct the Watson Road ingress in substantial compliance with what is depicted on the Site Plan dated 03-08-2022 (included in the March 8, 2022 agenda materials). Applicant shall perform all of the following prior to the Bass Pro Shops opening for business:
  - o generate the land survey for the Watson Road Access;
  - o hire Lochmueller to do any necessary traffic studies for the Watson Road access;
  - o generate final design plans and construction drawings consistent with approved Watson Road Access plans as shown on site redevelopment plan approved by Board of Alderman;
  - o coordinate with City and authorities having jurisdiction; and
  - o submit plans to MoDOT for approval.

Applicant shall complete construction of the Watson Road Access within nine months of MoDOT approval in a manner consistent with approved plans by City and MoDOT. Applicant shall place \$300,000 in escrow for the purpose of securing its obligation to complete the Watson Road Access once MoDOT approves access plans shown on the Amended Development Plan. Additional requirements for the escrow shall be as follows:

- o The escrow shall not be released until Applicant completes the Watson Road Access, assuming such access is approved by MoDOT.
- o In the event Applicant does not satisfy its obligation to construct the Watson Road Access after MoDOT has approved it, the Escrow shall be released to the City to pay for the completion of the access or for other traffic mitigation measures at Shoppes at Sunset Hills resulting from Bass Pro's operation as deemed necessary by the City.
- o In the event MoDOT does not approve the Watson Road Access in substantially the same form as depicted on the plans shown on the Amended Development Plan, the Escrow shall be held for up to three years to be used for mutually agreeable traffic mitigation measures at Shoppes at Sunset Hills resulting from Bass Pro's operation.

**Staff analysis:**

This Application is to vary the requirements in Appendix B Zoning Regulations, Section 5.10 Height exceptions, which states:

“Penthouses or roof structures, structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks or similar structures may be erected above the height limits prescribed in the district regulations, subject to the limitations hereinafter provided. Subject to approval by the planning and zoning commission, penthouses or any other structures herein referred to may be erected to any safe and otherwise lawful height above the height of the building, but shall not exceed sixteen (16) feet.”

The Petitioner is proposing to construct a new façade on the front of the building, with four (4) pitched parapet walls extending above the existing roofline. Heights are as follows (from left to right on the included plans):

1. Top of building: 30 feet  
Parapet height: 12.5 feet  
Flagpole height: 9.5 feet  
Overall height\*: 52 feet

This parapet wall does not require a variance from the height exceptions because it is less than sixteen feet (16').

2. Top of building: 30 feet  
Parapet height: 24 feet  
Flagpole height: 36 feet  
Overall height\*: 90 feet

This parapet wall requires from the height exceptions because it is over sixteen feet (16').

3. Top of building: 30 feet  
Parapet height: 12.5 feet  
Flagpole height: 9.5 feet  
Overall height\*: 52 feet

This parapet wall does not require a variance from the height exceptions because it is less than sixteen feet (16').

4. Top of building: 30 feet  
Parapet height: 28 feet  
Flagpole height: 9 feet  
Overall height\*: 67 feet

This parapet wall requires from the height exceptions because it is over sixteen feet (16').

\*Overall height includes the building, parapet and flagpole

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. However, as the Petitioner will explain, the proposed parapet walls are part of Bass Pro Shops' branding and thus needed on the building.

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

The difficulties and hardships are not peculiar to the property in question.

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

The hardship is the result of the applicant's own action. 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 Appeal should be approved.