

A-03-23

Title: Petition for a variance, submitted by Mark Doering of Doering Engineering to vary the proposed traffic's level of service from level D to level E for a new development at 12852 Maurer Industrial Drive (UDO Section 7.5-2m).

Owners: Thomas & Toni Batsch
8710 Pardee Lane
St Louis, Missouri 63126

Date: January 2023



* Maps are for informational use only. Not a representation of the project.

Summary:

This Appeal is to vary the proposed traffic's level of service from level D to level E for a new development at 12852 Maurer Industrial Drive. The property is located on the northeast corner of Highway 30 and Maurer Industrial Drive. The property is currently zoned PD-LI Planned Development – Light Industrial. The properties to the west are also zoned PD-LI. The property to the north is zoned LI Light Industrial. The properties to the south are zoned LI and R-1 Single Family Residential.

Project overview:

- Location: 12852 Maurer Industrial Drive; aka Sunset Plantland
- Zoning district: PD-LI Planned Development – Light Industrial
- Section from which variation is being sought: UDO Section 7.5-2m
- Request: to allow traffic at the intersection of Highway 30 and Maurer Industrial Drive to exceed the level of service permitted in the Unified Development Ordinance (UDO).

History & Staff analysis:

At the January 4 Planning & Zoning Commission Meeting, a boundary adjustment plat (P-18-22) was approved in order to alter the two properties. Boundary adjustment plats do not require action to be taken by the Board of Aldermen.

The Commission also considered two other Petitions.

- 1) P-19-22 is a Petition for a conditional use permit for a gas station/convenience store, which is considered a motor vehicle oriented business (MVOB) and requires approval of a conditional use permit.
- 2) P-20-22 is a Petition for an amended development plan for the proposed gas station/convenience store. The remaining property would continue to be operated as a greenhouse.

The Commission voted to recommend approval of the Petitions to the Board of Aldermen with the following conditions:

- 1) The Petitioner must install the three (3) stop signs recommended in the traffic study;

- 2) The Petitioner must install a right turn lane on Maurer Industrial Drive, as recommended in the traffic study or obtain a variance from the level of service requirement.

Staff analysis:

Section 7.5-2m of the UDO states:

A professional traffic study performed by a firm chosen by the City showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned development, including the location and description of public improvements to be installed, any streets and access easements, and any impact on current conditions. The traffic study must determine that the proposed traffic will maintain at least a “d” level of service.

Submission of a traffic study is required for all motor vehicle oriented businesses (MVOB) and development plans. A traffic study provides a detailed analysis of the components of an intersection and how the function individually and together as a whole.

Per the attached revised traffic study prepared by CBB Transportation Engineers & Planners, the intersection of Highway 30 and Maurer Industrial Drive operates as follows:

Currently, the intersection’s level of service is a D or higher, with the exception of the southbound Maurer Industrial Drive approach during the pm peak hour, during which the level of service is an E.

With the proposed development and no improvements to the intersection, the intersection’s level of service is a D or higher, with the exception of the southbound Maurer Industrial Drive approach during both the am and pm peak hour, during which the level of service is an E.

With the proposed development and the addition of a southbound right turn lane, the intersection consistently operates at a level of service D or better.

The traffic study included two (2) recommendations:

- Addition of a right turn lane on Maurer Industrial Drive, extending from the south driveway to Highway 30.
- Addition of stop signs at both exits from the development and east bound Maurer Industrial Drive.

Section 10.3.2 of the UDO states: 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:

- 1) 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.

- 2) 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 could be considered peculiar to this property. The recommended right turn lane would be in an environmentally sensitive area, requiring a drainage tributary to be contained.

- 3) 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. It could be considered financial or pecuniary. While the right turn lane could likely be installed, it would be an expensive project to execute.

- 4) 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.