



**MINUTES BOARD OF ADJUSTMENT  
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF JANUARY 17, 2018  
6:00 P.M.**

CALL TO ORDER

Chairman Bill Jaggi called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Tom Fann; Mr. Brian Stiens; Mr. Bill Jaggi, Mr. Nick Trupiano; Mr. Bill Kendall; Mr. Ken Braunfeld, Planning Coordinator; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Jaggi asked the Board for any comments or questions regarding the minutes of the December 21, 2017 meeting. Mr. Fann made a motion and Mr. Kendall seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Jaggi asked for any reports or communications from the Officers or Staff. Mr. Braunfeld indicated that there were none.

PETITION 18-A:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 18-A. Mid Rivers Investment Partners, Inc. requests a variance to reduce the rear yard setback from an internal lot line on Outparcel D of the Shoppes of Mid Rivers. The site is located on the north side of Interstate 70 and I-70 Outer Road North, east of Mid Rivers Mall Drive.

Mr. Jaggi declared the public hearing open to consider Petition 18-A. The petitioner or their agent was requested to step forward to present their petition. Mr. Adam Glosier, GBT Realty, was sworn in as the petitioner. Mr. Glosier explained the proposed restaurant will be located on a 1.3 acre outlot of the recently completed Shoppes of Mid Rivers shopping center. The subject lot was platted as part of the original layout of the Shoppes of Mid Rivers development and prior to any specific user. The rear of the proposed building will be approximately nineteen feet from the rear property line. In addition, extending off the rear of the building will be an open-air screen wall storage/dumpster area. The storage/dumpster enclosure will extend to within eight feet of the rear property line.

Mr. Braunfeld was sworn in to present the City's position on Petition 18-A. Mr. Braunfeld explained that the Planning and Zoning Commission approved the site plan for the Outback Steakhouse on January 3, 2018 with a contingency to obtain a variance for the rear yard setback. The proposed restaurant will be located on a 1.3 acre outlot of the recently completed Shoppes of Mid Rivers shopping center. The restaurant will be approximately 6,500 square feet in size and fronts to I-70 Service Road North. There will be no direct access to the service road. Access to the site will be from internal drives that serve the Shoppes of Mid Rivers.

In addition to the main inline retail buildings, the Shoppes of Mid Rivers development includes several outbuildings constructed with the main building, as well as four outlots for future development. As is common, the subject lot was platted as part of the original layout of the Shoppes of Mid Rivers and prior to any specific user. In the C-3 General Commercial District, the rear yard setback is twenty-five feet. It is noted that the rear of the proposed building will be approximately nineteen feet from the rear property line. In addition, extending off of the rear of the building will be an open-air screen wall storage/dumpster area. The storage/dumpster enclosure will extend to within eight feet of the rear property line.

A review of the Outback Steakhouse site plan, in combination with the overall shopping center building, parking, and driveway layout, determined the proposed design was the most practical. In addition, the site will be heavily landscaped with trees, shrubs, and planter beds to define the property and create an attractive space. Therefore, the applicant decided to seek a variance for the proposed setback.

Mr. Braunfeld noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV land Use Chapter 405 as amended) state:

Section 405.210 C-3 General Commercial District

G. Yard Requirements.

3. There shall be a twenty-five (25) foot rear yard except when adjacent to a residential district, then thirty (30) feet is required.

Mr. Braunfeld noted, an examination of the Outback Steakhouse site plan, in combination with the overall shopping center building, parking, and driveway layout, determined the proposed design was the most practical layout to accommodate the proposed project.

A review of the site finds there will be no visual impact from the proposed setback. The layout of the Shoppes of Mid Rivers is traditional with the main retail buildings to the rear of the site and outlots in front. Although the different buildings may be on separate lots, they all visually interact as one seamless development. Therefore, the development as a whole will have adequate separation of buildings and ample landscaping to maintain the spirit of the setback requirements.

Therefore, while there may be property lines established for the placement of specific buildings, the location of any one building is not as important as the overall look, design, and feel of the overall shopping center development.

Mr. Braunfeld stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

Given the overall shopping center and Outback Steakhouse design, the proposed layout is the most practical design to accommodate the proposed project. In addition, the proposed rear yard encroachment will have no visual impact due to the project's placement within the overall shopping center development. Therefore, the proposed variance allows the most practical mechanism to permit development of the project, providing for the reasonable use of the property.

2. Does the hardship result from the strict application of these regulations?

While there will be an encroachment of the rear yard setback, there will be no visual impact due to the project's placement within the overall shopping center development and the projects landscaping. The strict application of setback regulations would require a less practical layout, resulting in a hardship.

3. Is the hardship suffered by the property in question?

The subject property is part of the Shoppes of Mid Rivers development. While there may be property lines established for the placement of specific buildings, the location of any one building is not as important as

the overall look, design, and feel of the shopping center development. Therefore, the rear yard setback restricts the practical options for the development and, therefore, the ability to achieve the highest and best use of the property.

4. Is the hardship the result of the applicant's own actions?

The existing layout of the Shoppes of Mid Rivers restricts the practical options to accommodate the proposed development; this creates a hardship for the applicant.

5. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow for the reasonable development and use of the property and bring new services to the community.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent; there will be no ill effects on surrounding properties or the city as a whole.

Based on this analysis, it is staff's recommendation to permit a variance to allow an encroachment of the rear yard setback for the construction of a building with the following contingency:

1. The rear yard setback for the building shall be fifteen (15) feet with the open-air scree wall storage/dumpster area shall extend no closer than five (5) feet to the rear property line.

Mr. Jaggi asked if any of the board members had questions for Mr. Braunfeld. Mr. Jaggi asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 18-A. Seeing no one present to comment, Mr. Jaggi closed the public hearing.

Mr. Fann made a motion and Mr. Trupiano seconded to approve Petition 18-A.

Mr. Jaggi requested Ms. Vollmer call the roll, which resulted in the following votes:

Mr. Stiens	Yes
Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Jaggi	Yes
Mr. Trupiano	Yes

There being 5 yes, 0 no vote, Mr. Jaggi declared that Petition 1-A was approved.

Mr. Fann presented the Findings of Fact as follows:

1. The property is located on Outparcel D of the Shoppes of Mid Rivers. The site is located on the north side of Interstate 70 and I-70 Outer Road North, east of Mid Rivers Mall Drive.
2. The lot is presently zoned C-3 General Commercial District.
3. Adjacent zoning is C-3 General Commercial District.

Mr. Stiens a motion and Mr. Trupiano seconded to approve the findings of fact. The motion carried unanimously.

Mr. Trupiano presented the Conclusions of Law for Petition 18-A as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Fann made a motion and Mr. Stiens seconded to enact the Conclusions of Law. The motion carried unanimously.

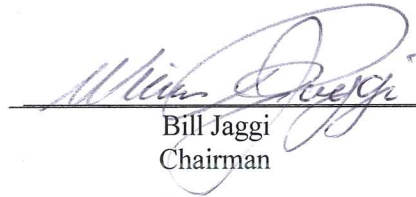
Mr. Jaggi made a motion and Mr. Fann seconded to adjourn the meeting at 6:25 p.m. The motion carried unanimously.

Respectfully submitted:



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Melissa Vollmer  
Recording Secretary



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Bill Jaggi  
Chairman