

**BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
MARCH 27, 2018**

The Board of Adjustment of the City of Town and Country met at 6:00 P.M. on Tuesday, March 27, 2018 at the Municipal Center, 1011 Municipal Center Drive, Town and Country, Missouri, 63131.

ROLL CALL

The 6:00 PM roll call indicated Chairman James Crowley, regular members, David Adam, Matt Meyer, Chris Barclay and Dr. Sam Hawatmeh to be present.

Chairman James Crowley presided.

City Attorney Steve Garrett represented the City.

Also present were City Clerk Ashley McNamara and City Planner Ryan Spencer.

APPROVAL OF MINUTES – 02/27/18

Dr. Hawatmeh moved for approval, seconded by Mr. Meyer.

Chairman Crowley called for any amendments or corrections.

Hearing none, the minutes were unanimously approved by voice vote.

SAFETY AND SECURITY

Chairman Crowley reminded everyone that for the security and safety of everyone in attendance, the Board of Adjustment has a zero tolerance policy when it comes to any outbursts, etc.

PROCEDURE REVIEW

Chairman Crowley reviewed the hearing procedure. He stated that if at any time an applicant has questions or needs further explanation, they are encouraged to interrupt for clarification.

PUBLIC HEARING

A court reporter with Midwest Litigation Services was present to record the public hearings.

1. Case No. 18-02

On the request of John Heckmann, on behalf of Walmar Investment Company, owner, for a variance from Section 405.655.B. regarding off-street parking requirements at 14125 Clayton Road, located in the Commercial (C) Zoning District. The variance is required in order to permit the redevelopment of the southeast corner of Clayton Village Shopping Center.

Attorney Garrett entered the following exhibits into the record:

- A. Application for Appeal, received by the City of Town and Country on February 15, 2018.
- B. Narrative for Appeal, 1-page.
- C. Letter from Ryan Spencer, City Planner, to Walmar Investment Company, dated March 1, 2018, 1-page.

- D. City of Town and Country Memorandum from Ryan Spencer, City Planner, dated March 27, 2018, 3-pages.
- E. Typewritten notice of hearing posted at the Municipal Center and on the subject property and mailed to property owners within 300 feet with a list of property owners attached, 2-pages.
- F. Affidavit of Publication of notice of hearing published in The St. Louis Countian on March 9, 2018, 1-page.
- G. Architectural renderings, floor plan, and photos of existing conditions, 4-pages.
- H. Site Plan and landscaping plan, sealed and dated February 10, 2018, 4-pages.

Ryan Spencer, City Planner, was sworn and testified on behalf of the City. He stated that he is familiar with the subject property and that it is zoned Commercial (C). He noted that there is presently a variance for 13 parking spaces for the property that was issued in 2014. He described the project to include the demolition of three quarters of an existing building to make room for a free-standing Panera Bread restaurant. He stated that the other one quarter of the building would be reconfigured and enhanced to be leased out as tenant space.

Mr. Spencer explained that Clayton Village Shopping Center currently qualifies as a Minor Shopping Center under 405.655.B., which requires 5 parking spaces per 1,000 sq. ft. of commercial and restaurant space. However, this project reduces the floor area and causes the center to lose said designation and the shared parking standard. He stated that even though they are reducing the building coverage of the center, they are being required to provide parking per individual use, which is a higher standard. He noted for the record that the required variance is for 10 additional parking spaces.

Eddie Heckmann, owner, was sworn and testified on behalf of Walmar Investment Company. He explained that the company was provided a notice that Midland States Bank would be vacating the premise five years early which prompted the search for a tenant. He noted that the existing building is antiquated and not sufficient for most tenants who could utilize this sized space. He stated that subpar tenants could be explored but are not desired by the community. Mr. Heckmann explained that the entirety of the building cannot be demolished because of an existing cell tower that provides regional cell service, thus driving the plan to retain one quarter of the building for tenant space.

Mr. Heckmann pointed out that even though the project seeks to add 35 spaces to the site, because the Minor Shopping Center designation was lost they cannot meet the space requirement based on the use calculation. He added that parking in the center is presently sufficient. He stated his hardship to include the need to do something with the vacant building. He added the hardship created by the loss of the Minor Shopping Center designation which in turn requires a higher parking space calculation be enforced, even though they are reducing the floor area of the center.

Chairman Crowley called for public comments.

Hearing none, Chairman Crowley declared Case No. 18-02 fully presented at 6:15 PM.

Chairman Crowley confirmed with the City Clerk that the public hearing had been properly posted.

Mr. Spencer restated the requested to be 10 parking spaces from Section 405.655.B of the Code.

Chairman Crowley called for unanimous consent in favor of granting the variance as stated. Hearing no objection, the vote was as follows:

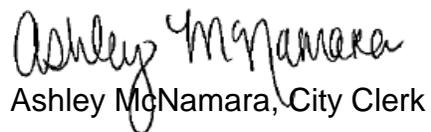
Chairman Crowley- AYE
Mr. Adam- AYE
Dr. Hawatmeh- AYE
Mr. Meyer- AYE
Mr. Barclay- AYE

The decision of the Board of Adjustment to **grant** the requested variance is as contained in the **Decision and Resolution, Case No. 18-02**, filed with and made a part of these minutes.

ADJOURN

There being no further business, the meeting adjourned at 6:17 PM.

Respectfully submitted,


Ashley McNamara, City Clerk

**BOARD OF ADJUSTMENT
CITY'S EXHIBITS**

Case No.: 18-02

Appellant: John Heckmann, President
on behalf of Walmar Investment Company, owner

Location: 14125 Clayton Road

Hearing Date: March 27, 2018

Section 405.300 of the Municipal Code provides that the Municipal Code, including the Zoning Code, the Comprehensive Plan and land use map shall be part of each hearing before the Board of Adjustment to the extent applicable, without being specifically introduced at the hearing.

CITY EXHIBITS

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DECISION OF THE BOARD OF ADJUSTMENT
CITY OF TOWN AND COUNTRY, MO
CASE NO. 18-02

Appellant: John Heckmann, President
on behalf of Walmar Investment Company, owner

Subject Property: 14125 Clayton Road

Zoning District: Commercial (C)

Proposal: Appellant requests a variance from Section 405.655.B. of the Zoning Regulations, regarding minimum off-street parking requirements, to allow for the redevelopment of the southeast corner of the Clayton Village Shopping Center.

Hearing Date: March 27, 2018

1. Chairman Crowley called for unanimous consent in favor of granting a parking space variance of 10 spaces from Section 405.655.B. of the Town and Country Zoning Regulations which would allow for the redevelopment of the southeast corner of the Clayton Village Shopping Center.

Hearing no objection, the vote was as follows:

Crowley	AYE
Adam	AYE
Hawatmeh	AYE
Meyer	AYE
Barclay	AYE

**CITY OF TOWN AND COUNTRY RESOLUTION
BOARD OF ADJUSTMENT
CASE NO. 18-02**

WHEREAS, the Board of Adjustment of the City of Town and Country does find and determine that the subject property located at **14125 Clayton Road** is within the city limits of the City of Town and Country, and is in the **Commercial (C)** Zoning District; and

WHEREAS, **John Heckmann, President**, on behalf of **Walmar Investment Company, owner**, (the "Appellant"), has submitted a request for a parking variance permit the redevelopment of the Clayton Village Shopping Center, to include the reconfiguration of an existing building and the addition of a restaurant; and

WHEREAS, Section 405.655.B. of the Zoning Regulations requires 376 total parking spaces for the shopping center given its current and proposed uses; and

WHEREAS, on September 15, 2014, the Board of Adjustment found and determined that a hardship existed therefore granting a variance of 13 parking spaces for the subject property in Case No. 14-04, thus lowering the required parking spaces to 363; and

WHEREAS, current plans show that the shopping center will have a total of 353 parking spaces after the proposed redevelopment; and

WHEREAS, a variance of 10 spaces from Section 405.655.B. is required to allow the redevelopment to be constructed as shown on the plans; and

WHEREAS, the Appellant has requested that the Board of Adjustment find that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Zoning Regulations; and

WHEREAS, the Board of Adjustment does find that to grant the requested variance

- would** be in harmony with the general purpose and intent of the Zoning Ordinance
- would not** be detrimental to the public welfare
- would not** constitute a change in the district map
- would not** impair an adequate supply of light and air to adjacent property
- would not** increase congestion in public streets
- would not** increase the danger of fire; and

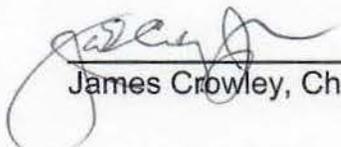
WHEREAS, this Board does further find and determine that practical difficulties and unnecessary hardships **have** been demonstrated.

**BOARD OF ADJUSTMENT
CASE NO. 18-02**

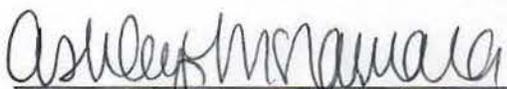
NOW, THEREFORE, BE IT RESOLVED, that the requested variance from the strict application of the Zoning Regulations of the City of Town and Country is hereby **approved**.

The following is the vote taken on the foregoing resolution:

Crowley	AYE
Adam	AYE
Hawatmeh	AYE
Meyer	AYE
Barclay	AYE



James Crowley, Chairman



Ashley McNamara, City Clerk

