



For office use:

Case #:	Submission Date:	Planner Assigned:
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If a design adjustment is requested, the Director or Commission may recommend approval of the design adjustment if it determines that the following criteria have been met, and the Council shall consider these criteria in making a decision on the requested design adjustment¹:

Please explain how the requested design adjustment complies with each of the below criteria:

1. The design adjustment is consistent with the City’s adopted comprehensive Plan and with any policy guidance issued to the Department by Council;

The design adjustment is consistent with the City’s comprehensive plan and policies in that it allows an existing, previously unplatted, but developed lot to become a legal lot of record with dedication of required right-of-way and easements and construction of additional sidewalks.

2. The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;

The design adjustment will allow driveways that have existed for 65 years to remain in place without any significant adverse impacts to the abutting lands or neighbors.

3. The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the Subdivision Standards of Section 29-5.1 were met;

The design adjustment will allow for necessary circulation through the development and will improve pedestrian and bicycle safety by the addition of sidewalks along Range Line Street. Circulation through the development would be adversely impacted without the design adjustment. The impact to safety on the adjoining roads is unchanged by this request. The site operated as a Breaktime Gas Station and Convenience store until as recently as 2013.

4. The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments; and

As an existing commercially zoned property on a corner lot within a fully developed area, the unique feature that defines the site is the limited frontage or other opportunities to provide necessary access. The design adjustment will not decrease or eliminate installation of any required improvements or site features.

5. The design adjustment will not create adverse impacts on public health and safety.

The design adjustment will allow for the same conditions that have existed for 65 years without adverse impacts on public health or safety. The design adjustment will allow for better internal site circulation than without the design adjustment and public health and safety would be improved with the addition of sidewalks along Range Line Street.

Background information for context:

The site was a gas station/convenience store until at least 2013. The driveway on Vandiver is a full access drive and is requested to remain so. The two driveways on Range Line are Right in/Right out drives with a center median on Range Line. Right in/out drives cause minimal disruption to normal traffic and can accommodate high volumes of traffic with low delay and high safety. We are requesting that these stay the same.

There is another driveway north of the property that is a full drive on Range Line that serves the property to the north. There currently is a parking lot connecting this drive to our north property line, but there is no ingress or egress easements that give this lot the right to use this connection. The owner of that property has the right to block this access from us at any time. Our client has discussed access easements with the adjoining neighbor but the neighbor is not interested in providing them.

We are requesting the Design adjustment because we do not own 300 feet of frontage on either street. The existing conditions prevent the nonresidential driveway spacing from conforming with the MoDot access management guidelines or access standards of the City.

¹ Per Section 29-5.2 (b) Subdivision of Land Procedures General Provisions
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