



---

## SPECIAL USE EXCEPTION REVIEW REPORT

---

**Petition Number:** SUE 18 -01

**Petitioner:** Fadi Shakir  
15581 Manchester Rd  
Ballwin, MO 63011

**Agent:** None

**Project Name:** Moonlight Bistro d/b/a Yiro Gyro  
Liquor License Application

**Public Hearing Date:** December 3, 2018

**Requested Action:** Special Use Exception

**Purpose:** Restaurant and alcoholic beverage sales  
by the drink for consumption on the premises.

**Code Section:** Article XIV Sec. 1 (20 & 21)

**Location:** 15581 Manchester Rd.

**Existing Land Use/Zoning:** Retail / C-1

**Surrounding Land Use/Zoning:** North – Single Family / R-1  
South – City of Ellisville  
West – Retail / C-1  
East – Retail / C-1

**Project Description:**

Mr. Fadi Shakir proposes to buy an existing restaurant that currently does not have the sale of alcoholic beverages for consumption on the premises location at 15581 Manchester Rd. He is requesting alcoholic beverage sales by the drink for consumption on the premises.

The restaurant use does not technically require a special use exception because restaurants are allowed by right in the C-1. The sale of alcoholic beverages for on-site consumption is not subject to this same by-right approval, so the special use exception review procedure is still required.

---

*Since there is no change to the zoning district or any change to the physical site improvements on the site, there is no discussion of the C-1 regulation that is applicable to this report.*

## **Zoning Ordinance Requirements/SUE Regulations:**

### ***Article XIV Section 1:***

This petition is submitted pursuant to Article XIV, Section 1, subsections 20 and 21, which respectively allow the operation of a restaurant and the sale of alcoholic beverages by the drink for consumption on the premises.

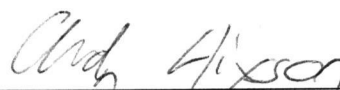
### ***Article XIV Section 2:***

1. Section 2 (1 – 12) General SUE regulations: This petition involves the approval of uses which will be completely contained within existing commercial units at this property. No changes to the site development plan are proposed in conjunction with the proposed uses.

This site appears to be in compliance or legally nonconforming relative to the provisions of Subsections 1 – 13 of Section 2 of Article XIV Special Use Exceptions, of the Zoning Ordinance.

### ***Article XIV Section 4: Review procedure***

1. Sec 4 (7) (1) *Increase traffic hazards and congestion:* There is little basis to support an argument that the parking lot, curb cuts and adjoining roadways have insufficient capacity to accommodate the nominal increase in traffic associated with the issuance of this special use exception.
2. Sec. 4 (6) (2) *Adversely affect the character of the neighborhood:* Given the safety valves incorporated into alcohol sales regulations and the city's authority to withdraw permits and licenses, there is little basis for an argument that the use will adversely impact the character of the surrounding neighborhoods.
3. Sec. 4 (6) (3) *Community general welfare impact:* There is nothing unique or special about the combination of uses at this location that would differentiate it from other similarly situated restaurant businesses in and around Ballwin. It is not foreseen how this location and operation would negatively impact the general welfare of the City of Ballwin in any way different from similarly situated existing business.
4. Sec. 4 (6) (4) *Overtax public utilities:* No foreseen unique or disproportionate impact on the utilities.
5. Sec. 4 (6) (5) *Adverse impact on public health and safety:* No foreseen basis to argue that the impacts on public health or safety coming from this proposal will be any different from those that might exist as a result of any other similarly situated and permitted restaurant in Ballwin.
6. Sec. 4 (6) (6) *Consistent with good planning practice:* This has been viewed as an appropriate land use within the realm of good planning practice.
7. Sec. 4 (6) (7) *operated in a manner that is compatible with permitted uses in the district:* Similarly situated uses all over Ballwin are operated in manners that are compatible with the permitted uses in their various zoning districts.
8. Sec. 4(6) (8) *Operated in a manner that is visually compatible with the permitted uses in the surrounding area.* No change in the visual nature of the site or the building is proposed.



---

Andy Hixson  
Director of Development/Assistant City Administrator