

SPECIAL USE EXCEPTION REVIEW REPORT

Petition Number: SUE 15 -02

Petitioner: Robert and Elizabeth Uyemua
15270 Manchester Rd
Ballwin, MO 63011
636-368-5084

Agent: None

Project Name: Uyemura Restaurant

Filing Date: 3/19/15

Review Report Date: 4/7/15

Submission Compliance Certification Date: 4/7/15

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: 15270 Manchester Rd.

Existing Land Use/Zoning: Retail / C-1

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

Plan Designation: Commercial

Project Description:

The Uyemuras propose to open a restaurant with the sale of alcoholic beverages for consumption on the premises in the former Mexican market location at 15270 Manchester Rd. This is in the building at the southeast corner of the intersection of

Manchester Rd. and New Ballwin Rd.

The restaurant use does not technically require a special use exception because restaurants are allowed by right in the C-1 district if the site was previously included in a special use exception site development plan. 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 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. Given the recent issues with parking adequacy associated with restaurant operations at Ballwin Grove Plaza, I have reviewed the availability of parking on this site compared with the current minimum requirements of the regulations.

Article XIV Section 4: Review procedure

1. Sec 4 (7) (1) *Increase traffic hazards and congestion:* Every use generates traffic. This use is no exception, but this SUE is being sought as an accessory to the operation of a restaurant and is not associated with significant traffic generation. Only the sale of beer is proposed on the accompanying license application. **Given the size and nature of Ballwin Plaza, in my view, 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*: There will be no changes to the building or site improvements. The restaurant is already in operation. I am unaware of any problems at this juncture. There are several similarly situated liquor sales businesses in the Manchester Rd. corridor. **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*: The issues that impact #2 are generally applicable to this question as well. From the perspective of welfare meaning the overall good of the community, 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. I do not see 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*: I see no unique or disproportionate impact on the utilities.

5. Sec. 4 (6) (5) *Adverse impact on public health and safety*: I see no 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 term can mean different things in different contexts. It can be an evaluation from an overarching and general perspective such as being consistent with the precepts of the city's comprehensive plan or even the principles of land planning in general, or it can be specific to a site and a situation. Although one might make a negative theoretical argument due to the potential negative impact of alcohol sales on a community in a general sense, it has not been uncommon for Ballwin to allow the placement of commercial uses such as restaurants with alcohol sales within the Manchester Rd. commercial corridor. **This has been viewed as an appropriate land use and 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*: Any issues that apply here have already been discussed above. 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.

Future Land use Categories:

1. The future land use map of the 2007 Comprehensive Community Plan recommends that this land be utilized as commercial. This recommendation has been met.

Commercial Design Guidelines (page 8:21):

No change to the architecture or visual character of this site will be made as a result of this proposal so none of the architectural character and site planning guidelines of the 2007 comprehensive community plan appear to be applicable to this petition.

Thomas H. Aiken, AICP
Assistant City Administrator / City Planner