

SPECIAL USE EXCEPTION REVIEW REPORT

Petition Number:	SUE 15 - 01
Petitioner:	Lorene Samson for Jet's Pizza 14940 Manchester Rd. Ballwin, MO 63011 573-635-7166
Agent:	None
Project Name:	Jet's Pizza
Filing Date:	3/2/15
Review Report Date:	3/30/15
Submission Compliance Certification Date:	3/30/15
Requested Action:	Special Use Exception
Purpose:	Restaurant and alcoholic beverage sales by the drink for consumption on the premises where sold.
Code Section	Article XIV Sec. 1 (21)
Location:	14940 Manchester Rd.
Existing Land Use/Zoning:	Retail / C-1/NCD
Surrounding Land Use/Zoning:	North – Retail / C-1 South - Institutional / C-1 West - Retail service / C-1 East – Retail / C-1
Plan Designation:	Commercial
Project Description:	

Jet's Pizza has operated as a restaurant at 14940 Manchester Rd. since February of 2013. The CAP Plaza in which Jet's is located operates under an approved site development plan pursuant to a Manchester Rd. Revitalization overlay district approval via ordinance 11-16 in 2011. The restaurant operates without any zoning review or approval pursuant to ordinance 11-16 because restaurants were included as an allowed use under that ordinance. The sale of

alcohol by the drink, however, does not have this same provision. Such sale must be approved through the SUE process.

Zoning Ordinance Requirements/C-1 and NCD Districts - Articles IX and XIIF:

Since there is no change to the zoning district and no change to the physical site improvements of the CAP Plaza property, there is no basis to discuss the site development issues of the C-1 or MRD districts. The plaza is fully compliant with both of these ordinances.

Zoning Ordinance Requirements/SUE Regulations:

Article XIV Section 1:

This petition is submitted pursuant to Article XIV, Section 1, subsection 21, which allows the sale of alcoholic beverages by the drink for consumption on the premises via the special use exception process.

Article XIV Section 2:

1. Section 2 (1 – 13) General SUE regulations: This petition is requesting the issuance of a special use for on-premises alcohol sales and consumption within the existing building in conjunction with a restaurant operation. No changes to the site development plan are proposed in conjunction with this SUE petition. As mentioned earlier in this report, this site operates in accordance with the approved site development plan associated with ordinance 11-16 for the MRD overlay district. As a part of that site plan review process the site development regulations associated with special use exceptions are reviewed. The approved plan was in full compliance with those regulations. **Since no change to the site development plans are proposed pursuant to this petition, there is no necessity in conducting another review of those regulations as a part of this petition review report.**

Article XIV Section 3: Application / petition procedure

The steps for the submission and review of special use exception petition are set out in this section. All applicable provisions of this section appear to have been met or will be met as this petition makes its way through the review procedure.

Article XIV Section 4: Review procedure

1. Sec 4 (7) (1) *Increase traffic hazards and congestion:* Every new use will generate some additional traffic. The sale of alcoholic beverages for on-site consumption is no exception, but this SUE is being sought as an accessory to the operation of a restaurant. Historically, this common combination of uses has not automatically been associated with significant traffic generation in small store-front type restaurant applications. Bone's French Quarter,

Callier's Deli and Mi Lupita Mexican Restaurant are similarly configured restaurant businesses from the perspective of floor area, type of liquor license (full bar) and being in a strip center location, although Mi Lupita is in a much larger plaza than are the French Quarter and Callier's. None of these restaurants has a notable history of generating traffic congestion or hazards. Conversely, however, the Mia Sorella, Circle Seven Ranch and Six North (no alcohol sales) restaurants are located in the middle sized Ballwin Grove plaza and between them create occasional parking problems; there is no record of a traffic congestion problem. Short of a traffic generation analysis, the results of which are commonly open to debate, I am aware of no way to determine if the addition of this use will dramatically change traffic congestion in and at the entrance to this plaza. From my experience, the problems at Ballwin Grove Plaza are anomalous. There have been very few similar problems in other small plazas that host this kind of tenant. **In my view, therefore, there is only a moderate basis to support a concern that the addition of this use will make the site incapable of accommodating the associated additional traffic to the extent that it will significantly and negatively increase hazards and congestion.**

2. Sec. 4 (6) (2) *Adversely affect the character of the neighborhood:* There will be no changes to the building or site improvements. There are many similarly situated restaurants in Ballwin that sell alcohol by the drink, along both the Manchester Rd. and Clayton Rd. corridor. These have all operated successfully with little or no negative impact on the adjoining residential properties. **Given the nature of the business, 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 have any long term adverse impact on the character of the surrounding neighborhoods.**

3. Sec. 4 (6) (3) *Community general welfare impact:* The issues that impact #2 above are generally applicable to this question as well. From the perspective of welfare meaning the overall good of the community, **there is little unique or special about this proposal that differentiates it from other similarly situated restaurant businesses in and around Ballwin. Since the nature of this restaurant is quiet dining and the absence of nearby residential properties, I do not believe that the proposed operation would negatively impact the general welfare of the City of Ballwin in a way different from that of similarly situated and approved existing business that sell alcoholic beverages.**

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 little basis to support the position that this use has negative impacts on public health or safety that are unique and different from those that are associated with any other similarly situated and permitted restaurants with alcohol sales 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. **It has not been uncommon for Ballwin to allow the placement of uses such as restaurants with alcohol sales in commercial districts. 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 touched on above. **Similarly situated uses all over Ballwin are operated in manners that are compatible with the permitted uses in their various zoning districts. There is no apparent element of this petition that makes it problematic in this regard.**

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.

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