

SPECIAL USE EXCEPTION REVIEW REPORT

Petition Number: SUE 15 - 04

Petitioner: AMC Ballwin Inc. dba Buffalo Wild Wings
15425 #38 Manchester Rd.
Ballwin, MO 63011

Agent: Lorene Samson
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Project Name: Buffalo Wild Wings

Filing Date: 7/27/15

Review Report Date: 8/5/15

Submission Compliance Certification Date: 8/5/15

Requested Action: Special Use Exception

Purpose: Sale of alcoholic beverage by the drink for consumption on the premises where sold.

Code Section: Article XIV Sec. 1 (21)

Location: 15425 #38 Manchester Rd.

Existing Land Use/Zoning: Retail / C-1

Surrounding Land Use/Zoning: North – Single Family / R-2
South – Retail / Ellisville C-1
West - Retail / C-1
East – Retail / C-1

Plan Designation: Commercial

Project Description:

Buffalo Wild Wings operated as a restaurant with alcohol by the drink at 15244 Manchester Rd. beginning in 2001. In 2014 the restaurant moved to the current address in Ballwin Plaza. Changes to the zoning regulations in that intervening period eliminated the need

for restaurants to obtain a special use exception in a plaza that has an approved site development plan issued pursuant to a special use exception review. Ballwin Plaza falls into this category, so the Buffalo Wild Wings restaurant was allowed by right in Ballwin Plaza. No zoning review was necessary. Unfortunately, this zoning change only applied to restaurants. A special use exception to sell alcohol by the drink for on premises consumption must still be issued. This slipped through when Buffalo Wild Wings moved, but the error was discovered when a new liquor license was needed pursuant to the sale of the business; hence this petition.

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 Ballwin Plaza property, there is no basis to discuss the site development issues of the C-1 district. The plaza is fully compliant with this ordinance.

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 exception 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. This site operates in accordance with the approved site development plan associated with a special use exception granted in 1986 when Ballwin Plaza was renovated. As a part of the SUE 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, the restaurant /bar use has not automatically been associated with significant traffic generation in restaurant applications. Buffalo Wild Wings has been operating at this location for some time now with no parking or traffic congestion issues. **In my view, therefore, there is little basis to support a concern that the approval of this special use exception 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. corridors. 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 a concern 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 there are no 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 appears to be applicable to this petition.

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