

# **SPECIAL USE EXCEPTION PETITION REVIEW REPORT**

<b>Petition Number:</b>	SUE 23-01
<b>Petitioner:</b>	Steve Kolber 828 Davis St., Ste. 300 Evanston, IL 60201
<b>Project Name:</b>	Dunkin' Restaurant
<b>Requested Action:</b>	Restaurant with Drive-Through Facility No Sale of Alcohol by the Drink
<b>Public Hearing Date:</b>	February 6, 2023
<b>Code Section:</b>	Art. XIV, Sec. 1 (20) Art. XIV, Sec. 1 (26)
<b>Location:</b>	14924 Manchester Rd
<b>Existing Land Use/Zoning:</b>	Commercial/C-1
<b>Surrounding Land Use/Zoning:</b>	North – Commercial/ C-1 South – Commercial/ C-1 West – Commercial/ C-1 East – Commercial/ C-1
<b>Plan Designation:</b>	Restaurant



**Figure 1:**  
**Map View of the location of 15581 Manchester Rd.**  
**Source: St. Louis County Parcel Viewer**



**Figure 2:**  
**Front view of Site, May 2022.**  
**Proposal would use the empty lot between Tommy's Express and All Surface Flooring.**  
**Photo obtained via Google Maps.**

## Project Description:

Mr. Kolber is requesting approval for a drive-through restaurant without intent to sell alcohol, located at 14924 Manchester Rd, to allow the operation of a business not inherently permitted in C-1 Commercial.

### Zoning Ordinance Requirements Appendix A, Article IX (Commercial/ C-1 District):

- Article IX, Section 1 is a general introductory statement and imposes no design or plan requirements so it is not germane to this review.
- Art. IX, Sec. 2 establishes uses allowed by right in the C-1 district. The use contemplated in this petition is not included in the base C-1 use regulations. **The provision for a restaurant/establishment is required to undergo the SUE permitting process, detailing the necessity of my assessment.**
- Art. IX, Sec. 3 establishes a height limitation of 45'. **The proposed building is to be 19' 6" in height, meeting requirements.**
- Art. IX, Sec. 4 (1) establishes a front yard depth of not less than 40', except for: Art. XI, Sec. 4 (1) (i), which states that land lying along Manchester Rd shall have a front yard not less than 60 feet. **The proposed building will be over 73' from Manchester Rd, meeting requirements.**
- Art. IX, Sec. 4 (2) establishes no requirement for a side yard, so long as the location does not adjoin with a dwelling, dwelling district, or any public activity district. **No dwelling, dwelling district, or public activity zoned properties are adjacent to this address. The building will be set back from the side property line by 22' 6", meeting the zero-foot setback allowance.**
- Art. IX, Sec. 4 (3) establishes a rear yard depth of not less than 25'. **The proposed building will be over 78' from the rear property line, meeting requirements.**
- Art. IX, Sec. 4 (4) refers to improvement of a C-1-zoned parcel with single-family dwellings, and is not pertinent to this evaluation.
- Art. IX, Sec. 5 (1) refers to off street parking and loading spaces. The proposed restaurant will be 1,890 sq ft in area. 1 parking spot will be required for every 200 sq ft. The restaurant will be required to have a minimum of 10 parking spaces. 15 parking spaces are proposed on the site development plan, meeting requirements.
- Art. IX, Sec. 5 (2) refers to parking for shopping centers, plazas and office complexes with two or more tenants having more than 100,000 square feet of gross floor area and is not applicable to this review.
- Art. IX, Sec. 6 refers to review by MoDOT for any intensive redevelopment along Manchester Rd.
- Art. IX, Sec. 7 (1) requires that the minimum spacing of curb cuts is to be 500' between centerlines. No change is proposed to the current curb cuts which stemmed from the initial proposal through Tommy's Express, adjacent to this property.

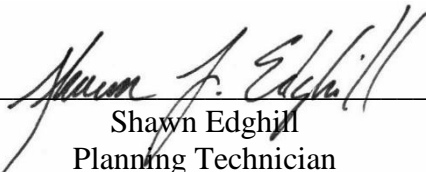
- Art. IX, Sec. 7 (2) requires the construction of a 6' wide sidewalk along Manchester Road. No change is required to the current sidewalk.
- Art. IX, Sec. 7 (3) requires that commercial parking lots be interconnected or that a cross access, driveway/parking lot vehicular interconnection easement be established to the benefit of Ballwin to allow a future parking lot interconnection with adjoining properties. No change is proposed, but the initial site plan with Tommy's Express included interconnection with the adjoining commercial properties to the west.

### **Zoning Ordinance Requirements/SUE Regulations Appendix A, Article XIV**

- Article XIV, Section 1 (20) refers to any shop where food is served for consumption on the premises (i.e. restaurant) in the C-1 commercial district.
- Article XIV, Section 1 (26) refers to any drive-through facilities in the C-1 commercial district.
- Article XIV, Sec. 2 (1) refers to minimum yard requirements. All yard requirements are abided by.
- Art. XIV, Sec. 2 (2) refers to site illumination. No change is proposed.
- Art. XIV, Sec. 2 (3) refers to greenery and planting. No change to the current landscape is proposed.
- Art. XIV, Sec. 2 (4) refers to fencing. No change is proposed.
- Art. XIV, Sec. 2 (5) refers to parking. The petitioner has abided by all parking requirements.
- Art. XIV, Sec. 2 (6) refers to pavement and parking compliance. The petitioner will abide by these requirements.
- Art. XIV, Sec. 2 (7) refers to storm water runoff control. No change is proposed.
- Art. XIV, Sec. 2 (8) refers to loading docks and facilities. **The petitioner will need to ensure that there is adequate loading and unloading opportunity that will not interrupt operations on the adjoining property.**
- Art. XIV, Sec. 2 (9) refers to ingress and egress at the site. No change is proposed.
- Art. XIV, Sec. 2 (10) refers to adequate area for the use. The area is considered adequate for the use proposed.
- Art. XIV, Sec. 2 (11) states that in off-street parking for public use or for employees, no sales, dead storage, repair work nor dismantling of automobiles shall be permitted.
- Art. XIV, Sec. 2 (12) refers to rubbish and trash disposal and screening. No change is proposed outside of the current trash disposal situation.

**Staff Recommendation:**

Staff has no concerns.



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Shawn Edghill  
Planning Technician