

**AMENDED SPECIAL USE EXCEPTION  
PETITION REVIEW REPORT**

<b>Petition Number:</b>	SUE 22-05
<b>Petitioner:</b>	Ben Hillman 120 S. Central, Ste. 1000 St. Louis, MO 63105
<b>Project Name:</b>	Little Hi, Hi-Pointe Drive In
<b>Requested Action:</b>	Restaurant/ Sale of Alcohol by the Drink
<b>Public Hearing Date:</b>	September 6, 2022
<b>Code Section:</b>	Art. XIV, Sec. 1 (20) Art. XIV, Sec. 1 (21)
<b>Location:</b>	15069 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/ Sale of Alcohol by the Drink

## **Project Description:**

Mr. Hillman is requesting approval for a restaurant with intent to sell alcohol by the drink, located at 15069 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 wishing to distribute alcohol by the glass in the City of Ballwin is required to undergo the SUE permitting process, detailing the necessity of my assessment.**
- Art. IX, Sec. 3 establishes a height limitation of 45'. **No changes are proposed to the current structure.**
- 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. **No changes are proposed to the current structure.**
- 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 changes are proposed to the current structure.**
- Art. IX, Sec. 4 (3) establishes a rear yard depth of not less than 25'. **No changes are proposed to the current structure.**
- 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, neither is this petitioner is making changes to the currently existing building nor to its parking lot. **No changes are proposed.**
- 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. This is irrelevant to this proposal.
- Art. IX, Sec. 7 (1) requires that the minimum spacing of curb cuts is to be 500' between centerlines. No change is proposed.
- Art. IX, Sec. 7 (2) requires the construction of a 6' wide sidewalk along Manchester Road and is not applicable to this review.
- 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, given that this proposal is using a pre-existing structure, and such a requirement would be best applied to a proposal with new construction included.

### **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 (21) refers to any establishment for the sale of beverages containing alcohol of any kind by the drink for consumption on the premises where sold 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 is neither making changes to the currently existing building nor to its parking lot.
- Art. XIV, Sec. 2 (6) refers to pavement and parking compliance. No change is proposed.
- 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. No dedicated loading spaces are proposed for this use.
- 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. No changes are being proposed for the building, and 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:**

Given that the location where the restaurant is proposed is within 300 feet of a church, located across the road at 15101 Manchester Rd, the City of Ballwin's Alcoholic Beverage Control Code under Chapter 3, Article II, Division 2, Sec. 3-44 requires that the petitioner provides consent in writing of the majority of the managing board of the church in order for the ability to sell alcohol in any fashion on site. Any failure on behalf of the petitioner to procure said letter of consent will result in the location being deemed ineligible to sell alcohol.

Mr. Hillman provided a letter on Monday, August 22, from the church providing their consent for the business to operate with the sale of alcohol included.

  
Shawn Edghill  
Planning Technician