



SPECIAL USE EXCEPTION PETITION

CITY OF BALLWIN)
COUNTY OF ST. LOUIS)
STATE OF MISSOURI)

FEE: with site plan review \$ 1,500.00
without site plan review \$ 750.00
PAID:
NUMBER: SUE-26-06

TO THE BOARD OF ALDERMEN
CITY OF BALLWIN

Type of Special Use Exception: Restaurant and alcoholic Sales

Code Section under which petition is being filed: Article XIV sec 1 (20 and 21)

Now comes (print name of Petitioner) Jorge Gutierrez Texis
and states to the Board of Aldermen:

- I. That he, she, it, they, has (have) the following legal interest in the tract of land and/or premises located within the corporate limits of Ballwin, Missouri, described in Section II of this petition.
A. State Legal Interest: Lease from Clayton Shopping Center
B. Documentation of Legal Interest must accompany this petition.
II. That the legal description of the property/premises, for which a Special Use Exception is desired, is enclosed.
III. That a survey or drawing of the property/premises, for which a Special Use Exception is requested, is enclosed, and said drawing is to a scale of 100 feet or less to the inch.
IV. That the street address of said property is: 15467 Clayton Road
V. That the area (acres or square feet) of said property is: 1968 57 sq Ft.
VI. That the zoning classification of said property is: Commercial
VII. That the present use of said property is: Restaurant
VIII. That the intended use of said property is: Restaurant
IX. That the proposed Special Use Exception does not violate any private deed restrictions on said property.
X. That all information provided herein is true and a statement of fact.

I, the Petitioner, do hereby request an Ordinance of the Board of Aldermen approving and granting the herein described Special Use Exception.

PETITIONER: Sorge Gutierrez Taxis

AUTHORIZED SIGNATURE: [Signature]

AUTHORIZED SIGNATURE (PRINTED): _____

ADDRESS: 15467 Clayton Road

CITY/STATE/ZIP: Ballwin MO 63011

TELEPHONE NO. 314-459-6274

I, (print name of Petitioner) _____, do hereby designate _____ as my agent for purposes of presenting this petition, negotiating with the City of Ballwin on all issues relative to this petition, and corresponding and communicating with representatives of the City of Ballwin relative to this petition.

AGENT'S SIGNATURE: _____

AGENT'S NAME (PRINTED): _____

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE NO. _____

Subscribed and sworn before me this 07th day of March, 2026.

Sayed Mahdi Haidari
Notary Public

My Commission Expires 04/19/2027

SAYED MAHDI HAIDARI
Notary Public - Notary Seal
State of Missouri
Commissioned for St Louis County
My Commission Expires: April 19, 2027
23335382



Petition Number: SUE-26-06

Public Hearing Date: April 6, 2026

Petitioner: Jorge Gutierrez Taxis
15467 Clayton Road
Ballwin, Missouri 63021

Project Name: Lupita's Restaurant

Requested Action: Special use exception for a restaurant
[per Appendix A, Article XIV, Section 1 (20)]

Location: 15467 Clayton Road

Existing Zoning: C-1 Commercial District

Surrounding Zoning: North - R-1 Single Family Dwelling District
South - C-1 Commercial District
MXD Mixed Use Development
R-2 Single Family Dwelling District
East - R-1 Single Family Dwelling District
West - C-1 Commercial District
R-4 Planned Multiple Family Dwelling District



Figure 1 - Aerial view of the site and surrounding properties. The proposed restaurant location is indicated by a red arrow. Source: St Louis County



Figure 2 - Street view of the development. The proposed restaurant location is indicated by a red arrow.



Project description:

This Petition is for a special use exception for the establishment of a restaurant at 15467 Clayton Road, in a commercial development known as Claymont Center. The property is located on the north side of Clayton Road, approximately 350 feet west of Kehrs Mill Road. The property is currently zoned C-1 Commercial District. The property to the north is also zoned C-1. The property to the south is zoned R-1 Single Family Dwelling District. The property to the east is zoned R-2 Single Family Dwelling District, and the property to the west is zoned MXD Mixed Use Development.

Staff analysis:

This Petition is for a special use exception for a restaurant at 15467 Clayton Road. The basis for this request is outlined in Appendix A, Article XIV, Section 1(20), which permits restaurants as a special use exception. This Petition meets the specified zoning requirements for a special use exception. The proposed restaurant would be located in an existing development and was previously occupied by a restaurant known as Charlotte's Rib. No exterior or site changes, with the exception of signage, are proposed at this time.

As we have discussed with other Special Use Exception petitions, the overall site conditions may not fully comply with current zoning requirements. When reviewing this type of petition, we consider parking capacity and safety factors. According to City records, Claymont Center contains 463 parking spaces and a total of 80,022 square feet of building area. Using the standard example of one (1) parking space per 200 square feet, which is the City's highest parking requirement, 401 spaces would be required if the entire development were restaurant or retail space. Therefore, the site provides a surplus of 62 parking spaces, exceeding the current parking requirement. Additionally, staff does not have any safety concerns regarding the property.

When reviewing a special use exception, the Planning & Zoning Commission and Board of Aldermen shall determine whether such exception:

- a. Will substantially increase traffic hazards or congestion.

A new tenant in this existing development will naturally result in an increase in traffic. However, it is important to note that this space is currently vacant within an already approved development and was previously occupied.



b. Will adversely affect the character of the neighborhood.

The proposed development should not adversely affect the character of the neighborhood. It is situated within an established commercial area.

c. Will adversely affect the general welfare of the community.

The proposed development should not adversely affect the welfare of the community.

d. Will overtax public utilities.

The proposed development should not overtax public utilities.

e. Will adversely affect public safety and health.

The proposed development should not adversely affect public safety and health.

f. Is consistent with good planning practice.

The proposed development would meet all current special use exception requirements and is consistent with good planning practice.

g. Can be operated in a manner that is not detrimental to the permitted developments and uses in the district.

The proposed development should not be detrimental to the permitted developments and uses in the district.

h. Can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area.

The proposed development should be operated in a manner that is visually compatible with the permitted uses in the surrounding area.

Staff recommendation:

This Petition is for a special use exception for the establishment of a restaurant at 15467 Clayton Road. The restaurant would occupy a space in an existing commercial development. Staff has no concerns about the approval of this Petition.

Lupita's Restaurant

Executive Summary:

Lupita is a family-owned and operated establishment by the Gutierrez/Palacio's family. Our inspiration comes from authentic Mexican cuisine. We are looking to expand within the community.

Business History:

Back in 2018, my wife and I hosted my brother-in-law's wedding. We wanted to make it special and authentic, so we shared our culture with everyone. That opened up a new door for us to share our culture with more people and host more private events. In 2024, we decided to get our first food truck, which gives us a chance to grow and share our culture with the St. Louis community. We are operating in the downtown area. Locational

Rationale:

We're really excited about setting up a restaurant to the Ballwin area! This spot is great because it can fit bigger groups and it is super easy to get to from Clayton Road and Kehrs Mill Road. We're planning on serving food and drinks (of course to those of age) until 10 PM. I love to have live music occasionally if we can it to work out. We're thinking to bring Mariachi band to make things more fun for our customers.

Hours of Operation:

We are pleased to propose the following hours of operation for Lupita's:

Monday through Thursday: 11 am to 9:00 pm, Friday and Saturday: 11 am to 10:00 pm Please note that the restaurant will be closed on Sundays.

Staffing:

Lupita's currently employs 8 individuals, comprising 4 full-time and 4 part-time staff members. We anticipate expanding our team with the opening of our new location and foresee further growth in the future.

Floor plan is attached.



PUBLIC HEARING

Notice is hereby given that on Monday, April 6, 2026 at 7:00 pm, a Public Hearing will be held by the Planning & Zoning Commission in the City Government Center Board Room at 1 Government Center, Ballwin, Missouri 63011. The Commission will consider the following Petition:

SUE-26-06 Special Use Exception, submitted by Abdulai Bah, for a restaurant at 15467 Clayton Road.

Additional information on the Petition is available at the City Government Center or by calling 636-227-2243