

**AMENDED SPECIAL USE EXCEPTION  
PETITION REVIEW REPORT**

<b>Petition Number:</b>	SUE 21-05
<b>Petitioner:</b>	Robert Biribin 15480 Clayton Rd Ballwin, MO 63011
<b>Project Name:</b>	Brewery at the Wolf Cafe
<b>Requested Action:</b>	Sale of Alcohol in the Lower Level by the Drink for Consumption on the Premises and by the Package for Carryout
<b>Public Hearing Date:</b>	January 3, 2022
<b>Code Section:</b>	Art. XIV, Sec. 1 (21)
<b>Location:</b>	15480 Clayton Rd
<b>Existing Land Use/Zoning:</b>	Mixed Use Development/ MXD
<b>Surrounding Land Use/Zoning:</b>	North – Commercial/ C-1 South – Mixed Use Development/ MXD West – Residential/ R-2 East – Commercial/ C-1
<b>Plan Designation:</b>	Commercial/Restaurant/Brewery

### **Project Description:**

Mr. Biribin is requesting approval for the amendment of a previously approved special use exception providing for the manufacturing of alcohol at his establishment located at 15480 Clayton Rd, to permit the tasting of alcohol together with sale by package or consumption of alcohol by the drink in the lower level. This amendment request is in response to a stipulation made in Exhibit One of Ordinance 21-05, restricting such a use of the lower level without obtaining this amendment. The petitioner is also proposing the expansion of seating into the lower level.

### **Zoning Ordinance Requirements Mixed Use Development/ MXD**

The parcel of land on which this building is located, along with the adjoining properties that are now the Clayton Ridge Subdivision and the Kehrs Mill Professional Park, has been zoned MXD since the 1980's. These parcels were then part of the Barn at Lucerne Site Development Plan. The MXD zoning was created to allow a mixed use approach to the development of such sites. That plan for this area called for the land under this building and the Kehrs Mill Professional Park to be developed with interconnected commercial and offices uses in a manner that was then extent in the barn. The land presently occupied by the Clayton Ridge Subdivision was to be developed in a multiple family residential use. The multiple family development failed when the lender, Community Federal Savings & Loan, went bankrupt. The parcels were subsequently separated from the barn site and developed independently. New individual site development plans under the MXD zoning were ultimately approved for each parcel and the Barn at Lucerne was rezoned back to C-1 Commercial zoning. The Board of Aldermen subsequently did away with the MXD zoning district. MXD zoning does not appear in the zoning ordinance, however, several parcels retain that classification and the associated regulations.

Since there is no change to the zoning district or any amendment to the approved MXD sited development plan for this site, and the proposed use is allowed by SUE in the district, there is no discussion in this report of the MXD regulations.

## **Zoning Ordinance Requirements/SUE Regulations**

### **Appendix A, Article XIV**

- Article XIV, Section 1 (21) refers to any establishment for the distilling, brewing, preparation, and sale of beverages containing alcohol of any kind by the drink for consumption on the premises where sold.
- 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. Neither is the petitioner making changes to the currently existing building nor to its parking lot. **The additional seating area requested by the amended SUE may detrimentally affect the parking situation at 15480 Clayton Rd.**

**When the Wolf was initially approved in 2008, it was approved with the understanding that while the restaurant use did not bring the parking concerns at the site into compliance, it lessened the burden that the previous tenant had imposed, as the restaurant was initially scaled down from 9,000 square feet to 5,000 square feet. The subsequent special use exception approved in Ordinance 21-05 permitting the brewing of alcohol in the lower level was determined not to impact parking at the time due to the fact that it was not going to be open to the public. This request to expand seating into the lower level will bring the Wolf into non-compliance by increasing the restaurant by 3,016 square feet to a total of 8,016 square feet. This will bring the parking load by the Wolf from 25 spaces to 40 spaces, and exceed the original tenant's parking allowance by 7 spaces. A recommendation by Staff will be made on this item.**


- 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:**

Staff has concerns regarding the allowance to expand seating for the Wolf Café into the lower level. Without alleviation of the current over-parking issue plaguing 15480 Clayton Rd, an item which has overflowed into traffic issues brought forward by residents in regards to Clayton Ridge Drive, even an increase of a few tables and chairs at the Wolf could result in further augmentation of parking issues. It should additionally be noted that the concerns regarding Clayton Ridge Dr. were brought up recently at the December 13, 2021 Board of Aldermen meeting through Bill 4111, where it was requested that parking along the street be prohibited. Judgement by the Aldermen has been tabled on this particular matter in light of this request and its impact to parking in the area.

Staff recommends that the petitioner either agree as part of the amendment to restrict parking for the lower level to evening hours only to ease parking concerns, or to have them obtain an agreement with a neighboring parcel for off-site parking in accordance with Article XV, Sec.1(3)(2) for an amount no less than 7 parking spaces.

  
Shawn Edghill  
Planning Technician