

# P-11-20

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**Title:** Petition for an Amended Conditional Use Permit, submitted by Broadway Restaurant Group, for a restaurant with a drive through, which is considered a motor vehicle oriented business (MVOB) at 10734 Sunset Hills Plaza.

**Owner:** Sansone Group  
120 South Central Avenue, Suite 500  
St Louis, Missouri 63105

**Date:** November 2020



\*Maps are for informational use only; not a representation of the project.

**Summary:**

This petition is for an Amended Conditional Use Permit for a motor vehicle oriented business (restaurant with drive through) at 10734 Sunset Hills Plaza. The property is located on the southwest corner of South Lindbergh Boulevard and Sunset Hills Plaza. The property is currently zoned PD-BC Planned Development-Business Commercial. The properties to the north, south and west are also zoned PD-BC. The properties to the east are zoned PD-LC Planned Development-Limited Commercial and C-1 Commercial District.

**History & Staff analysis:**

A Conditional Use Permit (P-15-84) for a Burger King Restaurant was approved December 4, 1984. The existing 3,130 square foot Burger King restaurant was constructed in 1985.

The petitioner now wishes to demolish the existing 3,130 square foot restaurant and playground. A new 3,040 square foot Burger King Restaurant would be constructed in its place. The site will have a similar design to the property at 10706 Sunset Hills Plaza (Chick-Fil-A). The development would consist of a 3,040 square foot restaurant, with two (2) drive through lanes, merging to a single lane to be served at two (2) windows. Traffic would proceed throughout the site in a single direction, around the building. The hours of operation would be 6:00 am – 12:00 am. Color renderings of the proposed building have been included for review.

Appendix B Zoning Regulations, Section 7.1 Intent and purpose states: Conditional uses are those types of uses which tend to be problematic because they:

1. Have a tendency to generate significant traffic volumes and/or turning movements;
2. Have operational characteristics that may have a detrimental impact on adjacent or nearby properties, or;
3. Have other characteristics which may impact public health, safety, or welfare; but can be approved if such uses meet the criteria established herein.

Conditional uses also include public and quasi-public uses affected with the public interest. In order to ensure that detrimental impacts are avoided or mitigated to a

satisfactory level, conditional uses must be reviewed, approved and issued a conditional use permit, in accordance with the provisions of this section.

Section 7.2-32B states: The Commission shall consider the extent to which the evidence provided demonstrates compliance with the criteria contained in subsection 7.3-1. In the event that the Commission concludes that insufficient information has been provided to make a determination of compliance with such standards, it may postpone its recommendation until such time sufficient information has been provided to render a recommendation to the board, or it may recommend denial of the conditional use permit application. The Commission shall recommend to the Board of Aldermen that the conditional use permit be approved, denied, or approved with conditions. Such conditions may include, but are not limited to, one (1) or more of the following:

- a. Size, height, and location of proposed buildings and structures;
- b. Landscaping and screening;
- c. Parking and loading requirements;
- d. Signage;
- e. Traffic flow and access requirements;
- f. Exterior lighting;
- g. Hours of operation; or
- h. Architectural and engineering features.

These conditions may be in addition to any regulations contained in the applicable zoning district or other applicable regulations of the city, to the extent that they serve to avoid or sufficiently mitigate any potential adverse impact of a conditional use.

This petition meets all requirements of the current requirements in Appendix B Zoning Regulations, with the exception of exterior lighting. The photometric plan that was submitted with the petition does not meet current requirements. The petitioner is aware of this and intends on applying to the Board of Adjustment for a variance. A variance must be approved or the photometric plan must be redesigned to meet current requirements prior to a second reading and vote on this petition by the Board of Aldermen.

This development requires a traffic study to be performed. It has been ordered and is being prepared. Staff does not expect the development to have a negative effect on traffic patterns. The existing restaurant is being replaced with the same brand of restaurant, with a similar building footprint. The traffic study must be completed and reviewed by the City Engineer prior to a second reading and vote on this petition by the Board of Aldermen.

Section 7.31 states: The Board shall not approve any conditional use, which they determine to:

- A) Substantially increase traffic hazards or congestion. Based on the fact that this project consists of demolition and reconstruction of the same restaurant, a substantial increase in traffic is not anticipated as a result of this project. A traffic study is being prepared to verify.
- B) Substantially increase fire hazards. This project must be approved by Mehlville Fire District.
- C) Adversely affect the character of the neighborhood. Based on information provided by the petitioner, this project should not adversely affect the character of the neighborhood.
- D) Adversely affect the general welfare of the community. Based on information provided by the petitioner, this project should not adversely affect the general welfare of the community.
- E) Overtax public utilities. Based on information provided by the petitioner, this project should not overtax public utilities.
- F) Conflict with standards contained in Subsections 7.3-2 and 7.3-3. This project meets all standards contained in Subsections 7.3-2 and 7.3-3.
- G) Conflict with the goals and objectives or proposed land use in the comprehensive plan. This project does not conflict with the goals and objectives or proposed land use in the comprehensive plan.

This property is in a planned zoning district. Per Appendix B Zoning Regulations, Section 4.10-25B, an amended development plan is required. See P-10-20 for that petition.

**Staff recommendation:**

This petition is for the demolition and reconstruction of a Burger King Restaurant. The new structure would have a similar footprint and be approximately the same size as the existing restaurant.

Based on information provided by the petitioner, staff recommends approval of this petition with the following conditions:

1. The Board of Adjustment must approve the proposed photometric plan or the plan must be redesigned to meet current requirements.
2. The City Engineer must review the traffic study being prepared for the project.
3. Mehlville Fire District must approve the project.

**Update:**

On October 7, 2020, the Planning & Zoning Commission recommended approval of this Petition with the conditions listed above. On October 22, the Board of Adjustment approved the appeal to vary the illumination standards for the property.

A traffic study has been completed (attached) and reviewed by the City Engineer. The traffic study contained the following conclusions:

1. Existing traffic conditions are generally favorable adjacent to the site during most of the peak periods. There were periodic back-ups along Sunset Hills Plaza when traffic would spill back from the traffic signal at Lindbergh Boulevard. However, this queuing did not have a significant impact on operations for Burger King.
2. The proposed restaurant would be expected to generate a total of approximately 110 and 180 trips during the weekday evening and Saturday peak hours, respectively. Given the new facility is replacing an existing restaurant of similar size, the net change in trip generation for the site is expected to be negligible. In other words, the redevelopment would not add an appreciable volume of traffic to the adjoining roadways as compared to existing conditions.
3. The proposed access plan represents an improvement over existing conditions, as the separate one-way drives on the west side of the site provide improved

spacing from the adjacent all-way stop and reinforce the counterclockwise circulation on the site.

4. Overall, it was concluded that the proposed redevelopment would provide a net benefit to traffic operations on-site and along the adjoining access roads.

Fire District approval is required prior to issuance of an occupancy permit.