

# P-26-21

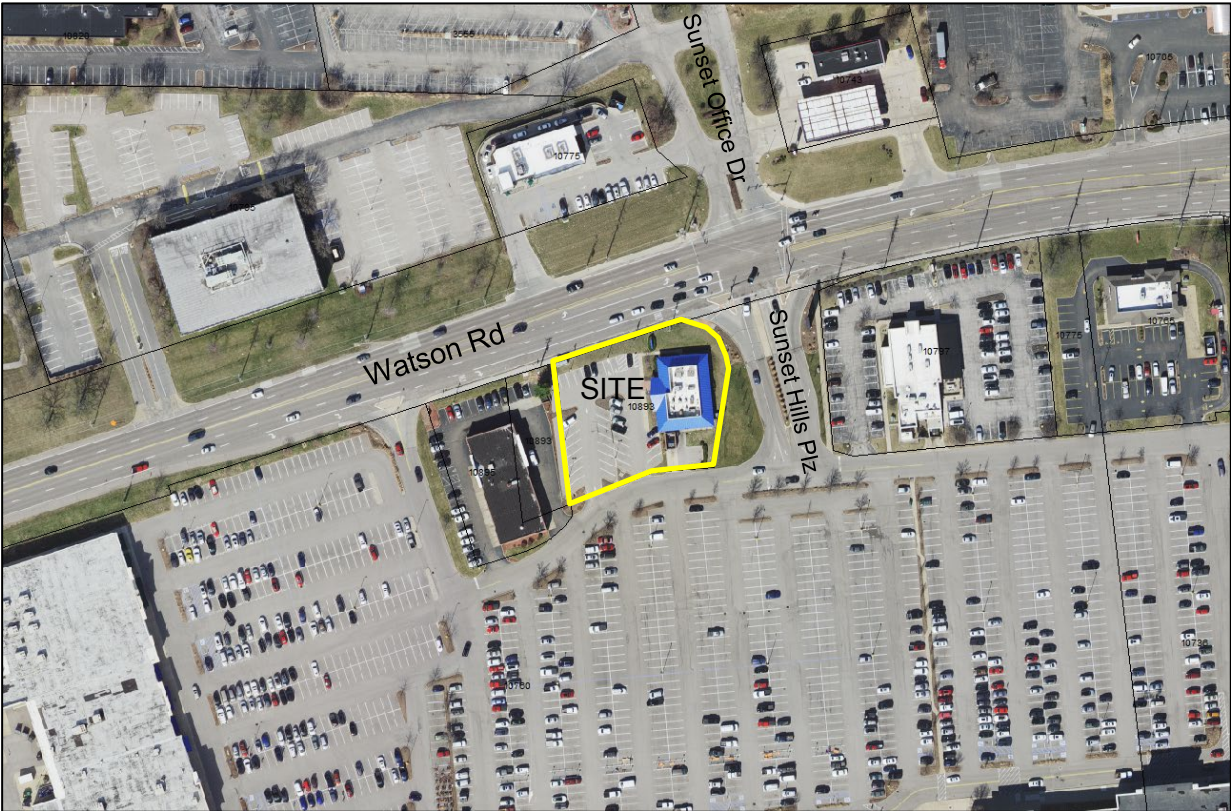
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**Title:** Petition for an Amended Conditional Use Permit, submitted by Sandin Engineering, for a restaurant at 10893 Sunset Hills Plaza.

**Owner:** Wagenseil Properties LLC  
6337 San Bonita Avenue  
St Louis, Missouri 63105

**Petitioner:** Sandin Engineering  
2989 State Hwy 25  
Jackson, Missouri 63755

**Date:** January 2021



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

**Summary:**

This petition is for an Amended Conditional Use Permit for a restaurant at 10893 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 property to the north is zoned C-1 Commercial District. The properties to the east, south and west are zoned PD-BC.

**History & Staff analysis:**

A Conditional Use Permit (P-08-92) for an IHOP was approved April 14, 1992 and the existing 4,554 square foot restaurant was constructed the same year.

The Petitioner wishes to occupy the structure, adding a patio with ten (10) additional tables. The additional customer load would increase the required parking spaces to 49. While the site includes 39 parking spaces, there is an existing cross access and parking easement for the entire Plaza Development. Therefore, the parking requirement would be met.

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.

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 additional seating is being added to this existing restaurant, an increase in traffic should be expected. However, a substantial increase in traffic hazards or congestion is not anticipated as a result of this project.
- B) Substantially increase fire hazards. This project must be approved by Fenton 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. The standards contained in Subsections 7.3-2 and 7.3-3 do not apply to this project.
- 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-25-21 for that petition.

**Staff recommendation:**

This Petition is for the occupancy of an existing restaurant building with a new restaurant. A patio addition is proposed, which would contain 40 additional seats.

Based on information provided by the Petitioner, staff is recommending approval of this petition with the following conditions:

1. All necessary State of Missouri , St Louis County and City of Sunset Hills liquor licenses must be issued prior to issuance of the City Occupancy Permit.
2. St Louis County Building Department and Fenton Fire District approval are required prior to issuance of the City Occupancy Permit.

**Update:**

At the December 1, 2021 meeting, the Planning & Zoning Commission voted to recommend approval of this Petition with the above conditions.