

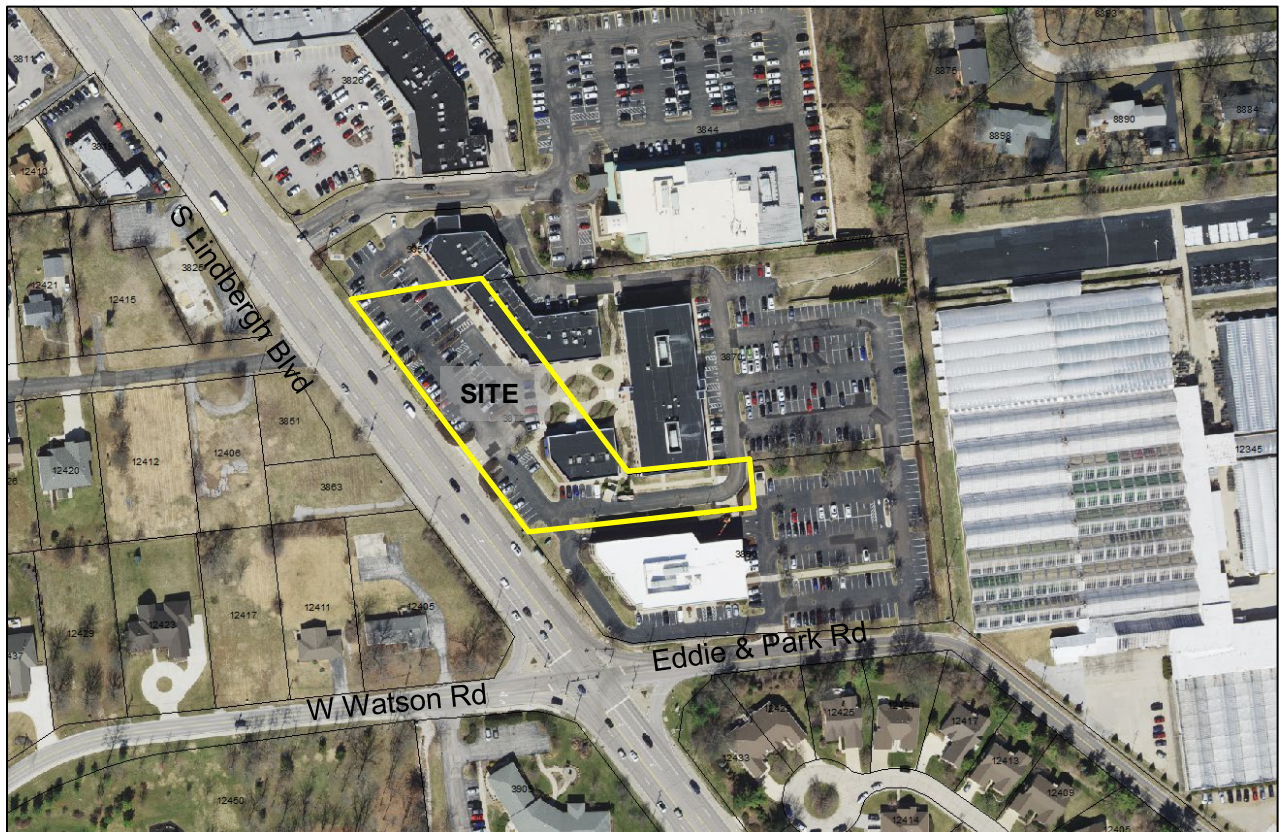
P-04-22

Title: Petition for a Conditional Use Permit, submitted by Rachel Carr, for a restaurant at 3860 South Lindbergh Boulevard, Suite 105 (aka 3872 South Lindbergh Boulevard).

Owner: DIF Sunset Place, LLC
13075 Manchester Rd, Suite 250
St Louis, MO 63131

Petitioner: Rachel Carr
112 N Harrison Ave
St Louis, MO 63122

Date: March 2022



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

Summary:

This petition is for a Conditional Use Permit for a restaurant at 3860 South Lindbergh Boulevard, Suite 105. The property is also known as 3872 South Lindbergh Boulevard. The property is located on the east side of South Lindbergh Boulevard, approximately 490 feet north of Eddie & Park Road. The property is currently zoned PD-BC Planned Development – Business Commercial. All surrounding properties are also zoned PD-BC.

History & Staff analysis:

Most recently, this space was occupied by a Jimmy Johns restaurant, which was approved by the City in June 2005. Jimmy Johns has since relocated and the space is currently unoccupied.

This Petition is for a Conditional Use Permit for a restaurant. As the Petitioner will explain, the restaurant will consist of carry out options with both indoor and outdoor seating available for customers who wish to eat at the restaurant.

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 information provided by the Petitioner, there should not be a substantial increase in traffic hazards or congestion.
- B) Substantially increase fire hazards.
As part of the occupancy permit process, 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.

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.

Staff recommendation:

This Petition is for the occupancy of an existing restaurant space with a new restaurant in an existing plaza development. Carryout, indoor and outdoor dining options are proposed.

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

1. St Louis County and Mehlville Fire District approval are required prior to issuance of the City Occupancy Permit.

Update:

On February 2, 2022, the Planning & Zoning Commission recommended approval of this Petition with the above condition, as well as the following conditions from the previous Conditional Use Permits (P-08-05 & P-20-05):

1. There shall be no music heard outside, or piped outside the restaurant interior premises.
2. Tables outside are limited to three (3) at thirty (30) inch diameter with no more than three (3) chairs each.