

# P-28-22

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**Title:** Petition for a Conditional Use Permit, submitted by Olga Despotis Perpetuities Trust, for the construction of a bank with a drive through at 12405, 12411 & 12417 West Watson Road.

**Owner:** ODT Re-Development LLC (12405 & 12417) Lindbergh ODPT LLC 12411)  
12511 Elaine Drive  
St Louis, Missouri 63131

**Petitioner:** George J Despotis, Trustee  
Same address as above

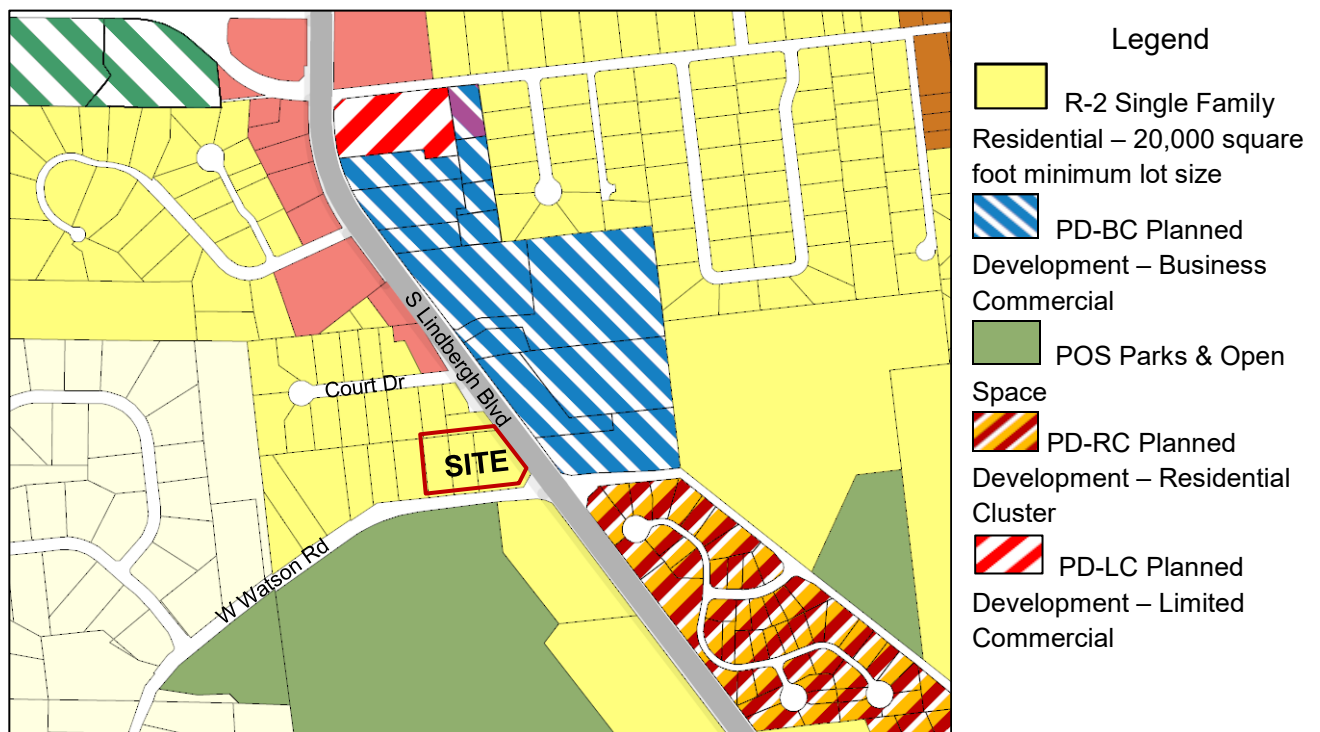
**Date:** November 2022



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

## Summary:

This Petition is for a Preliminary Development Plan for the construction of a bank with a drive through at 12405, 12411 & 12417 West Watson Road. The properties are located on the northwest corner of West Watson Road and South Lindbergh Boulevard. The properties are currently zoned R-2 Single Family Residential – 20,000 square foot minimum lot size. The properties to the north and west are also zoned R-2. The properties to the east are currently zoned PD-BC Planned Development – Business Commercial. The properties to the south are currently zoned R-2 and POS Parks and Open Space.



## Project overview:

- Site area: 1.91 acres (83,232 square feet)
- Existing zoning: R-2, Single Family Residential – 20,000 square foot minimum lot size;
- Proposed zoning: PD-LC(B), Planned Development – Limited Commercial (1-3 acre lot size);
- Existing use: Two (2) of the three (3) lots contain single family dwellings, one (1) lot is vacant;
- Proposed use: A bank with a drive through.

## **History:**

This area of the City received significant damage during a tornado that took place on December 31, 2010. The properties have remained mostly vacant since that time. A task force was created as part of the recovery process. That group was to determine what type of future development would be appropriate for the area. Resolution 331 was approved by the Planning and Zoning Commission on November 2, 2011. That resolution states: "The Comprehensive Plan of the City of Sunset Hills shall be amended to designate the tornado-affected area, as shown on the attached map, for only residential, single family and/or a Courtyard type development, or a combination of both, as is permitted in the zoning classification PD-RC. There will be no consideration given for commercial development."

On May 4, 2016, a new Comprehensive Plan was adopted. Chapter 6, titled "Subarea Plans" identified the properties in this petition as an opportunity site. It further states: "The area commonly referred to as the "Tornado Site" was the subject of considerable discussion throughout the planning process. While the site has frontage on Lindbergh Blvd and is proximate to commercial uses, there was a strong sentiment that this was and should continue to be a residential neighborhood. Following several public meetings and deliberation by the Sunset Hills Planning & Zoning Commission, direction was given to maintain the future land use of the area as Residential, which is consistent with the Residential Recovery Task Force's findings from a previous study. This location is an opportunity to add new residential units to the area."

As a result, the Land Use Map in the Comprehensive Plan reflects the properties as single family residential.

In March of 2016, Petition P-12-16 for a Concept Plan for the properties at 12401, 12411 & 12417 was presented to the Planning & Zoning Commission.

In April of 2016, the following Petitions for the properties at 12405, 12411 & 12417 West Watson Road were presented to the Planning & Zoning Commission:

1. Petition P-12-16 for Rezoning from R-2 to PD-LC(B) and;
2. Petition P-13-16 for a Preliminary Development Plan.

Both Petitions were denied by the Board of Aldermen in March of 2017.

In November of 2016, the following Petitions for the properties at 12415, 12412 & 12406 Court Drive; 3825, 3851 & 3863 South Lindbergh Boulevard and 12405, 12411 & 12417 West Watson Road were presented to the Planning & Zoning Commission:

1. Petition P-36-16 for Rezoning from C-1 and R-2 to PD-LS Planned Development – Lifestyle;
2. Petition P-37-16 for a Preliminary Development Plan for a mixed use development and;
3. P-38-16 for a Conditional Use Permit for a bank with a drive through.

All of the Petitions were denied by the Board of Aldermen in April of 2017.

In August of 2017, the following Petitions for the properties at 12406 & 12412 Court Drive; 3851 & 3863 (portion) South Lindbergh Boulevard and 12417, 12411 (portion) & 12405 West Watson Road were presented to the Planning & Zoning Commission:

1. Petition P-31-17 for Rezoning from R-2 to PD-LS and;
2. Petition P-32-17 for a Preliminary Development Plan for an attached single family development.

In addition, Petition P-33-17 for Rezoning of properties at 12405 & 12411 (portion) West Watson Road and 3863 (portion) Court Drive from R-2 to C-1 was also presented.

All three (3) Petitions were denied by the Board of Aldermen in October of 2017.

**Staff analysis:**

This Petition is for a Conditional Use Permit for the construction of a bank with a drive through at 12405, 12411 & 12417 West Watson Road. The proposed development consists of a bank with three (3) teller drive through lanes and one (1) ATM lane. A drive through is considered a motor vehicle oriented business (MVOB), requires a conditional use permit, in all zoning districts, including planned developments.

Per Section 8.1 of the Unified Development Ordinance, 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. Conditional uses are listed for each zoning district (see Section 3 of this Ordinance).

Section 8.31 of the Unified Development Ordinance states the Board shall not approve any conditional use, which they determine to:

1. Substantially increase traffic hazards or congestion.

A traffic study was submitted as part of this submittal. That study indicated that in order for the entrance at South Lindbergh Boulevard to operate at an acceptable service level, there may be no left turn, heading north onto South Lindbergh Boulevard. Drivers must exit the site onto West Watson Road and turn left at the traffic light.

2. Substantially increase fire hazards.

A permit is required to be issued by Mehlville Fire District prior to issuance of an occupancy permit.

3. Adversely affect the character of the neighborhood.

Based on information provided, this development should not adversely affect the character of the neighborhood.

4. Adversely affect the general welfare of the community.

Based on information provided, this development should not adversely affect the general welfare of the community.

5. Overtax public utilities.

Based on information provided, this development should not overtax public utilities.

6. Conflict with standards contained in Section 5.

These standards are addressed below.

7. Conflict with the goals and objectives or proposed land use in the comprehensive plan.

The area has a single family residential designation.

Section 5.8 of the Unified Development Ordinance provides design standards for motor vehicle oriented businesses. The proposed development meets all of the requirements of this section with the exception of 5.8.5-2, which requires the minimum distance of the driveway to the side property line to be at least twenty-four feet (24'). The Petitioner is aware of this deficiency and intends to apply to the Board of Adjustment for a variance from the requirement.

If the Planning & Zoning Commission recommends approval of this Petition, staff recommends the following conditions:

1. Related Petitions P-27-22 and P-29-22 must be approved;
2. All variances determined to be necessary must be approved by the Board of Adjustment;
3. The ingress/egress onto South Lindbergh Boulevard must be marked "no left turn onto South Lindbergh Boulevard".