

Introduced by: Council Members Present
of the City of Berkeley, MO

A RESOLUTION AUTHORIZING GHALI MTU A SPECIAL USE PERMIT TO OPERATE GLAM GALORE LASH STUDIO LOCATED AT 8550 AIRPORT ROAD, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Ghali Mtu, has applied to such City for the issuance of a Special Use Permit to operate Glam Galore Lash Studio; and

WHEREAS, in accordance with the applicable Ordinance of the City of Berkeley, such application was submitted to the City Plan Commission for its investigation and reports, and further, that such City Plan Commission has returned its final report and recommendation wherein it recommended the issuance of a Special Use Permit to Ghali Mtu, to operate Glam Galore Lash Studio located at 8550 Airport Road; and

WHEREAS, due notice of the time, place and purpose of a public hearing was published in two (2) consecutive issues of a newspaper of general circulation in the City or posted on the city's website, the first notice being published at least ten (10) days prior to the date of the hearing, and written notices of said hearing were mailed to the last known places of abode of the owners of all property lying within one hundred eighty five (185) feet of all boundaries of the property under consideration for a Special Use Permit; and

WHEREAS, such public hearing was duly held by the Council, on July 15, 2019, in the City Hall of the City of Berkeley, Missouri, in conformity with said public notice at which hearing the parties of interest were given an opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BERKELEY, MISSOURI AS FOLLOWS:

SECTION 1. The City Council determines that the public health, welfare, and safety are adequately protected in view of the foregoing criteria, and the Special Use Permit shall be granted as the Council affirmatively finds as to the required criteria.

SECTION 2. The use of said tracts for the aforesaid purpose is granted subject to the following conditions:

- a) Name of business, Glam Galore Lash Studio
- b) Hours of operations: 9:00am – 6:30pm Monday-Friday, 11:00am-4:00pm Saturday, Closed on Sundays
- c) Building requires total renovation and floor plan for Building Commissioner's approval.
- d) Building shall require the installation of a first floor rest room that meets ADA compliance.
- e) Exterior building and site conditions in need of repair as approved by the Building Commissioner.
 - 1. Remove all boards;
 - a. Replace entry door.
 - 2. Maintain grass in the greenspace along Airport Road.
 - 3. All brick shall be tuck-pointed.
- f) No snipe signs or directional signs in the Public Right of Way.
- g) Only 10% of windows space shall be used for window signage.
- h) Owner shall comply with Ordinance 4373 and install and maintain a commercial trash enclosure with dumpster.

- i) The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
- j) The building, lot, landscaping, and yard areas shall be maintained and kept free and clear of any debris, trash, or weeds including maintenance of all landscaped areas.
- k) The entire interior will be thoroughly inspected by City's Building Commissioner and Fire Department, and any and all other jurisdictions, if applicable. All permits that are required by any of said mention must be received. Once, all required inspections are completed; apply for all necessary permits, business at Berkeley's Finance Office after obtaining City Council's approval on this Special Use Permit. Commercial Occupancy permit and Business License is required and shall be posted at all times.
- l) In granting such special use permits, the City Council may provide that the permit be valid for a limited period of time not to exceed ten (10) years. Upon expiration of the time limit specified in the permit, the holder of the permit may request the permit be reviewed by the City Council, and the City Council may extend it for another limited period of time not to exceed ten (10) years.
- m) The Special Use Permit will be revoked if for any reason the applicant ceases operations and closes its doors to the public for a period of six (6) months or more, not complying with the City's Special Use Permit. The Special Use Permit shall not be assigned, or sold, or conveyed, or operated by another without prior approval by the City Council and occupancy permit, building permit or business license shall be issued to such assignee until such approves is secured.
- n) Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. To continue occupying the building and facilities the applicant must comply with all the applicable rules and regulations of the City of Berkeley, St. Louis County, State of Missouri, and Federal rules and regulations.
- o) Prior to issuance of an Occupancy Inspection and Permit, the above noted conditions, the conditions as described in the attached Report, the inspections as part of the normal occupancy permit process shall be met, and as approved by the City Council. This Special Use Permit takes effect upon the approval by City Council.
- p) The City Council may, in accordance with Section 400.580, institute a rezoning. The City Council, after a public hearing, may revoke a special use permit for failure of compliance with regulations and restrictions of this Chapter or the requirements of the special use permit.
- q) If the City Council determines that the public health, welfare and safety are adequately protected in view of the foregoing criteria, then the special use permit shall be granted; but if it is negative as to any of such paragraphs, then the special use permit shall be denied.

SECTION 3. The Department of Public Works shall be charged with responsibility for the enforcement of this Resolution.

SECTION 4. This Resolution shall be in full force and effect from and after the date of its passage.

PASSED this day of 2019

ATTEST:

Deanna Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Theodore Hoskins, Mavor

Final Roll Call:

Mayor Hoskins	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Hoskins	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Mitchell	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Williams	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman-At-Large Greene	Aye ___ Nay ___ Absent ___ Abstain ___
Councilman Hindeleh	Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Anthony	Aye ___ Nay ___ Absent ___ Abstain ___

STAFF REPORT

CASE NUMBER: **19-11**

DATE: June 21, 2019

PETITIONER: Ghali Mtu
6242 Garfield Avenue
St Louis MO 63134
(314) 398-5046
Email: gmtu2010@yahoo.com

PROPERTY OWNERS: Crosby Realty
PO Box 210299
St. Louis, MO 63121

REQUEST: Special Use Permit – Eyelash Studio

PROPERTY ADDRESS: 8550 Airport Rd

SIZE: Approximately 536.2 square feet

CURRENT ZONING: “C-2” General Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant

PROPOSED USE: Eyelash Studio (personal service)

RECOMMENDATIONS: Staff recommends approval with conditions



REPORT TO CITY COUNCIL

NO TAXES DUE PUBLIC HEARING

TO: The Honorable Mayor and Members of the City Council

FROM: Kimberly Smith-Drake, Economic Development Coordinator

THRU: Debra Irvin, City Manager

DATE: June 21, 2019

SUBJECT: **Case No. 19-11 - A request for a Special Use Permit by Ghali Mtu to operate Glam Galore Lash Studio at 8550 Airport Road, in the City of Berkeley, St. Louis County, Missouri,**

The Planning Commission heard the petitioner's case on June 12, 2019, above and presents the following as their findings:

RECOMMENDATION

The Planning Commission recommends approval, with conditions, for the Special Use Permit request of Ghali Mtu to operate an eyelash studio at 8550 Airport Road, in the City of Berkeley, St. Louis County, MO.

BACKGROUND

The property is a multi-tenant commercial building and this space is approximately 536.2 sq. ft., property locator number 11K340508, situated in the middle of the strip of buildings located from the corner of Garfield to North Hanley Rd. The property is zoned "C-2" General Commercial.

ZONING CODE

In accordance with 400.140 D (20): **Personal services**, including barber shop, beauty parlor, cleaning and laundry establishments, photographers, shoe repair, tailoring, dressmaking and similar uses require a Special Use Permit 400.530.

SUPPORTING DOCUMENTS

- Staff Report
- Pictures of exterior of lot
- Plan of building interior
- Special Use Application

OPTIONS

1. Recommend approval of the Petitioner's request.
2. Recommend denial of the Petitioner's request.

IMPACT ON BUDGET

There is minimal impact on the City Budget from the recommended action. Approval of the Petitioners request would allow the property to be used in a manner consistent with uses in the C2 zoned area.

REQUESTED ACTION(S) TO THE CITY COUNCIL

Approve, with conditions, the request for a Special Use Permit by **Ghali Mtu to operate Glam Galore Lash Studio** at 8550 Airport Road, in the City of Berkeley, St. Louis County, Missouri;

1. Name of Business, Galore Lash Studio
2. Hours of operation shall be Mon-Fri, 9:00am-6:30p, Saturday 11:00am-4pm, Sun, Closed
3. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
4. Building requires total renovation and floor plan for Building Commissioner's approval
5. Building shall require the installation of a first floor rest room that meets ADA compliance
6. The building, lot, landscaping, and yard areas shall be maintained and kept free and clear of any debris or trash or weeds including maintenance of all landscaped areas.
7. Exterior building and site conditions in need of repair as approved by the Building Commissioner.
 1. Remove all boards;
 1. Replace entry door
 2. Owner shall comply with Ordinance 4373 and install a commercial enclosure for garbage
 3. Maintain grass in the greenspace along Airport Road
 4. All brick shall be tuck-pointed
8. No snipe signs or directional signs in the Public Right of Way
9. Only 10% of window space shall be used for window signage
10. This Special Use Permit will be revoked if for any reason the applicant ceases operation and closes its doors to the public for a period of six (6) months or more and not complying with the City's Special Use Permit.
11. The Special Use Permit shall not be assigned, or sold, or conveyed, or operated by another without prior approval by the City Council and occupancy permit, building permit or business license shall be issued to such assignee until such approves is secured.
12. Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. The applicant will comply with all the City's rules and regulations.
13. Prior to issuance of any Occupancy Permit, the above noted conditions, the conditions as described in the attached Report, the inspections as part of the normal occupancy permit process shall be met, and as approved by the City Council.
14. If the City Council determines that the public health, welfare and safety are adequately protected in view of the foregoing criteria, then the special use permit shall be granted; but if it is negative as to any of such paragraphs, then the special use permit shall be denied.
15. In granting such special use permits, the City Council may provide that the permit be valid for a limited period of time not to exceed ten (10) years. Upon expiration of the time limit specified in the permit, the holder of the permit may request the permit be reviewed by the City Council, and the City Council may extend it for another limited period of time not to exceed ten (10) years. The City Council shall provide that the permit be exclusive only for the holder and non-transferable.
16. The City Council may, in accordance with Section 400.580, institute a rezoning. The City Council, after a public hearing, may revoke a special use permit for failure of compliance

with the regulations and restrictions of this Chapter or the requirements of the special use permit.

PUBLIC NOTICE AND COMMENT

Public Hearing notification is applicable. Upon recommendation by City Plan Commission to City Council, notices shall be mailed to owners and occupants of the property within 185 feet of the site. This public hearing shall be published, posted and scheduled for **July 15, 2019**.

Respectfully submitted

Kimberly Smith-Drake
Economic Development Coordinator

SITE PHOTO

8550 AIRPORT ROAD - FRONT



Window Sign: (clear not shaded background)





TYPE OF APPLICATION

(Please check all that apply)

INITIAL FEE \$350

<input type="checkbox"/> Preliminary (Plats)	<input checked="" type="checkbox"/> Special Use Permit
<input type="checkbox"/> Re-approval (Plats)	<input type="checkbox"/> Zoning Change
<input type="checkbox"/> Amending (Plats)	<input type="checkbox"/> Resubdivision/Reconsolidation
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Business Name/Ownership Change
<input type="checkbox"/> Lot Consolidation	<input type="checkbox"/> Variance
<input type="checkbox"/> Street Name	<input type="checkbox"/> Other

REQUIREMENTS:

1. Prepare twenty (20) legible sets of drawings detailing interior & exterior of property.
2. Submit a completed application three (3) weeks prior to Planning meeting. (SEE attached Deadline & Meeting dates)
3. **DO NOT** destroy, tear down or remodel proposed business structure until 'FINAL' approval by City Council.
4. If you do not submit your application in a timely manner your request will be considered on the next meeting date.

APPLICANT(S) NAME(S) Ghali Mtu

APPLICANT IS (CHECK ONE): OWNER _____ AGENT _____ PURCHASER OF CONTRACT _____ TENANT

APPLICANT(S) ADDRESS: STREET 6242 Garfield ave

CITY Berkeley STATE MO ZIP 63134 PHONE 314 398 5091 E-MAIL gmutuzoid@yahoo.com

LOCATION OF PROPOSED USE

STREET ADDRESS, PROPERTY DESCRIPTION: 8550 Airport rd. Berkeley MO 63134

PRESENT ZONING DISTRICT: C2 PROPOSED ZONING DISTRICT (if applicable) Same

THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: Vacant

THE PROPERTY IS TO USE IT FOR: (Type of Business) Eye Lash Studio

(Days & Hours of operation etc.) mon-fri 9am-6:30pm Sat 11am-4pm Sun: closed

PROPOSED NAME OF BUSINESS: Glam Galore Lash Studio

APPROXIMATE SIZE OF TRACT: _____ ACRES SQ FT OF SPACE 300

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: Tom Kirly

ADDRESS: STREET: 2360 Airport CITY Berkeley

STATE: MO ZIP: 63134 PHONE: (314) 365 1145 E-MAIL: JK Kirly's Doctor's Gmail

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: _____ SIGNATURE [Signature]

By signing this application the owner(s) and applicant(s) attest that all information and facts provided on this form and attachments are complete and accurate and that any omission or incorrect fact or information may invalidate any notice or subsequent action taken by the City of Berkeley Board of Adjustments, City of Berkeley Planning & Zoning Commission. (All applicants and owners shall sign the application. Attach additional name/address/signature/date pages as needed.)

APPLICANT(S) SIGNATURE [Signature] OWNER(S) SIGNATURE _____

DATE 5-28-19 DATE _____

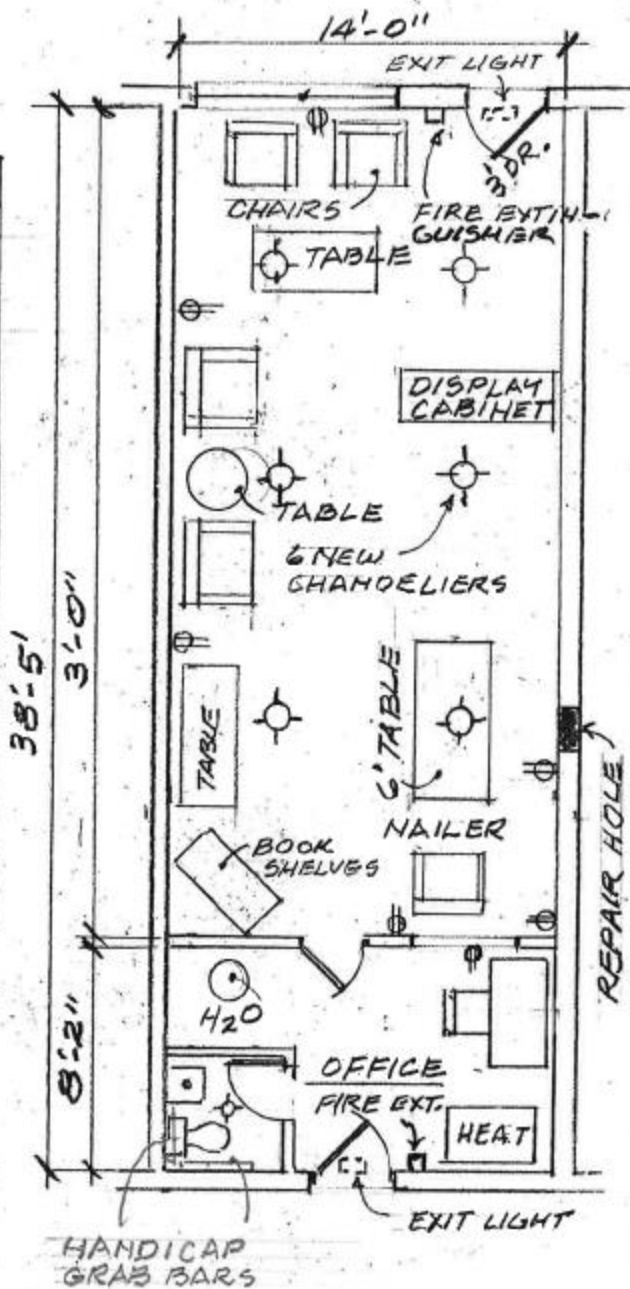
On this date _____, all items necessary for a technical review of the proposed special use permit plan have been submitted and constitute a COMPLETE APPLICATION. STAFF SIGNATURE: _____

DATE PAID 5/28/19 (Cash) Check Money Order DUES FEE RECEIPT NO: 39416 CASE NO: _____



GENERAL NOTES

1. ONE STORY - FLAT ROOF
NO BASEMENT -
2. 9 FOOT CEILING HGT.
GYPSUM BOARD
CEILING
3. FLOOR - CARPET
ON CONCRETE SLAB
4. WALLS - PLASTER
ON MASONRY
5. OFFICE FLOOR -
CONCRETE SLAB
6. TOILET - VINYL TILE
ON CONCRETE SLAB
7. HOT WATER HEATER,
HEAT FURNACE IN
OFFICE AREA
8. AIR CON. ON ROOF -
VERIFY
9. INTERIOR SQUARE
FOOTAGE -
 $38.3' \times 14' = 536.2 \text{ sq ft}$
10. REMOVE EXISTING
CEILING LIGHTS



	<p>NAIL BEAUTY SHOP 8550 AIRPORT ROAD BERKELEY, MO CROSBY REALTY L.L.C. OWNER 365-1145</p>	<p>DATE: 5-27-19</p>
	<p>JOHN SCHULTE-ARCHITECT 314-863-1018 2540 NORMANDY DR. GREENDALE, MO 63121</p>	<p>A1</p>

NO TAXES DUE

8542-8560 AIRPORT ROAD

No Taxes Are Due

Effective 5/29/2019.

Locator Number: 11K340508
Owner Name: Crosby Realty L L C
Property Location: 8542 Airport Rd
Subdivision: Kinloch Park
Block Number: 20
Lot Number:
School Sub Code: 111NE
Legal Description: Lots 32 & 33 & Lot Pts 30 & 31 & 63 & 64
Assessed Value: The 2019 total assessed value will not be available until the end of May.

Real Estate Taxes Paid:

Locator Number - 11K340508							
Tax Year	Tax	Interest	Penalties	Other Charges	Total Tax	Amount Paid	Date Paid
2018	\$5,198.03	\$0.00	\$0.00	\$915.45	\$6,113.48	\$6,113.48	12/28/2018