

PLAN COMMISSION MEETING MINUTES OF July 10, 2019



MEETING MINUTES City of Berkeley City Plan Commission Wednesday, July 10, 2019 6:00 P.M.

Council Chambers, 8425 Airport Road, St. Louis, MO 63134

Note: The agenda for this meeting was posted on the bulletin board at the City Hall complex, 8425 Airport Road and is in compliance with the Open Meetings Law.

Members Present: Mayor Hoskins, Robert Phillips, Carolyn Crimes, and Kyra Watson

Staff present: Kimberley Smith-Drake, Economic Development Coordinator

CALL TO ORDER / DECLARATION OF QUORUM

With a quorum established, Member Phillips called the meeting to order at 6:00 pm

MINUTES

Approval of June 12th, 2019 City Plan Regular Meeting Minutes.

Mayor Hoskins made a **MOTION** to approve the minutes. Commissioner Crimes **SECOND** the motion. A voice vote was taken, and the minutes were unanimously approved with a voice vote 3:0, Phillips, Hoskins, and Crimes.

PUBLIC COMMENT:

None

During this time Chairperson Watson joined the meeting.

OLD BUSINESS

None

The requestor was not present for the meeting. The following request will remain tabled.

NEW BUSINESS:

Case No. 19-12 - A request for a Special Use Permit by Margery Blocker to operate Jody B's soul food restaurant at 8017 Airport Road, Berkeley, MO.

Ms. Margery Blocker, the requestor was present for the meeting to address the members of the board. Member Phillips began the discussion by asking for the staff member's synopsis report. At that time Kimberley Smith-Drake, the Economic Development Coordinator provided the board members with a staff report. After reviewing the report Member Phillips asked for comments and questions from City staff and Commission members.

A brief question and answer period ensued.

The exterior and interior of the building brought some concerns and the members of the board strongly suggested the Façade Program to approve the outside appearance of the building.

PLAN COMMISSION MEETING MINUTES OF July 10, 2019

Mayor Hoskins asked Ms. Blocker was this her first time managing a restaurant and her response was yes. It was noted the operation of the restaurant will be Tuesday through Sunday and the hours of operation will be discussed at a later time. Chairperson Watson indicated that her concerns are noise-related, Watson reported that homes in the area should be taken into consideration. Moving forward with noise related concerns there will be an addition to the conditions related to the city ordinance against noise. With no further questions or comments the Commission Plan will move forward with Ms. Blocker's request, and the decision for case number 19-12 will be determined by the City Council at the next Public Hearing on August 19th, 2019. A list of conditions is attached and made a part of these minutes.

Mayor Hoskins made **MOTIONED** to approve, Watson **SECOND**: A voice vote was taken, and the motion was approved with a **voice vote 4:0**, Phillips, Hoskins, Watson, and Crimes.

The next item on the revised agenda is a discussion about change of section 400.530, D 10 Special Uses – Group Homes for foster care and group homes for mentally or physically handicapped form Special Use to Permitted Use for residential R-1, R-2, and R-3. Chairperson Watson made **MOTION** to discuss, Mayor Hoskins **SECOND**.

Moving forward the board began a brief discussion ensued.

Kimberly Smith- Drake noted that this particular discussion has been brought to the Commission Plan to make changes to how the current ordinance is worded. The city recently encountered a potential resident wanting to operate her home as a group home. Due to the current ordinance the request could not be granted. The Commission Plan reviewed the ordinance and all members agreed to remove item 10 from section 400.090. The final decision to make changes or removal to section 400.530, D item 10 will be determined by the City Manager and the City Council at the next Public Hearing on August 19th, 2019.

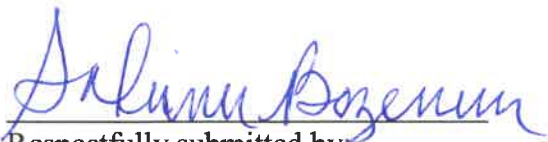
MOTION, Chairperson Watson **SECOND**, Mayor: A **voice vote** was taken **4:0**, Phillips, Mayor Hoskins, Watson and Crimes.

CONCLUDED

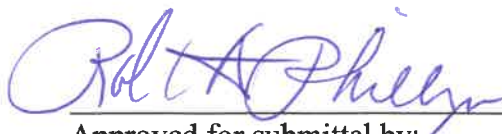
That the next regularly scheduled meeting of the City Plan Commission is held on **Wednesday, September 11, 2019 at 6:00 p.m.** and that consideration of the dates and times of future Committee meetings be deferred to this meeting.

ADJOURNMENT

There being no further business to come before the Commission, Member Phillips adjourned the meeting for a second time at 6:51p.m. **MOTIONED**, Phillips **SECOND** Watson with a voice vote 4:0, Hoskins, Crimes, Watson, and Phillips



Respectfully submitted by:
Sabrina Bozeman Public Works Secretary
Recording Secretary



Approved for submittal by:
Robert Phillips, Commissioner

PLAN COMMISSION MEETING MINUTES OF July 10, 2019

CONDITONS

The Commission shall consider the following conditions:

1. Hours of operation MON-FRI 9:00 am – 8:00pm, SAT-SU 10:00am-7:00pm
2. Carryout dining with indoor seating for waiting
3. No live entertainment on parking lot
4. No food consumed on parking lot
5. No loitering on the parking lot
6. No alcohol is to be consumed on the premises
7. Pick up litter around the premises at least twice a day
8. Deliveries, loading and unloading shall not occur between 7am-9am and 4pm -6pm
9. All site fencing, including the trash enclosure, shall be repaired or replaced. If total replacement of the wood perimeter site fencing is required all fencing shall be white vinyl.
10. The parking lot shall be restriped, weather permitting.
11. 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.
12. Exterior building and site conditions in need of repair as approved by the Building Commissioner.
13. Owner shall comply with Ordinance 4373 and install a commercial enclosure
14. Banners, flags, festoons must have city council approval
15. No snipe signs or directional signs in the Public Right of Way
16. Only 10% of windows space shall be used for window signage
17. 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.
18. 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.
19. 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.
20. Prior to issuance of a “new” 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.
21. 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.
22. 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.
23. 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.

PLAN COMMISSION MEETING MINUTES OF July 10, 2019

24. The building needs to be totally inspected by the St. Louis County Health Department for compliance for this intended use.
25. The building will also be inspected by the City's Building and Fire Department for code compliance related inspections.