



REPORT TO CITY COUNCIL

NO TAXES ARE DUE

TO: The Honorable Mayor and Members of the City Council
FROM: Kimberly Smith-Drake, Economic Development Coordinator
THRU: Debra Irvin, City Manager
DATE: August 12, 2019

SUBJECT: **Case # 19-16:** A request for a Special Use Permit for Barclanon Dixon for the operation of Better Deal Automotive, an auto repair shop at 5926 Evergreen Avenue, in the City of Berkeley, St. Louis County, Missouri.

We have investigated the Subject item, above, and present the following as our findings:

RECOMMENDATION

Staff recommends referral to Plan Commission to review and consider Special Use Permit for Barclanon Dixon for the operation of Better Deal Automotive, an auto repair shop at 5926 Evergreen Avenue, in the City of Berkeley, St. Louis County, Missouri.

BACKGROUND

The property is currently vacant, and has always been an automotive repair shop. Mr. Dixon has been in the City of Berkeley since The building is a one-story, brick building, with a one car repair bay. The property is zoned “M-1” Industrial District. The property has been vacant since 2013. This request will allow the property to be used in the same manner as previous tenants and reduce the number of vacant commercial properties in accordance with the City’s comprehensive plan.

SUPPORTING DOCUMENTS

- Staff Report
- SUP Application
- Aerial & Site photos (Exhibit A & B)
- Site Map (Exhibit C)

IMPACT ON BUDGET

There is minimal impact on the City Budget from the recommended action.

Respectfully submitted,

STAFF REPORT

CASE NUMBER: 19-16

DATE: August 12, 2019

PETITIONER: Barclanon Dixon
Better Deal Automotive LLC
5814 N. Hanley Rd.
Berkeley, MO 63134

PROPERTY OWNERS: IPX Jackson Ave LLC – Tom Scott
POB 11676
St. Louis, MO 63105

REQUEST: Special Use Permit for Barclanon Dixon
to operate automotive repair shop

PROPERTY ADDRESS: 5926 Evergreen Blvd, Berkeley, MO

SIZE: One story brick building, 1,440 Sq ft²

CURRENT ZONING: “M-1” Industrial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant (previously auto repair)

PROPOSED USE: Automotive Repair

RECOMMENDATIONS: Staff recommends referral to Planning Commission

IMPACT ON BUDGET

There is minimal impact on the City Budget from the recommended action.

The zoning is “M-1” Industrial District. No minimum lot size is required. Required building offsets are as follows:

- Minimum Lot Size: None
- Minimum depth of front yard: 30’ feet
- Minimum depth of side yard: 15 feet
- Minimum depth of rear yard: twenty-five feet

PERFORMANCE STANDARDS. Light industrial uses are subject to the following performance standards:

Noise. Every use shall be so operated that the maximum volume of sound or noise generated does not exceed fifty-five (55) decibels at any point on the lot line of the lot on which the use is located. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.

Odor. Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the lot line of the lot on which the use is located.

Toxic gases. Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.

Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five hundredths (0.85) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-tenths (0.5) pounds per one thousand (1,000) pounds of gases shall be of such size as to be retained on a three hundred twenty-five (325) mesh U.S. Standard Sieve. In the case of emission of fly ash or dust from a stationary furnace or combustion device, these standards shall apply to a condition of fifty percent (50%) excess air on the stack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty percent (50%).

Air pollution. Every form of objectionable odors, smoke, toxic gases, particulate matter such as dirt, dust, fly ash, must be restricted to specific low levels of emissions as set forth in Ordinance No. 3347 of St. Louis County titled Air Pollution Control Code, Chapter 612.

JUSTIFICATION

In accordance to Section 400.160(D), the use is permitted by a Special Use under Section 400.530

OPTIONS

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

REQUESTED ACTION

1. Hours of operation shall be 8:00 am - 7:00 pm, Monday thru Friday, Saturday 8am – 3:00pm.
2. The occupant shall not store or discard tires on the exterior of the building.
3. All automotive work; changing of tires, oil, etc., shall be done in the interior of the building. No exterior repairs are allowed on the street or parking lot.
4. Vehicles shall not be left overnight on the street.
5. Painting shall require paint booth and property ventilation of paint fumes.
6. No dumping of oil on property or in Storm Sewer.
7. All state certifications and licenses of operator and employees shall be posted at all times.
8. Owner shall comply with *Ordinance 4373* and install a commercial enclosure
9. 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.
10. Maintain Exterior - cut and remove all overgrown brush, the plants and trees need to be properly trimmed and shaped.
11. All parking areas must be a paved surface, the parking lot should be cleaned of all the debris, weeds and trash, etc.
12. Install privacy strips in chain link fence.
13. Use of snipe or directional signs to the property are prohibited
14. All required inspections by the city are required before issuance of occupancy permit or business license.

15. No accumulation of dismantled or junk vehicles. No overnight outside storage of vehicles. No vehicles shall be parked on the street impeding traffic. No Sale of Vehicles.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

Respectfully Submitted,

Kimberly Smith-Drake



TYPE OF APPLICATION

(Please check all that apply)

INITIAL FEE \$350

<input type="checkbox"/> Preliminary (Plats)	<input 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) Bairdclawh Dixon / GEORGE TRINIDAD

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

APPLICANT(S) ADDRESS: STREET 5814 N. Handy

CITY Berkeley STATE MO ZIP 63134 PHONE 314-522-1199 MAIL Better Deal ³⁶

LOCATION OF PROPOSED USE

STREET ADDRESS, PROPERTY DESCRIPTION: 5926 EVERGREEN BLVD.

PRESENT ZONING DISTRICT: M1 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) Automotive Repairs

(Days & Hours of operation etc.) _____

PROPOSED NAME OF BUSINESS: Better Deal Automotive LLC.

APPROXIMATE SIZE OF TRACT: _____ ACRES .41 SQ FT OF SPACE 1440

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: JPX JACKSON - Tom Scott

ADDRESS: STREET: PO Box 11672 CITY: St. Louis

STATE: MO ZIP: 63105 PHONE: 314-574-0901 E-MAIL: TSCOTT53@MSN.COM

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: _____ 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/etc pages as needed.)

APPLICANT(S) SIGNATURE: _____ OWNER(S) SIGNATURE: _____

DATE: 05/12/2019 DATE: 05/12/2019

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 _____ Cash Check Money Order Debit/Credit RECEIPT NO: _____ CASE NO: _____

Real Estate Tax Amounts Due

This page shows all the real estate tax amounts that are due on the parcel described below. If no taxes are due then the last tax payment information is shown.

If you have any questions you can contact the [Collection Division](#) via phone or email. For contact information [click here](#).

No Taxes Are Due

Effective 7/8/2019.

Locator Number: 12J430683
Owner Name: Elco Missouri Corporation
Property Location: 5832 Garfield Ave
Subdivision: Kinloch Park
Block Number: 34
Lot Number:
School Sub Code: 111ND
Legal Description: Lots 20 & 21
Assessed Value: \$26,620.00

Real Estate Taxes Paid:

Locator Number - 12J430683							
Tax Year	Tax	Interest	Penalties	Other Charges	Total Tax	Amount Paid	Date Paid
2018	\$2,696.03	\$0.00	\$0.00	\$474.81	\$3,170.84	\$3,170.84	12/4/2018

Note that commercial surcharges apply to this property.

The **Other Charges** amount may include charges and fees for:

- Bad Check/Returned Payment Fees (\$25.00 each)
- Commercial surcharges.
- Sewer lateral fee, which is an amount determined by your jurisdiction but is often \$18, \$28 or \$50.
- Special assessment charges, interest and penalties.
- Surcharge interest and penalties.

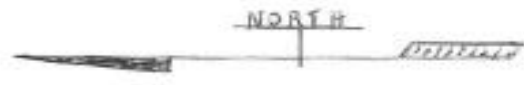
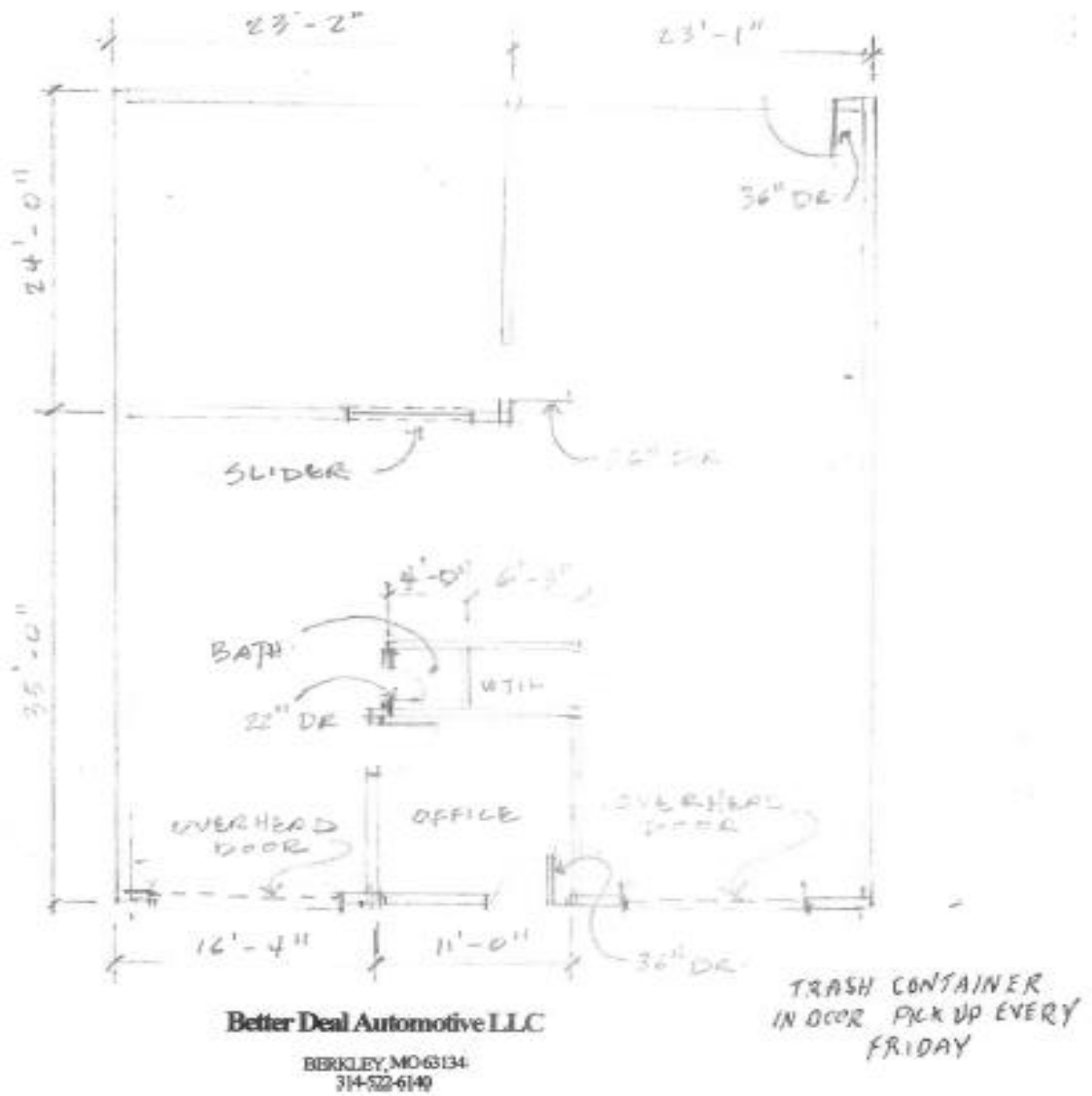
EXHIBIT A

Aerial Photo: 5926 Evergreen Blvd.



EXHIBIT B

Front of 5926 Evergreen Blvd



5926 EVERGREEN