



8425 Airport Road

Berkeley Missouri 63134-2098

(314) 524-3313

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN by the City Council of the City of Berkeley that a public hearing will be held at 7:00 pm on Monday, November 04, 2019 in the City Hall Council Chambers, located at 8425 Airport Road, Berkeley, Missouri 63134, for the purpose of considering the following proposition:

- 1. Case #19-16: Shall a Special Use Permit be granted to Barclanon Dixon & Henry Trinidad to operate an automotive repair shop located at 5926 Evergreen Blvd?**

All interested parties shall be afforded, at such public hearing, a reasonable opportunity to express their views regarding the item set forth above.

Deanna L. Jones – City Clerk, MPCC/MMC

If you are a person with a disability and have special needs, please notify the City Manager at (314) 524-3313, no later than 48 business hours prior to the meeting. The City will make reasonable accommodations upon your arrival at the meeting.

Posted: Wednesday, October 23, 2019 by 5:00 PM



STAFF REPORT

CASE NUMBER: 19-16

DATE: October 22, 2019

PETITIONER: Barclanon Dixon & Henry Trinidad
Better Deal Automotive LLC
5814 N. Hanley Road
Berkeley, MO 63134

PROPERTY OWNERS: Tom Scott
TPS Real Estate LLC
PO Box 11676
St. Louis, MO 63105

REQUEST: Special Use Permit for Barclanon Dixon & Henry Trinidad
to operate an 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 shop)

PROPOSED USE: Auto Repair

RECOMMENDATIONS: Staff recommends approval with conditions



REPORT TO PLANNING COMMISSION

NO TAXES ARE DUE

PUBLIC HEARING

TO: The Members of the Planning Commission

FROM: Kimberly Smith-Drake, Economic Development Coordinator

THRU: Debra Irvin, City Manager

DATE: October 22, 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.

The Planning Commission has heard the petitioner's case above, and present the following as their findings:

RECOMMENDATION

Planning Commission recommends approval with conditions 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.

BACKGROUND

The property is currently vacant, and has always been an automotive repair shop. Mr. Dixon has been in the City of Berkeley operating at 5814 N. Hanley Road and is relocating his operations. The building at 5926 Evergreen Boulevard, Locator Number 12J432377 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.

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.

ACTION REQUESTED BY PLANNING COMMISSION:

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 of the 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 the Storm Sewer.
 7. All state certifications and licenses of operators 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, trash or weeds and includes the maintenance of all landscaped areas.
 10. Maintain Exterior - cut and remove all overgrown brush, plants and trees. Such must be properly trimmed and shaped.
 11. All parking areas must be paved surfaces, the parking lot must be cleaned of all debris, weeds and trash, etc. on a daily basis.
 12. Use of snipe or directional signs to the property are prohibited
 13. All required inspections by the city are required before issuance of occupancy permit or business license.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. 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.
 20. 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.
 21. 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 Planning Commission to City Council, notices shall be mailed to owners and occupants of property within 185 feet of the site. This public hearing shall be published, posted and scheduled for November 4, 2019.

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) Barclay Dixon / Henry Trinidad

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

APPLICANT(S) ADDRESS: STREET 5814 N. Hardy

CITY Berkeley STATE MO ZIP 63134 PHONE 314-522-1190 MAIL Better Deal Autom. Inc.

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.) M-F, 8-7 SA 8-3

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: J.P. JACKSON - 10m SCOTT

ADDRESS: STREET: PO BOX 11672 CITY St. Louis

STATE: MO ZIP: 63105 PHONE: (314) 574-0901 E-MAIL: 1scott53@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 08/12/2019 DATE 08/12/2019

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 9/6/2019.

Locator Number: 12J432377
Owner Name: Tps Real Estate L L C
Property Location: 5926 Evergreen Blvd
Subdivision: Kinloch Park
Block Number: 29
Lot Number:
School Sub Code: 111NE
Legal Description: Lots 13 Thru 18 & Lot Pt 19, S Pt 1
26 84
Assessed Value: \$71,810.00

Real Estate Taxes Paid:

Locator Number - 12J432377							
Tax Year	Tax	Interest	Penalties	Other Charges	Total Tax	Amount Paid	Date Paid
2018	\$5,168.10	\$0.00	\$0.00	\$910.18	\$6,078.28	\$6,078.28	8/28/2019

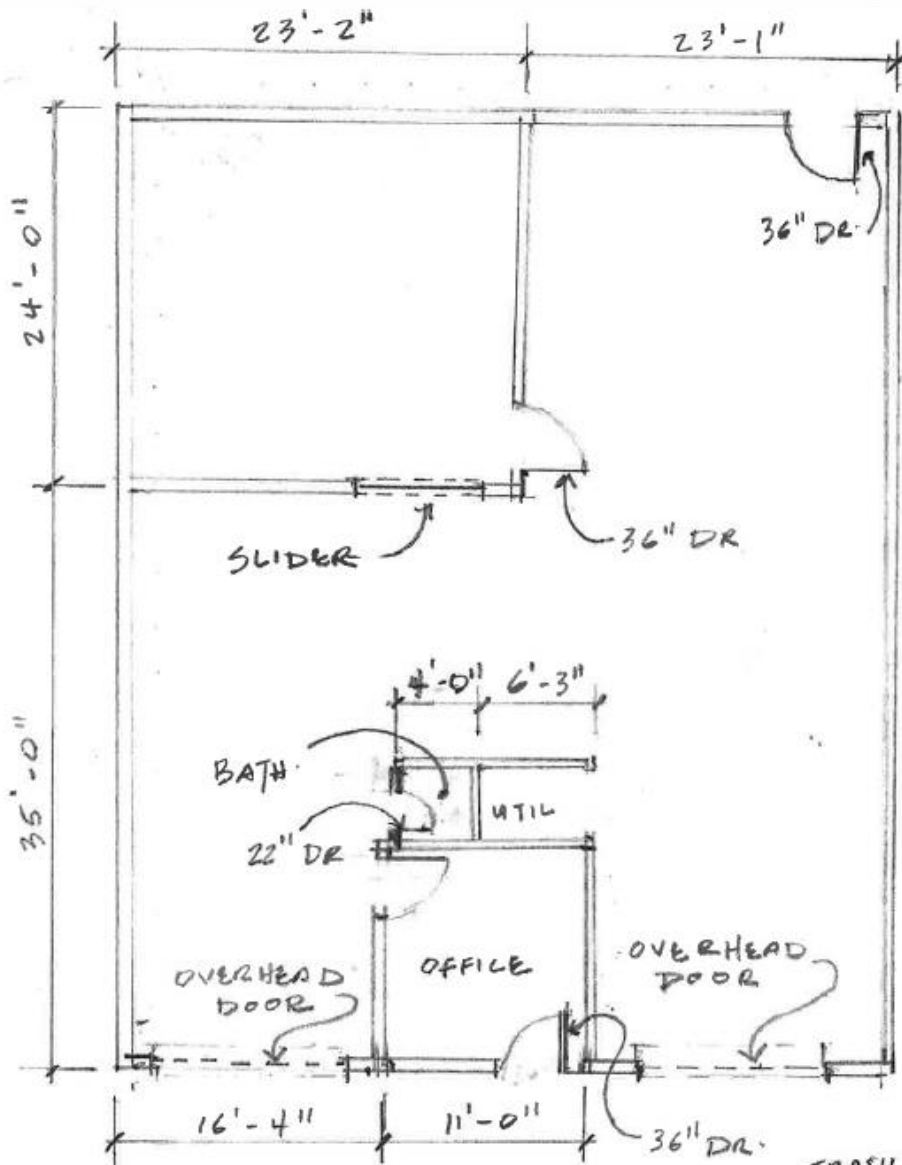
EXHIBIT A

Aerial Photo: 5926 Evergreen Blvd.



EXHIBIT B

Front of 5926 Evergreen Blvd



Better Deal Automotive LLC

BERKLEY, MO 63134
314-522-6140

TRASH CONTAINER
IN DOOR PICK UP EVERY
FRIDAY

NORTH



5926 EVERGREEN