

PLAN COMMISSION MEETING MINUTES OF November 13, 2019



MEETING MINUTES
City of Berkeley City Plan Commission
Wednesday, November 13, 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, Carolyn Crimes, and Will Ferguson

Staff present: Kimberly Smith-Drake, Economic Development Coordinator

Mayor Hoskins called the meeting to order at 6:04pm and suspended with the roll call due to quorum not established. Mayor Hoskins and Carolyn Crimes were present and started with the Public Comment section of the meeting.

PUBLIC COMMENT:

Christian Osuegbo, owner of Virgin Hair Salon at 8600 Airport Rd, Suite 205. Mr. Osuegbo appeared to voice his objection to a new proposed beauty and barber salon opening at Suite 204. Mr. Osuegbo stated that he was under the impression, based on his special use permit process that the City had a zoning law preventing two identical business types from being located directly next door to one another. Mr. Osuegbo also claims that the property owner of 8600 Airport Road promised to lease Suite 204 to him in order to allow him to expand his business. Mr. Osuegbo stated that he had received the lease but, due to him being in bereavement, he had not signed and returned it to the owner and the owner moved forward with allowing someone else to lease the space at 204. Mr. Osuegbo's objection to the salon opening is that he understood that there would not be other salons opening in that plaza and since he's been there, other salon operator's attempts to open have not been allowed. The owner, Michael Scauzzo stated that Suite 204 was occupied with a beauty salon at the time that Mr. Osuegbo first rented Suite 205 with the same services and he indicated that the owner was not forced out, he did not pay rent and had to leave. Other operators did not complete the special use permit process and were not allowed to open. Ms. Smith-Drake stated she had already verified the subject with the City Manager. Mayor Hoskins instructed Ms. Smith-Drake to research the complaint further and reply to Mr. Osuegbo about the overlapping of business types.

CALL TO ORDER / DECLARATION OF QUORUM

With a quorum established, Mayor Hoskins called the meeting to order at 6:28pm

MINUTES

Approval of October 9, 2019 City Plan Regular Meeting Minutes.

Commissioner Ferguson made a **MOTION** to approve the minutes. Commissioner Crimes **SECOND** the motion. The minutes were unanimously approved.

OLD BUSINESS

None

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NEW BUSINESS:

Case No. 19-14 - A request for a Special Use Permit to Theodore Williamson of Bee Line Towing for the operation of a tow, storage, and mechanic operation at the location of 8533 Wabash Avenue, Unit A, in the City of Berkeley, St. Louis County, Missouri

Case No. 19-15 - A request for a Special Use Permit to George Smith of Asset Towing and Recovery for the operation of a tow and storage operation at the location of 8533 Wabash Avenue, in the City of Berkeley, St. Louis County, Missouri

Mayor Hoskins instructed that Case No. 19-14 and Case No. 19-15 would be addressed together. Mayor Hoskins recommend that the attorney speaking on behalf of Mr. Williamson and Mr. Smith resubmit an application subdividing 8533 Wabash into two lots to be able to house two businesses. The attorney asked for the commission to hear Case 19-14 and bring Case No. 19-15 back at a different time. Mayor Hoskins instructed that Case 19-14 can be heard, but Case 19-15 will not be able to come back before the commission without subdividing the lot. There can only be one business on one lot. The attorney states he will speak with the City Attorney. No further action was taken.

Case No. 19-19 - A request for a Special Use Permit by Keri Gilyard to operate “The Franchise Hair Gallery” a barber shop to be located at 8544 Airport Road, in the City of Berkeley, St. Louis County, Missouri

Economic Development Coordinator Smith-Drake read through all recommended conditions submitted to the commission for approval of said Special Use Permit. Mr. Gilyard stated he understood that all conditions will be addressed and completed. He understands that he must be registered with the state and receive all required inspections, permits, and licenses from St. Louis County and Berkeley. Business must be opened and operating within six months from time of approval from council. Mayor Hoskins requested that the owner of the building put up an awning on the building that will unify and complement the redevelopment in the area. Mr. Tom Kiley stated he is responsible for the outside of the building and the tenants are responsible for the inside. He stated Berkeley Blue awnings should look nice on the building. The commission members present agreed.

With no further discussion, Commissioner Crimes made a **MOTION** to approve, Mayor Hoskins **SECOND**. Roll Call: Mayor Hoskins-Yes, Commissioner Crimes-Yes, and Commissioner Ferguson-No. Motion passed.

Case No. 19-19 will move forward and the final approval will be determined at the next Public Hearing on December 2, 2019.

Case No. 19-20 - A request for a Special Use Permit by April M. Giesmann, PE, CFM, c/o Horner & Shifrin, Inc. on behalf of client Missouri American Water company to set three (3) modular buildings for use as temporary water company service facility at 9040 and 9080 Frost Avenue, in the City of Berkeley, St. Louis County, Missouri

Ms. April Giesmann explained that American Water is trying to buy 9040 and 9080 Frost Avenue to provide a service center for the North County Area, if approved. They will have three modular buildings (2-24x64 and 1-36x64) on the site until the site plan is approved and the building completed within 3-5 years. This would not be a public service but a dispatch center with approximately 60

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employees. The modules will be on the back of the property site. The site will be fenced until the building is constructed. No barbwire is allowed on the fence on the Frost side of the lot. Conditions include safety exits from the modules in case of emergencies.

With no further discussion, Commissioner Crimes made a **MOTION** to approve, Commissioner Ferguson **SECOND**. Roll Call: Mayor Hoskins-Yes, Commissioner Crimes-Yes, and Commissioner Ferguson-Yes. Motion passed.

Case No. 19-20 will move forward and the final approval will be determined at the next Public Hearing on December 2, 2019.

Case No. 19-21 - A request for a Special Use Permit by Thomas Neal to operate "Newborn Barber & Beauty Shop," a salon to be located at 8600 Airport Road, Suite 204, in the City of Berkeley, St. Louis County, Missouri

Mr. Neal stated he was familiar with the required conditions. There will be seven sits. Pipes are already in place. He only needs to provide the equipment once gone through the final approval.

With no further discussion, Commissioner Crimes made **MOTION** to approve, Commissioner Phillips **SECOND**. Roll Call: Mayor Hoskins Yes, Commissioner Crimes Yes, and Commissioner Ferguson-Yes. Motion passed.

Case No. 19-20 will move forward and the final approval will be determined at the next Public Hearing on December 2, 2019.

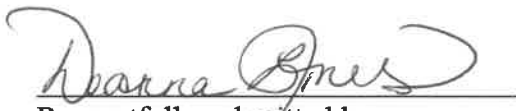
CONCLUSION

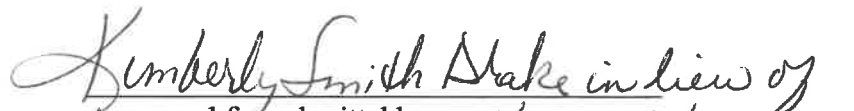
That the next regularly scheduled meeting of the City Plan Commission is held on **Wednesday, December 11th, 2019 at 6:00 pm.**

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Crimes moved and Commissioner Ferguson seconded the motion to adjourn the meeting at 6:57 p.m.

Minutes recorded by City Clerk D. Jones.


Respectfully submitted by:
Deanna Jones, City of Clerk
Recording Secretary


Approved for submittal by: *Kyra Watson - Absent*
Kyra Watsons, Chairperson

REQUESTED COMMISSION ACTION

Case No. 19-19: Recommend to the City Council that the Special Use Permit be considered for approval for Keri Gilyard to operate "The Franchise Hair Gallery" located at 8544 Airport Road, in the City of Berkeley, St. Louis County, Missouri in accordance with the City's regulations.

Staff request approval, with the following conditions:

1. Name of Business, The Franchise Hair Gallery

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2. Register the business with the State of Missouri and obtain FEIN from IRS
3. Hours of operations shall be from 9:00am - 6:00pm, Monday through Saturday
4. Pick up litter around the premises at least twice a day
5. Deliveries, loading and unloading shall not occur between 7am-9am and 4pm -6pm
6. Occupancy load will be determined by Fire Marshall and shall be posted
7. Contact the Saint Louis County Department of Public Health for an inspection
8. Building renovation and floor plan must meet City of Berkeley building and code regulations
9. Equipment installation, i.e., appliances, HVAC, bowls must be permitted through the City of Berkeley
10. Building shall require the installation of a first floor rest room that meets ADA compliance
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. Installation of self-latching safety doors at exits.
13. Exterior building and site conditions in need of repair as approved by the Building Commissioner.
 1. Replace all exterior rotted wood with new wood
 2. Remove all boards;
 1. Replace entry door
 2. Replace windows with block glass on the Garfield side of the building.
 3. Paint exterior
 4. Owner shall remove vegetation in parking space, seal and strip spaces
 5. Stripe parking spaces on Garfield
 6. Owner shall comply with Ordinance 4373 and install a commercial enclosure
 7. Maintain grass in the greenspace along Airport Road
 8. All brick shall be tuck-pointed
 9. Overhang shall be repaired and painted
14. No loitering at this site is allowed, post signs to that affect
15. No snipe signs or directional signs in the Public Right of Way
16. Only 10% of window space shall be used for window signage
17. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
18. 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.
19. 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.
20. 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.
21. Prior to issuance of any Occupancy Permit, the above noted conditions and inspections required for the occupancy permit process shall be met.
22. 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.
23. 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.

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The City Council shall provide that the permit be exclusive only for the holder and non-transferable.

24. 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.

The Board members can modify or add any other conditions with their recommendations to the City Council for this project.

Case No. 19-20: Recommend to the City Council that the Special Use Permit be considered for approval for April M. Giesmann, PE, CFM, c/o Horner & Shifrin, Inc. on behalf of client Missouri American Company to set three (3) modular buildings for use as temporary water company service facility located at 9040 and 9080 Frost Avenue, in the City of Berkeley, St. Louis County, Missouri in accordance with the City's regulations.

Staff request approval, with the following conditions:

1. This application must comply with all building and premise requirements under the M-1 Zoning district as set by the City of Berkeley through its municipal code and specifically those mentioned above under Justification.
2. The project must have prior MSD storm water approval.
3. Established hours of operations – 7am-5pm 5 days per week, Emergency Calls 24 Hours.
4. The buildings will be subject to inspections by City's Building and Fire Departments. The applicant will need to acquire all the necessary building/occupancy & fire safety permits from the City of Berkeley and other jurisdictions, after getting Council's approval on this Special Use Permit application.
5. The applicant must complete all placement of modular buildings, grading and construction requirements for the lot and the building exterior and interior under the auspices of the Building Commissioner and Department of Public Works.
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. Commercial occupancy inspection and business license will be required from the City of Berkeley.
8. This Special Use Permit will be revoked if for any reasons the applicant ceases operations and not complying with the City's Special Use Permit.
9. This Special Use Permit shall not be assigned, or sold, or conveyed, without prior written approval from the City Council.
10. Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. The applicant agrees to comply with all the City's rules and regulations.
11. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
12. 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 the holder may request a review and the City Council may extend it for another limited period of time not to exceed ten (10) years.

The Board members can modify or add any other conditions with their recommendations to the City Council for this project.

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Case No. 19-21: Recommend to the City Council that the Special Use Permit be considered for approval for Thomas Neal to operate “Newborn Barber & Beauty Salon” located at 8600 Airport Road, Suite 204, in the City of Berkeley, St. Louis County, Missouri in accordance with the City’s regulations.

Staff request approval, with the following conditions:

1. Name of Business, Newborn Barber & Beauty Salon
2. Business must be able to show proof of registration with the State of Missouri and licensing with the St. Louis County in order to obtain a business license with the City of Berkeley
3. Hours of operations shall be from 9:00am - 6:00pm, Monday through Saturday
4. Suite location shall be kept clear of trash and debris
5. Deliveries, loading and unloading shall not occur between 7am-9am and 4pm -6pm
6. Building safety inspection is required by City of Berkeley Building and Fire departments
7. Contact the Saint Louis County Department of Public Health for an inspection
8. Any space renovations and floor plan must meet City of Berkeley building and code regulations
9. Equipment installation, i.e., appliances, HVAC, bowls must be permitted through the City of Berkeley
10. 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.
11. No loitering at this site is allowed, post signs to that affect
12. No snipe signs or directional signs in the Public Right of Way
13. Only 10% of windows space shall be used for window signage
14. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
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.

The Board members can modify or add any other conditions with their recommendations to the City Council for this project.

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PUBLIC NOTICE AND COMMENT

Public Hearing notification is applicable. Upon recommendation by City Planning Commission to City Council, notices shall be mailed to owners and occupants of property within 185 feet of the site.

Respectfully submitted,

Kimberly Smith-Drake