



8425 Airport Road

Berkeley Missouri 63134-2098

(314) 524-3313

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## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** by the City Council of the City of Berkeley that a virtual public hearing will be held at 1:00 pm on Monday, September 21, 2020 in by way of Zoom, for the purpose of considering the following proposition:

1. **Case #20-13: Shall a Special Use Permit be granted to Li Hang Chen to operate Canton House Chop Suey to be located at 8525 Airport Road, Berkeley, St. Louis County Missouri?**
2. **Case #20-15: Shall a Special Use Permit be granted to Kimberley Henderson to operate a Convenience Store, located at 8351 Frost Ave in the City of Berkeley, St. Louis County Missouri?**
3. **Case #20-16: Shall a Special Use Permit be granted to Gay Thompson to operate a Private School to be located at 6301 Garfield Ave, Berkeley, St. Louis County Missouri?**
4. **Case #20-17: Shall a Special Use Permit be granted to Latasha Edwards to operate a Carryout soup and sandwich shop located at 8555 Airport Rd, Berkeley, St. Louis County Missouri?**
5. **Case #20-19: Shall a variance be issued to Kendrick Evans to reduce the required parking spaces from nine to eight to operate a Mini Convenient Mart/Boutique to be located at 8200 Airport Rd, Berkeley, St. Louis County Missouri?**

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

Virtual Council Meeting  
Mon, September 21, 2020 1:00 PM (CDT)

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/83424841914?pwd=VXJ2M1JhNE43ODA2TGxFSkR6eFhhdz09>

Password: 083251

Or join by phone:

Dial: US: +1 312 626 6799

Webinar ID: 834 2484 1914

Password: 083251

*Deanna L. Jones*

Deanna L. Jones – City Clerk, MPCC/MMC

In light of the current public health crisis and the Federal, State, and County Emergency Declarations, and in accord with the provision of Sec. 610.020, RSMo., the City recognizes that it would be dangerous and impractical, if not impossible, for meetings to be physically accessible to the public. The City also recognizes the need for the public's business to be attended to in order to protect the public health, safety, and welfare. In order to balance both the need for continuity of government and protection of the health and safety of our residents, business persons, and employees, this meeting of the City of Berkeley will not be open to public attendance in person. The meeting will accessible by the public in real time ONLY by video/audio webinar.

Posted: Thursday, August 27, 2020

Reposted: September 1, 2020



## STAFF REPORT

CASE NUMBER: **20-15**

DATE: August 13, 2020

PETITIONER: **Kimberley Henderson  
13054 Mystic Bend Lane  
Black Jack MO 63033**

PROPERTY OWNERS: Donna Peebles & Kali Owens  
5266 Cheltenham Road  
Florissant, MO 63033  
(314) 249-1886

REQUEST: Special Use Permit

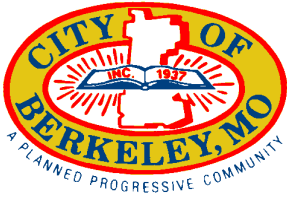
PROPERTY ADDRESS: 8351 Frost Avenue

CURRENT ZONING: "C-1" Local Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant

PROPOSED USE: Convenience Store



## REPORT TO CITY COUNCIL

### ALL TAXES PAID IN FULL

### PUBLIC HEARING

**TO:** Honorable Mayor and Members of City Council

**FROM:** Debra M. Irvin, City Manager

**DATE:** August 13, 2020

**SUBJECT:** **Case # 20-15** Shall a Special Use Permit be issued to Kimberly Henderson to operate a Convenience Store, located at 8351 Frost Avenue in the City of Berkeley, St. Louis County, Missouri.

The subject case was heard before the Plan Commission on August 12, 2020 and referred to the City Council for Public Hearing.

The existing space is a vacant and the intended use is for “*Convenient Store*” 400.130 (D) (1) with hours of operation from Monday - Saturday (11:00am – 7:00pm, closed Sunday

#### **PLAN COMMISISON RECOMMENDATION**

Commission recommends approval of the request for a Special Use Permit by Kimberly Henderson operate a Convenience Store, located at 8351 Frost Avenue in the City of Berkeley, St. Louis County, Missouri.

#### **BACKGROUND**

The property that is the subject of this report is located at the corner of Frost Avenue and Midwood. The property is zoned “C-1” Local Commercial District. The property is in the strip consisting of a daycare, D & K take out restaurant, hair salon, and a candy store.

#### **JUSTIFICATION**

“C-1” zoning requirements:

- Front yard: Twenty-five (25) feet
- Side yard: Seven (7) feet
- Rear yard: Twenty-five (25) feet
- Landscaping: A planting strip of twenty (20) feet shall be established and maintained within the required front yard. The business is going into an existing building. There is no landscaping.
- Parking: One (1) parking space for each one hundred (100) feet of floor area.  
Staff Research - Area approximately 3600 square feet – 36 spaces required – mixed uses for entire strip mall=64 spaces

#### **SUPPORTING DOCUMENTS**

- Staff Report
- SUP Application

- St. Louis County Property Viewer Map
- Google Earth Pictures of exterior of lot
- Exterior site pictures
- Site Plan – Applicant

### **OPTIONS**

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

### **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 property within 185 feet of the site. This public hearing shall be published, posted and scheduled for **September 21, 2020, time to be determined.**

**Respectfully submitted,**

**Debra M. Irvin, City Manager**

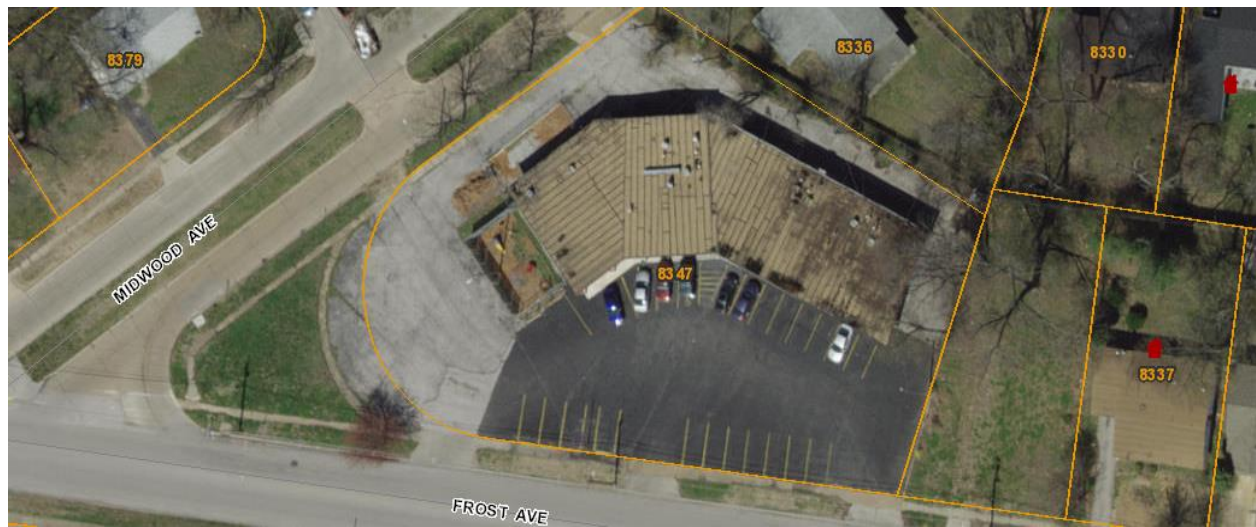
## **CONDITIONS – CASE NO. 20-15**

### **Staff recommends approval with following conditions:**

1. Business Name – *Kay's Korner*
2. Hours as approved as requested, Monday - Saturday (11:00am – 7:00pm) any change of hours shall be approved by the City Council
3. Security cameras shall be installed at perimeter and interior of space and monitored by the business operator at all times; registration is required to be filed with Police Department
4. An alarm system and panic button are required to be installed
5. An after hour contact my file with Camera Registration
6. A sign permit is required
7. Banners, pennants, festoons, human sign, searchlights are prohibited
8. Business signage shall be limited to no more than 10% of window space. The petitioner will be permitted one exterior wall mounted sign at the front wall of the business.
9. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
10. Sale of pre-packaged food is acceptable
11. No sale of package liquor
12. No sale of single cigarettes
13. No sale of medical marijuana
14. Cooking and selling hot foods prohibited – not approved for kitchen
15. Install “No Loitering” and “No Loud Music” signs at entrance wall
16. This site shall comply with all the applicable regulations pertaining to health and safety for vehicular and pedestrian traffic, zoning, building, sign codes, fire and safety protection standards as required by the City Fire Department, City of Berkeley and St. Louis County. Commercial Occupancy Inspection is required.
17. The exterior area shall be maintained and kept free and clear of any debris or trash or weeds. All plants/trees/bushes and landscaped material will be properly maintained along Airport Rd
18. This Special Use Permit will be revoked if for any reason the applicant ceases operations and not complying with the City’s Special Use Permit.
19. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
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.
21. The Special Use Permit take effect upon the approval by City Council.
22. This Special Use Permit shall not be assigned, or sold, or conveyed, without prior written approval from the City Council.

### **OWNER SHALL MAKE THE FOLLOWING REPAIRS:**

1. Structural safety of the roof as the top boards appears to be bowed down.
2. Replace broken slabs of concrete at rear of building
3. Façade repairs/paints, etc. Owner painted over bad wood – remove and replace wood
4. The fenced areas on the west side of this plaza are in need of repairs.
5. The parking needs asphalt overlay with proper parking markings and concrete wheel stoppers. The concrete aprons also need attention.
6. The total site needs to be cleaned and weeds/debris to be removed from side and rear of property.
7. Exterior shall be maintained and free of debris at all times



# 185' FT FOR PUBLIC HEARING

8347 Frost, Berkeley MO 63134

10J140041	8337 FROST AVE	ESPARZA PROPERTIES INC
10J120920	8340 FROST AVE	BERKELEY CITY OF
10J140061	8341 FROST AVE	BERKELEY CITY OF
10J120920	8342 FROST AVE	BERKELEY CITY OF
10J120920	8344 FROST AVE	BERKELEY CITY OF
10J140072	8347 FROST AVE	PEEBLES DONNA ETAL
10J140072	8351 FROST AVE	PEEBLES DONNA ETAL
10J120920	8352 FROST AVE	BERKELEY CITY OF
10J140072	8355 FROST AVE	PEEBLES DONNA ETAL
10J140072	8361 FROST AVE	PEEBLES DONNA ETAL
10J140072	8363 FROST AVE	PEEBLES DONNA ETAL
10J140072	8367 FROST AVE	PEEBLES DONNA ETAL
10J140072	8371 FROST AVE	PEEBLES DONNA ETAL
10J140072	8373 FROST AVE	PEEBLES DONNA ETAL
10J140072	8377 FROST AVE	PEEBLES DONNA ETAL

10J141325	8300 MIDWOOD AVE	WILSON JOHNNY & LORIE R H/W
10J140793	8305 MIDWOOD AVE	T&D PROPERTY LLC
10J140748	8309 MIDWOOD AVE	BEYOND HOUSINGINC
10J140674	8310 MIDWOOD AVE	CHEN FRANK ETAL