



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 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 be accessible to the public in real time ONLY by video/audio webinar.

Posted: Thursday, August 27, 2020

Reposted: September 1, 2020



STAFF REPORT

CASE NUMBER: **20-17**

DATE: August 26, 2020

PETITIONERS: Latasha Edwards

PROPERTY OWNERS: Bronson Real Estate

REQUEST: Special Use Permit

PROPERTY ADDRESS: 8555 Airport Road

CURRENT ZONING: "C-2" Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant

PROPOSED USE: same

RECOMMENDATIONS: Staff recommends approval with conditions



REPORT TO CITY COUNCIL

NO TAXES DUE

PUBLIC HEARING

TO: The Honorable Mayor and Members of the City Council

FROM: Debra Irvin, City Manager

DATE: August 26, 2020

SUBJECT: **Case #20-17:** Consider the Request for a Special Use Permit (SUP) for Latasha Edwards to operate a carryout soup and sandwich shop at 8555 Airport Road, Berkeley, MO

The Plan Commission heard the subject item, above, and present the following as our findings:

RECOMMENDATION

Plan Commission heard the matter on August 26, 2020 and referred to the City Council for a Public Hearing, to consider and approve the Special Use Permit application of Latasha Edwards to operate carryout soup and sandwich shop at 8555 Airport Road, Berkeley, MO

BACKGROUND

The property that is the subject of this report is located at 8555 Airport Road and is identified by St. Louis County Locator Number 11K341442. The property is situated on 0.46 acres. The applicant plans on prepared healthy sandwiches.

SURROUNDING LAND USES AND ZONING DISTRICTS INCLUDE THE FOLLOWING:

To the north: C-2, General Commercial District
To the east: C-2, General Commercial District
To the south: C-2, General Commercial District
To the west: C-2, General Commercial District

ZONING CODE

This location is zoned C-2 Local Commercial District and in accordance with Special Use provisions through *400.140 D (1) Bars, taverns, restaurants and package liquor stores* are allowed to operate under a Special Use Permit.

SUPPORTING DOCUMENTS

- Staff Report
- Special Use Application – Exhibit A
- Site Photographs – Exhibit B

OPTIONS OF THE COUNCIL

1. Recommend denial of the Petitioner's request.
2. Recommend approval of one use 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 fifteen calendar days after the Plan Commission meeting, and/or date specified by the City Clerk.

Respectfully Submitted,

CONDITIONS OF SUP

Approve, with conditions, the request for a Special Use Permit Latasha Edwards to operate Beni Exquisites Eats, a carryout sandwich shop at 8555 Airport Road, Berkeley, MO

1. Established hours of operation from 10:00 am to 8:00 pm Monday through Saturday (Closed Sunday)
2. 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
3. An alarm system and panic button are required to be installed
4. An after-hour contact shall be filed with Camera Registration
5. A sign permit is required
6. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
7. Window signage shall not exceed ten percent (10%) of the window area or ten (10) square feet in area, whichever is the smaller of the dimension.
8. Liquor sales and/or consumption is *prohibited* under this Special Use Permit
9. No dine-in, however, small tables and chairs will be placed for wait orders
10. Carryout food sales are permitted, however, no food shall be consumed on the parking lot
11. No parking lot dining
12. Fryers and Grills prohibited
13. 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.
14. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
15. Sign permit is required for new signs
16. No banners, balloons, flags or festoons in right of way
17. No snipe signs or directional signs in the Public Right of Way
18. No human signs permitted directing patrons to the restaurant
19. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
20. Occupancy permit and Business License shall be posted at all times
21. No live entertainment on parking lot
22. Pick up litter around the premises at least two times a day
23. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (school bus and rush hour)
24. 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.
25. The owner shall submit renovation plans to the Building Commissioner for approval
26. Building and site conditions in need of repair shall be completed per the approval of the Building Commissioner.
27. The interior will successfully complete inspection by City's Building and Fire Department prior to the issuance of a Commercial Occupancy permit and the opening of the business for operations.
28. Commercial occupancy and business license are required from the City of Berkeley
29. 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.

30. 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.
31. 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.
32. 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.
33. 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.
34. 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.

LAND OWNER'S RESPONSIBILITY

- The owner shall seal and re-strip asphalt parking lot in rear of the building
- The owner shall cut trees back from rear parking lot
- The owner shall construct trash enclosures

SUMMARY AND DECISION

The City Council members can modify or add any other conditions with their recommendations from the Plan Commission.

Exhibit "A" – SUP Application



PUBLIC WORKS DIVISION 8425 AIRPORT ROAD BERKELEY, MISSOURI 63134-2098 (314) 524 3313 FAX (314) 264-2074

TYPE OF APPLICATION

200.140 D.1)

(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 (Land Use)
<input type="checkbox"/> Street Name (New, Change)	<input type="checkbox"/> Variance (Building Code)
<input type="checkbox"/> Street Vacation	<input type="checkbox"/> Liquor/Lottery/Financials (Money Grams/Order)
<input type="checkbox"/> Medical Marijuana (Dispensary)	<input type="checkbox"/> Medical Marijuana (Grow Facility)
<input type="checkbox"/> Medical Marijuana (Researching/Testing)	<input type="checkbox"/> Building Code Appeal
<input type="checkbox"/> Other	<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) LEGAL NAME(S) Latusha Edwards

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

APPLICANT(S) ADDRESS: STREET 220 Suburban Ave

CITY Ferguson STATE MO ZIP 63135 PHONE 314-524-7735 E-MAIL latusha.edwards@umail.com

LOCATION OF PROPOSED USE

STREET ADDRESS: 8555 Airport Rd

PROPERTY DESCRIPTION: Sandwich Shop

PRESENT ZONING DISTRICT: C-2 PROPOSED ZONING DISTRICT (if applicable) Same

THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: Retail mattress shop

THE PROPERTY IS TO USE IT FOR: (Type of Business) Sandwich Shop

DAYS & HOURS OF OPERATION ETC. 11am - 9pm

PROPOSED NAME OF BUSINESS: Beni Exquisites Eats

APPROXIMATE SIZE OF TRACT: ACRES _____ SQ FT OF SPACE (Under roof) 1,200 SQ

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: Bronson Real Estate

ADDRESS: STREET: Po Box 299 CITY STL

STATE: MO ZIP: 63121 PHONE: 314-365-1145 E-MAIL TKL@tklgroup.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/date pages as needed.)

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

DATE 8/10/20 DATE 8/10/20

On this date 8/10/2020, all items necessary for a technical review of the proposed special use permit plan have been submitted and

Constitute a COMPLETE APPLICATION. STAFF SIGNATURE: Ashia M. Brown

DATE PAID 8/10/2020 Cash Check Money Order Debit Credit RECEIPT NO: 564328 CASE NO: 20-17

Exhibit "B" –Site Photo

