

PLAN COMMISSION MEETING MINUTES OF JULY 8, 2020



MEETING MINUTES City of Berkeley City Plan Commission Wednesday, July 8, 2020 1:00 P.M.

Virtual Meeting, 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 Deinbo, DeBora White, and Carolyn Crimes. Will Ferguson arrived at 1.26pm

Staff present: Debra Irvin City Manager, and Jim Linhardt, Fire Chief

CALL TO ORDER / DECLARATION OF QUORUM

The Plan Commission members met in a virtual setting on Wednesday July 8, 2020; Commissioner Crimes called the meeting to order at 1:00 pm.

A quorum was established.

City Manager reported that she, Chief Linhardt, and Police Capt. Runge attended the funeral services of Robert Phillips, Plan Commission Chair. Mayor Deinbo called for a moment of silence to recognize the life of service of Mr. Phillips.

City Manger Irvin, asked if a board member would act as chair. Commissioner Crimes agreed. With the help of CM Irvin, the meeting continued.

A new Chair is needed.

MINUTES

Approval of June 10, 2020 City Plan Regular Meeting Minutes.

CM Irvin asked for a motion to approve the minutes. Commissioner White made a motion, Commissioner Crimes **SECOND** the motion. A voice vote was taken, and the minutes were unanimously approved with a voice vote 4:0, White, Crimes, Deinbo.

PUBLIC COMMENT:

None

OLD BUSINESS

Case #20-12: A request for a Special Use Permit (SUP) to Walter and Keisha Haynes to operate Rudii B's Grill, a Carry Out Restaurant at 8239 Airport Road, Berkeley, MO.

Applicant Haynes appeared and gave a brief presentation of her business. She stated that she will sell good food at reasonable prices. Food consist of burger, chicken, fries, and bottle drinks. No

PLAN COMMISSION MEETING MINUTES OF JULY 8, 2020

vending machines will be at the restaurant. Mayor was concerned about social distancing, and curbside service. Applicant stated that she and her workers will adhere to social distancing and wearing of masking while preparing and serving food. She will have five employees all family. Applicant stated no-dine in services, just a few tables for sitting and waiting.

With no further discussion, White made **MOTION** to approve with conditions; Mayor Deinbo **SECOND**. A voice vote was taken 4;0, White, Crimes, and Deinbo.

NEW BUSINESS:

Case #20-13: A Request for a Special Use Permit (SUP) to Li Hang Chen to operate Canton House Chop Suey at 8521 Airport Road, Berkeley, MO

Applicant Li Hang Chen appeared and gave a short presentation on re-opening the restaurant. It is family owned, with three employees; the food menu will stay the same. Applicant stated that she and her workers will adhere to social distancing and wearing of masking while preparing and serving food.

With no further discussion, White made **MOTION** to approve with conditions; Mayor Deinbo **SECOND**. A voice vote was taken 4;0, White, Crimes, and Deinbo.

Case # 20-14: A request for a boundary adjustment at 6038-6042 Washington Ave, in the City of Berkeley, St. Louis County, Missouri.

Mathew Hartig with Rubicon appeared and gave a brief presentation on changing the lot sizes, he will be reducing Lot 16A and increasing Lot14A to build a new home. The commission asked several questions on the buildable lots, rent, maintenance, ownership. Matt relied that all lots are buildable and will meet the 5-ft size yard setback, rent is below market value and each occupant receives lawn care equipment to maintain the lot.

With no further discussion, White made **MOTION** to approve, Commissioner Crimes **SECOND**. A voice vote was taken 4;0, White, Crimes, Deinbo, and Ferguson.

PUBLIC COMMENTS

Mr. Kevin Spraggins, 6613 Carol Lee spoke about joining the board and is interested in planning and zoning and business needs for the city. The commission and city manager held a lengthy discussion on traffic calming study, crime coming into the city, hiring police officers, healthier businesses opportunities, and future development.

CONCLUDED

That the next regularly scheduled meeting of the City Plan Commission is held on **Wednesday, August 12, 2020 at 6:00 p.m.** *unless otherwise noted for virtual meeting* and that consideration of the dates and times of future Committee meetings be deferred to this meeting.

ADJOURNMENT

There being no further business to come before the Commission, Chairperson Crimes adjourned the meeting for a second time at 2:22pm

PLAN COMMISSION MEETING MINUTES OF JULY 8, 2020

Respectfully submitted by:
Debra Irvin, City Manager
Recording Secretary

Approved for submittal by:
Carolyn Crimes

PLAN COMMISSION MEETING MINUTES OF JULY 8, 2020

CONDITIONS - Case #20-12: A request for a Special Use Permit (SUP) to Walter and Keisha Haynes to operate Rudii B's Grill, a Carry Out Restaurant at 8239 Airport Road, Berkeley, MO.

CONDITIONS OF SUP CONSIDERATION

1. Hours of operations shall be **12:00p.m. - 9: 00 p.m., Tuesday - Saturday.**
2. Liquor sales and/or consumption is prohibited under this Special Use Permit
3. No dining in, however, tables will be provided as part of wait service for food orders
4. Due to COVID-19 Curbside Service offered
5. Carryout food sales are permitted, however, no food shall be consumed on the parking lot
6. No parking lot dining
7. 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.
8. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
9. Sign permit is required for new signs
10. No banners, balloons, flags or festoons in right of way
11. No snipe signs or directional signs in the Public Right of Way
12. No human signs permitted directing patrons to the restaurant
13. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
14. Occupancy permit and Business License shall be posted at all times
15. No live entertainment on parking lot
16. Pick up litter around the premises at least two times a day
17. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (school bus and rush hour)
18. 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.
19. The owner shall submit renovation plans to the Building Commissioner for approval
20. Building and site conditions in need of repair shall be completed per the approval of the Building Commissioner.
21. 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.
22. The owner shall seal and re-strip asphalt parking lot
23. Commercial occupancy and business license are required from the City of Berkeley
24. Section 400.130 (K)(2) Noise. Every use shall be so operated that the maximum volume of sound or noise generated does not exceed forty (40) 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.
25. Parking: Section 400.130 (2)(k) Retail store, personal service establishment or household service establishment, except as otherwise specified herein. One (1) parking space for each two hundred (200) square feet of floor area.
 - a. (2)(n) Physically handicapped. A minimum of one (1) parking space, plus one (1) for every twenty (20) parking spaces.

PLAN COMMISSION MEETING MINUTES OF JULY 8, 2020

26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

CONDITIONS - Case #20-13: A Request for a Special Use Permit (SUP) to Li Hang Chen to operate Canton House Chop Suey at 8521 Airport Road, Berkeley, MO

CONDITIONS OF SUP CONSIDERATION

1. Hours of operations shall be **11:00am. - 10: 00 p.m., Monday - Saturday.**
2. Liquor sales is prohibited under this Special Use Permit
3. Carryout food sales are permitted, however, no food shall be consumed on the parking lot
4. No parking lot dining
5. 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.
6. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
7. Sign permit is required for new signs
8. No banners, balloons, flags or festoons in right of way
9. No snipe signs or directional signs in the Public Right of Way
10. No human signs permitted directing patrons to the restaurant
11. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
12. Occupancy permit and Business License shall be posted at all times
13. No live entertainment on parking lot
14. Pick up litter around the premises at least two times a day
15. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (school bus and rush hour)

PLAN COMMISSION MEETING MINUTES OF JULY 8, 2020

16. 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.
17. The owner shall submit renovation plans to the Building Commissioner for approval
18. Building and site conditions in need of repair shall be completed per the approval of the Building Commissioner.
19. 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.
20. The owner shall seal and re-strip asphalt parking lot
21. Commercial occupancy and business license are required from the City of Berkeley
22. Section 400.130 (K)(2) Noise. Every use shall be so operated that the maximum volume of sound or noise generated does not exceed forty (40) 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.
23. Parking: Section 400.130 (2)(k) Retail store, personal service establishment or household service establishment, except as otherwise specified herein. One (1) parking space for each two hundred (200) square feet of floor area.
 - a. (2)(n) Physically handicapped. A minimum of one (1) parking space, plus one (1) for every twenty (20) parking spaces.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.

CONDITIONS - Case # 20-14: A request for a boundary adjustment at 6038-6042 Washington Ave, in the City of Berkeley, St. Louis County, Missouri.

CONDITIONS OF PLAN COMMISSION

1. Site Plan to be revised to correct Chairman
2. Lots shall remain buildable