

# PLAN COMMISSION SPECIAL MEETING MINUTES OF AUGUST 26, 2020

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## SPECIAL MEETING MINUTES

City of Berkeley City Plan Commission

Wednesday, August 26, 2020

1:00 P.M.

Virtual Zoom 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, Kevin Spraggins, Carolyn Crimes, and Will Ferguson. Staff present: Debra Irvin, City Manager and Jim Linhardt, Fire Chief

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### CALL TO ORDER / DECLARATION OF QUORUM

The Plan Commission members met in a virtual setting on Wednesday August 26, 2020; Chairman Spraggins called the meeting to order at 1:02 pm. A quorum was established.

### MINUTES

Approval of August 12, 2020 City Plan Regular Meeting Minutes.

Chairman Spraggins asked for a motion to approve the minutes. Member Crimes made the motion, Mayor Deinbo **SECOND** the motion. A voice vote was taken, and the amended minutes were unanimously approved with a voice vote 5:0, Spraggins, White, Crimes, Deinbo, Ferguson

### PUBLIC COMMENT:

None

### OLD BUSINESS

Mayor Deinbo asked that members Ferguson and Crimes be re-appointed to the Commission. Chairman asked for a motion. Mayor Deinbo **MOTIONED**, Spraggins **SECOND**. A voice vote was taken, and members were unanimously re-appointed; with a voice vote 5:0, Spraggins, White, Crimes, Deinbo, Ferguson. Their names will be sent to Council for approval.

### NEW BUSINESS:

a. **Case #20-16:** A Request for a Special Use Permit (SUP) from Gay Thompson to operate Private School at 6301 Garfield Avenue, Berkeley, MO

Applicant Gay Thompson gave a history of her education and years of experience in operating a daycare and primary school. The applicant says she is certified by state board of education, and state fire marshal. She plans to have hours that will accommodate the parents during COVID, she is following all health regulations and social distancing to keep her students and teachers safe. The commission asked a number of questions from teacher-student ratio, food service, outdoor class rooms, hours, egress, tuition, nurses on staff and after school programs. Applicant provided the student-teacher ratio from 8-weeks to 4<sup>th</sup> grade, the food will be provided by USDA as pre-packaged for warming, her hours are 6am-6pm, she will have access to exit the second floor in the event of an emergency, her tuition is out of pocket for the parents, no grants of funding at this time;

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she has one nurse aide on staff for the children; no outdoor classrooms, and after school is from 3pm-6pm. Applicant told the commission her students will be learning the Howard Gardner Multiple Intelligence model of learning. With no additional discussion, the Chairman entertained a motion to approve. White **MOTIONED**, Ferguson **SECOND**. A voice vote was taken, and the motion was unanimously approved 5:0, White, Crimes, Deinbo, Ferguson, and, Spraggins.

b. **Case #20-17:** A Request for a Special Use Permit (SUP) for Latasha Edwards to operate a carryout -out sandwich shop at 8555 Airport Road, Berkeley, MO  
Applicant Edwards came forth and expressed her interest in opening a sandwich in Berkeley. She stated that no grill or frying will be done. The shop is strictly handmade cold sandwiches and soups in electrical soup tureens. She has a healthy food menu for this area. The commission asked a number of questions from food prep, social distancing, and number of employees. Applicant provided the following responses; she and her family have food experience, they own seafood restaurants, but wanted to try something different, she plans to advertise on social media platforms. No hood system, no grills. This is a family owned venture, no other employees. She will practice St Louis County social distancing plan. With no additional discussion, the Chairman entertained a motion to approve. Ferguson **MOTIONED**, Crimes **SECOND**. A voice vote was taken, and the motion was unanimously approved 5:0, Spraggins, Crimes, Deinbo, Ferguson, and, White.

c. **Case #20-18:** - A request from Tom Bommarito to purchase a portion of Stansberry St. directly behind 4451 Brown Road for additional parking

Applicant Tom Bommarito appeared before the commission, and gave a brief presentation on why he would like to acquire the city owned land for additional parking for his adjoining business. The CM explained to the commission that the City Council moved to put the parcel out for bid; and not give the land to Mr. Bommarito. The matter was tabled until the bid opening. With no additional discussion, the Chairman entertained a motion to table. Crimes **MOTIONED**, White **SECOND**. A voice vote was taken, and the motion was unanimously approved 5:0, Spraggins, Crimes, Deinbo, Ferguson, and, White.

d. **Case #20-19:** A Request from Kendrick Evans for a variance to reduce the required parking spaces from nine to eight to operate a Mini Convenient Mart/Boutique at 8200 Airport Road, Berkley MO

Applicant Kendrick Evans appeared before the commission and gave a brief presentation on his need for a variance to reduce the required parking spaces from nine to eight. The commission had no questions on the reduction of parking spaces. With no additional discussion, the Chairman entertained a motion to approve. White **MOTIONED**, Spraggins **SECOND**. A voice vote was taken, and the motion was unanimously approved 5:0, Spraggins, Crimes, Deinbo, Ferguson, and, White.

### **PUBLIC COMMENTS**

None

### **OTHER BUSINESS**

None

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### **CONCLUDED**

That the next regularly scheduled meeting of the City Plan Commission is held on **Wednesday, September 9, 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, the Chairman entertained a motion to adjourn. White **MOTIONED**, Spraggins **SECOND**. A voice vote was taken, and the motion was unanimously approved 5:0, Spraggins, Crimes, Deinbo, Ferguson, and, White. Chairperson Spraggins adjourned the meeting at 2:17pm

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Respectfully submitted by:  
Debra Irvin, City Manager  
Recording Secretary

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Approved for submittal by:  
Kevin Spraggins

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### CASE NO. 20-16 - CONDITIONS OF SUP

Approve, with conditions, the request for a Special Use Permit Gay Thompson to operate a Private School at 6301 Garfield Avenue, Berkeley, St. Louis County, Missouri,

1. Hours of operations shall be **6:00 am - 6:00 p.m., Monday thru Friday**
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 my file with Camera Registration
5. A sign permit is required
6. Teachers shall be certified in accordance to State Certification requirements
7. Student and teacher shall adhere to COVID-19 social distancing and masks
8. Opening date: Immediately after Council Approval on September 21, 2020
9. Ratio of number of infants (4) Number of teachers per infants 1) \_\_\_\_\_
10. Number of children between 2-year-old (8) Number of teachers per 2-year old (1 plus Teacher's Aide)
11. Number of children between 3-13-year-old (25) Number of teachers per 3-13 (2 plus teacher's aide)
12. After-school hours 3:30m – 6:pm
13. A student drop and pickup lane must be designated on Garfield or Madison
14. No outdoor classroom unless approved at this time.
15. No cooking allowed in cafeteria, food shall be pre-packaged and served at the school
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. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
20. Sign permit is required for new signs
21. No banners, balloons, flags or festoons in right of way
22. No snipe signs or directional signs in the Public Right of Way
23. No human signs permitted directing patrons to the school
24. Occupancy permit and Business License shall be posted at all times
25. 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.
26. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
27. Commercial occupancy and business license are required from the City of Berkeley
28. 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.
29. 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.

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

### **RESPONSIBILITY OF THE OWNER**

1. Remove and replace dilapidated fence along Hanley Road at Church Parking lot
  - a. A permit is required with plans to install a new fence
2. The owner shall seal and re-strip asphalt parking lot

### **CASE NO. 20-17 CONDITIONS OF SUP**

Approve, with conditions, the request for a Special Use Permit Latasha Edwards to operate Beni Exquisites Eats, a carryout -out 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.

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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

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### **CASE NO. 20-18 CONDITIONS - TABLED**

Approve, with conditions, the request for to purchase a portion of public road, Stansberry, contiguous to 4451 Brown Road, Berkeley, MO

### **CASE NO. 20-19 CONDITIONS OF VARIANCE**

Approve, with conditions, the request for a parking variance to Kendrick Evans to operate a Mini-Convenient Mart/Boutique at 8200 Airport Road, Berkeley, St. Louis County, Missouri

1. Consider the variance to reduce the required parking from nine to eight.
  - a. 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. *(Total of 9-spaces needed)*
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 my file with Camera Registration
5. A sign permit is required
6. Liquor sales prohibited
7. Sale of single cigarettes prohibited
8. No cooking of food of any kind is allowed
9. Hours of operation shall be SUN-SAT, 7am – 8pm
10. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
11. 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.
12. Trash enclosure shall remain in place
13. All site fencing, including the trash enclosure, shall be repaired or replaced if necessary. All fencing shall be white vinyl.
14. Install “No Loitering Signs” around the property
15. Install motion lights at rear of the property
16. No live entertainment on parking lot
17. No food consumed on the parking lot
18. Pick up litter around the premises at least two times a day
19. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (school bus and rush hour)
20. 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.
21. No snipe signs or directional signs in the Public Right of Way
22. No human signs permitted
23. The owner shall submit renovation plans to the Building Commissioner for approval
24. Building and site conditions in need of repair shall be completed per the approval of the Building Commissioner.
25. 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.

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26. The asphalt parking lot shall be sealed and restriped, for parking
27. Commercial occupancy and business license are required from the City of Berkeley
28. Proof of Retail Sales Tax License is required to sell tobacco products per Section 210.2130 and must be provided prior to securing a business/merchant's license from the City of Berkeley
29. 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.
30. The Business License 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.
31. The Business License 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.
32. Any violations can be a reason for the City to revoke the Business License, according to the City's current regulations. The applicant will comply with all the City's rules and regulations.
33. 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.