



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, April 5, 2021 in by way of Zoom, for the purpose of considering the following proposition:

1. **Case #21-01: Shall a Special Use Permit be granted to Richard Payne, OCV Management Inc, as new owner to operate the Steak N Shake, located at 9550 Natural Bridge, Berkeley Missouri?**
2. **Case #21-02: Shall the request to consider amending the Zoning Code to allow Community Gardens in R-1 and R-2 districts be granted?**
3. **Case #21-03: Shall a Special Use Permit be granted to George Smith to operate Asset Towing, towing/storage of vehicles, located at 8533 Wabash Ave, Berkeley, 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, April 5, 2021 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/87524457658?pwd=SGo3RFZlWUZRaXNFVTdWRmcrb1BKQT09>

Password: 329863

Or join by phone:

Dial: US: +1 312 626 6799

Webinar ID: 875 2445 7658

Password: 329863

*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, March 18, 2021

**STAFF REPORT**

CASE NUMBER: **21-03**

DATE: April 5, 2021

PETITIONER: George Smith  
Asset Towing and Recovery  
7134 Hazelwood Ave  
Hazelwood MO 63134

PROPERTY OWNERS: R. Brake dba 4801 Oleatha, LLC  
3514 Gratiot Street  
St. Louis, MO 63103

REQUEST: Special Use Permit

PROPERTY ADDRESS: 8533 Wabash Ave, Berkeley, MO

SIZE: Total Site 1.22 ac., Bldg. 4,200 Sq. Ft.

CURRENT ZONING: "M-1" Industrial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant (previously auto repair and storage)

PROPOSED USE: Towing, Vehicle Storage

RECOMMENDATIONS: Staff recommends review by City Council



## REPORT TO CITY COUNCIL

**TO:** Members of the City Council

**FROM:** Debra Irvin, City Manager

**DATE:** April 5, 2021

**SUBJECT:** **Case # 21-03: Shall a request for a Special Use Permit to George Smith of Asset Towing for the operation of a towing, storage of vehicles at the location of 8533 Wabash Avenue, in the City of Berkeley, St. Louis County, Missouri.**

We have investigated the Subject item, above, and present the following as our findings:

### **RECOMMENDATION**

Come now, George Smith and staff recommends review of this case with the following conditions of Mr. Smith request for the operation of Asset Towing, to tow cars 24/7, storing and releasing towed vehicles at 8533 Wabash Avenue, in the City of Berkeley, St. Louis County, Missouri.

### **BACKGROUND**

The case was heard before the City Council on August 19, 2019; and referred to Plan Commission. The case was heard before the November 13, 2019, and the matter was placed on hold.

The property that is the subject of this report is located at 8533 Wabash Avenue and is identified by St. Louis County Locator Number 11J2411553. The property has been vacant since 2009. Property was purchased and is under the new ownership of Robert Brake, owner of Brake Landscaping & Lawncare, Inc at 3514 Gratiot Street in St. Louis, MO. The property is the location of a previous automobile wholesaler and storage yard. The applicant is applying for operations of the lot to be utilized in like manner as a tow storage yard.

Repairs to the property have been underway since May 30, 2019. Permits with Public Works have been obtained for retaining wall (complete), electric, fence replacement, and HVAC system replacement. Just north of the property belongs to the railroad. The northern and eastern portion of the site is the location of several grass yard areas. The eastern most yard area contains several large trees and is identified as an easement.

### **JUSTIFICATION**

The requested use is permitted under the Special Use Permit code for the M-1 Industrial District zone. However, the towing is a Special Use under Section 605.390, Licensing and Regulating the business of Tow Companies.

### **OPTIONS OF THE COUNCIL**

1. –Recommend approval of the applicant’s request.
2. –Recommend denial of the applicant’s request.

## **SUMMARY AND DECISION**

The City Council members can modify or add any other conditions with the recommendations to the City Council for this business use.

## **SUPPORTING DOCUMENTS**

- Staff Report
- SUP Application
- Aerial & Site photos
- Site Map
- Purchaser's Statement

## **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 the property within 185 feet of the site. This public hearing shall be published, posted and scheduled for the next available date as determined by the City Clerk.

**Respectfully submitted,**

## **REQUESTED COUNCIL ACTIONS**

Recommend to the City Council that a Special Use Permit be issued to George Smith to operate Asset Towing at **8533 Wabash Avenue**, subject to the conditions as noted below

- a. Business Name – **Asset Towing and Recovery**
- b. Requested business hours
  - a. Monday- Friday 8:00am – 6:30pm
  - b. Saturday – 8:00am -4:00pm
  - c. Sunday – 8:00am – 2:30pm
  - d. Towing 24/7 days a week, bring vehicles to the lot
- c. No Towing of any kind shall be conducted after 9pm
- d. The addresses of the company shall be visible from the public right-of-way. At least one illuminated, instructional sign shall be located at the main entrance to the site and containing the following information:
  1. Name of company;
  2. Address;
  3. Phone number; and
  4. Address of company office if not located on the subject site.
- e. Unit lettering “A” and “B” shall be removed from the building/fence façade
- f. Tow car storage. A tow car may not be parked or stored in a residential zone when it is not in use, but must be stored in a zone that permits automobile storage
- g. Asset Towing is to provide armed security for the lot from close to open each day of the week
- h. Owner must show proof of registration with the State of Missouri as a business with a charter number and the ability to be licensed in St. Louis County and the City of Berkeley for towing operations.
- i. No vehicles shall be sold from this parcel. This Special Use Permit (SUP) does not cover or grant permission for new, used or pre-owned car sales (in-person or via internet)
- j. Owner is prohibited from holding public auto auctions at this location.
- k. The parking lot needs to be milled down and asphalt overlay. Plans to be approved by the Director of Public Works.
- l. Parking lot shall be striped and numbered for stored cars parking spaces
- m. The front parking facilities for *customers* need to be striped for parking and spaces allocated and marked to meet ADA regulations.
- n. No auto body work permitted at this site
- o. Camera System is required and meet the City Camera Registration Program
- p. Fence screening is required, prevent visibility from the street and pedestrians on the sidewalk
- q. Outside storage of vehicle parts or wrecked vehicles of any type is prohibited
- r. No sale of any vehicle parts allowed
- s. Vehicles left on Berkeley streets during evening or overnight hours will be towed by Berkeley Police Towing Contractor, at owner’s and/or customer’s expense.
- t. Sidewalk slabs for the business customers need to be repaired.
- u. Properly defined curb cuts *need* to be provided along Wabash Ave for these two existing gates, leading to the storage areas from the City Street
- v. Complete the repair/replacement of existing fence, gates, railings, slats etc. at the rear of the lot.
- w. All landscaped areas should be properly maintained. No overgrowth around the fence line.
- x. Clear the vegetation along Evergreen side of this parcel

- y. 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.
- z. The owner shall submit renovation plans to the Building Commissioner for approval
- aa. Building and site conditions in need of repair shall be completed per the approval of the Building Commissioner.
- bb. 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.
- cc. Commercial occupancy and business license are required from the City of Berkeley
- dd. Section 400.160 (K)(2) Noise. Every use shall be so operated that the maximum volume of sound or noise generated does not exceed fifty-five (55) 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.
- ee. 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.
- ff. 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 approval is secured.
- gg. 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.
- hh. 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.
- ii. 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.
- jj. 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.

Respectfully Submitted,

## Real Estate Information Ownership, Legal and Assessments

8533 WABASH AVE, SAINT LOUIS, MO 63134

[Glossary](#) [Print Page](#)

Hide ↓

### Commercial

#### Available Tax Years:

2021 ▾

#### Available Cards: ?

1 of 1

### Assessment Information

[Property Information](#)

[Printable Version](#)

[Tax Information/Receipt](#)

[Tax History](#)

[Documents](#)



Map/Aerial Photo

### 2021 Documents [pdf](#)

No online documents were found for tax year 2021.

### Ownership and Legal Information: 11J411553 - 2021

Locator No. ?	Tax Year	Tax District ?	City Code ? ↗	Site Code ?	Destination Code ?
11J411553	2021	111NE	007	0203	
<b>Owner's Name:</b>	4801 OLEATHA L L C				
<b>Taxing Address:</b>	8533 WABASH AVE SAINT LOUIS, MO 63134				
<b>Care-Of Name:</b>					
<b>Mailing Address:</b>	3514 GRATIOT ST SAINT LOUIS, MO 63103				
<b>Subdivision Book - Page:</b>					
<b>Assessor's Book - Page:</b>	06 - 0051				
<b>City Name: ↗</b>	BERKELEY				
<b>Subdivision Name:</b>	KINLOCH PARK				
<b>Legal Description:</b>	LOTS 14 THRU 31 <b>Important:</b> This is a brief legal description and is not meant for use in recorded legal documents.				
<b>Lot Number:</b>		<b>Block Number:</b>	2		
<b>Lot Dimensions: ?</b>	0450 / 0450 - 0119 / 0119		<b>Total Acres:</b>		
<b>Tax Code - Description:</b>	A - TAXABLE		<b>Land Use Code: ? ↗</b>	641	
<b>Deed Document Number:</b>	2020022000353		<b>Deed Type: ? ↗</b>	WD	
<b>Deed Book and Page:</b>	<b>Book:</b> 23932	<b>Page:</b> 1619	<b>Trash District: ? ↗</b>	NOT APPLICABLE	
<b>Deed Index List:</b>	<a href="#">View Deed Index Information Recorded With Locator Number 11J411553</a>				
<b>School District: ↗</b>	FERGUSON-FLORISSANT		<b>County Council District: ↗</b>	1	

Hide ↓

## Real Estate Tax History

This page shows the tax payment history for the real estate parcel described below. You may also print a tax history statement when a more official document is needed, such as for use at a title company.

[Print Tax History Statement](#) 

Effective 3/4/2021.

**Locator Number:** 11J411553  
**Owner Name:** 4801 Oleatha L L C  
**Property Location:** 8533 Wabash Ave  
**Subdivision:** Kinloch Park  
**Block Number:** 2  
**Lot Number:**  
**School Sub Code:** 111NE  
**Legal Description:** Lots 14 Thru 31

### Real Estate Tax History:

Tax Year	Owner's Name	Tax Code	Sewer Lateral Fee	Total Assessed Value	Amount Due	Amount Paid	Date Paid
2020	4801 Oleatha L L C	111NE	\$0.00	\$45,440.00	\$5,153.02	\$5,153.02	12/31/2020
2019	Toghiyany Oscar Etal	111NE	\$0.00	\$45,440.00	\$5,227.73	\$5,227.73	2/19/2020
2018	Toghiyany Oscar Etal	111NE	\$0.00	\$40,420.00	\$4,781.60	\$4,781.60	4/9/2019
2017	Toghiyany Oscar Etal	111NE	\$0.00	\$40,420.00	\$4,548.52	\$4,548.52	12/29/2017
2016	Toghiyany Oscar Etal	111NE	\$0.00	\$35,170.00	\$4,416.50	\$4,416.50	3/6/2017
2015	Toghiyany Oscar Etal	111NE	\$0.00	\$35,170.00	\$3,954.83	\$3,954.83	12/29/2015

#### Divisions:

- ▶ Board Of Equalization
- ▶ Collection
- ▶ Licensing
- ▶ Recorder of Deeds
- Revenue Home
- Revenue Site Map
- Revenue Office Information
- Revenue Contact Us
- Property Value Appeals
- Real Property Tax Sale
- Post Third Sale Offerings
- Trustee Office
- County Assessor

#### Collection Division

- Pay Your Taxes Online
- Personal Property Information
- Real Estate Information
- Tax Rates Summary
- Your Tax Rates
- Subdivision Information

#### How To

- How can I pay my taxes?
- How can I get a personal property tax receipt?
- How can I get a real estate tax history statement?

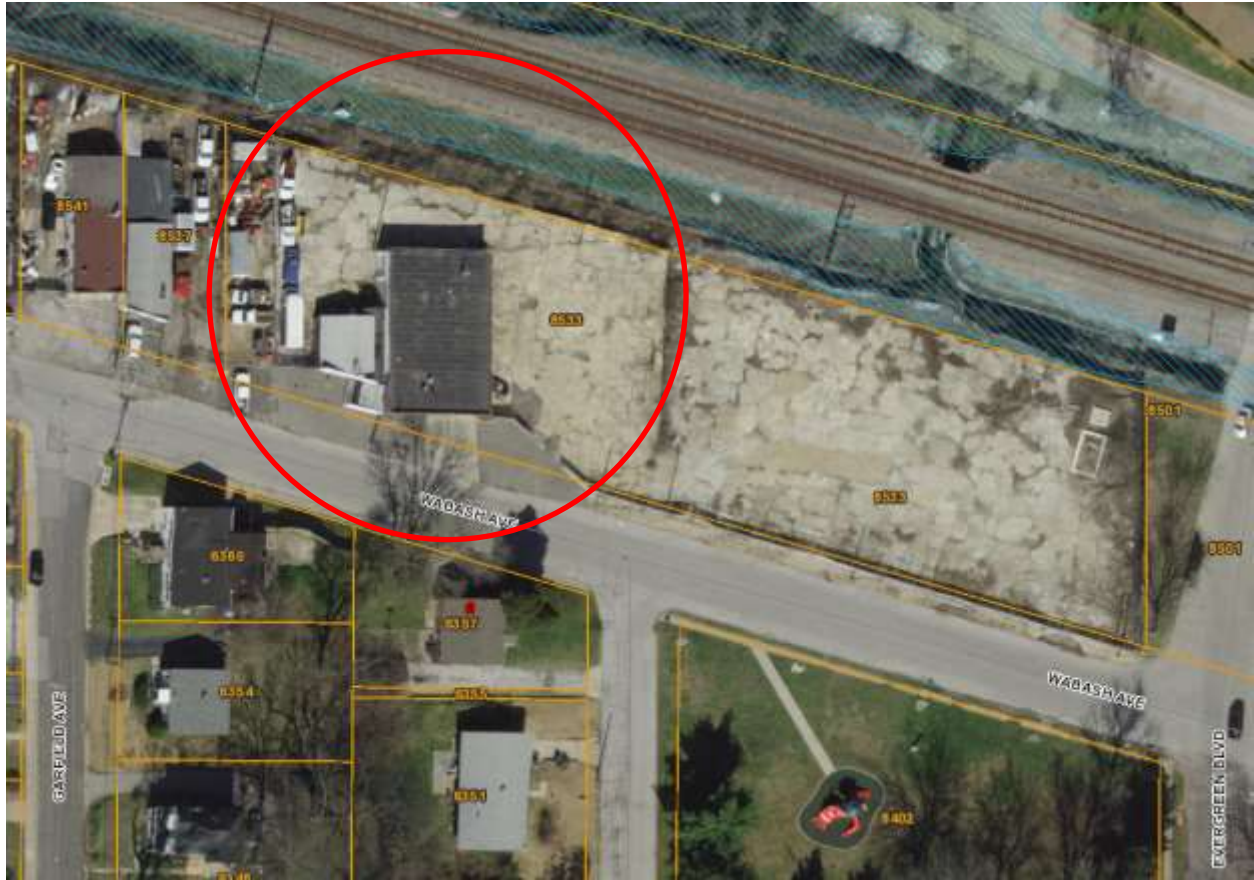
#### Forms

- Address Change for



**FILE PHOTO'S**

Aerial Photo: 8533 Wabash Avenue





Front of Building at 8533 Wabash Avenue



Front of at 8533 Wabash Avenue

COPY

PURCHASER'S STATEMENT

Closing Date: June 3, 2019

File No: 12761STL

**Seller:** Oscar Toghivany  
578 Autumn Oaks  
Ellisville, MO 63021

**Buyer:** 4801 Oleatha, L.L.C.  
4801 Oleatha Avenue  
St. Louis, MO 63116

Mike Sandri

**Lender:** Cash

Property: 8533 Wabash Ave., St. Louis, MO 63134

**Purchase Price** **\$142,000.00**

**Plus: Charges**

Settlement/Closing Fee to St. Louis Title, LLC \$350.00

Owner's Title Insurance to St. Louis Title, LLC \$442.00

Closing Protection Letter fee to Old Republic CPLs \$25.00

Recording Fees- GW Deed to St. Louis Title, LLC \$34.00

Survey- Invoice # 0419-0053 to Topos Surveying Corp. \$1,900.00

**Total Charges** **\$2,751.00**

**Gross Amount Due By Purchaser** **\$144,751.00**

**Less: Credits**

Tax Prorations (\$4,781/yr.) \$2,017.19

From 1/1/2019 thru 6/3/2019

Earnest Money \$5,000.00

**Total Credits** **\$7,017.19**

**Balance Due by Purchaser** **\$137,733.81**

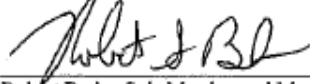
GFNo: 12761STL

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St. Louis Title, LLC

4801 Oleatha, L.L.C.,  
a Missouri limited liability company

By   
Alison Larkin

By:   
Robert Brake, Sole Member and Manager