



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

Posted: Thursday, March 18, 2021



STAFF REPORT TO CITY COUNCIL

CASE NUMBER: 21-01

DATE: April 5, 2021

PETITIONER: Richard Payne
OCV Management Inc
9670 Margo Ann Lane
St Louis, MO 63134

PROPERTY OWNERS: Steak-N- Shake
107 S. Pennsylvania
Indianapolis, IN 46204

CURRENT OCCUPANT: Steak-N-Steak

REQUEST: Special Use Permit (SUP)

LOCATION 9550 Natural Bridge
Berkeley, Missouri 63134

LOT SIZE: 0.81 Acres

UNDER ROOF AREA: 3,690 sq. ft.

CURRENT ZONING: C-2

PROPOSED ZONING: Same

EXISTING USE: Carry out and dine in restaurant

PROPOSED USE: Same

AREA LAND USE: This use is a single-story existing restaurant. The existing use will remain the same

Surrounding land uses and zoning districts include the following:

To the north: C-2 General Commercial, and a Major Highway
To the east: C-2 General Commercial
To the south: C-2 General Commercial
To the west: C-2 General Commercial



REPORT TO THE CITY COUNCIL

TO: Members of the City Council
FROM: Debra M. Irvin, City Manager
DATE: April 5, 2021

SUBJECT: **Case # 21-01** – Shall a request by Richard Payne, OCV Management Inc, to be considered for a Special Use Permit for the continued operations of the Steak N Shake, 9550 Natural Bridge, Berkeley MO 63134

SUBJECT PROPERTY

This is the existing Steak N Shake, 9550 Natural Bridge, the locator # 13K520212. The county parcel record indicate that this was built in 1999 and has a total area under roof of about 3,503 square feet. The building is currently occupied and operational.

ZONING

The current zoning is C-2 General Commercial District, which allows for this use under the Special Use Process.

PROCEDURE:

The Council may recommend modifications to the permit of approval as necessary to preserve the health, safety, general welfare, beauty, and tranquility of the City, and may recommend a specific expiration date of the permit.

PUBLIC HEARING DATE

April 5, 2021

SUPPORTING DOCUMENTS

- -Staff Report
- -Special Use Application
- -St. Louis County Aerial Property View
- Taxes Paid in Full
- -Site Plan
- -Site Photographs

SUMMARY AND DECISION

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

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.

REQUESTED COUNCIL ACTION

Recommend to the City Council that the Special Use Permit be issued to Richard Payne, OCV Management Inc for the continued operations of the Steak N Shake, 9550 Natural Bridge in accordance with the City's regulations.

CONDITIONS OF SUP CONSIDERATION

1. Hours of operations shall be **24 hours—7 days a week.**
2. Liquor sales and/or consumption is prohibited under this Special Use Permit
3. Curbside delivery is permitted
4. No parking lot seat and tables 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. Security cameras shall always 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.
7. An alarm system and panic button are required to be installed.
8. Sign permit is required for new signs
9. No banners, balloons, flags or festoons in right of way
10. No snipe signs or directional signs in the Public Right of Way
11. No human signs permitted directing patrons to the restaurant
12. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
13. Occupancy permit and Business License shall be posted at all times
14. No live entertainment on parking lot
15. Pick up litter around the premises at least two times a day
16. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (school buses and rush hour)
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. 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.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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

9550 NATURAL BRIDGE RD, SAINT LOUIS, MO 63134

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

Hide ↓

Ownership and Legal Information: 13K520212 - 2021

Locator No. ?	Tax Year	Tax District ?	City Code ? ↗	Site Code ?	Destination Code ?
13K520212	2021	111NE	007	0203	
Owner's Name:	DUBINSKY MELVIN TRUSTEE ETAL				
Taxing Address:	9550 NATURAL BRIDGE RD SAINT LOUIS, MO 63134				
Care-Of Name:	JACK DUBINSKY & SONS				
Mailing Address:	720 OLIVE ST SUITE 1701 SAINT LOUIS, MO 63101				
Subdivision Book - Page:					
Assessor's Book - Page:	07 - 0098				
City Name: ↗	BERKELEY				
Subdivision Name:	`				
Legal Description:	SURVEY 49 TWN 46 R 6 LOC BETWEEN W & E BOUND LANES E SIDE MARSHALL AVE Important: This is a brief legal description and is not meant for use in recorded legal documents.				
Lot Number:		Block Number:			
Lot Dimensions: ?	0235 / 0202 - 0163 / 0200	Total Acres:	0.81		
Tax Code - Description:	A - TAXABLE	Land Use Code: ? ↗	581		
Deed Document Number:		Deed Type: ? ↗			
Deed Book and Page:	Book: 21248 Page: 2122	Trash District: ? ↗	NOT APPLICABLE		
Deed Index List:	View Deed Index Information Recorded With Locator Number 13K520212				
School District: ↗	FERGUSON-FLORISSANT	County Council District: ↗	1		



TYPE OF APPLICATION

(Please check all that apply)

INITIAL FEE \$350

Received 2/1/2021

<input type="checkbox"/> Preliminary (Plats)	<input checked="" type="checkbox"/> Special Use Permit
<input type="checkbox"/> Re-approval (Plats)	<input type="checkbox"/> Zoning Change
<input type="checkbox"/> Amending (Plats)	<input type="checkbox"/> Re subdivision/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, Grants/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"/> Food Truck - SUP \$100.00	<input type="checkbox"/> Food Truck - Fire Inspection \$75.00
<input type="checkbox"/> Food Truck Business License \$75.00	<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.
3. ~~DO NOT~~ destroy, tear down or remove 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): OCV MANAGEMENT INC.
 APPLICANT IS (CHECK ONE): OWNER _____ AGENT _____ PURCHASER OF CONTRACT _____ TENANT X
 APPLICANT(S) ADDRESS: STREET 9670 Maple Hill Ln
 CITY St. Louis STATE MO ZIP 63139 PHONE 314-600-2422 EMAIL RICHARD J Payne@ocv.com

STREET ADDRESS: 9570 Natural Bridge
 PROPERTY DESCRIPTION: Restaurant

PRESSENT ZONING DISTRICT: _____ PROPOSED ZONING DISTRICT (if applicable): _____

THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: Restaurant

THE PROPERTY IS TO USE IT FOR: (Type of business) Restaurant

DAYS & HOURS OF OPERATION ETC. 10am-12am

PROPOSED NAME OF BUSINESS: Steak n Shake

APPROXIMATE SIZE OF TRACT, ACRES .81 SQ FT OF SPACE (Under road) 3,690

IF APPLICANT IS NOT OWNER, OWNERS NAME: STEAK N SHAKE INC.

ADDRESS: STREET: 107 S PENNSYLVANIA CITY INDIANAPOLIS

STATE: IN ZIP: 46204 PHONE: 317 1650-4574 EMAIL: steaknshake@steaknshake.com

HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: John L. Payne
 SIGNATURE

I certify this application (the owner) and applicant(s) affirm 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 based on this information. City of Berkeley Planning & Zoning Commission. All applicants and owners shall sign the application. Attach additional copies of this form and attachments as needed.

APPLICANT(S) SIGNATURE Richard Payne OWNER(S) SIGNATURE John L. Payne

DATE 1-26-21 DATE 1-29-21

At this date _____, all items necessary for a technical review of the proposed project, use permit plan have been submitted and

is a COMPLETE APPLICATION. STAFF SIGNATURE: Debra H. Johnson

FEES PAID 02/01/2021 Cash Check Money Order Debit/Credit RECEIPT NO: 45725 CASE NO: 21-1