

# PLAN COMMISSION SPECIAL MEETING MINUTES OF JANUARY 13, 2021

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## MEETING MINUTES

City of Berkeley City Plan Commission

Wednesday, March 10, 2021

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: Kevin Spraggins, Mayor Deinbo, DeBorah White, Will Ferguson, Carolyn Crimes.  
Staff present: Debra Irvin, City Manager and James Lindhardt, Fire Chief.

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### CALL TO ORDER / DECLARATION OF QUORUM

The Plan Commission members met in a virtual setting on Wednesday, March 10, 2021; Chairman Kevin Spraggins called the meeting to order at 1:00 pm. A quorum was established.

### MINUTES

Approval of January 13, 2021 City Plan Meeting Minutes.

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

### PUBLIC COMMENT:

None

### OLD BUSINESS

None.

### NEW BUSINESS:

**Case # 21-01** – 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.

Chairman Spraggins brought forth Case No. 20-31 and allowed Applicant Richard Payne to present his business. After giving some personal background of military service and prior restaurant experience with owning a restaurant and food truck in the City of St. Ann, the applicant clarified that this was a change of ownership. The business is currently owned by Steak ‘n Shake, Inc, and upon change of ownership, the applicant will be a franchisee. Applicant addressed questions regarding dine in regulations in regards to the pandemic and CDC regulations. The dining room will be remodeled and upon opening seating will be six feet apart. There will also be four kiosks six feet apart for customers to place their order and one employee to take orders. Open areas will be sanitized at least once per hour. Applicant also stated that the menu has been updated and streamlined to promote speed and quality. Applicant addressed question of his having to be present every day. He does not, but he does have to maintain the “Gold Standard” with Steak ‘n Shake in order to remain a franchisee. Applicant requested that hours of operation be amended to 24 hours. The conditions

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were read by the Chairman. With no further discussion, Chairman Spraggins made the **MOTION** to approve the request for a Special Use Permit for 10 years with amendment to hours of operation. Commissioner White **SECONDED** the motion. A voice vote was taken, and the motion was unanimously **approved** with a voice vote 5:0, Spraggins, Deinbo, White, Ferguson, Crimes.

**Case # 21-02** – A request from the City Manager to consider amending the Zoning Code to allow Community Gardens in R-1 and R-2 districts.

Chairman Spraggins brought forth Case No. 21-02. City Manager Debra Irvin presented the case. City Manger Irvin stated that City of Berkeley resident families were requesting a community garden. Councilwoman Emmalene Mitchell and Chief James Lindhardt proposed to start a community garden for Youth Juvenile Services for a learning and productive experience. A community garden would only be permitted in R-1 and R-2 districts which is Wards 1, 3, & 5. Chairman presented the idea of starting a Farmer’s Market and would like for that to be revisited at a later. Chief Lindhardt presented his and Councilwoman Mitchell’s passion for the community garden project and providing this opportunity for the Youth Juvenile Services. Proposed space is the lot behind Firehouse 1. Upon approval from the City of Berkeley, it will go for approval of the Juvenile Board in May. With no further discussion, Chairman Spraggins made the **MOTION** to approve the request to amend the Zoning Code to allow Community Gardens in R-1 and R-2 district. Commissioner White **SECONDED** the motion. A voice vote was taken, and the motion was unanimously **approved** with a voice vote 5:0, Spraggins, Deinbo, White, Ferguson, Crimes.

**Case # 21-03** – 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.

Chairman Spraggins brought forth Case No. 21-03 and allowed Applicant George Smith to present his business. The owner of the property was also in attendance, Robert Brake. Applicant stated that his business called Asset Towing and Recovery was a private property tow company that is family owned and operated by himself, his wife, two dispatchers, and 3 tow truck drivers. That applicant also has four other locations with the main office located in Hazelwood. The location at 8533 Wabash would be used for storage of vehicles. The Commission brought several concerns for the applicant to address. 1) The length of storage time and number of vehicles—applicant stated that they are not a “junk” operation. Unclaimed cars are sold or junked. 2) Sign of business showed that two addresses of 8533 A and 8533 B—applicant stated that that sign was not done by him, but the plan for those addresses was for there to be two tow companies on either lot. Applicant’s plan was to use the entire property for his business—one lot was for storage of vehicles and the other was to park tow trucks. 3) A large concern regarding criminal activity for that particular business. Commission’s concern was the potential for trespassing and theft, especially since the business is located in a residential area. Applicant stated that he would put cameras up and research security companies. The owner of the property, Robert Brake, stated that they did improve the fence and the overgrowth. Brake also present different security options such as a fence alarm or off-site camera monitoring. The hours of operation were clarified and amended to Saturday 8:00 am – 4:00 pm and Sunday 8:00 am – 2:30 pm. Towing after 9pm is prohibited. The conditions were read by the Chairman. Parcels A and B were to be removed from the address. Condition O was to be omitted from the conditions. A condition was added that the property must have privacy fencing and on-site security from closed to opening. Applicant assured that there will be someone present during open hours. With no further discussion, Chairman Spraggins made the **MOTION** to approve the request with the amendments.

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Commissioner Ferguson **SECONDED** the motion. A voice vote was taken, and the motion was *approved* with a voice vote 3:2, Spraggins, Deinbo, White, Ferguson, Crimes.

### PUBLIC COMMENTS

None

### OTHER BUSINESS

None

### CONCLUDED

That the next regularly scheduled meeting of the City Plan Commission is held on **Wednesday, April 14, 2021 at 1:00 p.m.**

### ADJOURNMENT

No further business came before the Commission. Chairman Spraggins made the **MOTION** to adjourn. Commissioner White **SECONDED** the motion. A voice vote was taken, and the motion was unanimously *approved* with a voice vote 5:0, Spraggins, Deinbo, White, Ferguson, Crimes. Chairman Spraggins adjourned the meeting at 3:04 pm.

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Respectfully submitted by:  
Joanna Campbell, Public Works Secretary  
Recording Secretary

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Approved for submittal by:  
Kevin Spraggins