



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, January 10, 2021 via the Zoom platform, for the purpose of considering the following proposition:

- 1. Case #21-15: Shall a Special Use Permit be granted to J W Harkless to operate Team Presto Workout and Training Facility, a boxing and training gym location at 8231 Airport Rd, Berkeley, MO?**
- 2. Case #21-18: Shall a Special Use Permit be granted to Jeremy Verges and Marcus Neal to operate Jam Customs, a window tinting business, located at 5934 Evergreen Ave, Berkeley, MO?**
- 3. Case #21-22: Shall a Special Use Permit be granted to Cymone McCollum and Infusion Food Service to operate an Eat-in and Carry-out Restaurant under the Nephew's Franchise located at 8624 Frost Ave, Berkeley, MO?**

All interested parties shall be afforded, at such public hearing, a reasonable opportunity to express their views regarding the item set forth above.

*Deanna L. Jones*

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Deanna L. Jones – City Clerk, MPCC/MMC

Zoom.us

Meeting ID: 839 0179 6914

Pass code: 342961

Posted: Thursday, Dec. 09, 2021 by 2:00 PM



## **STAFF REPORT**

CASE NUMBER: **21-22**

DATE: December 8, 2021

PETITIONER: Cymone McCollum  
Infusion Food Service

PROPERTY OWNERS: Tom Kiely  
8360 Airport Road  
St. Louis, MO 63134  
(314) 322-2855

REQUEST: Approval of a Special Use Permit for an eat-in and carry-out restaurant

PROPERTY ADDRESS: 8624 Frost (Frost Strip Center)

SIZE: Approximately 3,600 square feet

CURRENT ZONING: "C-2" Local Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Nephew's Nar and Grill

PROPOSED USE: Eat-in & Carry-out Restaurant

RECOMMENDATIONS: Staff recommends approval with conditions



## REPORT TO CITY COUNCIL

### PUBLIC HEARING JANUARY 10, 2022

**TO:** Members of the City Plan Commission

**FROM:** Debra M. Irvin, City Manager

**DATE:** December 8, 2021

**SUBJECT:** **Case No. 21-22:** Shall a Special Use Permit be issued to Cymone McCollum and Infusion Food Service for an Eat-in and Carry-out Restaurant at 8624 Frost Avenue, remaining under the Nephew's Franchise in the City of Berkeley, St. Louis County, Missouri, located on Frost Avenue, south of the intersection of Frost Avenue and Larry Lane.

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

#### **RECOMMENDATION**

Plan Commission heard the case on December 8, 2021 and recommends approval, with conditions, of the request for a Special Use Permit to Cymone McCollum and Infusion Food Service for an Eat-in and Carry-out Restaurant at 8624 Frost Avenue in the City of Berkeley, St. Louis County, Missouri, located south of the intersection of Frost Avenue and Larry Lane.

#### **BACKGROUND**

The property that is the subject of this report is located at the southern corner of Frost Avenue and Larry Lane. The property is zoned "C-1" Local Commercial District. The property to the west is "C-2", Hanley Frost Liquor. The property to the east is "C-1", Hunan Express. The property to the south is "R-4", Frost Apartments and Windsor Town Homes. The properties to the north are "C-2", Mobil gas station and "R-2", residential single-family home.

The property contains two strip malls, with the proposed Eat-in and Carry-out Restaurant being the east strip mall, and is the location of the former "Nephew's Restaurant".

#### **JUSTIFICATION**

"C-1" zoning requirements:

- Front yard: Twenty-five (25) feet
- Side yard: Seven (7) feet
- Rear yard: Twenty-five (25) feet
- Landscaping: A planting strip of twenty (20) feet shall be established and maintained within the required front yard. The business is going into an existing building. There is no landscaping.
- Parking: Restaurant, tavern or ice cream parlor – one (1) parking space for each one hundred (100) feet of floor area.  
Staff Research - Area approximately 3600 square feet – 36 spaces required – mixed uses for entire strip mall=64 spaces

- Liquor License – None requested

### **SUPPORTING DOCUMENTS**

- Staff Report
- St. Louis County Property Viewer Map
- Pictures of exterior of lot
- Plan of building interior

### **OPTIONS**

1. Recommend approval of the Petitioner's request.
2. Recommend denial of the Petitioner's request.

### **IMPACT ON BUDGET**

There is minimal impact on the City Budget from the recommended action. Approval of the Petitioner's request would allow the property to be used in a manner consistent with previous use(s).

### **REQUESTED CITY COUNCIL ACTION(S)**

Approve, with conditions, the request for a Special Use Permit by Precious Mills for an Eat-in and Carry-out Restaurant at 8624 Frost Avenue in the City of Berkeley, St. Louis County, Missouri, located south of the intersection of Frost Avenue and Larry Lane.

1. Hours of operations shall be from **10:00 am. until 9:00 p.m.**, seven days a week.
2. Operator shall adhere to all St Louis County Health provisions while under COVID mandate
3. *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.
4. Liquor *will not* be sold or consumed on premises
5. Outdoor bistro seating allowed between April-October each year
6. Grease containers shall be emptied every 30-days and not allowed to overflow into the roadway or spill into the public sewers
7. Occupant shall provide trash can at rear and front of property an install enclosure if access if allowed. Permit is required for erecting an enclosure.
8. Trash collection shall be done twice (2x) a week for the life of this permit.
9. 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. Pick up litter around the premises at least two times a day
10. Sign permit is required for new wall/window signs
11. No banners, balloons, flags or festoons in right of way, unless approved by City Council
12. No human signs permitted directing patrons to the restaurant
13. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (school buses and rush hour)
14. The owner shall submit renovation plans to the Building Commissioner for approval
15. Building and site conditions in need of repair shall be completed per the approval of the Building Commissioner.

16. 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.
17. The owner shall repair, seal and re-strip asphalt parking lot for mini-strip plaza no later than May 1, 2022.
18. Commercial occupancy and business license are required from the City of Berkeley
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.

**Respectfully submitted,**

NAME OF THE OWNER: \_\_\_\_\_ SIGNATURE \_\_\_\_\_

**Need to pay \$350 -**

PUBLIC WORKS DIVISION 5425 AIRPORT ROAD BERKELEY, MISSOURI 63134-2098 (314) 524-3313 FAX (314) 264-2074

**TYPE OF APPLICATION** INITIAL FEE \$350

(Please check all that apply)

<input type="checkbox"/> Preliminary (Plats)	<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Re-approval (Plats)	<input type="checkbox"/> Zoning Change
<input type="checkbox"/> Amending (Plats)	<input type="checkbox"/> Resubdivision/Reconsolidation
<input type="checkbox"/> Site Plan	<input checked="" 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 Grams/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"/> Other	<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. (SEE attached Deadline & Meeting dates)
3. **DO NOT** destroy, tear down or remodel 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) Precious Mills

APPLICANT IS (CHECK ONE): OWNER \_\_\_\_\_ AGENT \_\_\_\_\_ PURCHASER OF CONTRACT \_\_\_\_\_ TENANT

APPLICANT(S) ADDRESS: STREET 11638 Humboldt Dr.

CITY St. Louis STATE Mo ZIP 63138 PHONE (314) 398-6055 E-MAIL circleconstruction1@gmail.com

LOCATION OF PROPOSED USE

STREET ADDRESS: 8624 Frost Ave

PROPERTY DESCRIPTION: Restaurant

PRESENT 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. M-T 10:30am - 10pm F-S 10:30am - 11pm

PROPOSED NAME OF BUSINESS: Circle Eatz LLC

APPROXIMATE SIZE OF TRACT: ACRES \_\_\_\_\_ SQ FT OF SPACE (Under roof) \_\_\_\_\_

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: Mr. Tom Keely

ADDRESS: STREET: 80210299 CITY: St. Louis

STATE: MO ZIP: 63131 PHONE: 314-365-1148 E-MAIL: th.keely@circleeatz.com

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: \_\_\_\_\_ SIGNATURE \_\_\_\_\_

By signing this application the owner(s) and applicant(s) attest 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 Board of Adjustments, City of Berkeley Planning & Zoning Commission. (All applicants and owners shall sign the application. Attach additional same address/signature pages as needed.)

APPLICANT(S) SIGNATURE: \_\_\_\_\_ OWNER(S) SIGNATURE: \_\_\_\_\_

DATE: 11/9/2021 DATE: 11/9/2021

On this date \_\_\_\_\_, all items necessary for a technical review of the proposed special use permit plan have been submitted and constitute a COMPLETE APPLICATION. STAFF SIGNATURE: \_\_\_\_\_

Date Paid: 12/7/2021

Case No. 21-22



**GOOGLE STOCK PHOTOS**



