



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 public hearing will be held at 7:00 pm on Monday, November 7, 2022 in the council chambers of 8425 Airport Rd, 63134 and via Zoom, for the purpose of considering the following proposition:

1. **Case #22-12:** Shall a request for a Special Use Permit be granted to Thomas Walker to operate a retail store located at 8533 Airport Rd, Berkeley, MO?
2. **Case #22-13:** Shall a request for a Special Use Permit be granted to Cymone McClellan to change the name of "Nephew's Grill" to "314 Kitchen", a restaurant located at 8624 Frost Ave, Berkeley MO?
3. **Case #22-15:** Shall a request for a Special Use Permit be granted to Femitha Mitchell to operate a daycare / resource center at located 6315 Garfield Ave, Berkeley MO?
4. **Case #22-16:** Shall a request for a Special Use Permit be granted to Kenndis Joy to operate an event center located at 6112-6116 Madison 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: 879 9845 2557

Pass code: 347452

Posted: Monday, October 24, 2022



## **STAFF REPORT**

**CASE NUMBER:**

**22-12**

**DATE:**

October 12, 2022

**PETITIONER:**

Thomas Walker  
6345 Wellsman Avenue  
St. Louis, MO 63133

**PROPERTY OWNERS:**

J&A Chen Family LLC  
8525 Airport Road  
St. Louis, MO 63134

**REQUEST:**

Special Use Permit for *The Blockstyle XChange*

**PROPERTY ADDRESS:**

8533 Airport Road, Berkeley, MO 63134

**CURRENT ZONING:**

“C-2” Local Commercial District

**PROPOSED ZONING:**

Zoning to remain the same

**EXISTING USE:**

Vacant

**PROPOSED USE:**

Retail Store

**RECOMMENDATIONS:**

Plan Commission recommends approval with conditions



# REPORT TO CITY COUNCIL

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## ***NO TAXES DUE***

**TO:** Mayor and Members of the City Council

**FROM:** Nathan Mai-Lombardo, City Manager

**DATE:** October 12, 2022

**SUBJECT:** **Case No. 22-12** – Shall a request for a Special Use Permit to Thomas Walker to operate *The Blockstyle XChange*, a retail store at 8533 Airport Road, Berkeley MO 63134.

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

### **PROPERTY LOCATION**

8533 Airport Road, Berkeley, Missouri 63134 (*St. Louis County locator #11J131653*). The space is approximately 6,960 square feet. There are approximately 20-off-street parking spaces.

### **ZONING**

8533 Airport Road is zoned “C-2” General Commercial District  
This use is allowed as a Special Use under *Section 400.140*.

### **PROJECT DESCRIPTION**

Petitioner Thomas Walker seeking to start the operations of a retail store with cell phone services, bill pay, and hookah products at 8533 Airport Road, Berkeley, MO 63134.

### **SECTION 400.370 ARCHITECTURAL AESTHETICS.**

No building shall be greatly dissimilar in architectural style, size, mass or color so as to appear grossly unattractive, and to have a negative impact on adjacent properties and the surrounding neighborhood.

### **RECOMMENDATION**

Plan Commission recommends approval with conditions.

### **SUPPORTING DOCUMENTS**

1. Application

2. Area Photo

**PROCEDURE:**

The Commission 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. If no date is specified, the term shall be one year.

**OPTIONS**

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

**Respectfully submitted,**

## **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 property within 185 feet of the site. This public hearing shall be published, posted and scheduled at a date specified by the City Clerk.

1. The business name will be “*The Blockstyle Convenience Store.*”
2. Hours of Operation shall be Monday through Saturday from 10:00 am – 8:00 pm and Sunday from 10:00 am – 6:00 pm.
3. Applicant must obtain a Sales Tax License to sell tobacco products from the State of Missouri.
4. Liquor sales are prohibited.
5. Business owner to provide a list of items to be sold to the Chief of Police.
6. Unless noted as a non-conforming condition or noted herein, building and site shall comply with all applicable health, safety, building and sign code standards as required by the City of Berkeley.
7. The building, lot, yard, and landscaped areas shall be maintained and kept free and clear of any debris or trash.
8. Security cameras shall always be installed at perimeter and interior of space and monitored by the business operator at all times. Security cameras systems is required and must meet the City Camera Registration Program. An after-hour contact must be included with the Camera Registration filed with the Police Department. An alarm system and panic button are required to be installed.
9. Prior to issuance of any Occupancy Permit the above noted conditions shall be met.
10. A sign permit is required. Banners, pennants, festoons, human sign, searchlights are *prohibited*. Business signage shall be limited to no more than twenty-five (25) square feet.
11. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
12. The exterior area shall be maintained and kept free and clear of any debris or trash or weeds.
13. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
14. The building, lot, landscaping, and yard areas shall be maintained and kept free and clear of any debris, trash, or weeds including maintenance of all landscaped areas.
15. Only 10% of windows space shall be used for window signage. The petitioner will be permitted one exterior wall mounted sign at the front wall of the business.
16. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
17. All required inspections by the city are required before issuance of occupancy permit or business license will be issued.
18. The interior will be thoroughly inspected by City's Building Commissioner and Fire Department, and any and all other jurisdictions, if applicable. All permits that are required by any of said mention must be received. Once, all required inspections are completed; apply for all necessary building/occupancy & fire safety permits from the City of Berkeley, and other jurisdictions, after obtaining City Council's approval on this Special Use Permit. Commercial Occupancy permit and Business License is required and shall be posted at all times.
19. 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.

20. The Special Use Permit will be revoked if for any reason the applicant ceases operations 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. 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.
21. Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. To occupy the building and facilities the applicant must comply with all the applicable rules and regulations pertaining to health and safety for vehicular and pedestrian traffic, zoning, building, sign codes, fire and safety protection standards as required by the City Fire Department, City of Berkeley, St. Louis County, State of Missouri, and Federal rules and regulations.
22. Prior to issuance of an Occupancy Inspection and Permits, the above noted conditions, the conditions as described in the attached Report, and the inspections as part of the normal occupancy permit process shall be met, and as approved by the City Council. This Special Use Permit takes effect upon the approval by City Council.
23. 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 regulations and restrictions of this Chapter or the requirements of the special use permit.
24. 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.



### TYPE OF APPLICATION

(Please check all that apply)

**INITIAL FEE \$350**

<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 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"/> 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 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) Thomas Walker

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

APPLICANT(S) ADDRESS: STREET 6545 Waltham Ave

CITY Berkeley STATE MO ZIP 63133 PHONE 314-356-6256 E-MAIL twalker209@gmail.com

**LOCATION OF PROPOSED USE**

STREET ADDRESS: 8533 Airport Rd

PROPERTY DESCRIPTION: Retail Space

PRESENT ZONING DISTRICT: \_\_\_\_\_ PROPOSED ZONING DISTRICT (If applicable) \_\_\_\_\_

THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: USE to be used for PC's

THE PROPERTY IS TO USE IT FOR: (Type of Business) Cell Phone Service, Bill Pay, Market

DAYS & HOURS OF OPERATION ETC. Sun - Sat 10am - 10pm

PROPOSED NAME OF BUSINESS: Talk Backstyle Change

APPROXIMATE SIZE OF TRACT: ACRES \_\_\_\_\_ SQ FT OF SPACE (Under roof) 1000

**IF APPLICANT IS NOT OWNER: OWNER(S) NAME:** J/A Chen Family LLC

ADDRESS: STREET: 8525 Airport Rd CITY Berkeley

STATE: MO ZIP: 63132 PHONE: (314) 226-0593 E-MAIL tele17740@gmail.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 name/address/signature/date pages as needed.)

APPLICANT(S) SIGNATURE Thomas Walker OWNER(S) SIGNATURE J/A Chen

DATE 05.20.22 DATE 05.20.22

On this date 7-8-22, all items necessary for a technical review of the proposed special use permit plan have been submitted and

Constitute a COMPLETE APPLICATION. STAFF SIGNATURE: Joanna Campbell - PW Secretary

DATE PAID 6-6-22 | Cash  Check  Money Order  Debit/Credit  ONLINE RECEIPT NO: 53534 CASE NO: 22-12

