



8425 Airport Road Berkeley Missouri 63134-2098 (314) 524-3313

November 18, 2022

SATGURU SAHIB LLC
6800 N. Hanley Rd.
Saint Louis, MO 63134

To Whom It May Concern –

The special use permit for 6800 N. Hanley Rd. has expired effective February 27, 2022 and the conditions relating to the car wash established therein have not been met.

You are summoned to the City Council meeting on November 21, 2022 to address these concerns with the Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan'.

Nathan Mai-Lombardo
City Manager



8425 Airport Road Berkeley, MO 63134
(314) 524- 3313 Fax (314) 264-2074

Occupancy Permit - Commercial

Permit Number 20210589

Date Issued 02/26/2021

This is to certify that permission was granted on the above date to SATGURU SAHIB LLC

To occupy the structure location at 6800 N HANLEY RD

Doing business as HANLEY MOBIL (EXPIRES 2/26/2022)

To be used solely for the purpose of Convenience Store Gas Stations

Special Use

Sq.Ft. 4500 Ward 3

Resolution No. 3567 Ordinance No. _____

Building Inspection Approved: 02/26/2021

Fire Inspection Approved: 02/26/2021

Building Commissioner

Fire Marshall

Public Works Director

Notice: Use of property for any purpose other than authorized above, constitutes a violation of chapter 400 of the municipal code of the City of Berkeley, Missouri. This permit does not take the place of any license required by law and is not transferable, any changes in the use or occupancy of premises shall require a new permit.

THIS NOTICE MUST BE POSTED ON THE PREMISES AT ALL TIMES

CUT HERE



STAFF REPORT

CASE NUMBER: 20-28

DATE: January 13, 2021

PETITIONER: Satguru Sahib LLC

PROPERTY OWNERS: Guru Har Rai Sahib Jee LLC
2345 DeLa Croix Ave
St Charles MO 63301

REQUEST: Special Use Permit

LOCATION: 6800 N Hanley

SIZE: 4,500 Square Feet

CURRENT ZONING: C-2, General Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Service Station and Convenience Store

PROPOSED USE: Same

RECOMMENDATION: Staff recommends approval, with conditions



REPORT TO CITY COUNCIL

ALL TAXES PAID IN FULL

TO: Members of the City Council

FROM: Debra Irvin, City Manager

DATE: January 13, 2021

SUBJECT: **Case # 20-28** – Shall a request for a Special Use Permit by Satguru Sahib LLC as the new owner and change of business name for the existing Mobil Mart/Service Station Convenience Store located at 6800 North Hanley, Berkeley MO, St. Louis County.

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

RECOMMENDATION

Plan Commission recommends approval, with certain conditions and regulations, for a Special Use Permit, for new ownership at existing Mobil Mart, 6800 North Hanley Road, in the City of Berkeley, St. Louis County, Missouri. The new owner shall continue operations of gas sales and convenience stores with liquor sales, cigarettes, money orders, lottery, cooked and package foods.

BACKGROUND

The current zoning is C-2 General Commercial District. The locator # is 10K340912 and the total acreage of this parcel is about 0.57 acres. The area under roof is about Thirty-Eight Hundred (3,800) square feet. This use is located at the intersection of Frost Avenue and North Hanley Road, which is the intersection of two major streets in our community. This intersection is zoned for commercial activity, and three of the four corners at this intersection have commercial uses. The fourth corner is zoned commercial but it is the onramp for the interstate.

Surrounding land uses and zoning districts include the following:

To the north:	R-2, Single Family Residential, <i>Residential Structure</i>
To the east:	R-2, Single Family Residential, <i>Residential Structure</i>
To the south:	C-2, General Commercial District, <i>A-1 Package Liquor</i>
To the west:	C-2, General Commercial District, <i>QuikTrip</i>

DESCRIPTION OF SITE AND SURROUDINGS

The parcel was built around 2002 and is located at the north-east corner of Hanley Road and Frost Avenue intersection. This facility has a car wash, which does not seem to be in operations. This location is at the intersection of two major streets within the City of Berkeley, Frost Avenue and North Hanley Rd. This intersection for the most part is zoned commercial; the one corner that is not zoned commercial is the entrance ramp for I-170. Each of the other corners has a commercial business located on them. There is residential zoning adjacent to these commercial activities but these residential uses are screened from the commercial.

ZONING

It is a C-2 zone, and this type of Service Station is allowed in **Section 400.140(D) (1) (13)** of the Municipal Code as “Automotive services, including new car and vehicle dealerships, used motor vehicle sales, auto parts stores, filling stations, public garages, auto repair garages, towing and wrecking services, body shops, car washes, auto detailing shops and similar uses.”

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.

SUPPORTING DOCUMENTS

- -Staff Report
- -Special Use Application
- -St. Louis County Aerial Property View

OPTIONS OF THE COUNCIL

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

REQUESTED COUNCIL ACTION

Recommend to the City Council that the Special Use Permit be issued Satguru Sahib LLC, for one year under new ownership at 6800 North Hanley, Berkeley, MO 63134 in accordance with the City’s regulations.

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.

CASE NO. 20-28- CONDITIONS OF SPECIAL USE PERMIT (SUP) – 6800 N. HANLEY

1. Establish 24-hour service or consider *reduced hours from 6am – 11pm*
2. This Special Use Permit shall be for one (1) year; after one year, the applicant shall appear before the city council for additional years or revocation of permit
3. The applicant reduces the square footage of the signs in the window to no greater than 10% which is the maximum allowed for such signs. This includes signs on the store and the car wash.
4. Owner to hire and maintain an armed, bonded, and licensed security officer from 7:00 pm – 7:00 am (overnight shift only).
5. Prohibited the sale of all types of drug paraphernalia (all types of pipes, bongs, foil papers, and clips)
6. Car wash shall not be used, rented, or leased as hand car wash business. Structure shall be repaired within 6 months or the city will have cause for demolition.
7. Owner shall post permanent “No Loitering” signs at entrance and at gas pumps
8. Owner shall post permanent “No Loud Music” signs at entrance and at gas pumps
9. The exterior of the building must be power washed two times a year (Spring and Fall).
10. Clear old vegetation and needs new plantings where it seems that some landscaped material might have been removed or destroyed.
11. Landscape around the building must be maintained.
12. Owner shall discontinue outdoor storage of wood and plastic pallets
13. Proper trash enclosure doors with suitable hinges should be connected for smooth operations.
14. Overall, the site needs to be brought in compliance with the City’s codes and regulations by repairing the cracked areas around parking areas, including the ramp.
15. The interior storage needs safe environments for workers and customers.
16. The placement of gaming machines not allowed in the store *Section 610.100 Gambling Devices — Use of Coin-Operated Devices for Gambling.*
17. Seal asphalt parking lot, red parking stripes shall be changed to yellow stripes after sealing
18. Signs are prohibited in the city’s right of way
19. Sign permit is required for new signs; banners, pennants, festoons, human sign, searchlights are prohibited.
20. No banners, balloons, flags or festoons in the city’s public right of way
21. No snipe signs or directional signs in the city’s public right of way
22. No human signs permitted directing patrons to the restaurant
23. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
24. Occupancy permit and Business License shall be posted at all times
25. No live entertainment in or outside of the building
26. Pick up litter around the premises at least two times a day
27. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (*school bus and rush hour*)
28. 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.
29. An alarm system and panic button are required to be installed.
30. An after-hour contact must be included with the Camera Registration.
31. No metal bars, mesh, or other durable material shall be installed over any portion of the

frontage window or frontage opening in commercial buildings.









32. Install "*No Loitering*" and "*No Loud Music*" signs at entrance wall.
33. The exterior area shall be maintained and kept free and clear of any debris or trash or weeks.
34. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
35. 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.
36. 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.
37. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
38. All required inspections by the city are required before issuance of occupancy permit or business license.
39. The interior shall 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.
40. In granting such special use permits, the City Council may provide that the permit be valid for a limited period of time for one-year (1) year. 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.
41. 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 approves is secured.
42. 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.
43. 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.
44. 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.

45. 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.

185' FT FOR PUBLIC HEARING

6800 No. Hanley, Berkeley MO 63134

1		10K340912	6800 N HANLEY RD	SURMA PETROLEUM L L C
2		10K340958	6805 N HANLEY RD	QUIKTRIP CORPORATION
3		10K340893	6809 N HANLEY RD	ADOLPHUS MARK ETAL
4		10K340811	6814 N HANLEY RD	SURMA PETROLEUM L L C
5		10K340783	6818 N HANLEY RD	SURMA PETROLEUM L L C
6		10K340756	6822 N HANLEY RD	LEGENDS SERVICES LLC
7		10K340729	6828 N HANLEY RD	HANLEY FOREST CENTER LLC
8		10K340802	6832 N HANLEY RD	LEGENDS SERVS LLC

Introduced by: City Manager Debra M. Irvin
of the City of Berkeley, MO

A RESOLUTION AUTHORIZING SATGURU SAHIB LLC, A SPECIAL USE PERMIT AS THE NEW OWNER AND CHANGE OF BUSINESS NAME FOR THE EXISTING MOBIL MART/ SERVICE STATION CONVENIENCE STORE, LOCATED AT 6800 NORTH HANLEY ROAD IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Satguru Sahib LLC, has applied to such City for the issuance of a Special Use Permit as the new owner and change of business name for the existing Mobil Mart/ Service Station Convenience Store; and

WHEREAS, in accordance with the applicable Ordinance of the City of Berkeley, such application was submitted to the City Plan Commission for its investigation and reports, and further, that such City Plan Commission has returned its final report and recommendation wherein it recommended the issuance of a Special Use Permit to Satguru Sahib LLC, as the new owner and change of business name for the existing Mobil Mart/ Service Station Convenience Store, located at 6800 North Hanley Road; and

WHEREAS, due notice of the time, place and purpose of a virtual public hearing was published in two (2) consecutive issues of a newspaper of general circulation in the City or posted on the city's website, the first notice being published at least ten (10) days prior to the date of the hearing, and written notices of said hearing were mailed to the last known places of abode of the owners of all property lying within one hundred eighty five (185) feet of all boundaries of the property under consideration for a Special Use Permit; and

WHEREAS, such virtual public hearing was duly held by the Council, on February 01, 2021, on behalf of the City of Berkeley, Missouri, in conformity with said public notice at which hearing the parties of interest were given an opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BERKELEY, MISSOURI AS FOLLOWS:

SECTION 1. The City Council determines that the public health, welfare, and safety are adequately protected in view of the foregoing criteria, and the Special Use Permit shall be granted as the Council affirmatively finds as to the required criteria.

SECTION 2. The use of said tracts for the aforesaid purpose is granted subject to the following conditions:

- 1) Name of Business: Mobil Mart / Service Station Convenience Store
- 2) Hours of operation: Establish 24-hour service. Any change of hours shall be approved by the City Council.
- 3) This Special Use Permit shall be for one (1) year; after one year, the applicant shall appear before the city council for additional years or revocation of permit.
- 4) Owner to hire and maintain an armed, bonded, and licensed security officer from 7:00pm – 3:00am (overnight shift only).
- 5) Prohibited the sale of all types of drug paraphernalia (all types of pipes, bongs, foil papers, and clips).
- 6) Car wash shall not be used, rented, or leased as a hand car wash business. Structure shall be repaired within 6 months or the city will have cause for demolition.
- 7) The exterior of the building must be power washed two times a year (Spring and Fall).
- 8) Clear old vegetation and needs new plantings where it seems that some landscaped material might have been removed or destroyed.
- 9) Owner shall discontinue outdoor storage of wood and plastic pallets.
- 10) Overall, the site needs to be brought in compliance with the City's codes and regulations by repairing the cracked areas around parking areas, including the ramp.
- 11) The interior storage needs safe environments for workers and customers.

- 12) The placement of gaming machines not allowed in the store *Section 610.100 Gambling Devices – Use of Coin-Operated Devices for Gambling*.
- 13) Seal asphalt parking lot, red parking stripes shall be changed to yellow stripes after sealing.
- 14) No live entertainment in or outside of the building.
- 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 bus and rush hour).
- 17) 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.
- 18) An alarm system and panic button are required to be installed.
- 19) An after-hour contact must be included with the Camera Registration.
- 20) No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
- 21) Owner shall post permanent "No Loitering" and "No Loud Music" signs at entrance wall and at gas pumps.
- 22) Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
- 23) Owner shall comply with Ordinance 4373 and install and maintain a commercial trash enclosure with dumpster. Proper trash enclosure doors with suitable hinges should be connected for smooth operations. Permit required.
- 24) 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.
- 25) Signs are prohibited in the right-of-way. A sign permit is required for new signs. Banners, pennants, festoons, human signage, searchlights are prohibited. No banners, balloons, flags or festoons, snipe signs or directional signs in the city's public right-of-way. *Business signage shall be limited to no more than 10% of window space. This includes signs on the store and the car wash.* Or ten (10) square feet in area, whichever is the smaller of the dimension. The petitioner will be permitted one exterior wall mounted sign at the front wall of the business.
- 26) The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
- 27) All required inspections by the city are required before issuance of occupancy permit or business license.
- 28) 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.
- 29) In granting such special use permits, the City Council may provide that the permit be valid for a limited period of time for one (1) year. 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.
- 30) 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 approves is secured.
- 31) 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.

- 32) 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.
- 33) 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.
- 34) 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.

SECTION 3. The Department of Public Works shall be charged with responsibility for the enforcement of this Resolution and incorporated therein all necessary reports.


SECTION 4. This Resolution shall be in full force and effect from and after the date of its passage.


PASSED this 01st day of February 2021

ATTEST:



Mayor Babatunde Deinbo


 Deanna Jones, City Clerk


 Approved as to Form:
 Donnell Smith, City Attorney

Final Virtual Roll Call:

Councilwoman Mitchell	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Williams	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Hoskins	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Anthony	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input checked="" type="checkbox"/>
Councilman Hindeleh	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman-at-Large Greene	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Mayor Deinbo	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>