

## STAFF REPORT

CASE NUMBER: **23-07**

DATE: March 6, 2023

PETITIONER: Kimistry Victorious  
Kay's Korner  
130554 Mystic Bend Lane  
Black Jack, MO 63033  
(314) 369-6350  
[Kayskorner83@gmail.com](mailto:Kayskorner83@gmail.com)

PROPERTY OWNERS: Donna Peebles  
5276 Cheltenham  
Black Jack, MO 63033  
(314) 521-4404  
[Donnabelle68@gmail.com](mailto:Donnabelle68@gmail.com)

REQUEST: Revised Special Use Permit  
*Business Owner Name Change*

PROPERTY ADDRESS: 8351 Frost Avenue

CURRENT ZONING: "C-1" Local Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Candy & Convenience Store

PROPOSED USE: Candy & Convenience & Concession Store

RECOMMENDATIONS: Staff recommends referral to the Plan Commission



# REPORT TO CITY COUNCIL

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***NO TAXES DUE***

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

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

**DATE:** March 6, 2023

**SUBJECT:** **Case # 23-07** – A request for referral to the City Plan Commission for a Special Use Permit by Kimistry Victorious to operate the candy and convenience store known as *Kay's Korner* located at 8351 Frost Avenue, Berkeley, MO 63134.

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

## **RECOMMENDATION**

Staff recommends referral to the Plan Commission.

## **BACKGROUND**

The current zoning is "C-1" Local Commercial District. The locator # is 10J140072. Resolution #3553 is associated with this business. Business Owner legally changed her name and needs to revise the current Special Use Permit.

## **SUPPORTING DOCUMENTS**

- Staff Report
- Special Use Application
- Site Photographs

## **OPTIONS OF THE COUNCIL**

1. Recommend referral to the Plan Commission
2. Recommend denial of the applicant's request.

**Respectfully submitted,**

Site Photographs – 8351 Frost Avenue





## TYPE OF APPLICATION

(Please check all that apply)

**INITIAL FEE: \$350 (non-refundable)**

<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"/> 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): Kimistry Victorious

APPLICANT IS (check one): OWNER  AGENT  PURCHASER OF CONTRACT  TENANT

APPLICANT(S) ADDRESS: 13054 Mystic Bend Lane  
Street Black Jack MO 63033  
City State Zip

PHONE: (314) 369-6350 EMAIL: Kayskorner83@gmail.com

**LOCATION OF PROPOSED USE**

STREET ADDRESS: 8351 Frost Ave Berkeley, MO 63134

PROPERTY DESCRIPTION: \_\_\_\_\_

PRESENT ZONING DISTRICT: "C-1" Local Commercial District

PROPOSED ZONING DISTRICT (IF APPLICABLE): \_\_\_\_\_

PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: Candy + Convenience

PROPERTY TO BE USED FOR (TYPE OF BUSINESS): Candy + Convenience + Concession

DAYS & HOURS OF OPERATION ETC: Tuesday - Friday noon - 6pm Saturday noon - 5pm

PROPOSED NAME OF BUSINESS: Kay's Korner

APPROXIMATE SIZE OF TRACT: ACRES \_\_\_\_\_ SQ. FT. OF SPACE (UNDER ROOF) \_\_\_\_\_



**IF APPLICANT IS NOT OWNER:**

OWNER(S) NAME: Donna Peebles

OWNER(S) ADDRESS: 5276 Cheltenham

STREET Black Jack CITY MO ZIP 63033

PHONE: (314) 521-4404 EMAIL: dinnachelle68@gmail.com

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: *[Signature]*  
Applicant(s) 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: *[Signature]* Date: 2 / 23 / 23

Owner(s) Signature: Donna Peebles Date: 2 / 23 / 23

**OFFICE USE ONLY**

All items necessary for a technical review of the proposed special use permit plan have been submitted and constitute a COMPLETE APPLICATION.

Staff Signature: *[Signature]* - PW Date: 02 / 23 / 2023

Date Paid: 02 / 23 / 2023  Cash  Check  Money Order  Debit/Credit  
Receipt No: 57858 Case No: 23-07