



8425 Airport Road

Berkeley Missouri 63134-2098

(314) 524-3313

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, August 19, 2019 in the City Hall Council Chambers, located at 8425 Airport Road, Berkeley, Missouri 63134, for the purpose of considering the following proposition:

1. **Shall an amendment be granted for the Zoning Code, Chapter 400, Article II by changing the use of group homes for foster care and group homes for mentally or physically handicapped from a special use to a permitted use in the residential zoned districts?**
2. **Case #19-12: Shall a Special Use Permit be granted to Margery Blocker to operate Jody B's, a soul food restaurant located at 8017 Airport Road?**

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 – City Clerk, MPCC/MMC

If you are a person with a disability and have special needs, please notify the City Manager at (314) 524-3313, no later than 48 business hours prior to the meeting. The City will make reasonable accommodations upon your arrival at the meeting.

Posted: Thursday August 1, 2019 by 5:00 PM



STAFF REPORT

CASE NUMBER: **19-12**

DATE: August 12, 2019

PETITIONER: Margery Blocker
8017 Airport Rd
Berkeley MO 63134

PROPERTY OWNERS: MBR Airport Rd LLC (Dominoes)
201 North Main St
Suite 300
Saint Charles, Mo 63301

REQUEST: Application for a Special Use Permit to operate “Jody B’s”
a soul food restaurant

PROPERTY ADDRESS: 8017 Airport Road

CURRENT ZONING: “C-1” Local Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant

PROPOSED USE: Soul Food Restaurant

RECOMMENDATIONS: Staff recommends approval with conditions



REPORT TO CITY COUNCIL

NO TAXES DUE

PUBLIC HEARING

TO: The Honorable Mayor and Members of the City Council

FROM: Kimberly Smith-Drake, Economic Development Coordinator

THRU: Debra Irvin, City Manager

DATE: August 12, 2019

SUBJECT: Case #19-12 Request to grant a Special Use Permit (SUP) to operate “Jody B’s” a soul food restaurant, petitioner is Margery Blocker.

The Planning Commission heard the petitioner’s case on July 10, 2019, above, and present the following their findings:

RECOMMENDATION

Planning Commission recommends approval, with conditions as attached in this report.

BACKGROUND

The property that is the subject of this report is located at 8017 Airport Road and is identified by St. Louis County Locator Number 11J240526. The property is the location of an approximately 1,250 square foot, one-story, masonry building. The property is currently zoned C-1 and is located at the northwest quadrant of the Witsell and Airport Road intersection. The building was originally constructed in 1987, square feet 1,250.

The building and site are in good condition. The property is surrounded by a wooden sight-proof fence, which is in need of repair. There is little landscaping on the site although several grass areas are provided around the site with the largest located along the eastern flank of the site. No planter strip is provided on the Airport Road portion of the site (20’ minimum required) although several large trees are located along the fence line.

JUSTIFICATION

The subject property is currently zoned C-1 and is bordered by residential zoning uses to the north, west and south. The owners will need to address the planting areas surrounding the lot on Witsell and Airport Roads. Given that the requested use is for a restaurant (a use for which the building was constructed and previously used), in an existing building and on a developed site, minimal impact to the surrounding neighborhood is anticipated from the proposed use. This location is on the main corridor of the City and currently sits vacant. Occupying commercial properties with active businesses is a means to improving and stabilizing the character of the downtown area of the City and meeting the food needs of residents and visitors. Prior to issuance

of any Occupancy Permit site improvements and damaged portions of the structure will be required to be repaired.

ZONING CODE

This location is zoned C-1 Local Commercial District and in accordance with Special Use provisions through 400.130 D (2) Bars, taverns, restaurants and package liquor stores, are allowed.

LITTER

The applicant and its employees will regularly monitor the area immediately adjacent to the site to ensure that all trash is picked up. In addition, staff has included standard condition language requiring the applicant to pick up litter around the premises at least twice a day.

SUPPORTING DOCUMENTS

- Special Use Application
- St. Louis County Aerial View
- Site Photograph/Exterior

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 allows the property to be used in a manner consistent with its previous use and alleviates the vacancy of a stand-alone commercial building on the Airport Road corridor.

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 for August 12, 2019.

CONDITONS

The Commission shall consider the following conditions:

1. Hours of operation MON-FRI 9:00 am – 8:00pm, SAT-SU 10:00am-7:00pm
2. Carryout dining with indoor seating for waiting
3. No live entertainment on parking lot
4. No food consumed on parking lot
5. No loitering on the parking lot
6. No alcohol is to be consumed on the premises
7. Pick up litter around the premises at least twice a day
8. Deliveries, loading and unloading shall not occur between 7am-9am and 4pm -6pm
9. All site fencing, including the trash enclosure, shall be repaired or replaced. If total replacement of the wood perimeter site fencing is required all fencing shall be white vinyl.
10. The parking lot shall be restriped, weather permitting.

11. 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.
12. Exterior building and site conditions in need of repair as approved by the Building Commissioner.
13. Owner shall comply with Ordinance 4373 and install a commercial enclosure
14. Banners, flags, festoons must have city council approval
15. No snipe signs or directional signs in the Public Right of Way
16. Only 10% of windows space shall be used for window signage
17. 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.
18. 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.
19. 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.
20. Prior to issuance of a "new" Occupancy Inspection and Permit, the above noted conditions, the conditions as described in the attached Report, the inspections as part of the normal occupancy permit process shall be met, and as approved by the City Council.
21. 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.
22. 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.
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 the regulations and restrictions of this Chapter or the requirements of the special use permit.
24. The building needs to be totally inspected by the St. Louis County Health Department for compliance for this intended use.
25. The building will also be inspected by the City's Building and Fire Department for code compliance related inspections.

Respectfully Submitted,

Kimberly Smith-Drake

Real Estate Tax Amounts Due

This page shows all the real estate tax amounts that are due on the parcel described below. If no taxes are due then the last tax payment information is shown.

If you have any questions you can contact the [Collection Division](#) via phone or email. For contact information [click here](#).

No Taxes Are Due

Effective 7/5/2019.

Locator Number: 11J240526
Owner Name: M B R Airport Road L L C
Property Location: 8017 Airport Rd
Subdivision: Mcdonalds Addition To Berkeley Orchards
Block Number: 2
Lot Number:
School Sub Code: 111NE
Legal Description: Lot Pts 3 & 4
Assessed Value: \$20,200.00

Real Estate Taxes Paid:

| Locator Number - 11J240526 | | | | | | | |
|----------------------------|------------|----------|-----------|---------------|------------|-------------|------------|
| Tax Year | Tax | Interest | Penalties | Other Charges | Total Tax | Amount Paid | Date Paid |
| 2018 | \$1,890.99 | \$0.00 | \$0.00 | \$333.03 | \$2,224.02 | \$2,224.02 | 12/31/2018 |



TYPE OF APPLICATION

(Please check all that apply)

INITIAL FEE \$350

| | |
|--|---|
| <input type="checkbox"/> Preliminary (Plats) | <input checked="" type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Re-approval (Plats) | <input checked="" 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 |
| <input type="checkbox"/> Street Name | <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) NAME(S) Margery Blocher

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

APPLICANT(S) ADDRESS: STREET 2235 Hollis Dr.

CITY St. Louis STATE MO ZIP 63106 PHONE (314) 366-5621 E-MAIL blocher.margery@gmail.com

LOCATION OF PROPOSED USE

STREET ADDRESS, PROPERTY DESCRIPTION: 8017 Airport Pk
Berkeley, MO 63134

PRESENT ZONING DISTRICT: C1 PROPOSED ZONING DISTRICT (If applicable) _____

THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: Nothing

THE PROPERTY IS TO USE IT FOR: (Type of Business) Soul Food Restaurant

(Days & Hours of operation etc.) M-F 9am-8pm Sat-Sun 10am-6pm

PROPOSED NAME OF BUSINESS: Jody B's

APPROXIMATE SIZE OF TRACT: _____ ACRES _____ SQ FT OF SPACE 1250

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: Mark B. Botterman

ADDRESS: STREET: 201 North Main St. CITY St. Charles

STATE: MO ZIP: 63301 PHONE: _____ E-MAIL: _____

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: Patricia Chergoff SIGNATURE Mark Botterman

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 Margery Blocher OWNER(S) SIGNATURE _____

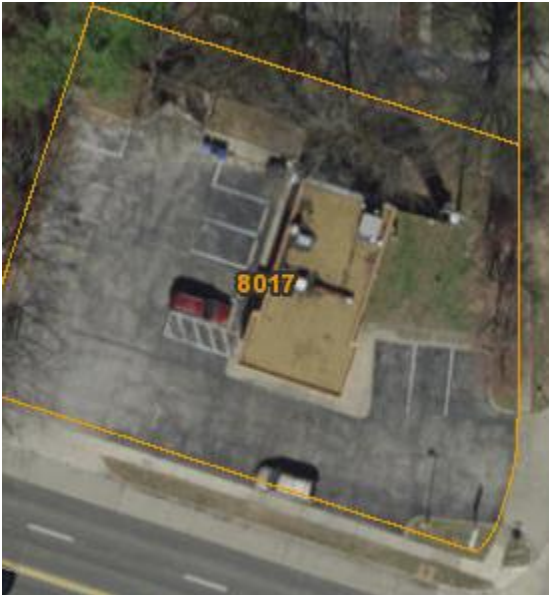
DATE 6-10-19 DATE _____

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 6/10/19 Cash Check Money Order Debit/Credit RECEIPT NO: 36703 CASE NO: _____

Exhibit “A” – Aerial & Site Photos

8017 Airport Rd



JODY B'S MENU

BREAKFAST

\$3.25 BREAKFAST SANDWICH(texas toast or English muffin)

- SAUSAGE, EGG, CHEESE
- BACON, EGG, CHEESE
- EGG WHITE, CHEESE, ONION

| | | | |
|----------------|--------|------------------------|----------------------|
| BISCUITS/GRAVY | \$2.50 | COFFEE | S 1.00 M 1.50 L 1.85 |
| BACON | \$1.50 | JUICE: APPLE or ORANGE | 2.00 |
| SAUSAGE | \$1.50 | MILK | 1.50 |
| EGGS (2) | \$1.50 | | |
| HASBROWNS | \$1.50 | | |



SIDES: A La Carte
\$2.00

CANDIED YAMS
CABBAGE
COLLARD GREENS
CORN
GREEN BEANS
MACARONI & CHEESE
MASHED POTATOES
PINTO BEANS
BLACK EYED PEAS
RICE/GRAVY
FRENCH FRIES

\$10 MEAL COMBO: 1 meat, 2 sides, choice of bread or combread

- FRIED CHICKEN: all white meat x\$1.00
- BAKED CHICKEN: leg/thigh or breast/wing
- SMOTHERED CHICKEN
- FRIED OR SMOTHERED PORK CHOP
- SMOTHERED ROUND STEAK
- FRIED or BAKED FISH: catfish, jack, tilapia
- MEATLOAF
- BAKED HAM

\$6.00 SANDWICH

COMBO: sandwich/fries
MONSTER BURGER 1/4 lb: cheese, lettuce, onion pickles, tomato, onion
MONSTER DOUBLE BURGER: cheese, lettuce, onion pickles, tomato, onion

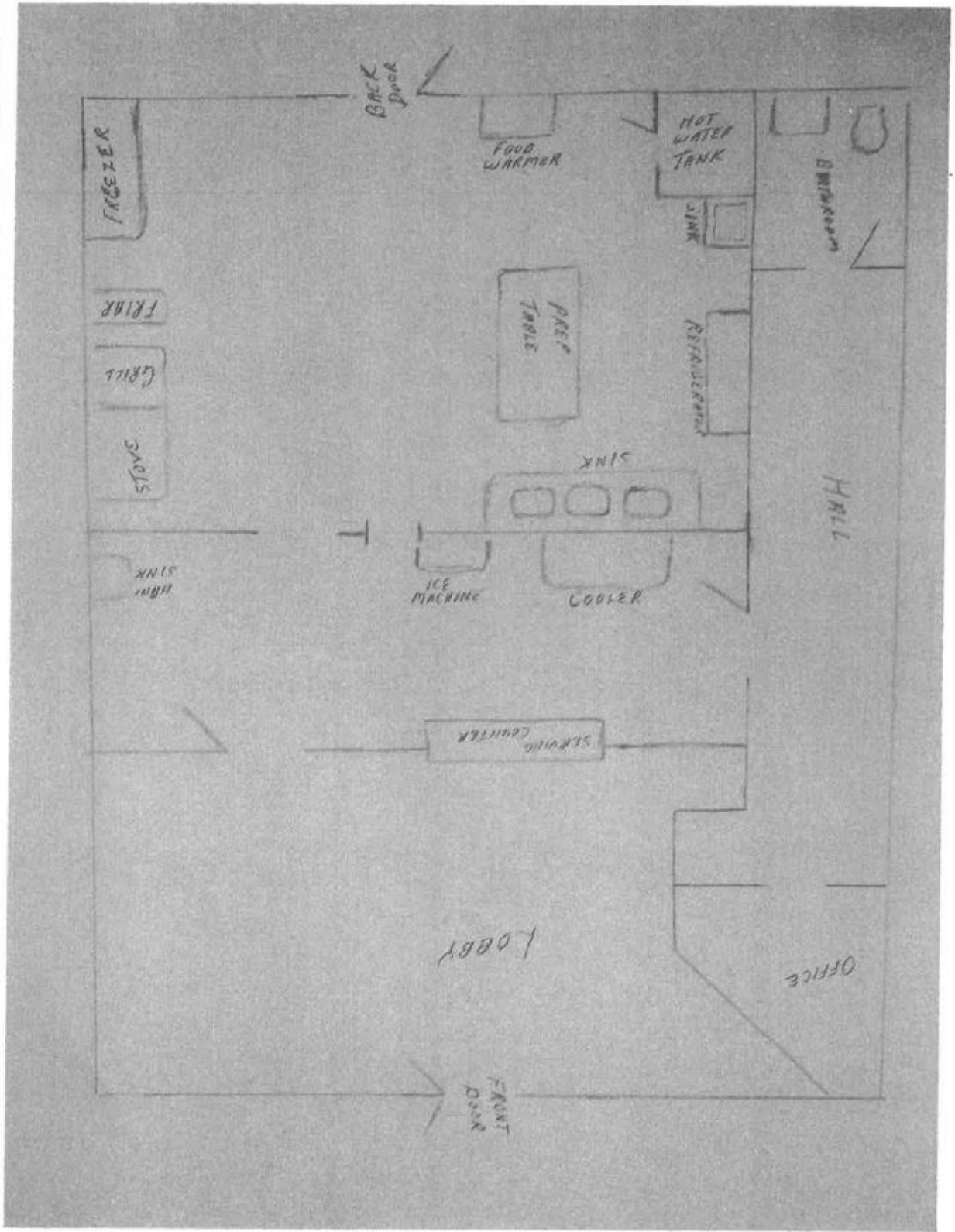
CRISPY CHICKEN:

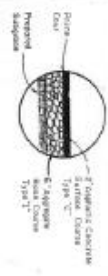
DESSERTS \$2.00

CAKES: Lemon, Caramel, Chocolate

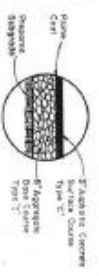
PIES: Sweet Potato, Apple, Cheesecake

COOKIES (3): Chocolate Chip, Oatmeal Raisin, Peanut Butter





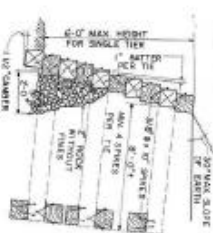
1 ASPHALT PAVEMENT
(PARKING LOTS)



2 ASPHALT PAVEMENT
(DRIVES)



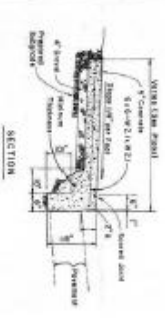
3 CONCRETE BARRIER CURB



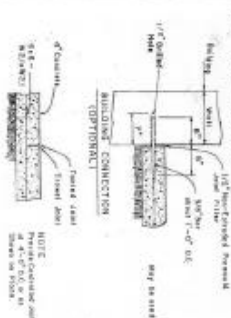
SINGLE WALL



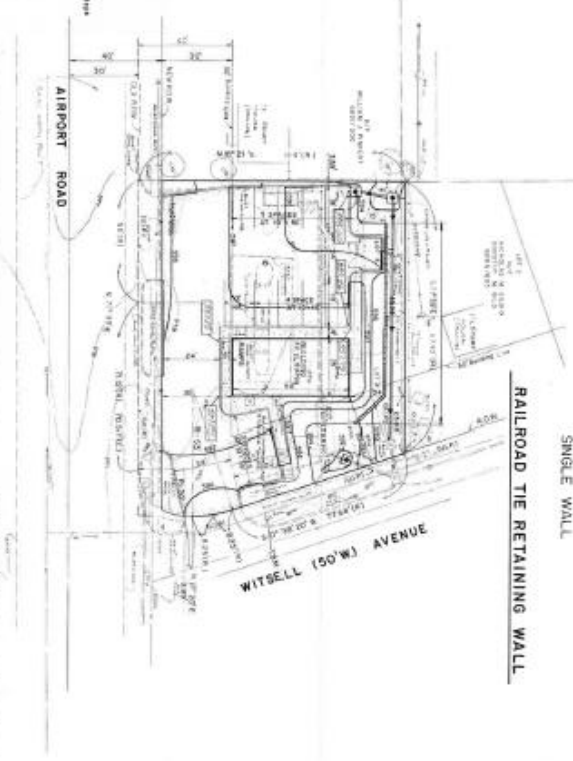
DOUBLE WALL SECTION



4 COMBINATION SIDEWALK AND BARRIER CURB



5 CONCRETE SIDEWALK JOINTS



SITE PLAN

- GENERAL NOTES:**
1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY AND COUNTY ORDINANCES.
 2. THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY AND COUNTY ORDINANCES.
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SITE & GRADING PLAN

