



REPORT TO CITY COUNCIL

NO TAXES ARE DUE

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 # 19-15:** A request for a Special Use Permit to George Smith of Asset Towing and Recovery for the operation of a tow and storage operation at the location of 8533 Wabash Avenue, Unit B, in the City of Berkeley, St. Louis County, Missouri.

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

RECOMMENDATION

Staff recommends referral from City Council to the Planning Commission for review and consideration of the Special Use Permit request of George Smith of Asset Towing and Recovery for the operation of a tow and storage operation at the location of 8533 Wabash Avenue, in the City of Berkeley, St. Louis County, Missouri.

BACKGROUND

The property that is the subject of this report is located at 8533 Wabash Avenue and is identified by St. Louis County Locator Number 11J2411553. The property has been vacant since 2009.

Property was recently purchased and is under the new ownership of Robert Brake, owner of Brake Landscaping & Lawncare, Inc at 3514 Gratiot Street in St. Louis, MO.

The property is the location of a previous automobile wholesaler and storage yard. The applicant is applying for operations of Unit B of the lot to utilize the property in the same manner as previous tenants.

The lot and fencing are in improved condition as many site repairs have been made under the new ownership. Repairs to the property have been underway since May 30, 2019, a fence permit is on file with the City's Public Works Department. All work currently continues. Just north of the property is railroad property. The northern and eastern portion of the site is the location of several grass yard areas. The eastern most yard area contains several large trees and is identified as an easement.

JUSTIFICATION

The requested use is permitted under the Special Use Permit code for the M-1 Industrial District zone.

SUPPORTING DOCUMENTS

- Staff Report
- SUP Application

- Aerial & Site photos (Exhibit A & B)
- Site Map (Exhibit C)
- Purchaser's Statement (Exhibit D)

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 how the property has been used in the past.

Respectfully submitted,

STAFF REPORT

CASE NUMBER: 19-15

DATE: August 12, 2019

PETITIONER: George Smith
Asset Towing & Recovery, LLC
7314 Hazelwood Avenue
Hazelwood, MO 63042

PROPERTY OWNERS: R. Brake dba 4801 Oleatha, LLC
3514 Gratiot Street
St. Louis, MO 63103

REQUEST: Special Use Permit for George Smith, Asset Towing & Recovery LLC

PROPERTY ADDRESS: 8533 Wabash Ave, Unit B, Berkeley, MO

SIZE: Total Site 1.22 acres

CURRENT ZONING: "M-1" Industrial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant (previously auto repair and storage)

PROPOSED USE: Tow & Storage

RECOMMENDATIONS: Staff recommends referral to Planning Commission

SITE DESIGN REQUIREMENTS:

Section 400.160 I. Site Design Requirements.

1. All roads, parking and loading areas and walks shall be paved with asphalt or concrete in accordance with City specifications on file in the office of the Director of Public Works. All roads, parking and loading areas shall have concrete curbs and gutters.
2. Any part of the lot area not used for buildings or other structures, or for parking, loading or accessways shall be landscaped with grass, ground covers, trees, shrubs and pedestrian walks.
3. When the rear or side yard of a business or industrial use lot abuts any residential zone or a residential lot situated in a business use zone, a twenty-five (25) foot landscaped buffer area shall

be established and maintained along all rear and side property lines. The buffer area shall contain evergreen plant material, as specified by the Director of Public Works, with a minimum height of eight (8) feet, planted on six (6) foot centers. A chain link fence six (6) feet in height with wood privacy slats shall be provided and maintained along the rear and side property lines, unless otherwise specified by the Director of Public Works.

4. A planting strip of twenty (20) feet shall be established and maintained within the required front yard. A minimum ratio of one (1), three (3) inch caliper shade tree or three (3), two (2) inch caliper grouped ornamentals, as specified by the Director of Public Works, shall be planted within the twenty (20) foot wide planting strip for each fifty (50) feet of linear front footage, e.g., one (1) — fifty (50) foot: one (1) large three (3) inch caliper shade tree or three (3) two (2) inch caliper ornamentals; fifty (50) — one hundred (100): two (2) large, three (3) inch caliper shade trees or six (6), two (2) inch caliper ornamentals. These standards are minimum requirements. Additional understory shrubs or groundcover material is encouraged.

5. A ratio of one (1), two (2) inch caliper tree for every ten (10) parking spaces shall be required. Twenty-five percent (25%) of the total plantings shall be of the large shade tree category, as specified by the Director of Public Works.

6. Foundation plantings shall be planted and maintained along all exterior walls of all buildings at the ratio of one (1) twenty-four (24) inch evergreen shrub for every ten (10) lineal feet of exterior wall.

7. Where possible, existing plant material should be preserved, and may serve in lieu of required planting.

8. An access road for fire equipment and/or other emergency vehicles shall be provided around all buildings and/or structures.

FENCE REQUIREMENTS:

J. Fence Requirements — In Side And Rear Yards. Any area used for the outdoor storage or display of materials, equipment or vehicles which adjoins property in a residential district shall be effectively screened by a sight-proof fence having a minimum height of five (5) feet and a maximum height of eight (8) feet located no closer than ten (10) feet from said property line. The setback shall be adequately landscaped as approved on a plan by the City of Berkeley Plan Commission. When requested by the property owner, the Plan Commission may approve the use of topographic features, landscaping or walls in lieu of fencing, where such alternates will achieve a comparable effect.

All other boundary walls or fences six (6) feet in height or less, or up to eight (8) feet in height with permission of the Fence Review Committee are permitted within the minimum side and rear yard setbacks.

K. Performance Standards. Light Industrial uses are subject to the following performance standards.

1. Vibration. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
2. Noise. Every use shall be so operated that the maximum volume of sound or noise generated does not exceed fifty-five (55) 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.
3. Odor. Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the lot line of the lot on which the use is located.
4. Smoke. Every use shall be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.
5. Toxic gases. Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.
6. Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five hundredths (0.85) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-tenths (0.5) pounds per one thousand (1,000) pounds of gases shall be of such size as to be retained on a three hundred twenty-five (325) mesh U.S. Standard Sieve. In the case of emission of fly ash or dust from a stationary furnace or combustion device, these standards shall apply to a condition of fifty percent (50%) excess air on the stack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty percent (50%).
7. Glare and heat. Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line.
8. Air pollution. Every form of objectionable odors, smoke, toxic gases, particulate matter such as dirt, dust, fly ash, must be restricted to specific low levels of emissions as set forth in Ordinance No. 3347 of St. Louis County titled Air Pollution Control Code, Chapter 612.
9. Radiation. Every amount of radioactive emissions must be restricted to that considered safe by the Federal Radiation Council Standards.

REQUESTED ACTION

Recommend to the City Council that a Special Use Permit be issued to George Smith to operate a Tow and Storage operation at 8533 Wabash Avenue, Unit B, subject to the conditions as noted below.

- a. Owner must show proof of registration with the State of Missouri as a business with a charter number and the ability to be licensed in the City of Berkeley.
- b. No Towing or operations of any kind shall be conducted before 8am or after 10pm.
- c. The total storage lot needs to be rebuilt with concrete base with an asphalt overlay. Plan to be approved by the Director of Public Works
- d. Sidewalk slabs for the business customers need to be repaired.
- e. Properly defined curb cuts *need* to be provided along Wabash Ave for these two existing gates, leading to the storage areas from the City Street
- f. Complete the repair/replacement of existing fence, gates, railings, slats etc. at the rear

of the lot at Unit A (Fence Permit Required)

- g. The front parking facilities for customers need to be stripped for parking and spaces allocated and marked to meet ADA regulations are required.
- h. All landscaped areas should be properly maintained. No overgrowth will be allowed around the fence line.
- i. The vegetation along the railroad tracks, but located on this site need to be properly shaped. Similar is the case for plants along Evergreen side of this parcel
- j. The storage of cars or pickup trucks will be allowed for sale (in person or internet)
- k. Only minor repairs can be performed. No engine/transmission overhaul or replacements will be allowed.
- l. No body work permitted at this site
- m. No outside storage of vehicle parts or wrecked vehicles of any type will be allowed
- n. No sale of any vehicle parts allowed
- o. No derelict vehicle or operating vehicle will be left on the City Street during evening or overnight hours
- p. All trash storage will be behind the fenced areas
- q. City Commercial Inspection Required, total building needs to be brought to the City's codes and regulations prior to occupying the same.
- r. The city staff will provide appropriate inspections for the interior of the buildings as well as entire site, as part of the normal occupancy permit process.
- s. Fire Department Inspection is required
- t. Occupancy is only allowed when the site and building is approved in accordance with the City's zoning/land use codes after the repairs are completed.
- u. A business license will be issued by the City
- v. Sign permit must be applied for prior to the installation of a building sign
- w. Freestanding Pole sign is not permitted
- x. Snipe Signs or Banners are not permitted
- y. This Special Use Permit will be null and void if for any reason the permittee ceases operation and closes its doors to the public for a period of six (6) months or more.
- z. Lot to be kept free and clear of any debris or trash at all times during operation of this business.
- aa. This Special Use Permit shall not be assigned, nor sold, nor conveyed, nor operated by another without prior approval by the council and no Occupancy Permit, Building Permit or Business license shall be issued
- bb. 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 the holder may request a review and the City Council may extend it for another limited period of time not to exceed ten (10) years.

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 8/12/2019.

Locator Number: 11J411553
Owner Name: Toghiyany Oscar Etal
Property Location: 8533 Wabash Ave
Subdivision: Kinloch Park
Block Number: 2
Lot Number:
School Sub Code: 111NE
Legal Description: Lots 14 Thru 31
Assessed Value: \$62,720.00

Real Estate Taxes Paid:

Locator Number - 11J411553							
Tax Year	Tax	Interest	Penalties	Other Charges	Total Tax	Amount Paid	Date Paid
2018	\$3,901.66	\$85.45	\$79.59	\$714.90	\$4,781.60	\$4,781.60	4/9/2019

EXHIBIT A

Aerial Photo: 8533 Wabash Avenue, Lot B

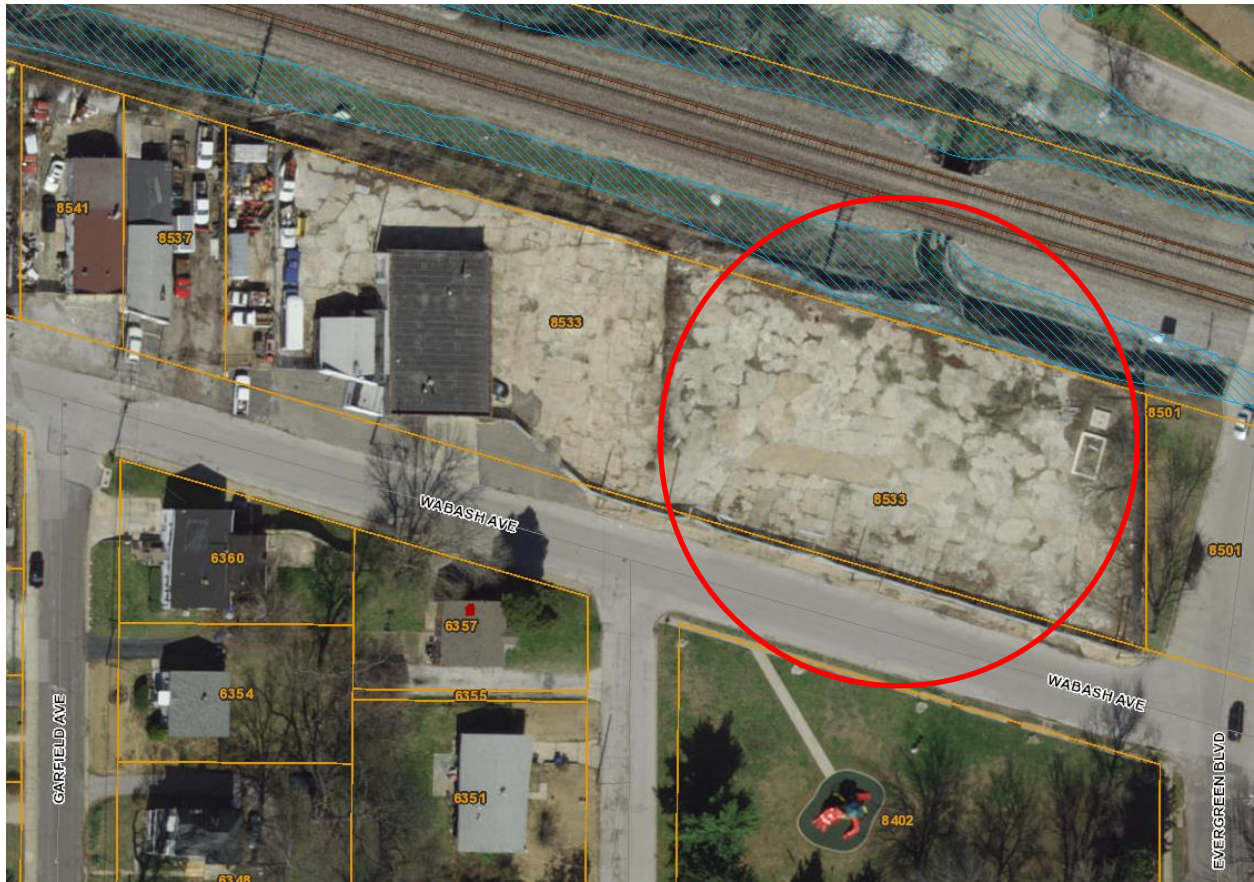


EXHIBIT B



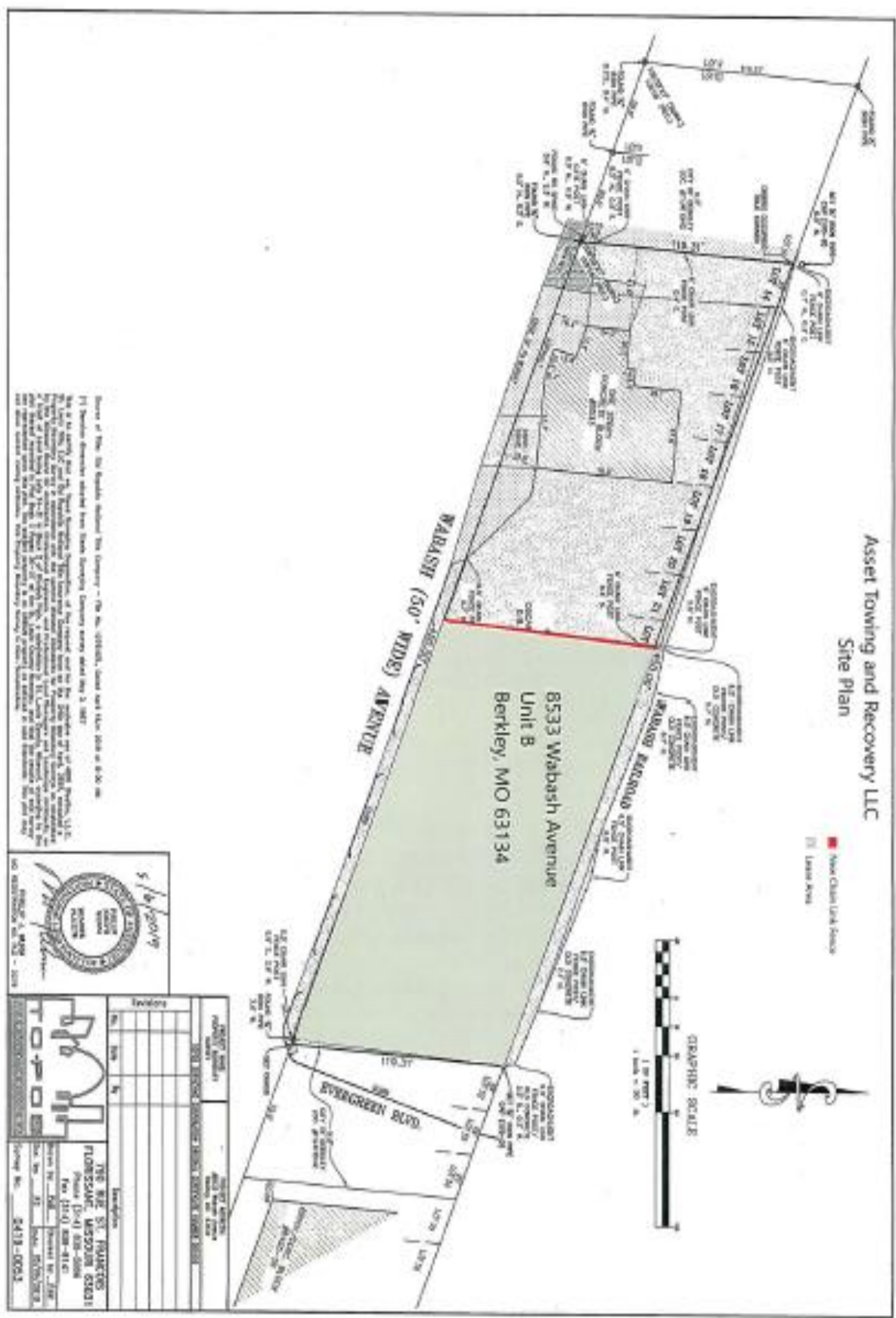


Front of Lot at 8533 Wabash Avenue Unit B





East side of Lot B at Evergreen



COPY

PURCHASER'S STATEMENT

Closing Date: June 3, 2019

File No: 12761STL

Seller: Oscar Toghivany
578 Autumn Oaks
Ellisville, MO 63021

Buyer: 4801 Oleatha, L.L.C.
4801 Oleatha Avenue
St. Louis, MO 63116

Mike Sandri

Lender: Cash

Property: 8533 Wabash Ave., St. Louis, MO 63134

Purchase Price **\$142,000.00**

Plus: Charges

Settlement/Closing Fee to St. Louis Title, LLC	\$350.00
Owner's Title Insurance to St. Louis Title, LLC	\$442.00
Closing Protection Letter fee to Old Republic CPLs	\$25.00
Recording Fees- GW Deed to St. Louis Title, LLC	\$34.00
Survey- Invoice # 0419-0053 to Topos Surveying Corp.	\$1,900.00

Total Charges	\$2,751.00
Gross Amount Due By Purchaser	\$144,751.00

Less: Credits

Tax Prorations (\$4,781/yr.)	From 1/1/2019 thru 6/3/2019	\$2,017.19
Earnest Money		\$5,000.00

Total Credits	\$7,017.19
Balance Due by Purchaser	<u>\$137,733.81</u>

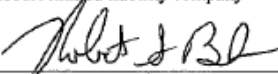
GFNo: 12761STL

St. Louis Title, LLC

By 
Alison Larkin

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4801 Oleatha, L.L.C.,
a Missouri limited liability company

By: 
Robert Brake, Sole Member and Manager