



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 virtual public hearing will be held at 1:00 pm on Monday, July 19, 2021 via the Zoom platform, for the purpose of considering the following proposition:

1. **Case #21-03: Shall a Special Use Permit be granted to George Smith to operate a towing and storage of vehicles at 8533 Wabash Ave, Berkeley, MO?**
2. **Case #21-06: Shall a Special Use Permit be granted to John & Pamela Dillon to operate a church and ministry services at 6301 Garfield 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: 853 9772 5603  
Pass code: 779702

Posted: Wednesday, June 23, 2021 by 12:00 PM

## **STAFF REPORT**

CASE NUMBER: **21-03**

DATE: June 15, 2021

PETITIONER: George Smith  
Asset Towing and Recovery  
7134 Hazelwood Ave  
Hazelwood MO 63134

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

REQUEST: Special Use Permit

PROPERTY ADDRESS: 8533 Wabash Ave, Berkeley, MO

SIZE: Total Site 1.22 ac., Bldg. 4,200 Sq. Ft.

CURRENT ZONING: "M-1" Industrial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant (previously auto repair and storage)

PROPOSED USE: Towing, Vehicle Storage

RECOMMENDATIONS: Plan Commission recommends approval to the City Council



## REPORT TO CITY COUNCIL

**TO:** Members of the City Council

**FROM:** Debra Irvin, City Manager

**DATE:** June 15, 2021

**SUBJECT:** **Case # 21-03:** Shall a request for a Special Use Permit to George Smith of Asset Towing for the operation of a towing, storage of vehicles at the location of 8533 Wabash Avenue, in the City of Berkeley, St. Louis County, Missouri.

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

### **BACKGROUND**

The case was heard before the City Plan Commission on June 15, 2021; where the owner, his attorney and applicant desired to make changes to the conditions set forth by the Plan Commission. The Plan Commission heard the items and revised the conditions as set forth in this report.

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 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 the lot to be utilized in like manner as a tow storage yard.

### **JUSTIFICATION**

The requested use is permitted under the Special Use Permit code for the M-1 Industrial District zone. the towing is a Special Use under Section 605.390, Licensing and Regulating the business of Tow Companies.

### **OPTIONS OF THE CITY COUNCIL**

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

### **SUMMARY AND DECISION**

The City Council members may modify or add any other conditions with the for this business use.

### **SUPPORTING DOCUMENTS**

- Staff Report
- SUP Application
- Aerial & Site photos
- Site Map
- Purchaser’s Statement

**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 the property within 185 feet of the site. This public hearing shall be published, posted and scheduled for the next available date as determined by the City Clerk.

**Respectfully submitted,**

## **PLAN COMMISSION RECOMMENDATIONS**

Recommend to the City Council that a Special Use Permit be issued to George Smith to operate Asset Towing at **8533 Wabash Avenue**, subject to the conditions as noted below

- a. Business Name – **Asset Towing and Recovery**
- b. Requested business hours and *towing hours to the lot*
  - a. Monday- Friday 8:00am – 9:00pm
  - b. Saturday – 8:00am -4:00pm
  - c. Sunday – 8:00am – 2:30pm
- c. The addresses of the company shall be visible from the public right-of-way. At least one illuminated, instructional sign shall be located at the main entrance to the site and containing the following information:
  1. Name of company;
  2. Address:
  3. Phone number; and
  4. Address of company office if not located on the subject site.
- d. Unit lettering “A” and “B” shall be removed from the building/fence façade
- d. Tow car storage. A tow car may not be parked or stored in a residential zone when it is not in use, but must be stored in a zone that permits automobile storage
- e. *Asset Towing is to provide roaming security to the business every hour when the facility is closed; and that the applicant secures a camera system approved by the city.*
- f. 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 St. Louis County and the City of Berkeley for towing operations.
- g. No vehicles shall be sold from this parcel. This Special Use Permit (SUP) does not cover or grant permission for new, used or pre-owned car sales (in-person or via internet)
- h. Owner is prohibited from holding public auto auctions at this location.
- i. *The parking lot needs to be milled down and asphalt overlay. Plans to be approved by the Department of Public Works.*
- j. *Parking lot shall be striped and numbered for stored cars parking spaces*
- k. The front parking facilities for *customers* need to be striped for parking and spaces allocated and marked to meet ADA regulations.
- l. No auto body work permitted at this site
- m. Camera System is required and meet the City Camera Registration Program
- n. Fence screening is required, prevent visibility from the street and pedestrians on the sidewalk
- o. Outside storage of vehicle parts or wrecked vehicles of any type is prohibited
- p. No sale of any vehicle parts allowed
- q. Vehicles left on Berkeley streets during evening or overnight hours will be towed by Berkeley Police Towing Contractor, at owner’s and/or customer’s expense.
- r. Sidewalk slabs for the business customers need to be repaired.
- s. 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
- t. Complete the repair/replacement of existing fence, gates, railings, slats etc. at the rear of the lot.
- u. All landscaped areas should be properly maintained. No overgrowth around the fence line.
- v. Clear the vegetation along Evergreen side of this parcel
- w. 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.
- x. The owner shall submit renovation plans to the Building Commissioner for approval

- y. Building and site conditions in need of repair shall be completed per the approval of the Building Commissioner.
- z. The interior will successfully complete inspection by City's Building and Fire Department prior to the issuance of a Commercial Occupancy permit and the opening of the business for operations.
- aa. Commercial occupancy and business license are required from the City of Berkeley
- bb. Section 400.160 (K)(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.
- cc. 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.
- dd. 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.
- ee. 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.
- ff. 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.
- gg. 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.
- hh. 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.

Respectfully Submitted,

## Real Estate Information

### Ownership, Legal and Assessments

8533 WABASH AVE, SAINT LOUIS, MO 63134

[Glossary](#) [Print Page](#)

Hide ↓

#### Commercial

##### Available Tax Years:

2021 ▾

##### Available Cards: ?

1 of 1

#### Assessment Information

[Property Information](#)

[Printable Version](#)

[Tax Information/Receipt](#)

[Tax History](#)

[Documents](#)



[Map/Aerial Photo](#)

#### 2021 Documents

No online documents were found for tax year 2021.

#### Ownership and Legal Information: 11J411553 - 2021

Locator No. ?	Tax Year	Tax District ?	City Code ? ?	Site Code ?	Destination Code ?
11J411553	2021	111NE	007	0203	
Owner's Name:		4801 OLEATHA L L C			
Taxing Address:		8533 WABASH AVE SAINT LOUIS, MO 63134			
Care-Of Name:					
Mailing Address:		3514 GRATIOT ST SAINT LOUIS, MO 63103			
Subdivision Book - Page:					
Assessor's Book - Page:		06 - 0051			
City Name: ?		BERKELEY			
Subdivision Name:		KINLOCH PARK			
Legal Description:		LOTS 14 THRU 31 <b>Important:</b> This is a brief legal description and is not meant for use in recorded legal documents.			
Lot Number:			Block Number:	2	
Lot Dimensions: ?		0450 / 0450 - 0119 / 0119		Total Acres:	
Tax Code - Description:		A - TAXABLE		Land Use Code: ? ?	641
Deed Document Number:		2020022000353		Deed Type: ? ?	WD
Deed Book and Page:		Book: 23932	Page: 1619	Trash District: ? ?	NOT APPLICABLE
Deed Index List:		View Deed Index Information Recorded With Locator Number 11J411553			
School District: ?		FERGUSON-FLORISSANT		County Council District: ?	1

Hide ↓

## Real Estate Tax History

This page shows the tax payment history for the real estate parcel described below. You may also print a tax history statement when a more official document is needed, such as for use at a title company.

[Print Tax History Statement](#) 

Effective 3/4/2021.

**Locator Number:** 11J411553  
**Owner Name:** 4801 Oleatha L L C  
**Property Location:** 8533 Wabash Ave  
**Subdivision:** Kinloch Park  
**Block Number:** 2  
**Lot Number:**  
**School Sub Code:** 111NE  
**Legal Description:** Lots 14 Thru 31

### Real Estate Tax History:

Tax Year	Owner's Name	Tax Code	Sewer Lateral Fee	Total Assessed Value	Amount Due	Amount Paid	Date Paid
2020	4801 Oleatha L L C	111NE	\$0.00	\$45,440.00	\$5,153.02	\$5,153.02	12/31/2020
2019	Toghiyany Oscar Etal	111NE	\$0.00	\$45,440.00	\$5,227.73	\$5,227.73	2/19/2020
2018	Toghiyany Oscar Etal	111NE	\$0.00	\$40,420.00	\$4,781.60	\$4,781.60	4/9/2019
2017	Toghiyany Oscar Etal	111NE	\$0.00	\$40,420.00	\$4,548.52	\$4,548.52	12/29/2017
2016	Toghiyany Oscar Etal	111NE	\$0.00	\$35,170.00	\$4,416.50	\$4,416.50	3/6/2017
2015	Toghiyany Oscar Etal	111NE	\$0.00	\$35,170.00	\$3,954.83	\$3,954.83	12/29/2015

#### Divisions:

- ▶ [Board Of Equalization](#)
- ▶ [Collection](#)
- ▶ [Licensing](#)
- ▶ [Recorder of Deeds](#)

- [Revenue Home](#)
- [Revenue Site Map](#)
- [Revenue Office Information](#)
- [Revenue Contact Us](#)
- [Property Value Appeals](#)
- [Real Property Tax Sale](#)
- [Post Third Sale Offerings](#)
- [Trustee Office](#)
- [County Assessor](#)

#### Collection Division

- [Pay Your Taxes Online](#)
- [Personal Property Information](#)
- [Real Estate Information](#)
- [Tax Rates Summary](#)
- [Your Tax Rates](#)
- [Subdivision Information](#)

#### How To

- [How can I pay my taxes?](#)
- [How can I get a personal property tax receipt?](#)
- [How can I get a real estate tax history statement?](#)

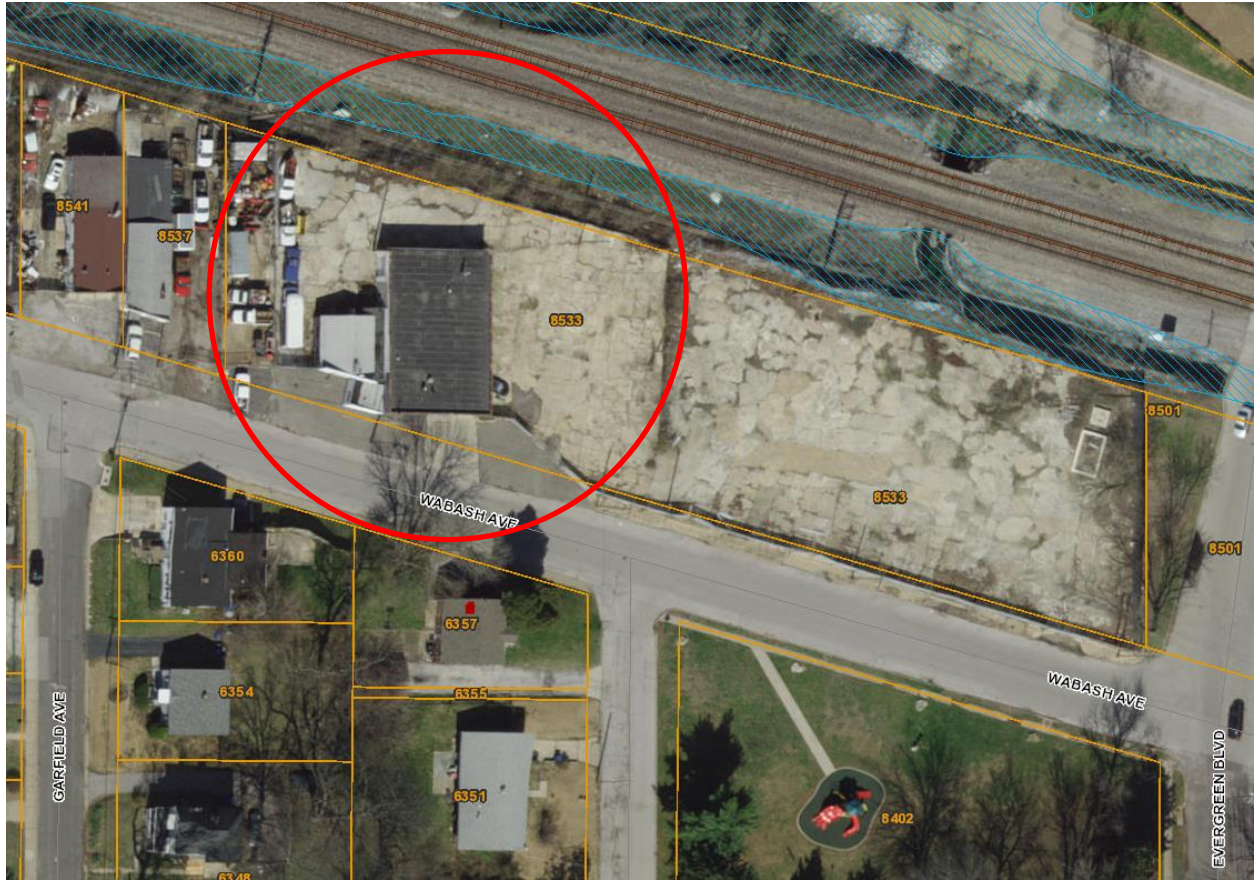
#### Forms

- [Address Change for](#)



## FILE PHOTO'S

Aerial Photo: 8533 Wabash Avenue







Front of Building at 8533 Wabash Avenue



Front of at 8533 Wabash Avenue

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** **\$137,733.81**

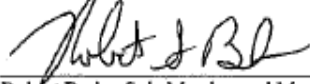
GFNo: 12761STL

Page 2

St. Louis Title, LLC

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

By   
Alison Larkin

By:   
Robert Brake, Sole Member and Manager