



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 virtual public hearing will be held at 1:00 pm on Monday, May 2, 2022 in the council chambers of 8425 Airport Rd, 63134 and via Zoom, for the purpose of considering the following proposition:

1. **Case #22-04: Shall a request for a Special Use Permit be granted to Edward Moore to continue the operations of an established barber shop located at 8237 Airport Rd, Berkeley, MO?**
2. **Case #22-06: Shall a request for a Special Use Permit be granted to Victoria Smith to continue the operations of an existing child care center located at 6100-6104 Madison, 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

Deanna L. Jones – City Clerk, MPCC/MMC

Zoom.us

Meeting ID: 889 5332 7912

Pass code: 798431

Posted: Thursday April 14, 2022



STAFF REPORT

CASE NUMBER: **22-06**

DATE: April 13, 2022

PETITIONER: Victoria Smith

PROPERTY OWNERS: Kenndis Joy
2 Hazelwood Lane
Hazelwood, MO 63042

REQUEST: Special Use Permit

PROPERTY ADDRESS: 6100-6104 Madison Avenue

SIZE: 4,590 square feet

CURRENT ZONING: "C-2" Local Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Daycare

PROPOSED USE: Youth Academy

RECOMMENDATIONS: Plan Commission recommends Approval with Conditions



REPORT TO CITY CITY COUNCIL

TO: Mayor and Members of the City Council

FROM: Col. Art Jackson, City Manager

DATE: April 13, 2022

SUBJECT: **Case # 22-06** – Shall a request from Victoria Smith, d/b/a “Kidz of Joy Development Center” for a Special Use Permit to continue the operations of an existing child care center at 6100-6104 Madison

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

PROPERTY LOCATION

6100-6104 Madison

RECOMMENDATION

Staff recommends referral to the Plan Commission for change of ownership.

SUPPORTING DOCUMENTS

- -Staff Report
- -Special Use Application
- -Site Photographs

PROCEDURE:

The Commission 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. If no date is specified, the term shall be one year.

OPTIONS OF THE COUNCIL

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

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.

1. Hours of Operation shall be 6am – 6pm, Monday through Friday.
2. Unless noted as a non-conforming condition or noted herein, building and site shall comply with all applicable health, safety, building and sign code standards as required by the City of Berkeley.
3. The building, lot, yard, and landscaped areas shall be maintained and kept free and clear of any debris or trash.
4. Prior to issuance of any Occupancy Permit the above noted conditions shall be met.
5. The owner/operator of this facility need to possess a current State of Missouri Certification. A copy of which should be provided to the city.
6. A sign permit is required. Banners, pennants, festoons, human sign, searchlights are *prohibited*. Business signage shall be limited to no more than
7. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
8. The exterior area shall be maintained and kept free and clear of any debris or trash or weeds.
9. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
10. 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.
11. 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.
12. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
13. All required inspections by the city are required before issuance of occupancy permit or business license will be issued.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.

**TYPE OF APPLICATION**

(Please check all that apply)

INITIAL FEE \$350

<input type="checkbox"/> Preliminary (Plats)	<input 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 checked="" 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) Victoria SmithAPPLICANT IS (CHECK ONE): OWNER ☐ AGENT ☐ PURCHASER OF CONTRACT ☐ TENANT ☒APPLICANT(S) ADDRESS: STREET 6100 Madison AveCITY St Louis STATE MO ZIP 63134**LOCATION OF PROPOSED USE**STREET ADDRESS: 6100 Madison AvePROPERTY DESCRIPTION: childcare - commercial store front building with 4 units. Only 6100-6104 are being used for the current building app.PRESENT ZONING DISTRICT: Berkeley Ward 4 PROPOSED ZONING DISTRICT (If applicable)THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: childcare centerTHE PROPERTY IS TO USE IT FOR: (Type of Business) childcare centerDAYS & HOURS OF OPERATION ETC. Monday - Friday 9am - 7pmPROPOSED NAME OF BUSINESS: Kids of Joy Development CenterAPPROXIMATE SIZE OF TRACT: ACRES _____ SQ FT OF SPACE (Under roof) 4000IF APPLICANT IS NOT OWNER: OWNER(S) NAME: Kenneth JoyADDRESS: STREET: 6108 Madison Ave CITY St LouisSTATE: MO ZIP: 63134

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER:

Kenneth Joy
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: Victoria SmithOWNER(S) SIGNATURE: Kenneth JoyDATE 3/14/2022DATE 3/14/2022On this date 3-14-22, all items necessary for a technical review of the proposed special use permit plan have been submitted andConstitute a COMPLETE APPLICATION. STAFF SIGNATURE: [Signature]DATE PAID 3-14-22X Cash ☐ Check ☐ Money Order ☐ Debit/Credit ☐RECEIPT NO: 52207CASE NO: 22-06

Site Photographs (File Photos) –

