



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 public hearing will be held at 7:00 pm on Monday, December 5, 2022 in the council chambers of 8425 Airport Rd, 63134 and via Zoom, for the purpose of considering the following proposition:

1. **Case #22-14:** Shall a request for a Special Use Permit be granted to Temona Williams & Arlanda Tyler for business ownership change to operate a restaurant located at 8239 Airport Rd, 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: 828 0794 4377

Pass code: 765298

Posted: Monday, November 21, 2022



## **STAFF REPORT**

**CASE NUMBER:**

**22-14**

**DATE:**

December 5, 2022

**PETITIONER:**

Temona Williams & Arlanda Taylor  
8239 Airport Road  
St. Louis, MO 63134

**PROPERTY OWNERS:**

Tom Kiely  
P.O. Box 210299  
St. Louis, MO 63121

**REQUEST:**

Special Use Permit

**PROPERTY ADDRESS:**

8239 Airport Road, Berkeley, MO 63134

**CURRENT ZONING:**

“C-1” Local Commercial District

**PROPOSED ZONING:**

Zoning to remain the same

**EXISTING USE:**

Restaurant

**PROPOSED USE:**

Restaurant

**RECOMMENDATIONS:**

Plan Commission recommends approval with conditions



# REPORT TO CITY COUNCIL

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## ***NO TAXES DUE***

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

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

**DATE:** December 5, 2022

**SUBJECT:** **Case No. 22-14** – Shall a request for a Special Use Permit business ownership change for Temona Williams & Arlanda Tyler to operate *Lady T’z Soulfood Kithcen*, a restaurant at 8239 Airport Road, Berkeley MO 63134.

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

### **PROPERTY LOCATION**

8239 Airport Road, Berkeley, Missouri 63134 (*St. Louis County locator #11J140893*). The space is approximately 1,008 square feet and 1.61 acres.

### **ZONING**

8239 Airport Road is zoned “C-1” Local Commercial District  
This use is allowed as a Special Use under *Section 400.130*.

### **PROJECT DESCRIPTION**

Petitioners Temona Williams and Arlanda Tyler seeking a Special Use Permit to open *Lady T’z Soulfood Kitchen* at 8932 Airport Road, Berkeley, MO 63134.

### **SECTION 400.370 ARCHITECTURAL AESTHETICS.**

No building shall be greatly dissimilar in architectural style, size, mass or color so as to appear grossly unattractive, and to have a negative impact on adjacent properties and the surrounding neighborhood.

### **RECOMMENDATION**

Plan Commission recommends approval of Special Use Permit.

### **SUPPORTING DOCUMENTS**

1. Application

**PROCEDURE:**

The Council 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**

1. Recommend approval of the Petitioner's request.
2. Recommend denial of the Petitioner's request.

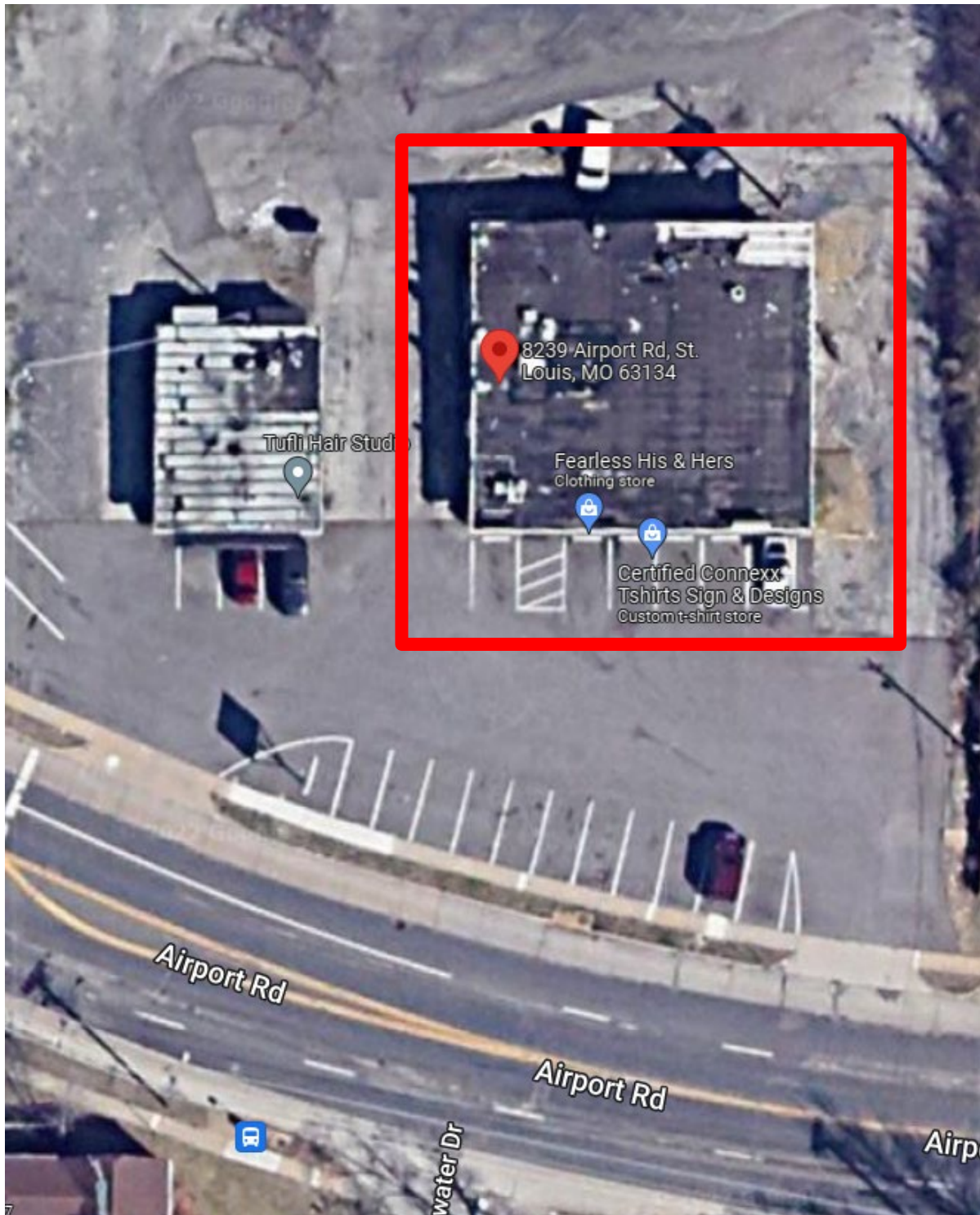
**Respectfully submitted,**

## **SPECIAL USE PERMIT CONDITIONS**

1. Business Name – ***Lady T’z Soulfood Kitchen***
2. Hours of operation: Tuesday through Sunday from 11:00 am – 7:00 pm.
3. Shall be for the purpose of carry-out food services
4. Liquor sales and/or consumption is prohibited under this Special Use Permit
5. Due to COVID-19, curbside delivery is permitted
6. Carryout food sales are permitted, however, no food shall be consumed on the parking lot
7. No parking lot dining
8. Signs are prohibited in the city’s right of way
9. Sign permit is required for new signs; banners, pennants, festoons, human sign, searchlights are prohibited.
10. No banners, balloons, flags or festoons in the city’s public right of way without the City Council Approval
11. No snipe signs or directional signs in the city’s public right of way
12. No human signs permitted directing patrons to the restaurant
13. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
14. Occupancy permit and Business License shall be posted at all times
15. No live entertainment in or outside of the building
16. Pick up litter around the premises at least two times a day
17. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (*school bus and rush hour*)
18. Security cameras shall always be installed at perimeter and interior of space and monitored by the business operator at all times; registration is required to be filed with Police Department.
19. An alarm system and panic button are required to be installed.
20. An after-hour contact must be included with the Camera Registration.
21. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
22. Install "*No Loitering*" and "*No Loud Music*" signs at entrance wall.
23. The exterior area shall be maintained and kept free and clear of any debris or trash or weeds.
24. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
25. 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.
26. 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.
27. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
28. All required inspections by the city are required before issuance of occupancy permit or business license.
29. The interior shall 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.

30. 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.
31. 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 approval is secured.
32. 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.
33. 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.
34. 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.
35. 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**

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|--|--|
| <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) Temona Williams Allanda TylerAPPLICANT IS (CHECK ONE): OWNER ☐ AGENT ☐ PURCHASER OF CONTRACT ☐ TENANT ☒APPLICANT(S) ADDRESS: STREET 8239 Airport RdCITY Berkeley STATE MO ZIP 63134 PHONE (314) 222-330 E-MAIL Lady T's Soul Food Kitchen**LOCATION OF PROPOSED USE**STREET ADDRESS: 8239 Airport RdPROPERTY DESCRIPTION: Commercial strip mallPRESENT ZONING DISTRICT: C-1 Local Comm PROPOSED ZONING DISTRICT (If applicable) \_\_\_\_\_THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: RestaurantTHE PROPERTY IS TO USE IT FOR: (Type of Business) RestaurantDAYS & HOURS OF OPERATION ETC. Tuesday - Sunday 11-7PROPOSED NAME OF BUSINESS: Lady T's Soul Food Kitchen

APPROXIMATE SIZE OF TRACT: ACRES \_\_\_\_\_ SQ FT OF SPACE (Under roof) \_\_\_\_\_

**IF APPLICANT IS NOT OWNER: OWNER(S) NAME:** Tom KirelyADDRESS: STREET: P0210294 CITY: St LouisSTATE: MO ZIP: 63121 PHONE: (314) 3651145 E-MAIL: TKLigw@data

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: \_\_\_\_\_

SIGNATURE Temona Williams

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 &amp; Zoning Commission. (All applicants and owners shall sign the application. Attach additional names and dates/signature/date pages as needed.)

APPLICANT(S) SIGNATURE Temona WilliamsOWNER(S) SIGNATURE Tom KirelyDATE 8-23-22DATE 8/23/22On this date 8-23-22, 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 8/23/22 X Cash ☐ Check ☐ Money Order ☐ Debit/Credit ☐ RECEIPT NO: 54569 CASE NO: 22-14

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