



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, January 23, 2023 in the council chambers of 8425 Airport Rd, 63134 and via Zoom, for the purpose of considering the following proposition:

1. **Case #22-17:** Shall a request for a Special Use Permit be granted to Urai Tongpan & Somsak Tongpan for business ownership change to operate a restaurant located at 9355 Natural Bridge, Berkeley, MO?
2. **Case #23-03:** Shall a request to revise the Special Use Permit be granted to Greenlight Dispensary Corporation, a medical marijuana dispensary, to include recreational marijuana, located at 4451 Brown 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

Deanna L. Jones – City Clerk, MPCC/MMC

Zoom.us

Meeting ID: 812 0152 1846

Pass code: 799028

Posted: Thursday, January 12, 2023



STAFF REPORT

CASE NUMBER: **22-17**

DATE: February 6, 2023

PETITIONER: Urai Tongpan & Somsak Tongpan

PROPERTY OWNERS: Mitesh Limbachia
9361 Natural Bridge Road
St. Louis, MO 63134

REQUEST: Special Use Permit/Business Owner Change

PROPERTY ADDRESS: 9355 Natural Bridge Road
Berkeley, MO 63134

CURRENT ZONING: "C-2" Local Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Restaurant

PROPOSED USE: Restaurant

RECOMMENDATIONS: Plan Commission recommends approval of Special Use Permit



REPORT TO CITY COUNCIL

NO TAXES DUE

TO: Mayor and Members of the City Council

FROM: Nathan Mai-Lombardo, City Manager

DATE: February 6, 2023

SUBJECT: **Case No. 22-17** – Shall a request for a Special Use Permit business owner change for Urai & Somsak Tongpan to operate *Young's Chinese Restaurant*, a restaurant located at 9355 Natural Bridge Road, Berkeley, MO 63134.

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

PROPERTY LOCATION

9355 Natural Bridge Road, Berkeley, Missouri 63134 (*St. Louis County locator #13K610225*).

ZONING

9355 Natural Bridge Road is zoned "C-2" General Commercial District.

This use is allowed as a Special Use under *Section 400.530*.

PROJECT DESCRIPTION

Petitioners Urai & Somsak Tongpan are seeking a Special Use Permit business owner change for *Young's Chinese Restaurant* located at 9361 Natural Bridge Road, Berkeley, Missouri 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
2. Site Plan
3. Floor Plan

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

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

PUBLIC NOTICE AND COMMENT

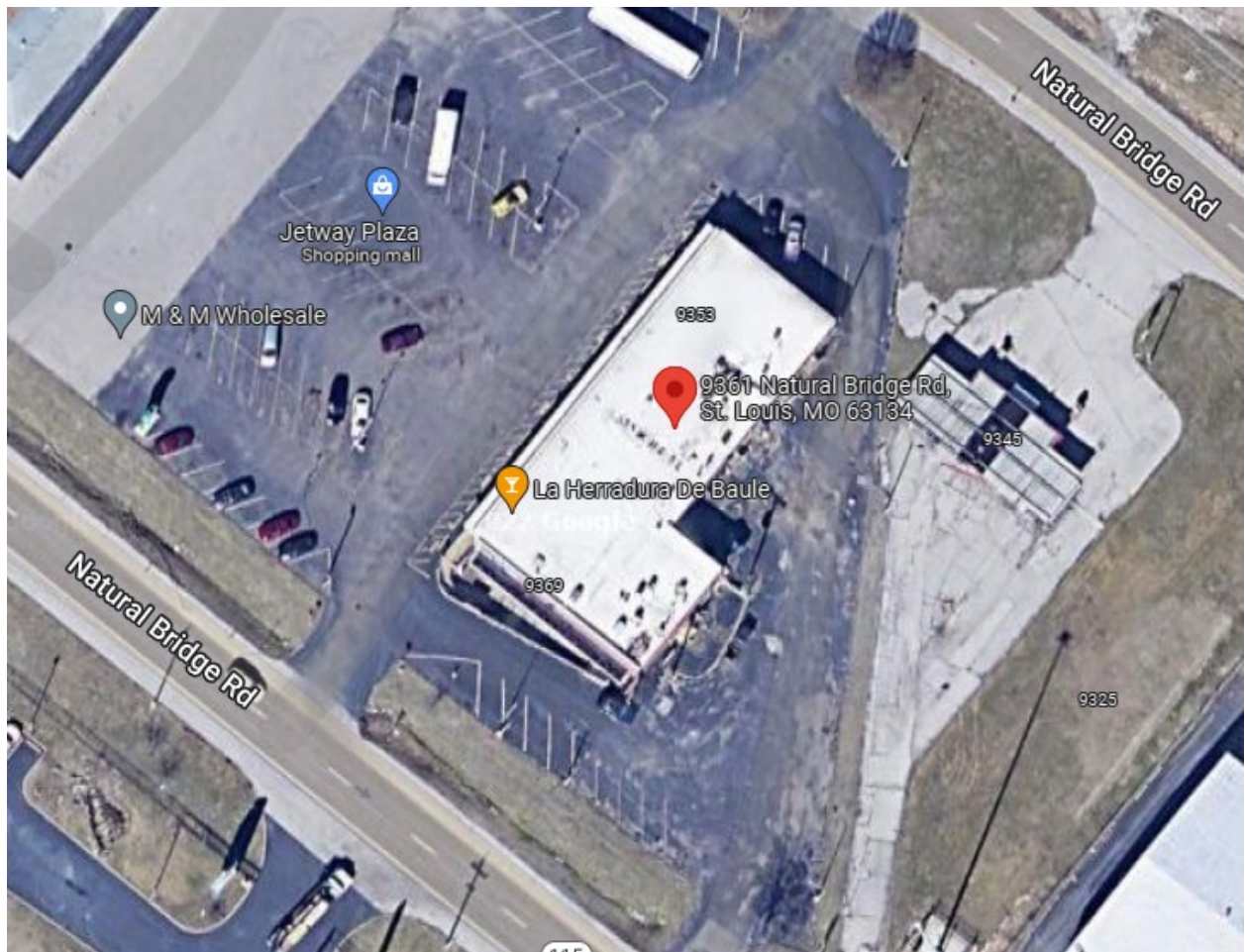
Public Hearing notification is applicable. Upon recommendation by City Plan Commission to City Council, notices shall be mailed to owners and occupants of property within 185 feet of the site. This public hearing shall be published, posted and scheduled fifteen calendar days after the Plan Commission meeting, and/or date specified by the City Clerk.

CONDITIONS OF SUP CONSIDERATION

1. Hours of operations shall be **Monday through Saturday from 11:00 am. - 9 00 p.m.**
2. No inside dining.
3. Liquor sales is prohibited under this Special Use Permit
4. Carryout food sales are permitted, however, no food shall be consumed on the parking lot
5. No parking lot dining
6. Curbside delivery is permitted under this special use permit
7. Cooking grease shall not be poured in sewer/catch basin or in rear of building
8. A grease trap container is required and shall be emptied bi-monthly
9. Sign permit is required for new signs
10. No banners, balloons, flags or festoons in right of way
11. No snipe signs or directional signs in the Public Right of Way along Natural Bridge
12. No human signs permitted directing patrons to the restaurant
13. Occupancy permit and business license shall be posted at all times
14. No live entertainment on parking lot
15. Pick up litter around the premises at least two times a day
16. 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.
17. 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.
18. An after-hour contact must be included with the Camera Registration.
19. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
20. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
21. 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.
22. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.

23. All required inspections by the city are required before issuance of occupancy permit or business license.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. The Owner/Operator understands each of the conditions set out herein and accepts and agrees to them.

Respectfully submitted,



**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 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) URAI TONGPAN / Somsak TONGPANAPPLICANT IS (CHECK ONE): OWNER ☐ AGENT ☐ PURCHASER OF CONTRACT ☐ TENANT ☒APPLICANT(S) ADDRESS: STREET 520 MONCEAU DRCITY ST LOUIS STATE MO ZIP 63135 PHONE 314-600-4315 E-MAIL tongpan88@gmail.com**LOCATION OF PROPOSED USE**STREET ADDRESS: 9365 NATURAL BRIDGE RD ST LOUIS, MO 63134

PROPERTY DESCRIPTION: _____

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

THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: _____

THE PROPERTY IS TO USE IT FOR: (Type of Business) RESTAURANT**DAYS & HOURS OF OPERATION ETC.**PROPOSED NAME OF BUSINESS: YOUNG'S CHINESE RESTAURANT

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

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: MITESH KIMBACHIAADDRESS: STREET: 9361 NATURAL BRIDGE CITY ST LOUISSTATE: MO ZIP: 63134 PHONE: (314) 421 9398 E-MAIL: 9718743@gmail.com

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: _____

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 [Signature] OWNER(S) SIGNATURE [Signature]DATE 07/14/2022DATE 07/14/22On this date 11-22-22, all items necessary for a technical review of the proposed special use permit plan have been submitted andConstitute a COMPLETE APPLICATION. STAFF SIGNATURE: [Signature] - PA SecretaryDATE PAID 11/22/22 Cash ☒ Check ☐ Money Order ☐ Debit/Credit ☐ RECEIPT NO: 516024 CASE NO: 22-1713K610225