



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, April 03, 2023 in the council chambers of 8425 Airport Rd, 63134 and via Zoom, for the purpose of considering the following proposition:

1. **Case #23-04:** Shall a request be granted from Satguru Sahib LLC for a Special Use Permit to continue operations of the existing Mobil Mart/Service Station Convenience Store located at 6800 North Hanley Rd, Berkeley MO 63134?

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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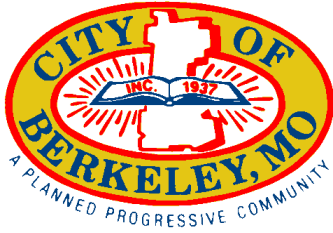
Deanna L. Jones – City Clerk, MPCC/MMC

Zoom.us

Meeting ID: 852 1528 3518

Pass code: 185266

Posted: Wednesday, March 8, 2023



## STAFF REPORT

**CASE NUMBER:** 23-04

**DATE:** January 11, 2023

**PETITIONER:** Satguru Sahib LLC

**PROPERTY OWNERS:** Guru Har Rai Sahib Jee LLC  
2345 DeLa Croix Ave  
St Charles MO 63301

**REQUEST:** Special Use Permit

**PROPERTY ADDRESS:** 6800 N. Hanley Road  
St. Louis, MO 63134

**CURRENT ZONING:** “C-2” General Commercial District

**PROPOSED ZONING:** Zoning to remain the same

**EXISTING USE:** Service Station and Convenience Store

**PROPOSED USE:** Same

**RECOMMENDATIONS:** Plan Commission recommends approval with conditions



# REPORT TO CITY COUNCIL

***NO TAXES DUE***

**TO:** The Members of the City Council

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

**DATE:** March 6, 2023

**SUBJECT:** **Case #23-04** – Shall a request from Satguru Sahib LLC for a Special Use Permit to continue operations of the existing Mobil Mart/Service Station Convenience Store located at 6800 North Hanley Road, Berkeley, MO 63134.

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

## **BACKGROUND**

The current zoning is C-2 General Commercial District.

The locator # is 10K340912 and the total acreage of this parcel is about 0.57 acres.

The area under roof is about thirty-eight hundred (3,800) square feet.

This use is located at the intersection of Frost Avenue and North Hanley Road, which is the intersection of two major streets in our community. This intersection is zoned for commercial activity, and three of the four corners at this intersection have commercial uses. The fourth corner is zoned commercial but it is the onramp for the interstate.

Surrounding land uses and zoning districts include the following:

To the north: “R-2”, Single Family Residential, *Residential Structure*

To the east: “R-2”, Single Family Residential, *Residential Structure*

To the south: “C-2”, General Commercial District, *A-1 Package Liquor*

To the west: “C-2”, General Commercial District, *QuikTrip*

***Note: Case 20-28 and Resolution #3567 is associated with this application. Applicants failed to meet the conditions of their Special Use Permit approved on February 1, 2021.***

## **RECOMMENDATION**

Plan Commission recommends approval, with certain conditions and regulations, for a Special Use Permit at existing Mobil Mart, 6800 North Hanley Road, in the City of Berkeley, St. Louis County, Missouri. The new owner shall continue operations of gas sales and convenience stores with liquor sales, cigarettes, money orders, lottery, cooked and package foods.

## **DESCRIPTION OF SITE AND SURROUDINGS**

The parcel was built around 2002 and is located at the north-east corner of Hanley Road and Frost Avenue intersection. This facility has a car wash, which does not seem to be in operations. This location is at the intersection of two major streets within the City of Berkeley, Frost Avenue and North Hanley Rd. This intersection for the most part is zoned commercial; the one corner that is not zoned commercial is the entrance ramp for I-170. Each of the other corners has a commercial business located on them. There is residential zoning adjacent to these commercial activities but these residential uses are screened from the commercial.

## **ZONING**

It is a C-2 zone, and this type of Service Station is allowed in **Section 400.140(D) (1) (13)** of the Municipal Code as *“Automotive services, including new car and vehicle dealerships, used motor vehicle sales, auto parts stores, filling stations, public garages, auto repair garages, towing and wrecking services, body shops, car washes, auto detailing shops and similar uses.”*

## **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.

## **SUPPORTING DOCUMENTS**

- Staff Report
- Special Use Application
- St. Louis County Aerial Property View

## **OPTIONS OF THE COUNCIL**

- Recommend approval of the applicant’s request.
- Recommend denial of the applicant’s request.

## **REQUESTED COUNCIL ACTION**

Recommend to the City Council that the Special Use Permit be issued Satguru Sahib LLC, for one year at 6800 North Hanley, Berkeley, MO 63134 in accordance with the City’s regulations.

## **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.

**CASE NO. 23-04: CONDITONS OF SPECIAL USE PERMIT (SUP) – 6800 N. HANLEY**

1. Establish 24-hour service.
2. This Special Use Permit shall be for one (1) year; after one year, the applicant shall appear before the city council for additional years or revocation of permit
3. The applicant reduces the square footage of the signs in the window to no greater than 10% which is the maximum allowed for such signs. This includes signs on the store and the car wash.
4. Owner to hire and maintain an armed, bonded, and licensed security officer from 5:00 pm – 2:00 am.
5. Prohibited the sale of all types of drug paraphernalia (all types of pipes, bongs, foil papers, and clips)
6. Owner shall post permanent “No Loitering” signs at entrance and at gas pumps
7. Owner shall post permanent “No Loud Music” signs at entrance and at gas pumps
8. Clear old vegetation and needs new plantings where it seems that some landscaped material might have been removed or destroyed.
9. Power washing of the sidewalk and parking lot to be done weekly and oil spills to be cleaned as need.
10. Power washing of the building exterior to be done once in the spring, summer, and fall.
11. Owner shall discontinue outdoor storage of wood and plastic pallets
12. Proper trash enclosure doors with suitable hinges should be connected for smooth operations.
13. Overall, the site needs to be brought in compliance with the City’s codes and regulations by repairing the cracked areas around parking areas, including the ramp.
14. The interior storage needs safe environments for workers and customers.
15. The placement of gaming machines not allowed in the store Section 610.100 Gambling Devices — Use of Coin-Operated Devices for Gambling.
16. Seal asphalt parking lot, red parking stripes shall be changed to yellow stripes after sealing
17. Signs are prohibited in the city’s right of way
18. Sign permit is required for new signs; banners, pennants, festoons, human sign, searchlights are prohibited.
19. No banners, balloons, flags or festoons in the city’s public right of way
20. No snipe signs or directional signs in the city’s public right of way
21. No human signs permitted directing patrons to the restaurant
22. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
23. Occupancy permit and Business License shall be posted at all times
24. No live entertainment in or outside of the building
25. Pick up litter around the premises at least two times a day
26. Deliveries, loading and unloading shall not occur between 6am-9am and 3pm -6pm (*school bus and rush hour*)
27. 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.
28. An alarm system and panic button are required to be installed.
29. An after-hour contact must be included with the Camera Registration.
30. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
31. Install "No Loitering" and "No Loud Music" signs at entrance wall.
32. The exterior area shall be maintained and kept free and clear of any debris or trash or weeks.
33. Buildings and site conditions in need of repair shall be repaired or replaced per the

approval of the Building Commissioner.

34. 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.
35. 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.
36. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
37. All required inspections by the city are required before issuance of occupancy permit or business license.
38. 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.
39. In granting such special use permits, the City Council may provide that the permit be valid for a limited period of time for one-year (1) year. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.