



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, May 01, 2023 in the council chambers of 8425 Airport Rd, 63134 and via Zoom, for the purpose of considering the following proposition:

1. **Case #23-07:** Shall a request be granted from Kimistry Victorious for a Special Use Permit to operate a Candy, Convenience, and Confection Store known as Kay's Korner, located at 8351 Frost Avenue, Berkeley MO 63134.?
2. **Case #23-08:** Shall a request be granted from Vencentia Barber and Donna Smith for a Special Use Permit to operate an Adult Day Care business known as Genuine Adult Daycare Service LLC, located at located at 8650 Frost Avenue, Berkeley MO 63134?
3. **Case #23-09:** Shall the City of Berkeley rezone an area along Airport and North Hanley Roads, and Madison Avenue, from C-1 "Local Commercial", C-2 "General Commercial", and R-3 "Single Family", to DT-1 "Downtown Core", and DT-2 "Airport Frontage"?

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: **830 0549 2632**

Pass code: **228925**

Posted: Monday, April 17, 2023

STAFF REPORT

CASE NUMBER: **23-08**

DATE: *May 1, 2023*

PETITIONER: Vencentia Barber and Donna Smith
8650 Frost
Berkeley, MO 63134
genuinehomevb@gmail.com
isdsisjr@gmail.com

PROPERTY OWNERS: Tom Kiely
PO Box 210299
St. Louis, MO 63121
tkliquordocor@gmail.com

REQUEST: Special Use Permit

PROPERTY ADDRESS: 8650 Frost Avenue

CURRENT ZONING: “C-1” Local Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Vacant

PROPOSED USE: Adult Daycare

RECOMMENDATIONS: Staff recommends referral to the Plan Commission



REPORT TO CITY COUNCIL

TO: Honorable Members of the City Plan Commission
THRU: Nathan Mai-Lombardo, City Manager
FROM: Elliot Liebson, Director of Planning and Development
DATE: April 12, 2023

SUBJECT: Case # 23-08

A request for referral to the City Plan Commission for a Special Use Permit by Vencentia Barber and Donna Smith to open an adult daycare business, Genuine Adult Daycare Service, LLC, located at 8650 Frost Avenue, Berkeley, MO 63134.

RECOMMENDATION

Staff recommends Approval of the Special User Permit, with conditions, for an adult day care facility at 8650 Frost Avenue, in the City of Berkeley, St. Louis County, Missouri.

BACKGROUND

The current zoning of property is C-1 Local Commercial District. The property to the south and east are zoned R-4 Multiple Family Residential; the properties to the north are zoned R-1 Residential, and to the west, C-1 Local Commercial. The proposed site is a part of a commercial plaza and the total acreage of the plaza is about 1.38 acres. This use is located on Frost Avenue just off North Hanley Road, which is a primary intersection in our community. This intersection is zoned for commercial activity. This space was formerly a laundromat that closed in 2019; the Applicants previously applied for a Special User Permit in March of 2020.

The Plan Commission reviewed this Case on April 12, 2023, and voted unanimously in favor of recommending approval.

DESCRIPTION OF USE

The proposed use is an adult day care facility, with hours of operation from 8am to 4 pm Monday through Friday.

STAFF ANALYSIS

Compliance with Special Use Permit Considerations:

Adult day care falls under the classification of a Special Use as listed in Section 400.130.D.7 of the Zoning Code.

Compliance with Zoning Regulations

In considering whether or not the application for a Special Use Permit should be granted, it shall be the duty of the Commission and the Council to give consideration to the effect of the requested use on the

health, safety, morals, and general welfare of the residents in the vicinity of the property in question and the residents of the City generally. In considering the Special Use, the Commission and the Council should consider the following criteria:

1. The compatibility with surrounding uses and compatibility with the surrounding neighborhood.

This is an existing retail use in a commercially zoned shopping plaza, that fills a need for surrounding residents.

2. The comparative site, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.

See above; this use is within an existing structure.

3. The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area.

Staff sees no impact from this use on the surrounding area from this use.

4. The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood, not in terms of the street's capacity to absorb the additional traffic, but rather in terms of any significant increase in hourly or daily traffic levels.

Frost Avenue is large enough to handle modest commercial traffic; we anticipate some increase in traffic, mostly morning and afternoon, but nothing significant .

5. The capacity of adjacent streets to handle increased traffic in terms of traffic volume.

See above; there will be only a small change in traffic volume.

6. The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood.

The noise level will not change.

7. In commercial districts, the negative impact on the economic viability of the commercial area of businesses with poor appearance due to type of goods or services offered; limited business hours or other evidence of limited use of building for commercial purposes; and interruption of the continuity of retail sales uses and walk-in customers in commercial areas predominately oriented to retail sales.

The Applicant will need to keep this store well maintained, as noted on the list of conditions.

8. The requirements for public services where the demands of the proposed use is in excess of the individual demand of adjacent land uses in terms of Police and fire protection, the presence of any potential or real fire hazards created by the proposed use.

There may be some increased calls to EMS on a sporadic basis given the intended use, but again, staff does not anticipate a large burden of new calls.

9. The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel, nor will the materials used in the construction of the proposed buildings of the special use be greatly dissimilar, or that the general architecture of the building stand out or create a visual problem within the neighborhood.

The neighborhood visual appearance will remain unchanged.

10. The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.

This will remain unchanged.

11. The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, openness of landscape versus the use of buffers and screens.

The use is not new, so there is no change in landscaping.

12. The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas, and service areas in terms of noise transfer, water runoff and heat generation.

This will not change.

14. The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant, or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.

The Applicant currently operates a home healthcare, so We are satisfied they can successfully operate this facility.

SUPPORTING DOCUMENTS

- Staff Report
- Special Use Application
- St. Louis County Aerial Property View
- Site Photograph
- Site 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 OF THE COUNCIL

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

REQUESTED COUNCIL ACTION(S)

Recommend to the Plan Commission **approval** of the transfer of Special Use Permit for Case #23-08, with conditions, for the owner of the adult day care proposed for 8650 Frost Avenue, Berkeley, MO 63134 in accordance with the City’s regulations.

The applicant will need to acquire all the necessary permits from the City of Berkeley and other jurisdictions, after obtaining City Council’s approval on this Special Use Permit.

SUMMARY AND DECISION

The Board members can modify or add any other conditions with their recommendations to the City Council for this project.

CONDITIONS OF APPROVAL

CONDITIONS – CASE NO. 23-08 (from case 20-03)

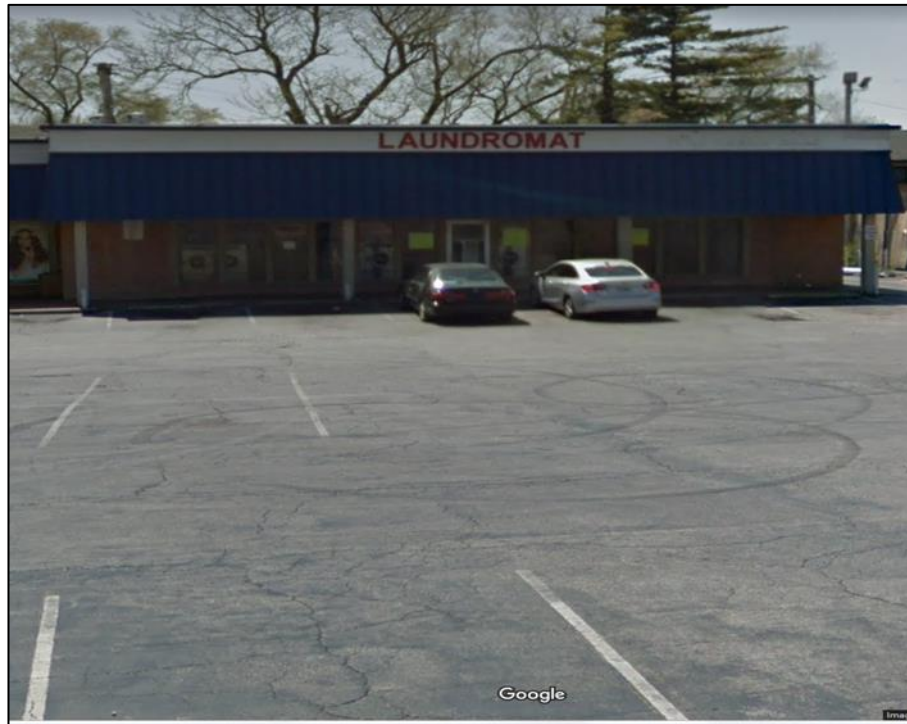
Requested Commission Action

Staff recommends approval with conditions, to Vencentia Barber and Donna Smith, to continue to operate an adult day care at **8650 Frost Ave**, with the following stipulations:

1. Hours of operation 8:00am – 4:00pm five, (5) days a week
2. 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.
3. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
4. Apply for commercial inspection from Public Works Department/Inspection Division, which shall include the fire inspection.
5. Overall the total site, total areas, building needs to be inspected by the City Staff for compliance with the City's current codes and regulations prior to occupying the same.
6. The interior will be thoroughly inspected by City's Building and Fire Department for compliance with adopted building codes.
7. Proper trash enclosure doors with suitable hinges should be connected for smooth operations.
8. Submission of final architectural drawings for the floor plan to the Building Department for review and approval by the Building Commissioner.
9. Outside storage of bins and empty boxes is not allowed on the property or in the trash enclosure by the City's Codes. All trash be stored behind the building line
10. This Special Use Permit will be revoked if for any reason the applicant ceases operations and not complying with the City's Special Use Permit.
11. This Special Use Permit shall not be assigned, or sold, or conveyed, without prior written approval from the City Council
12. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
13. A Berkeley Business license is required
14. 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.
- 15. *Applicants must still receive State approval.***
- 16. *All staff will be properly screened through the Family Care Register Safety Checks.***
17. State License required for elderly care – shall be posted at all times.

The Board members can modify or add any other conditions with their recommendations to the City Council for this project.

8650 Frost Rd



Aerial Photo with parcel lines

