



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, November 20, 2023 in the council chambers of the City Council at 8425 Airport Road, and by way of Zoom, for the purpose of considering the following propositions:

1. **Case #23-22:** Shall a Lot Consolidation of all the lots in blocks 1, 2, & 3 of Brownleigh Subdivision plat (pb 41, pg. 45); all of the lots in block 1 of the amended plat of part of block 1 of Brownleigh subdivision (pb 50, pg. 18); all lots of Berkeley Acres subdivision (pb 17, pg. 74), excepting therefrom that part conveyed to the State of Missouri for Interstate 170; all of the lots in Airport Gardens (pb82, pg. 27); & lots 1-3 of Kathmar (pb12, pg. 16) excepting therefrom that part conveyed to the State of Missouri for interstate 170; all of the vacated right of way inside of the listed subdivisions per ordinance 3577 recorded in deed book 14286, pages 594-597; a tract of land in the Northeast part of section 9, township 46 North, range 6 east, all in the City of Berkeley, St. Louis County, MO, be granted to Boeing, Inc, on behalf of the City of St. Louis?
2. **Case #23-23:** Shall the City of Berkeley grant a Special Use permit to Franchett Swopes to operate a restaurant at 8620 Frost Ave?
3. **Case #23-24:** Shall the City of Berkeley amend a Special Use Permit to allow Halo Mtu to move a salon from 8550 Airport Rd to 8529 Airport Rd?

All interested parties shall be afforded, at such public hearing, a reasonable opportunity to express their views regarding the item set forth above.

11-20-2023 Council Meeting 7pm In-Person and Zoom

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/86003270753?pwd=Tk1mMHRaYnJ2bFU0cnduYkhSS0gwZz09>

Passcode: 513532

Or join by phone:

Dial: +1 312 626 6799

Webinar ID: 860 0327 0753

Passcode: 513532

Deanna L. Jones

Deanna L. Jones – City Clerk, MPCC/MMC

The meeting will be accessible by the public in real time by video/audio webinar and in person.

Posted: Tuesday, November 7, 2023



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MEMORANDUM

TO: Mayor Deinbo and members of City Council

FROM: Elliot Liebson, Director of Planning and Development

THROUGH: Nathan Mai-Lombardo, City Manager

SUBJECT: **Case 23-24; Special Use Permit for 8529 Airport Road**

MEETING DATE: November 6, 2023

Applicant seeks to Amend her Special Use Permit to move and expand her Salon to 8529 Airport Road

STAFF RECOMMENDATION: Approval



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APPLICATION INFORMATION

Applicant Information:	Halo Mtu 6242 Garfield Avenue Berkeley, Missouri
Status of Applicant:	tenant
City Council Ward(s):	Ward 4
Parcel ID Number:	11J131653
Area of Property:	.72 Acres
Current/Past Use of the Property:	Vacant/(past): MetroPCS store
Prior Zoning Cases/History:	19-11
Surrounding Zoning:	<u>North</u> : C-2 <u>South</u> : C-2 <u>East</u> : C-2 <u>West</u> : C-2

Parking Required (Personal Service Establishment): 15 spaces (40 provided)

MAPS

City of Berkeley Zoning and Aerial/Parcel Map:

(see attached)



SPECIAL USE PERMIT IMPACT ANALYSIS

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

This is an expansion of a pre-existing use into a new and larger storefront 1/2 block from the Applicant's existing space, so there is no issue with compatibility.

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.

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

This is a suburban retail strip center, designed for frequent in and out traffic, so this use will not have a significant impact on the surrounding area.

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.

Given the increased off-street parking capacity of the proposed space compared to the Applicant's existing space, the impact on traffic should be minimal.

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

Airport Road is a major throughfare, and the property has several curb cuts that allow right-in, right-out access, minimizing traffic on adjacent side streets.

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.

No significant increase in noise is expected.

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.

This is a relocation of an existing business, whose current storefront appearance is reasonable given the level of maintenance by the landlord. The Applicant understands the need and requirement to upgrade and maintain the new storefront, especially the windows, and this should be a significant improvement over the new storefront's current condition.

- 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 should be no increase in use of public services from this use.

- 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.**
See item 7 above.

- 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.**

There will be no change in night lighting.

- 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 lot is fully paved, and the Applicant is a tenant, and not the property owner, there is no impact to landscaping, or new landscaping expected.

- 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 generated. 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.**

See item 11 regarding existing pavement. The Applicant has been operating her business for 4 years at the current address, and despite Covid, has not only survived, but is expanding, so this is likely to be a stable business.



PLANNER'S RECOMMENDATION

Approval. This is an expansion and relocation of an existing downtown Berkeley business, owned by a Berkeley resident, into a larger storefront that is currently vacant, which is exactly the kind of local economic growth the City needs.

PLANNING COMMISSION RECOMMENDATION OPTIONS:

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



CONDITIONS OF APPROVAL:

1. Hours of Operation shall be __9am-7pm_____, Monday through Sunday.
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 **and/or license as needed**. 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 10% of window space.
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 exterior signage as per the City's sign code.
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.

PREPARED BY: Elliot Liebson, Director of Planning and Development

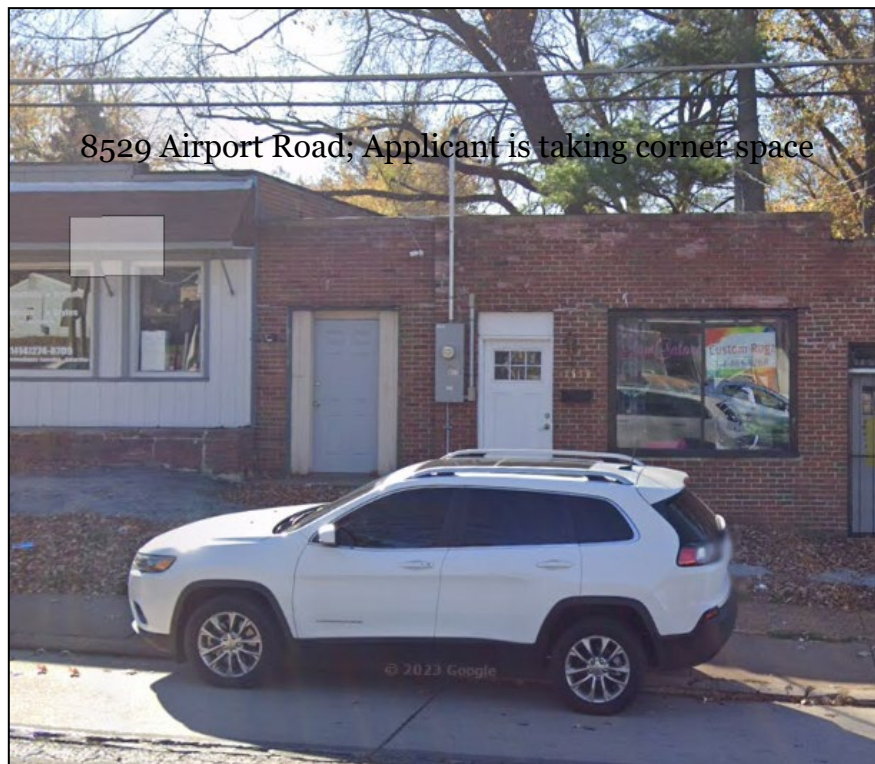
REVIEWED BY: Nathan Mai-Lombardo, City Manager



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PLANNING COMMISSION RECOMMENDATION

On November 8, 2023, the Plan Commission voted 4-0 in ***favor*** of recommending this Special Use Permit Application as amended (Conditions of Approval #1 and #5) to City Council.





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Applicant's current space at 8550 Airport Road