



8425 Airport Road Berkeley Missouri 63134-2098 (314) 524-3313

MEMORANDUM

TO: Mayor Deinbo and City Planning Commission

FROM: Planning and Development

SUBJECT: **Case 24-18; Special Use Permit (*renewal*) for 8620 Frost Avenue**

MEETING DATE: August 14, 2024

Applicant seeks renewal of her Special Use Permit to operate a café at 8620 Frost Avenue

STAFF RECOMMENDATION: Approval



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APPLICATION INFORMATION

Applicant Information:	Franchett Swopes 6115 Vetter Place St. Louis, Missouri
Status of Applicant:	Owner
City Council Ward(s):	Ward 3
Parcel ID Number:	10K340040
Area of Property:	.20 Acres
Current/Past Use of the Property:	Vacant/(past): Chinese restaurant
Prior Zoning Cases/History:	o8004 (March 13, 2008)
Surrounding Zoning:	<u>North</u> : R-2 <u>South</u> : R-4 <u>East</u> : R-4 <u>West</u> : C-1

Parking Required (Restaurant): 12 spaces (12+ provided, counting front yard spaces)

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 a re-use of a former restaurant, so compatibility is not an issue.

- 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 property was a restaurant since 1989, and has direct access to Frost Avenue from a private driveway as well as access from Larry Lane.

- 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.**

The proposed use will increase traffic over current usage, but given the vacancies in adjacent buildings it will still be less than what Frost Avenue handled at full capacity..

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

Frost Avenue is a major throughfare, and Larry Lane essentially serves only this property and the retail strip center to the east, which is largely vacant, so increased traffic from this use will not be an issue.

- 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.

The Applicant describes this use as a 'café and bistro'. Given the lack of dining opportunities in the vicinity, if this use is successful and the building maintained, then this can only be a positive development.

- 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. The Applicant has already been cleaning up the building.

- 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, so 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. However, the Code requires 1 parking space for every 100 square feet of structure; the property has 12 spaces if the front three parking spaces are counted, but the C-1 Code also requires that front yard parking spaces be set back twenty (20) feet from the front lot line. The front building line is approximately 28 feet from the front property line, so this is not possible; the Commission may wish to consider forgoing the required minimum number of spaces in exchange for landscaping and/or front patio seating, which would better serve the Applicant and the community.



The Applicant describes herself as a chef with 27 years of experience, and that her mother operated a restaurant when she was a child, so Staff are optimistic that the Applicant can be successful at this location for an extended period.

PLANNING COMMISSION RECOMMENDATION OPTIONS:

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

The Applicant has been working on the building since the SUP was first approved in November of 2023, and was unaware until she came into apply for occupancy that the Code required her to be open in six months from the date of approval. Nothing else has changed with this Application. The Applicant has photographs of the improvements made to the building to demonstrate the work she has done. With that in mind Staff recommend Approval of this renewal request.

(8/21/2024); The Plan Commission voted unanimously in favor of recommending approval of this request to Council.



CONDITIONS OF APPROVAL:

1. Hours of Operation shall be _7am-9pm____, 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. 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

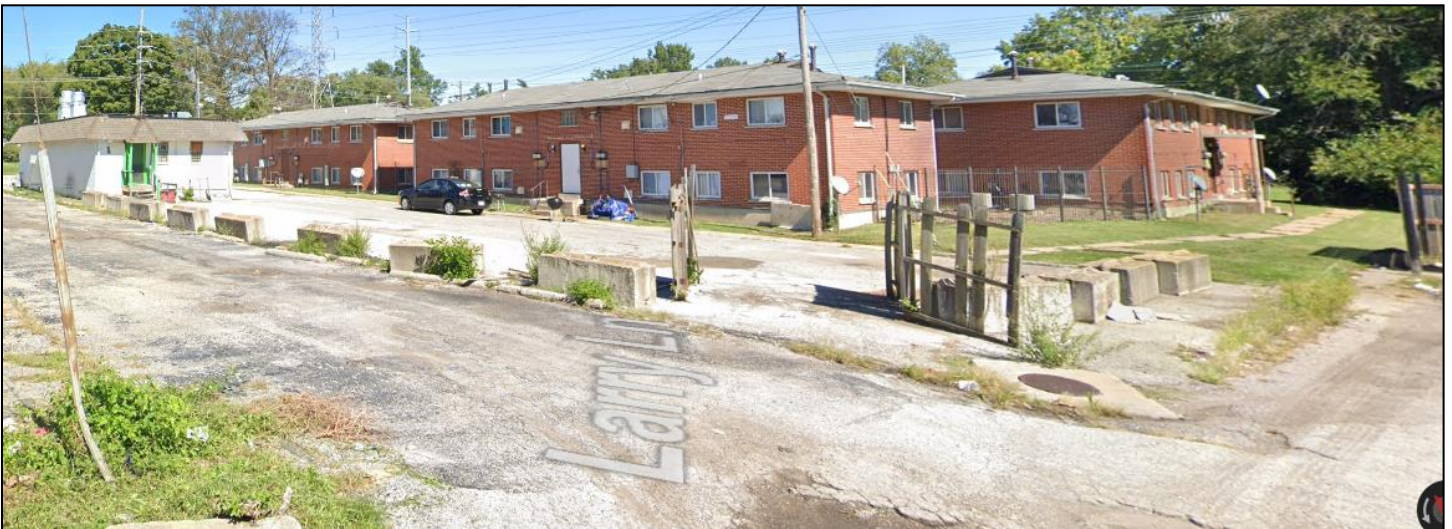
REVIEWED BY: Nathan Mai-Lombardo, City Manager



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8620 Frost Avenue; Front view showing front parking spaces



Rear view, showing rear parking.