

MEMORANDUM

**TO:** Mayor Deinbo and Members of the City Council

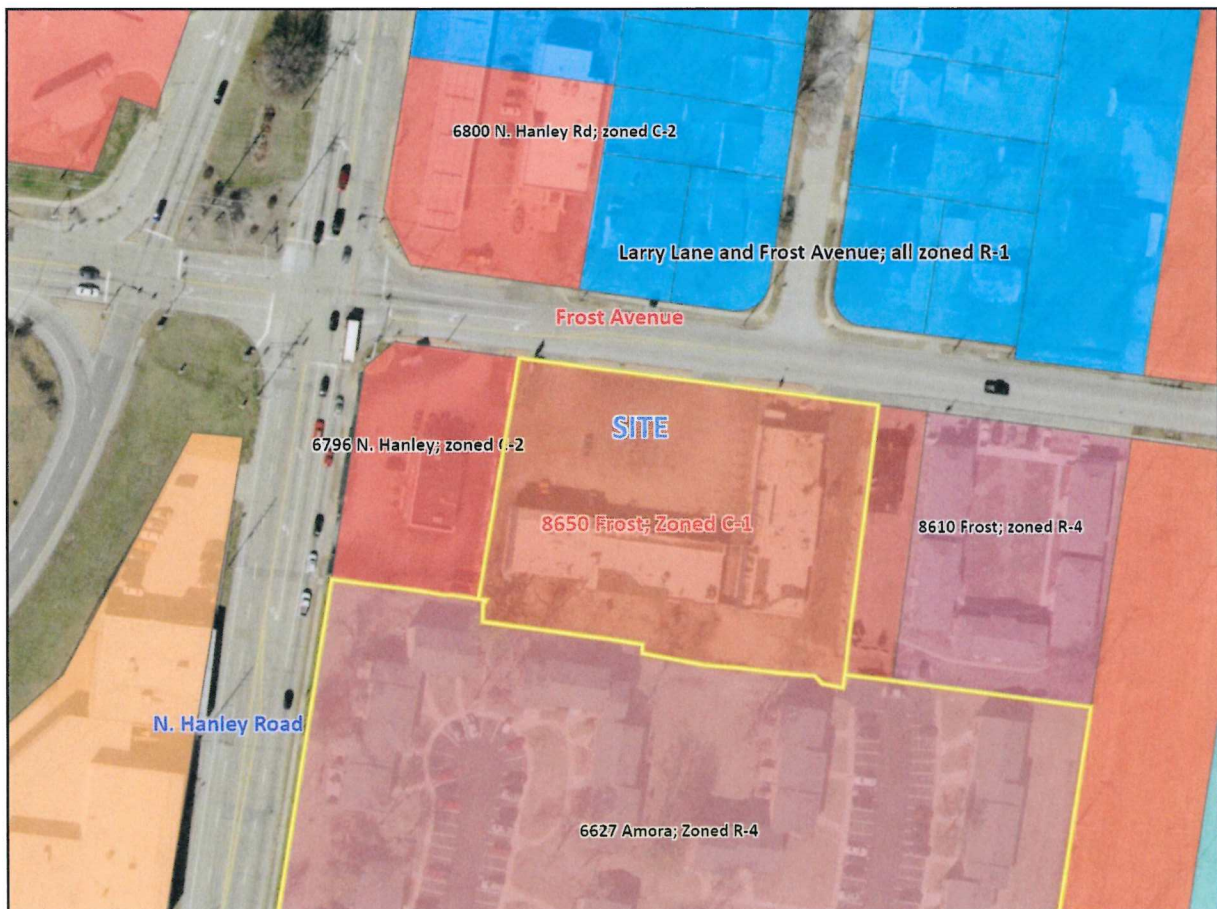
**FROM:** Planning and Development

**SUBJECT:** **Case 24-20; Special Use Permit (reapplication) for 8650 Frost Avenue**

**MEETING DATE:** December 2, 2024

Applicant seeks renewal of there Special Use Permit to operate an adult day care at 8650 Frost Avenue

**STAFF RECOMMENDATION: Approval**



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## APPLICATION INFORMATION

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Applicant Information:	Vencentia Barber and Donna Smith 8650 Frost Berkeley, MO 63134
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Status of Applicant:	Owner
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City Council Ward(s):	Ward 3
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Parcel ID Number:	10K340040
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Area of Property:	.20 Acres
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Current/Past Use of the Property:	Vacant/retail
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Prior Zoning Cases/History:	N/A
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Surrounding Zoning:	<u>North</u> : R-1 <u>South</u> : R-4 <u>East</u> : C-1 <u>West</u> : C-2
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Parking Required:	41 provided for retail strip center.
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## SPECIAL USE PERMIT IMPACT ANALYSIS

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### ***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.

## **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.

## **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, but had troubles getting a vendor to supply parts and service, until the point where this SUP failed to show progress for 6 months, and the permit expired in August of this year. Noting else has changed. Staff therefore recommends the Commission Approve this Special Use Permit, and recommend to Council accordingly.***

***At their November 12, 2024 meeting, the Planning Commission reviewed this reapplication, and after a conversation with the Applicant about their proposed security measures, voted unanimously in favor of recommending approval to Council.***

## **SUPPORTING DOCUMENTS**

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

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## CONDITIONS OF APPROVAL:

### 1 CONDITIONS OF APPROVAL

CONDITIONS – CASE NO. **24-20** (from case 23-08)

#### 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 – 4:30pm 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.

**PREPARED BY:** Elliot Liebson, Director of Planning and Development

**REVIEWED BY:** Nathan Mai-Lombardo, City Manager

**8650 Frost Rd**



**Aerial Photo with parcel lines**







# PLANNING & DEVELOPMENT APPLICATION

(Please check all that apply)

INITIAL FEE: \$350 (non-refundable)

<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 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 (City Events Only)	<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 one (1) legible set of drawings and one (1) PDF High Resolution copy on a USB drive detailing interior & exterior of property.
2. Submit a completed application three (3) weeks prior to Plan Commission 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): Donna Smith and Vincent A Barber

APPLICANT IS (check one): OWNER ☐ AGENT ☐ PURCHASER OF CONTRACT ☐ TENANT ☒

APPLICANT(S) ADDRESS: 8650 Frost

Berkeley MO 103134  
Street City State Zip

PHONE: (314) 437-1509 EMAIL: \_\_\_\_\_  
314 732-3010

## LOCATION OF PROPOSED USE

STREET ADDRESS: 8650 Frost

LEGAL DESCRIPTION: \_\_\_\_\_

PRESENT ZONING DISTRICT: Berkeley, Mo.

PROPOSED ZONING DISTRICT (IF APPLICABLE): \_\_\_\_\_

PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: not occupied

PROPERTY TO BE USED FOR (TYPE OF BUSINESS): Adult Day Care

DAYS & HOURS OF OPERATION ETC: Monday - Friday 8am - 3pm.

PROPOSED NAME OF BUSINESS: Genuine Adult Day Care LLC

APPROXIMATE SIZE OF TRACT: ACRES \_\_\_\_\_ SQ. FT. OF SPACE (UNDER ROOF) \_\_\_\_\_



**IF APPLICANT IS NOT OWNER:**

OWNER(S) NAME: Tom Kiely-Royal Real Estate LLC

OWNER(S) ADDRESS: 8424 First

STREET

Berkeley

CITY

MO.

STATE

63134

ZIP

PHONE: (314) 365-1145 EMAIL: \_\_\_\_\_

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: \_\_\_\_\_

*Applicant(s) 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]*

Date: 8 / 30 / 24

Owner(s) Signature: *[Signature]*

Date: 8 / 30 / 24

**OFFICE USE ONLY**

All items necessary for a technical review of the proposed special use permit plan have been submitted and constitute a COMPLETE APPLICATION.

Staff Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Date Paid: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

☐ Cash

☐ Check

☐ Money Order

☐ Debit/Credit

Receipt No: \_\_\_\_\_ Case No: \_\_\_\_\_



**DESCRIPTION AND EXPLANATION OF PROPOSED PROJECT:**

Gervine Adult Day Care is a 2500 sq. ft. facility located at 8450 Frost Ave. in Berkeley, Mo. The facility will be open from the hours of 8 am to 3 pm, offering activities and programs to engage senior and disabled individuals. Food will be catered in for breakfast lunch and snacks. We will offer transportation for those needing it. There will be a nurse on duty or on call for medical oversight. We will offer outings in the community and also trips to areas no more than a 30 mile radius.

\* There has been no changes from the previous application. \*  
The delay in getting the occupancy permit was delayed due to an issue of finding a fire alarm company to install a system.