

MEMORANDUM



PLANNING & ZONING COMMISSION

CITY OF BERKELEY – ECONOMIC DEVELOPMENT DIVISION

"Preserve and improve the health, safety, and welfare of our citizens, businesses and the general public in the City of Berkeley' while at the same time maintaining property values and improving the quality of life in the City of Berkeley."

TO: City Council & Planning & Zoning Commission DATE: March 05, 2025

FROM: Jeremy Taylor, Economic Development Coordinator c: City Manager's Office
City Clerk's Office
Board of Adjustment
Public Works Secretary
Applicant
File

THROUGH: April Walton, City Manager

SUBJECT: Beauty Salon & Boutique to be located at 8305 Airport Road. (WARD 2)

STAFF REPORT

CASE NUMBER PZ25-03

I. PROJECT DESCRIPTION:

This request comes before the Commission from citizen Natica Wyatt. Natica is requesting a Special Use Permit (SUP) for a Beauty Salon & Boutique to be located at 8305 Airport Road. Citizen Wyatt has been a long-time resident of Berkeley and has dreamed of contributing to her community in a positive way all of her life. Proposed hours of operation for the Beauty Salon & Boutique are Monday-Sunday 8:00 a.m. CST – 10:00 p.m. CST. Business is to be operated by licensed professionals where applicable. Business is registered in the State of Missouri under the fictitious name of T. Nunn's Beauty Salon & Boutique.

II. EXISTING SITE CONDITIONS:

The existing property has been kept in excellent condition. No visible damage in the interior with minor damage to fascia barely visible on the exterior. Adequate parking is available on a parking lot that is fully operational. No signage relating to the current business is visible. Property was planned to be occupied by a barbershop and similar business before former applicant became deceased. (SEE ATTACHED REPORT PHOTOS)

38 **III. SURROUNDING PROPERTIES:**

39 Property is currently zoned as "C-1" Local Commercial District and all surrounding properties
40 are zoned "R-3" Single Family Residence.

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42 **IV. ORDINANCE CONDITIONS:**

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44 **1.** In accordance with Chapter 200, Title II, Public Health, Safety, and Welfare, Section 265
45 business, commercial entity, and/or commercial property has both interior and exterior
46 cameras.

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48 ANSWER: Yes

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50 **2.** The compatibility with surrounding uses and compatibility with the surrounding
51 neighborhood.

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53 ANSWER: This is a replacement for a previous salon so, business is deemed compatible.

54
55 **3.** The comparative site, floor area and mass of the proposed structure in relationship to
56 adjacent structures and buildings in the surrounding properties and neighborhood.

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58 ANSWER: Business is deemed compatible.

59
60 **4.** The frequency and duration of various indoor and outdoor activities and special events
61 and the impact of these activities on the surrounding area.

62
63 ANSWER: This is a suburban retail strip center, designed for frequent in and out traffic, so
64 this use will not have a significant impact on the surrounding area.

65
66 **5.** The number of transit movements generated by the proposed use and relationship to the
67 amount of traffic on abutting streets and on minor streets in the surrounding neighborhood,
68 not in terms of the street's capacity to absorb the additional traffic, but rather in terms of
69 any significant increase in hourly or daily traffic levels.

70
71 ANSWER: Given this is a re-use of the space with same use type, the impact on traffic should
72 be minimal.

73
74 **6.** The capacity of adjacent streets to handle increased traffic in terms of traffic volume.

75
76 ANSWER: Airport Road is a major throughfare, and the property has several curb cuts that
77 allow right-in, right-out access, minimizing traffic on adjacent side streets.

78
79 **7.** The added noise level created by activities associated with the proposed use and the
80 impact of the ambient noise level of the surrounding area and neighborhood.

ANSWER: No significant increase in noise is expected.

8. 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.

ANSWER: As this is the same use that formerly occupied this space, the type of use (salon and barber shop) is not inherently a negative impact. It is up to the Applicant to demonstrate their past experience in this type of business and show that this specific Application is a benefit to the community.

9. 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.

ANSWER: There should be no increase in use of public services from this use.

10. 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.

ANSWER: As this is the same use that formerly occupied this space, the type of use (salon and barber shop) is not inherently a negative impact. It is up to the Applicant to demonstrate their past experience in this type of business and show that this specific Application is a benefit to the community.

11. 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.

ANSWER: There will be no change in night lighting.

12. 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.

ANSWER: 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.

13. 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.

ANSWER: Very low impact. Significantly no change as this is a similar business to the last business that occupied the space.

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.

ANSWER: Applicant is a long-time resident of Berkeley and a citizen of the State of Missouri. Having invested \$10k into her business it is unlikely that she will allow the business to fail or go vacant.

15. In the case of any antenna, any interference with a neighbor's vision, appearance or utilization of their property.

ANSWER: N/A

16. In addition to any other requirements, all requirements outlined in FCC Ruling PRB-1 shall be met for any amateur radio towers and/or antennas. Due to the City's closeness to the St. Louis International Airport, any applicant shall provide a letter from the Airport Commission or the FAA stating that the proposed radio tower, antenna or wave length will not interfere with Airport operations and/or communications.

ANSWER: N/A

V. ADDITIONAL PLANNING COMMISSION CONDITIONS:

1. The proposed names on the Special Use Permit shall be **Natica Wyatt.**

2. The proposed name of business shall be **T. Nunn's Beauty Salon & Boutique.**

3. Hours of Operation shall be **8:00am – 10:00pm Monday through Saturday and 8:00am – 6:00pm on Sundays.**

4. 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.

5. The building, lot, yard, and landscaped areas shall be maintained and kept free and clear of any debris or trash.

6. 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.

- 170 7. A sign permit is required for banners, pennants, festoons, human sign, searchlights are
171 prohibited. Business signage shall be limited to no more than 10% of window space.
172
- 173 8. No banners, balloons, flags, festoons, snipe signs, or directional signs are to be in the
174 Public Right of Way. Additionally, no clothing that be permitted for advertisement outside.
175
- 176 9. No metal bars, mesh, or other durable material shall be installed over any portion of the
177 frontage window or frontage opening in commercial buildings.
178
- 179 10. The exterior area shall be maintained and kept free and clear of any debris or trash or
180 weeks.
181
- 182 11. Buildings and site conditions in need of repair shall be repaired or replaced per the
183 approval of the Building Commissioner.
184
- 185 12. The building, lot, landscaping, and yard areas shall be maintained and kept free and
186 clear of any debris, trash, or weeds including maintenance of all landscaped areas.
187
- 188 13. Only 10% of windows space shall be used for window signage. The petitioner will be
189 permitted exterior signage as per the City's sign code.
190
- 191 14. The premise shall be subject to adherence to City of Berkeley annual fire inspections and
192 life safety plans.
193
- 194 15. All required inspections by the city are required before issuance of occupancy permit or
195 business license will be issued.
196
- 197 16. The interior will be thoroughly inspected by City's Building Commissioner and Fire
198 Department, and any and all other jurisdictions, if applicable. All permits that are required
199 by any of said mention must be received. Once, all required inspections are completed;
200 apply for all necessary building/occupancy & fire safety permits from the City of Berkeley,
201 and other jurisdictions, after obtaining City Council's approval on this Special Use Permit.
202 Commercial Occupancy permit and Business License is required and shall be posted at all
203 times.
204
- 205 17. In granting such special use permits, the City Council may provide that the permit be
206 valid for a limited period of time not to exceed ten (10) years. Upon expiration of the time
207 limit specified in the permit, the holder of the permit may request the permit be reviewed
208 by the City Council, and the City Council may extend it for another limited period of time not
209 to exceed ten (10) years. The City Council shall provide that the permit be exclusive only for
210 the holder and non-transferable. **At this time the Planning Commission is recommending
211 that the Council grant the Special Use Permit to applicant for a period of no more than
212 two (2) years.**
213

214 **18.** The Special Use Permit will be revoked if for any reason the applicant ceases operations
215 and closes its doors to the public for a period of six (6) months or more, and not complying
216 with the City's Special Use Permit. The Special Use Permit shall not be assigned, or sold, or
217 conveyed, or operated by another without prior approval by the City Council and occupancy
218 permit, building permit or business license shall be issued to such assignee until such
219 approves is secured.

220
221 **19.** Any violations can be a reason for the City to revoke this permit, according to the City's
222 current regulations. To occupy the building and facilities the applicant must comply with all
223 the applicable rules and regulations pertaining to health and safety for vehicular and
224 pedestrian traffic, zoning, building, sign codes, fire and safety protection standards as
225 required by the City Fire Department, City of Berkeley, St. Louis County, State of Missouri,
226 and Federal rules and regulations.

227
228 **20.** Prior to issuance of an Occupancy Inspection and Permits, the above noted conditions,
229 the conditions as described in the attached Report, and the inspections as part of the
230 normal occupancy permit process shall be met, and as approved by the City Council. This
231 Special Use Permit takes effect upon the approval by City Council.

232
233 **21.** Must fill out and file the following with the City's Business Office/Finance Department
234 where applicable: Business Owner Information Sheet, Miscellaneous Service Occupation
235 License, Manufacturer's License, Merchant's License, Sign License, Vending Machine
236 License, Liquor License, and/or any other Licenses that apply.

237
238 **22.** Commercial occupancy and business license are required from the City of Berkeley.
239 Occupancy Permit and Business License shall be posted at all times. Planning Commission
240 shall require that business owner take no more than six (6) months to obtain an occupancy
241 permit.

242
243 **23.** The City Council may, in accordance with Section 400.580, institute a rezoning. The City
244 Council, after a public hearing, may revoke a special use permit for failure of compliance
245 with regulations and restrictions of this Chapter or the requirements of the special use
246 permit.

247
248 **24.** If the City Council determines that the public health, welfare, and safety are adequately
249 protected in view of the foregoing criteria, then the special use permit shall be granted; but
250 if it is negative as to any of such paragraphs, then the special use permit shall be denied.

251
252 **25.** No part of the business or property shall be rented or leased to outside parties other
253 than what was described by Special Use Permit applicant. Business owner shall submit to
254 quarterly inspections from the Planning Commission to ensure compliance with all City
255 regulations as well as the terms and conditions of this report.

257 **26.** Business Owner must ensure before opening to the public that parking spaces are
258 adequately painted.
259

260 **27.** Upon the permanent closing of the business, business owner must remove all signage
261 and leave property condition free of trash, debris, boxes, etc. both inside and out.
262

263 **VI. STAFF ANALYSIS:**

264 The applicant/petitioner has done their best to remain compliant with the process.
265 Business does not propose any significant risk of noise violations and is compliant with
266 current zoning regulations.
267

268 **VII. STAFF RECOMMENDATIONS:**

269 **Suggested Motion:**

270 To move to grant approval for the Special Use Permit subject to the
271 following conditions:
272

- 273 1. Shorten business hours on both Saturday and Sunday with Sunday
274 being significantly shortened.
275
276



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283



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EXHIBIT A

Staff Report Business License Fees

Section 605.090. License Fees. [CC 1961 §28.09(A); Ord. No. 2449 §1, 11-3-1980; Ord. No. 3105 §1, 3-5-1990; Ord. No. 3633 §§1 — 2, 9-20-2004; Ord. No. 3644 §1, 12-20-2005; Ord. No. 4527, 3-18-2019; Ord. No. 4650, 12-15-2020; Ord. No. 4730, 10-3-2022]

Before any person can engage within the City in any of the following miscellaneous service occupations, businesses, trades, or avocations, or operate any of the vehicles named in the pursuit of business for profit and excluding businesses operated wholly for charitable purposes, that person shall obtain a license and pay to the Director of Finance the following license fee:

License Type	Annual License Fee
Abstract Company	\$150.00
Advertising Company	\$150.00
Agents (not otherwise listed herein)	\$150.00
Amusement Parks	\$500.00
Artists	\$150.00
Auctioneers with offices in the City of Berkeley	\$250.00
Banks and Trusts, Savings and Loan Companies	\$400.00
Barbershops	\$100.00
Beauty Parlors	\$150.00
Beauty Colleges	\$250.00
Bill Poster	\$150.00
Book Binder	\$150.00
Bowling Alleys	\$500.00
Boxing	\$300.00
Brokers (Financial) with offices in the City	\$300.00
Business, Professional, or Correspondence School	\$300.00
Child Care Center	\$150.00
Clinics — Medical, Health Clubs, Hospitals	\$300.00
Collection Agency	\$150.00
Contractors (General, Concrete, Painting, etc.)	\$150.00
Dancing School	\$200.00
Detective and Security Agencies	\$175.00
Employment Agency	\$175.00

License Type		Annual License Fee
Express Company		\$150.00
Exterminators		\$150.00
Fortunetellers, Palmists		\$150.00
Parking Garage, Parking		\$100.00
Hotels, Motels (per sleeping room)		\$7.00
	Additional license fee (per occupied room per day)	\$0.85
House Movers		\$150.00
Insurance Companies (Claim, Home, Branch Office)		\$300.00
Insurance Agency		\$150.00
Insurance Agents		\$150.00
Loan Company and Loan Agency		\$400.00
Medical Marijuana Facilities		See the table at the end of this Section dedicated to these fees as well as Section 605.095 which sets out the annual permit fee for these facilities
Miniature Golf		\$150.00
Newspapers		\$150.00
Nursing Homes		\$200.00
Office Buildings (per square foot of office area utilized)		\$0.10
Pawnbrokers		\$500.00
Peddlers, Solicitors and Transient Merchants		\$200.00
Photographic Studios		\$150.00
Pool Halls, Tables, Game Tables		\$300.00
Public Halls		\$150.00
Printers		\$175.00
Real Estate Agents with offices in the City		\$150.00
Real Estate Agency with offices in the City		\$175.00
Rental Agency, Tools, Trucks, Trailers		\$200.00
Sign Painters		\$150.00
Shoe Repair		\$150.00
Skating Rink		\$150.00

License Type		Annual License Fee
Slides		\$150.00
Surveying Companies with offices in the City		\$150.00
Tailors		\$150.00
Telegraph Company (Maybe Mobile Devices)		\$150.00
Theaters — Walk-In		\$150.00
	Drive-In	\$200.00
Trash and Garbage Collectors (if located in City)		\$250.00
Travel Agency		\$150.00
Undertaker		\$300.00
Upholsterer		\$150.00
Warehouses, all types (per square foot of storage area)		\$0.10
All businesses and occupations not listed above or covered by the Merchants or Manufacturers Tax		\$150.00
All businesses operated from home		\$150.00

Annual License Fee For Medical Marijuana Facilities:

- A. The following license fees shall be charged on medical marijuana organizations doing business in the City:
 1. On the first (1st) one hundred thousand dollars (\$100,000.00) of sales, or fraction thereof, the sum of fifty dollars (\$50.00), which shall be the minimum tax hereunder.
 2. In the excess of one hundred thousand dollars (\$100,000.00) of sales, the sum of fifty dollars (\$50.00), plus the sum of seventy-five cents (\$0.75) for each one thousand dollars (\$1,000.00), or fraction thereof, in excess of one hundred thousand dollars (\$100,000.00).
- B. See also the annual permit fee for medical marijuana facilities set out in Section 605.095, below.

Section 605.095. Annual Permit Fees For Medical Marijuana Facilities. [Ord. No. 4650, 12-15-2020]

- A. The annual permit fees for medical marijuana facilities shall be established as follows:

License Type	Annual Permit Fee
Medical Marijuana Cultivation Facility	\$5,000.00
Medical Marijuana Dispensary (Sales) Facility	\$3,000.00
Medical Marijuana Manufacturing Facility	\$3,000.00
Medical Marijuana Testing Facility	\$5,000.00
Medical Marijuana Transportation Facility	\$5,000.00

B. Annual license fees for medical marijuana facilities can be found in Section 605.090, above.

Section 605.070 License Fee. [CC 1961 §28.06; Ord. No. 3105 §1, 3-5-1990; Ord. No. 4730, 10-3-2022]

A. The following license fees shall be charged on organizations doing business in the City:

1. On the first (1st) one hundred thousand dollars (\$100,000.00) of sales, or fraction thereof, the sum of one hundred dollars (\$100.00), which shall be the minimum tax hereunder.
2. In the excess of one hundred thousand dollars (\$100,000.00) of sales, the sum of one hundred dollars (\$100.00), plus the sum of seventy-five cents (\$0.75) for each one thousand dollars (\$1,000.00), or fraction thereof, in excess of one hundred thousand dollars (\$100,000.00).
3. Failure to obtain a rental license and pay all fees by February 1st will result in a ten percent (10%) penalty per month or part thereof.