

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: Retail Store located at 8351 Frost Avenue. (WARD 1)

STAFF REPORT

CASE NUMBER PZ25-04

I. PROJECT DESCRIPTION:

This request comes before the Commission from citizen Kaslina Love Mosley. Kaslina is requesting a Special Use Permit (SUP) for a Retail Store to be located at 8351 Frost Avenue. Citizen Mosley has paid all necessary application fees and done the research for their business. Proposed hours of operation for the Retail Store are Monday-Saturday 10:00 a.m. CST – 5:00 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 Love Hur NRG, LLC.

II. EXISTING SITE CONDITIONS:

The existing property has been kept in relatively good condition considering its age. No visible damage in the interior, but repairs must be made to bring the property up to code. There is minor damage 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. Applicant is not the property owner so, all issues regarding the exterior should be addressed

to the property manager, Kimistry Victorious-Love. Property was previously a convenience store. (SEE ATTACHED REPORT PHOTOS)

III. SURROUNDING PROPERTIES:

Property is currently zoned as "C-1" Local Commercial District and all surrounding properties are zoned "R-1" Single Family Residence. It is also important to note that the proposed site is directly across the street from the Berkeley Police Station on Frost Avenue.

IV. ORDINANCE CONDITIONS:

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

ANSWER: Yes

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

ANSWER: This is a replacement for a previous convenience store so, business is deemed compatible.

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

ANSWER: Business is deemed compatible.

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

ANSWER: 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.

5. 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.

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

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

ANSWER: There shouldn't be any significant increase in traffic. Business is located directly across the street from the Berkeley Police Department so, it is unimaginable that the public will cause significant disturbances due to this business.

7. 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.

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 (convenience store) 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 (convenience store) 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: Business is located in shopping complex that has vacancies. Applicant when initially interviewed appears to have the best intentions to keep business operational. There are zero businesses that are of similar use within a visible radius giving likelihood of long-term success due to low competition.

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 **Kaslina Love Mosley**.

2. The proposed name of business shall be **Love Hur NRG, LLC**.

3. Hours of Operation shall be **10:00am – 5:00pm, Monday through Saturday**.

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.

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

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172 **6.** The owner/operator of this facility need to possess a current State of Missouri
173 Certification. A copy of which should be provided to the city.

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175 **7.** A sign permit is required for banners, pennants, festoons, human sign, searchlights are
176 prohibited. Business signage shall be limited to no more than 10% of window space.

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178 **8.** No banners, balloons, flags, festoons, snipe signs, or directional signs are to be in the
179 Public Right of Way.

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181 **9.** No metal bars, mesh, or other durable material shall be installed over any portion of the
182 frontage window or frontage opening in commercial buildings.

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184 **10.** The exterior area shall be maintained and kept free and clear of any debris or trash or
185 weeks.

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187 **11.** Buildings and site conditions in need of repair shall be repaired or replaced per the
188 approval of the Building Commissioner.

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190 **12.** The building, lot, landscaping, and yard areas shall be maintained and kept free and
191 clear of any debris, trash, or weeds including maintenance of all landscaped areas.

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193 **13.** Only 10% of windows space shall be used for window signage. The petitioner will be
194 permitted exterior signage as per the City's sign code.

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196 **14.** The premise shall be subject to adherence to City of Berkeley annual fire inspections and
197 life safety plans.

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199 **15.** All required inspections by the city are required before issuance of occupancy permit or
200 business license will be issued.

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202 **16.** The interior will be thoroughly inspected by City's Building Commissioner and Fire
203 Department, and any and all other jurisdictions, if applicable. All permits that are required
204 by any of said mention must be received. Once, all required inspections are completed;
205 apply for all necessary building/occupancy & fire safety permits from the City of Berkeley,
206 and other jurisdictions, after obtaining City Council's approval on this Special Use Permit.
207 Commercial Occupancy permit and Business License is required and shall be posted at all
208 times.

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210 **17.** In granting such special use permits, the City Council may provide that the permit be
211 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. **At this time the Planning Commission is recommending that the Council grant the Special Use Permit to applicant for a period of no more than three (3) years.**

18. 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.

19. 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.

20. 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.

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

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

23. 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.

24. 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.

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

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

VI. STAFF ANALYSIS:

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

VII. STAFF RECOMMENDATIONS:

Suggested Motion:

To move to grant approval for the Special Use Permit applied for by Kaslina Love Mosley for a retail store to be located at 8351 Frost Ave, Berkeley, Mo 63134.



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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.