# **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 & City Manager DATE: May 14,2025

10 FROM: Jeremy Taylor, Economic c: City Manager's Office

Development Coordinator City Clerk's Office

Board of Adjustment

THROUGH: April Walton, City Manager Public Works Secretary

Applicant

File

SUBJECT: Restaurant located at 9650 Natural Bridge. (WARD 5)

# STAFF REPORT CASE NUMBER PZ25-05

#### I. PROJECT DESCRIPTION:

This request comes before the Commission from business owner Jazmin Rodriguez. Jazmin is requesting an updated Special Use Permit (SUP) to include the sale of Liquor. Ms. Rodriguez immigrated to the United States with her family in 2011 when she was 10 years old. It has been a dream of hers since she was a little girl to own her own restaurant. Since her and her family's immigration to the U.S. they have done their best to achieve the "American Dream" and be positive contributors to their community and the country. During her Planning & Zoning intake interview Ms. Rodriguez was pleasant and presented herself as a professional woman with goals of being successful. Her restaurant, Jaxel's Café, is planned by her to be a "Generational Family Business" that will be passed down through her family. The restaurant currently has 3 employees and has current business hours of 6:00am – 9:00pm Sunday – Saturday. Jaxel's Café serves Mexican-American food for breakfast, lunch, and dinner. Jaxel's contributes to the Berkeley Community by enriching the area with diverse cuisine that offers authentic Mexican food at a reasonable price. It is important to note that the restaurant is located at the former location of Sweetie Pies.

#### II. EXISTING SITE CONDITIONS:

The existing property has been kept in good condition. No immediate visible damage in the interior or exterior. However, there is minor damage barely visible on two ceiling tiles from condensation related to the HVAC system. Adequate parking is available on a parking lot that is fully operational. No signage relating to the current business is in violation. Applicant is not the property owner so, all issues found by Inspections regarding the interior or exterior should be addressed to the property owner Ms. Na Cheng. (SEE ATTACHED REPORT PHOTOS)

#### III. SURROUNDING PROPERTIES:

Property is currently zoned as "C-2" General Commercial District and all surrounding properties are zoned the same. It is also important to note that the business is located on the Natural Bridge Corridor at the intersection of Natural Bridge and James McDonnell.

#### 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: 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: The business is located in the Natural Bridge Corridor which is 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: The impact on traffic should be minimal as the Natural Bridge Corridor is already busy. **6.** The capacity of adjacent streets to handle increased traffic in terms of traffic volume. ANSWER: The impact on traffic should be minimal as the Natural Bridge Corridor is already busy. 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 business is of similar uses as the surrounding businesses, the type of use should 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 business is of similar uses as the surrounding businesses, the type of use should 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.

127	12. The impact of the landscaping of the proposed use in terms of maintained landscaped
128	areas versus areas to remain in a natural state, openness of landscape versus the use of
129	buffers and screens.
130	
131	ANSWER: The lot is fully paved, and the Applicant is a tenant, and not the property owner,
132	there is no impact to landscaping, or new landscaping expected.
133	
134	13. The impact of a significant amount of hard-surfaced areas for buildings, sidewalks,
135	drives, parking areas, and service areas in terms of noise transfer, water runoff and heat
136	generation.
137	
138	ANSWER: Very low impact. Significantly no change.
139	, , , , ,
140	<b>14.</b> The potential for the proposed use to remain in existence for a reasonable period of
141	time and not become vacant, or unused. Consideration should also be given to unusual
142	single purpose structures or components of a more temporary nature.
143	embre har been at according to a more temperary material
144	ANSWER: Business is located in a prime location. Applicant when initially interviewed
145	appears to have the best intentions to keep business operational. There are zero businesses
146	that are of similar type of restaurant within a visible radius giving likelihood of long-term
147	success due to low competition.
148	success due to low competition.
149	<b>15.</b> In the case of any antenna, any interference with a neighbor's vision, appearance or
150	• • • • • • • • • • • • • • • • • • • •
	utilization of their property.
151	ANCVA/FD. NI /A
152	ANSWER: N/A
153	46 to addition to an either one to make all one to make a literative ECC P. Per PRP 4
154	<b>16.</b> In addition to any other requirements, all requirements outlined in FCC Ruling PRB-1
155	shall be met for any amateur radio towers and/or antennas. Due to the City's closeness to
156	the St. Louis International Airport, any applicant shall provide a letter from the Airport
157	Commission or the FAA stating that the proposed radio tower, antenna or wave length will
158	not interfere with Airport operations and/or communications.
159	
160	ANSWER: N/A
161	
162	V. <u>ADDITIONAL PLANNING COMMISSION CONDITIONS</u> :
163	
164	1. The proposed names on the Special Use Permit shall be Jazmin Rodriguez.
165	
166	2. The proposed name of business shall be Jaxel's Cafe.
167	
168	3 Hours of Operation shall be 6:00am = 9:00nm Sunday 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. 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. 7. A sign permit is required for banners, pennants, festoons, human sign, searchlights are prohibited. Business signage shall be limited to no more than 10% of window space. 8. No banners, balloons, flags, festoons, snipe signs, or directional signs are to be in the Public Right of Way. 9. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings. 10. The exterior area shall be maintained and kept free and clear of any debris or trash or weeks. 11. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner. 12. 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. 13. 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. 14. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans. 15. All required inspections by the City are required before issuance of occupancy permit or business license will be issued.
  - **16.** 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.

17. 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. 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 before renewal.

**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.

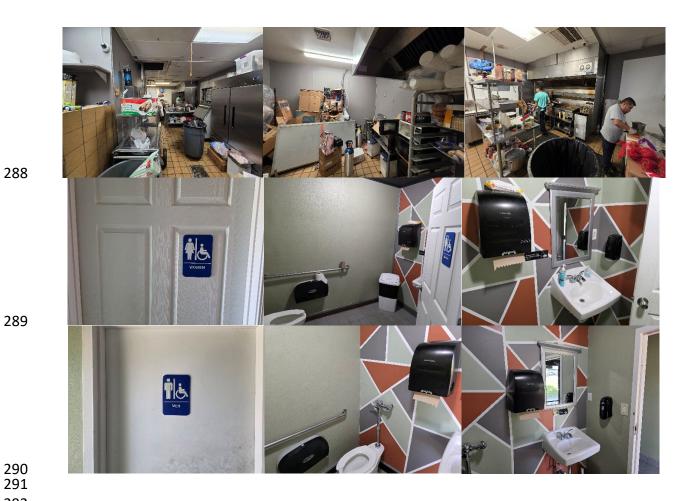
#### VII. STAFF RECOMMENDATIONS:

#### **Suggested Motion:**

To move to grant approval for the Special Use Permit applied for by Jazmin Rodriguez for a restaurant seeking a Liquor License located at 9650 Natural Bridge, Berkeley, Mo 63134.







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# PLANNING & DEVELOPMENT APPLICATION

(Please check all that apply)	, INITIAL FEE: \$350 (non-refundable)
☐ Preliminary (Plats)	Special Use Permit
☐ Re-Approval (Plats)	☐ Zoning Change
☐ Amending (Plats)	Resubdivision/Reconsolidation
☐ Site Plan	☐ Business Name/Ownership Change
☐ Lot Consolidation	☐ Variance (Land Use)
☐ Street Name (New, Change)	☐ Variance (Building Code)
☐ Street Vacation	☐ Liquor/Lottery/Financials (Money Grams/Order
☐ Medical Marijuana (Dispensary)	Medical Marijuana (Grow Facility)
☐ Medical Marijuana (Researching/Testing)	☐ Building Code Appeal
Food Truck - SUP \$100.00 (City Events Only)	Food Truck - Fire Inspection \$75.00
☐ Food Truck Business License \$75.00	Other
interior & exterior of property.  2. Submit a completed application three (3) week  3. DO NOT destroy, tear down or remodel propose  4. If you do not submit your application in a time meeting date.  APPLICANT(S) LEGAL NAME(S): PROPERTY OWNER  APPLICANT(S) ADDRESS:  Street  PHONE: Street  EMAIL:	sed business structure until 'FINAL' approval by City Council.  ly manner your request will be considered on the next  Fernandez Rodriguez Cortez  A GENT PURCHASER OF CONTRACT TENANT  State  State  Zip
PROPERTY IS PRESENTLY BEING USED AS FOLLOW PROPERTY TO BE USED FOR (TYPE OF BUSINESS):	Berkey  75: Restaurant Service  Restaurant food with liquor beverag
PROPOSED NAME OF BUSINESS: Toxe S  APPROXIMATE SIZE OF TRACT: ACRES	esday, Wednesday, Thursday, Friday, Saturday, sund afe LLC  SQ. FT. OF SPACE (UNDER ROOF)



<u>IF APPLICANT IS NOT THE PROPERT</u>	<u> FY OWNER:</u>								
PROPERTY OWNER(S) NAME:									
PROPERTY OWNER(S) ADDRESS:	STREET								
	CITY		STATE	ZIP					
PHONE: ()	EMAIL:								
I HAVE AUTHORITY TO ACT ON BE	HALF OF THE PROP	ERTY 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.)									
Danny Garc. a- Co He Applicant(s) Signature	2		Date: <u>05</u> / <u>0</u>	7,25					
Property Owner(s) Signature:			Date:/	/					
	OFFICE	UCE ONLY							
	OFFICE	USE ONLY							
All items necessary for a technical constitute a COMPLETE APPLICATI		osed special us	e permit plan have bee	en submitted and					
Staff Signature:			Date:/	/					
Date Paid://	☐ Cash	Check	☐ Money Order	☐ Debit/Credit					
	Daa	oint No.	Cogo No.						



**DESCRIPTION AND EXPLANATION OF PROPOSED PROJECT:** 

DESCRIPTION AND EXPERIMENTAL OF TROPOSED PROJECT.
Jaxels Cafe LLE is a Mexican-American res
that Provides a full-service. We would
like to Propose the following project:
Joxel's Cafe LLC would serve
made to order Mexican-American Food
3 beverages as well as serviva beer 3
I believe ages as well as serving beer &
We believe that having the ability to
Serve beer & liquor could help the
success of our business by giving us
the opportunity to serve our customers
more items in our menus This is base on
what our cilients have been asking for everytime
the come in at the restaurant Large group of
people have come and inmediately leave when
We mention we don't serve liquor We would
to know the food we serve and liquor litre
to know the food we serve and liquor litre
Margaritas will help us for them to Stay.



## **SPECIAL USE PROCESS**

- 1. Discuss application with staff *prior to submitting an application*.
- 2. Complete Special Use Application and pay applicable fee.
- 3. Meet with the Plan Commission Board.
- 4. Meet with the Council for final approval.
- 5. Apply and schedule a Commercial Inspection. (Fee: \$175)
- 6. Upon passed Commercial Inspection, apply for a Business License
- 7. Commercial Occupancy Permit will be given along with Business License.

### **SITE PLAN REQUIREMENTS**

All requirements may not be applicable. Please contact (314) 400-3706 for further questions.

- 1. Must have a North Arrow, including Key Map
- 2. Be drawn to scale and the scale indicated on the 24" x 36" size) one drawing
- 3. One (1) legible set of drawings and one (1) PDF High Resolution copy on a USB drive detailing interior & exterior of property.
- 4. Show all property lines and building setback lines
- 5. Show all buildings on the lot
- 6. Date plans were drawn
- 7. Show all easements on property
- 8. Show any power poles on property
- 9. Curb cuts including dimensions
- 10. Parking stalls including ADA complying facilities
- 11. Dumpster locations
- 12. All plans drawn by a Professional Architect/Engineer/Surveyor and should have signatures, name, and date. (Wet seal **not** required.)
- 13. The attached "Additional Information" does not replace City's Zoning regulations. All applicants are encouraged to follow the City's Codes and Ordinances.

## **CHECKLIST OF ALL THAT APPLIES TO YOUR APPLICATION PACKET**

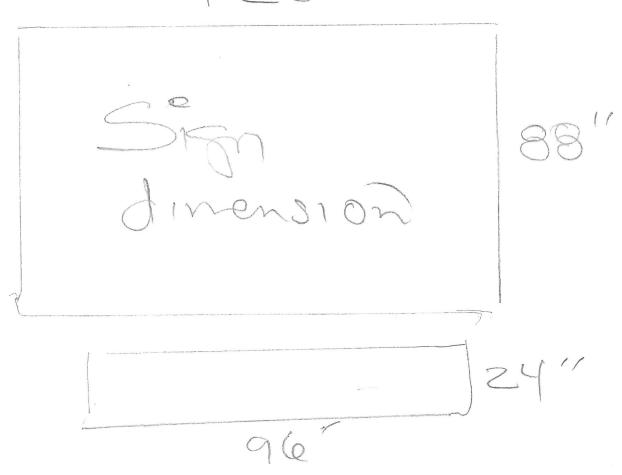
- ☐ A complete application for Special Use Permit approval
- □ Proof of property control, ownership, lease, or option to lease/purchase.
- □ Plan prepared by a registered architect or professional engineer
- ☐ Map showing the applicant's entire property and adjacent properties and streets
- □ A locator map at a convenient scale
- ☐ The proposed location, use and design of all buildings and structures
- Proposed division of buildings into units of separate occupancy, detailed breakdowns of all proposed floor space by type of use and floor level
- □ Existing topography and proposed grade elevations
- □ Location of driveways
- □ Location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences and proposed landscaping.
- Location, design, and size of all signs

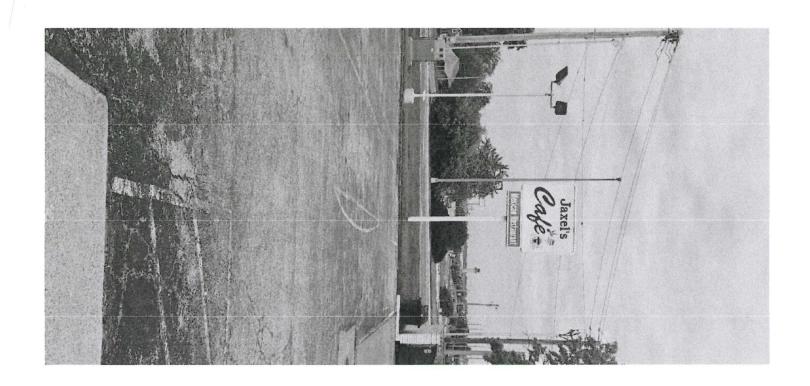


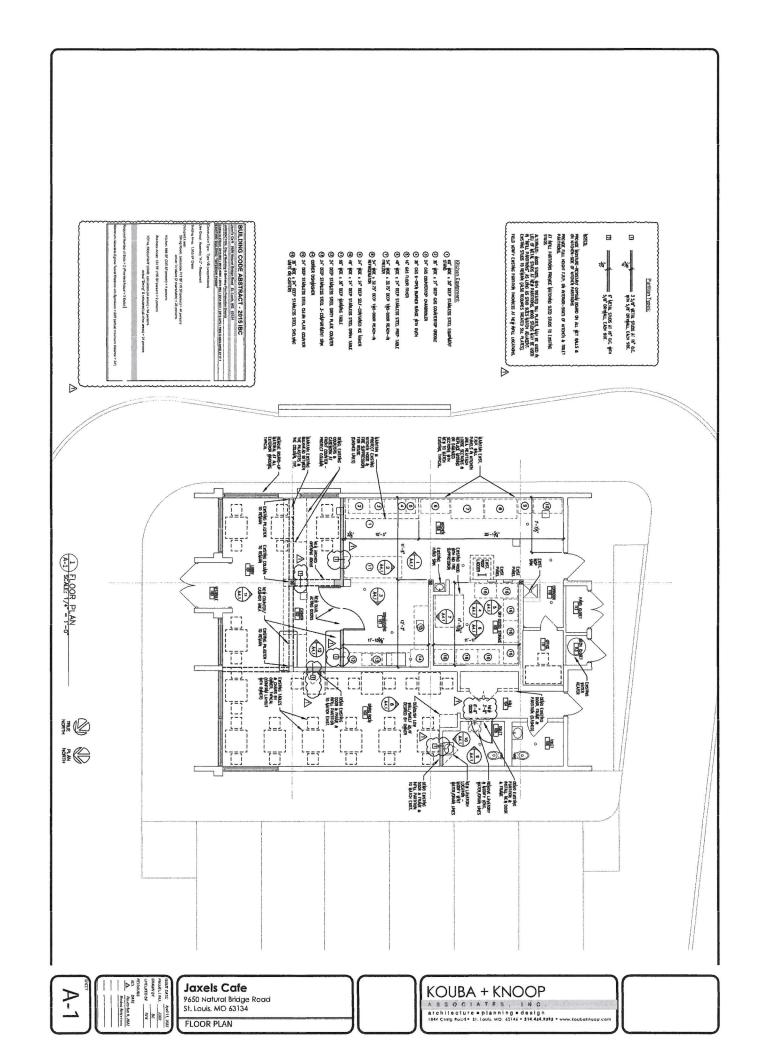
PUBLIC WORKS DIVISION | 8425 Airport Road, Berkeley, Missouri 63134-2098 (314) 524-3313 FA.

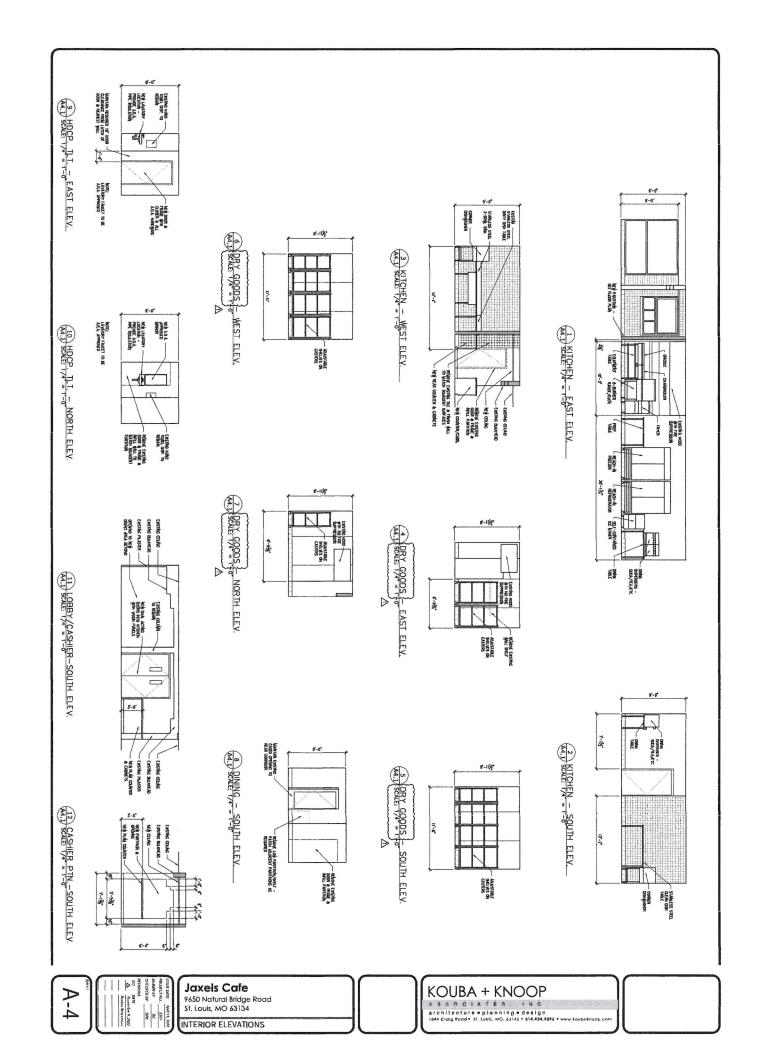
WNER(S) NAME: Na	Chana			
WER(3) NAME: Na	Cheng			
WNER(S) ADDRESS: 9650	Natural Bridge Road			
	•			
HONE: ()	EMAIL:	STATI	*	ZIP
IAVE AUTHORITY TO ACT ON E	BEHALF OF THE OWNER:	Applicant(s) Sig	nature	
signing this application, the owner of attachments are complete and a tice or subsequent action taken by mmission. (All applicants and own ges as needed.)	ccurate and that any omiss the City of Berkeley Boar	sion or incorr d of Adiustme	ect fact or info ents. City of Be	rmation m rkeley Plan e/address/
plicant(s) signature: Danny	Garicolo tes		Date:	/_
mer(s) Signature:	W		Date:	/_
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items necessary for a technical stitute a COMPLETE APPLICAT Signature://	TION.	NOTES TO BE TO BE	Date:	/
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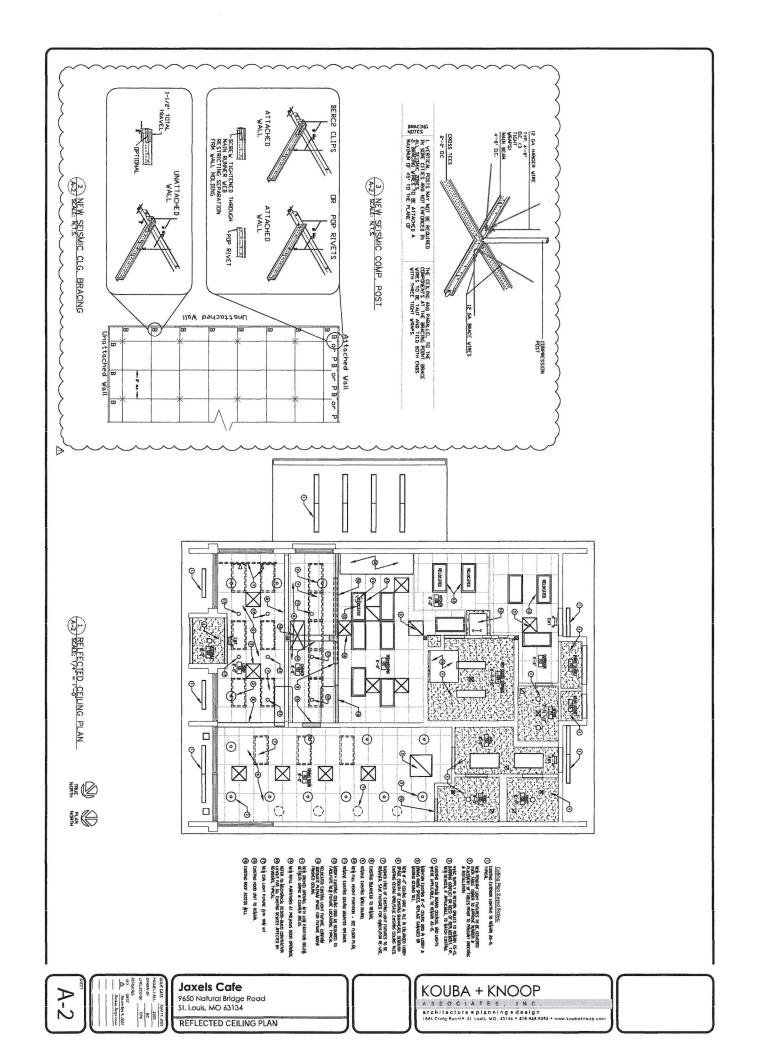












revenue.stlouisco.com/IAS/AsmtInfo.aspx?Locator=13K540531

Ownership and Legal Information: 13K540531 - 2022

| Locator No.: 13K540531 |
| Tax District: 111NE |
| Site Code: 0203 |
| Owner's Name: LUCKY HOME L L C |
| Taxing Address: 9650 NATURAL BRIDGE RD |
| SAINT LOUIS, MO 63134 |
| Care-Of Name: |
| Mailing Address: 210 SOOTER LN |
| ROLLA, MO 65401 |

Subdivision Book - Page:

Assessor's Book - Page: 07 - 0098

City Name: 51 BERKELEY

Subdivision Name: NATURAL SITES

LOT 3 30A220251 4 15 78

Important: This is a brief legal description an

Lot Number:

Lot Dimensions: 0174 / 0199 - 0106 / 0089