

# REPORT TO CITY COUNCIL

## PUBLIC HEARING December 5, 2016

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

**FROM:** Debra Irvin, Municipal Services Manager/Building Commissioner

**DATE:** November 14, 2016

**SUBJECT:** **Case No. 16-20 - A request for a Special Use Permit by Corneka Kimmins and Constance Hayes for a Childcare/Day Care Center at 8371 Frost Avenue in the City of Berkeley, St. Louis County, Missouri, located on Frost Avenue, north of the intersection of Frost Avenue and Midwood.**

We have investigated the Subject item, above, and present the following as our findings:

### RECOMMENDATION

Staff recommends approval, with conditions, of the request for a Special Use Permit by Corneka Kimmins and Constance Hayes for a Childcare/Day Care Center at 8371 Frost Avenue in the City of Berkeley, St. Louis County, Missouri, located on Frost Avenue, north of the intersection of Frost Avenue and Midwood.

### BACKGROUND

The property that is the subject of this report is located at the northern corner of Frost Avenue and Midwood. The property is zoned "C-1" Local Commercial District. The property to the east and west is "R-2", Residential. The properties to the north are "C-1", and "R-2", residential single-family homes. Current tenants:

8363 Frost – D & K Take Out  
8359 Frost – Vacant  
8355 Frost– Beauty Shop  
8351 Frost – Candy Shop  
8349 Frost – Vacant

### ZONING JUSTIFICATION

"C-1" zoning requirements:

- Front yard: Twenty-five (25) feet
- Side yard: Seven (7) feet
- Rear yard: Twenty-five (25) feet
- Landscaping: A planting strip of twenty (20) feet shall be established and maintained within the required front yard. The business is going into an existing building. There is no landscaping.

- Parking: Take –out Restaurant, candy store, or ice cream parlor – one (1) parking space for each one hundred (100) feet of floor area.

Staff Research - Area approximately 1,400 square feet – 14 spaces required – mixed uses for entire mini-strip mall= 26 spaces

### **SUPPORTING DOCUMENTS**

- Staff Report
- St. Louis County Property Viewer Map
- Pictures of exterior of lot
- Floor Plan

### **OPTIONS**

1. Recommend approval of the Petitioner’s request.
2. Recommend denial of the Petitioner’s request.

### **RECOMMENDATION TO CITY COUNCIL**

Approve the request for a Special Use Permit Special Use Permit with conditions, the by Corneka Kimmins and Constance Hayes for a Childcare/Day Care Center at 8371 Frost Avenue in the City of Berkeley, St. Louis County, Missouri. Approval of the Petitioner’s request would allow the property to be used in a manner consistent with previous use(s).

1. Hours of operations shall be 24-hours, seven days a week.
2. No more than 35 children over a 24-hour period
3. Age range 6 weeks – 12 years old
4. State license is required
5. 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.
6. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
7. Occupancy and Fire Inspection shall be completed before applicant’s taking possession.
8. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
9. 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.
10. Substantial work or construction as determined by the City Council under the permit shall be commenced within ninety (90) days and completed with actual occupancy within one hundred eighty (180) days or the permit shall terminate. The permit may be extended by the City Council. The City Council may condition the permit with conditions to protect the public health, safety and general welfare. "*Actual occupancy*" shall mean the business is open to the public.
11. 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 the regulations and restrictions of this Chapter or the requirements of the special use permit.

**PUBLIC NOTICE AND COMMENT**

Public Hearing notification is applicable before the City Council, notices shall be mailed to owners and occupants of the property within 185 feet of the site. This public hearing shall be published, posted and scheduled for the next available date as determined by the City Clerk.

**Respectfully submitted,**

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**Debra M. Irvin, Building Commissioner**



Oct 12, 2016  
Nov 10 (P+Z) Mt

PUBLIC WORKS DIVISION - 8425 AIRPORT ROAD - BERKELEY, MISSOURI 63134-2098 - (314) 524 3313 FAX (314) 264-2074

### TYPE OF APPLICATION

(Please check all that apply) **APPLICATION FEE \$350**

<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
<input type="checkbox"/> Street Name	<input type="checkbox"/> Other

#### REQUIREMENTS:

1. Prepare **twenty (20) legible sets of drawings detailing interior & exterior of property.**
2. Submit a completed application three (3) weeks prior to Planning meeting. (SEE attached Deadline & Meeting dates)
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) NAME(S) Corneka Kimmins / Constance Hayes

APPLICANT IS: OWNER \_\_\_\_\_ AGENT \_\_\_\_\_ PURCHASER OF CONTRACT \_\_\_\_\_ LEASEE \_\_\_\_\_

APPLICANT(S) ADDRESS: STREET 8333 White Water

CITY Berkeley STATE MO ZIP 63134 PHONE (314) 482-7447 E-MAIL Constance.hayes1999@gmail.com  
Corneka@berkeley.com

PROPERTY DESCRIPTION AND STREET ADDRESS OR, IF NO STREET ADDRESS, THEN A GENERAL STREET LOCATION AND/OR DESCRIPTION: 8371 Frost

PRESENT ZONING DISTRICT: C-1 PROPOSED ZONING DISTRICT (If applicable) N/A

THE PROPERTY HEREIN IS PRESENTLY BEING USED AS FOLLOWS: Day care

THE REQUEST IS TO USE IT FOR: (Overview/Nature of business, hours of operation etc.) "Our Future Leaders Day care Center" (24 hr operation)

APPROXIMATE SIZE OF TRACT: \_\_\_\_\_ ACRES \_\_\_\_\_ SQUARE FEET Inside + play yard 1/400

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: Donna Peables, Kali Owens-Sims

ADDRESS: STREET: 8363 Frost Ave CITY St. Louis

STATE: MO ZIP: MO PHONE: 314) 249-1886 E-MAIL \_\_\_\_\_

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

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 Constance Hayes OWNER(S) SIGNATURE \_\_\_\_\_

DATE 10/13/16 DATE \_\_\_\_\_

On this date, all items necessary for a technical review of the proposed Special Use Permit plan have been submitted and constitute a COMPLETE APPLICATION.

DATE PAID 10/13/16 Cash  Check  Money Order  Debit/Credit  RECEIPT NO: 19470 CASE NO: 16-20

**STAFF REPORT**

CASE NUMBER: **16-20**

DATE: October 18, 2016

PETITIONER: Corneka L. Kimmins and Constance Hayes  
8333 Whitewater  
Berkeley MO 63134  
(314) 482-7447

PROPERTY OWNERS: Donna Peebles  
8363 Frost Ave  
St. Louis, MO 63134  
(314) 249-1883

REQUEST: Approval of a Special Use Permit for a 24-hour/7-days  
Daycare/Childcare Center

PROPERTY ADDRESS: 8371 Frost (Frost Strip Center)

SIZE: Approximately 1,400 square feet

CURRENT ZONING: "C-1" Local Commercial District

PROPOSED ZONING: Zoning to remain the same

EXISTING USE: Former Daycare/Learning Center

PROPOSED USE: Daycare/Childcare

RECOMMENDATIONS: Staff recommends approval with conditions

11269 Graben  
Dr. p3074

## ST. LOUIS COUNTY, MISSOURI



## Real Estate Tax History Statement

This information reflects the tax status for the account and tax year(s) indicated.

If you have any questions you can contact the Collection Division by calling (314) 615-5500.

Effective 10/26/2016.

Locator Number: 10J140072  
 Owner Name: Peebles Donna Etal  
 Property Location: 8347 Frost Ave  
 Subdivision: Frostwood Plat 2  
 Block Number:  
 Lot Number: A  
 School Sub Code: 111NE  
 Legal Description:  
 Assessed Value: \$45,350.00

Office Use: 3TPP2Q7102064H1YJ90K1LG5W 10/26/2016 1:39:43 PM

15 10J140072 PEE-ALL PAID

## Real Estate Tax History:

Tax Year	Owner's Name	Tax Code	Sewer Lateral Fee	Total Assessed Value	Amount Due	Amount Paid	Date Paid
2015	Peebles Donna Etal	111NE	\$0.00	\$45,350.00	\$5,099.58	\$5,099.58	12/21/2015
2014	Peebles Donna Etal	111NE	\$0.00	\$37,410.00	\$4,241.54	\$4,241.54	12/23/2014
2013	Peebles Donna Etal	111NE	\$0.00	\$37,410.00	\$4,053.53	\$4,053.53	12/28/2013
2012	Peebles Donna Etal	111NE	\$0.00	\$37,890.00	\$3,914.89	\$3,914.89	12/5/2012
2011	Peebles Donna Etal	111NE	\$0.00	\$37,890.00	\$3,907.78	\$3,907.78	12/13/2011
2010	Peebles Donna Etal	111NE	\$0.00	\$76,610.00	\$7,551.29	\$7,551.29	12/10/2010
2009	Peebles Donna Etal	111NE	\$0.00	\$76,610.00	\$7,247.24	\$7,247.24	12/22/2009
2008	Peebles Donna Etal	111NE	\$0.00	\$110,660.00	\$10,621.81	\$10,621.81	12/3/2008
2007	Peebles Enoch M Minnie L H/W	111NE	\$0.00	\$110,660.00	\$10,788.90	\$10,788.90	12/27/2007
2006	Peebles Enoch M Minnie L H/W	111NE	\$0.00	\$64,480.00	\$6,574.76	\$6,574.76	10/31/2006
2005	Peebles Enoch M Minnie L H/W	111NE	\$0.00	\$64,480.00	\$6,546.00	\$6,546.00	12/12/2005
2004	Peebles Enoch M Minnie L H/W	111NE	\$0.00		\$6,201.15	\$6,201.15	12/17/2004

2003	Peebles Enoch M Minnie L H/W	111NE	\$0.00		\$6,125.41	\$6,125.41	12/30/2003
2002	Peebles Enoch M Minnie L H/W	111NE	\$0.00		\$4,708.84	\$4,708.84	12/31/2002
2001	Peebles Enoch M Minnie L H/W	111NE	\$0.00		\$3,857.80	\$3,857.80	12/12/2001
2000	Peebles Enoch M Minnie L H/W	111NE	\$0.00		\$3,169.08	\$3,169.08	12/22/2000
1999	Peebles Enoch M Minnie L H/W	111NE	\$0.00		\$3,211.71	\$3,211.71	12/28/1999

Note that commercial surcharges are not included in the tax Amount Due column for tax years prior to 2002.

 **Close Window**



## Real Estate Information Printable Version

8347 FROST AVE, SAINT LOUIS, MO 63134

### Ownership and Legal Information: 10J140072 - 2016

Locator No.	Tax Year	Tax District	City Code	Site Code	Destination Code
10J140072	2016	111NE	007	0203	
<b>Owner's Name:</b>	Peebles Donna Etal				
<b>Taxing Address:</b>	8347 Frost Ave Saint Louis, MO 63134				
<b>Care-Of Name:</b>					
<b>Mailing Address:</b>	5266 Cheltenham Rd Florissant, MO 63033				
<b>Subdivision Book - Page:</b>					
<b>Assessor's Book - Page:</b>	06 - 0009 B				
<b>City Name:</b>	Berkeley				
<b>Subdivision Name:</b>	Frostwood Plat 2				
<b>Legal Description:</b>					
<b>Lot Number:</b>	A	<b>Block Number:</b>			
<b>Lot Dimensions:</b>	0206 / 0167 - 0126 / 0139	<b>Total Acres:</b>			
<b>Tax Code - Description:</b>	A - Taxable	<b>Land Use Code:</b>	504		
<b>Deed Document Number:</b>	2008010700648	<b>Deed Type:</b>	QCD		
<b>Deed Book and Page:</b>	<b>Book:</b> 17761 <b>Page:</b> 3498	<b>Trash District:</b>	Not Applicable		
<b>Deed Index List:</b>	<a href="#">View Deed Index Information Recorded With Locator Number 10J140072</a>				
<b>School District:</b>	Ferguson-Florissant	<b>County Council District:</b>	1		

**Assessment Information:** 10J140072 - All Available Years

Year	Property Class	Appraised Values			%	Assessed Values		
		Land	Improv.	Total		Land	Improv.	Total
2016	Residential:				19%			
	Agriculture:				12%			
	Commercial:	114,300	27,400	141,700	32%	36,580	8,770	45,350
	<b>Total:</b>	<b>114,300</b>	<b>27,400</b>	<b>141,700</b>		<b>36,580</b>	<b>8,770</b>	<b>45,350</b>
2015	Residential:				19%			
	Agriculture:				12%			
	Commercial:	114,300	27,400	141,700	32%	36,580	8,770	45,350
	<b>Total:</b>	<b>114,300</b>	<b>27,400</b>	<b>141,700</b>		<b>36,580</b>	<b>8,770</b>	<b>45,350</b>
2014	<b>Total:</b>	86,900	30,000	116,900		27,810	9,600	37,410
2013	<b>Total:</b>	86,900	30,000	116,900		27,810	9,600	37,410
2012	<b>Total:</b>	86,900	31,500	118,400		27,810	10,080	37,890
2011	<b>Total:</b>	86,900	31,500	118,400		27,810	10,080	37,890
2010	<b>Total:</b>	86,900	152,500	239,400		27,810	48,800	76,610
2009	<b>Total:</b>	86,900	152,500	239,400		27,810	48,800	76,610
2008	<b>Total:</b>	67,800	278,000	345,800		21,700	88,960	110,660
2007	<b>Total:</b>	67,800	278,000	345,800		21,700	88,960	110,660
2006	<b>Total:</b>	52,100	149,400	201,500		16,670	47,810	64,480
2005	<b>Total:</b>	52,100	149,400	201,500		16,670	47,810	64,480

**Building Information:** 10J140072 - 2016 - Card 1

Locator Number	Tax Year	Card Number	Total Living Units
10J140072	2016	1	0
<b>Year Built:</b>	1960	<b>Number of Units:</b>	
<b>Building Number:</b>	0001	<b>Area Under Roof:</b>	7,098 ft <sup>2</sup>
<b>Structure Type:</b>	Strip Shopping Cntr	<b>Class:</b>	C
<b>Grade:</b>	D	<b>Identical Units:</b>	1
<b>Improvement Name:</b>	Frostwood		

**Sales Information:** 10J140072 - All Available Years

Sale Date	Sale Price	Sale Type	Sale Validity Code - Name	Book - Page
01/07/2008	\$0	Land And Building	T - Transfer	17761 - 3498
03/01/1996	\$70,000	Land And Building	V - Certificate Of Value (Unverified)	
08/01/1991		Land And Building	T - Transfer	

**Exterior Building Information:** 10J140072 - 2016 - Card 1

Line	Sect	From	To	Year Built	Total Area	Perimeter	Use Type	Wall Height	Wall Type	Construction Type
1	01	B1	B1	1960	1,690 ft <sup>2</sup>	167	Support	9 ft	None	Wood Frame, Joist And Beam
2	01	01	01	1960	7,098 ft <sup>2</sup>	422	Multi Sale	10 ft	Brick Or Stone Veneer	Wood Frame, Joist And Beam

**Interior Building Information:** 10J140072 - 2016 - Card 1

Line	Sect	From	To	Finish %	Partition	Heat / AC	Plumbing	Physical Condition	Funct. Util.
1	01	B1	B1	100	Normal	Hot Air / Window Unit	Adequate	Normal	Normal
2	01	01	01	100	Normal	Hot Air / Window Unit	Adequate	Normal	Normal

**Other Building Features Information:** 10J140072 - 2016 - Card 1

Line	Int/Ext Line	Description	Measure 1	Measure 2	Elev. Stops	Identical Units
1	2	Canopy Roof/Slab	4	50		1
2	2	Canopy Roof/Slab	882	1		1
3	2	Cooler-Chiller	2,320	1		1
4	2	Cooler-Freezer	1,408	1		1

**Other Buildings and Yard Information:** 10J140072 - 2016

Description	Year Built	Units	Total Area	Grade	Condition
Paving Asphalt Parking	1960	1	16,000	C	Normal

Listed below are all the available online documents for this parcel.

**Documents:** 10J140072 - All Available Years

Tax Year	Document Title	Date	View
2015	Change Of Assessment Notice - Front	06/11/2015	<a href="#">View</a>
2015	Change Of Assessment Notice - Back	06/11/2015	<a href="#">View</a>
2015	Projected Tax Liability Notice - Back	06/11/2015	<a href="#">View</a>
2015	Projected Tax Liability Notice - Front	06/11/2015	<a href="#">View</a>
2013	Change Of Assessment Notice - Front	05/29/2013	<a href="#">View</a>
2013	Change Of Assessment Notice - Back	05/29/2013	<a href="#">View</a>
2013	Projected Tax Liability Notice - Back	05/29/2013	<a href="#">View</a>
2013	Projected Tax Liability Notice - Front	05/29/2013	<a href="#">View</a>
2011	Change Of Assessment Notice - Front	05/20/2011	<a href="#">View</a>
2011	Change Of Assessment Notice - Back	05/20/2011	<a href="#">View</a>
2011	Projected Tax Liability Notice - Back	05/20/2011	<a href="#">View</a>
2011	Projected Tax Liability Notice - Front	05/20/2011	<a href="#">View</a>
2009	Change Of Assessment Notice	06/15/2009	<a href="#">View</a>
2009	Projected Tax Liability Notice	06/15/2009	<a href="#">View</a>

Information on this page is current as of Tuesday, October 25, 2016.

**NEW  
START**



7 DAYS  
24 HRS

**NOW ENROLLING**

NEW START

8371

**LEARNING  
CENTER**



3

314-6



LEARNIN'  
CENTI

314-522-9353



*Frostwood*  
SHOPPING CENTER

D & K SANDWICH SHOP

FROSTWOOD BEAUTY SUPPLY

FROST ST. GIFT & CANDY SHOP

NEW START LEARNING CENTER

RAG TIME FASHION

A TOUCH OF HAIR SALON CLASS

NO LOTTERING OR LOU MUSIC

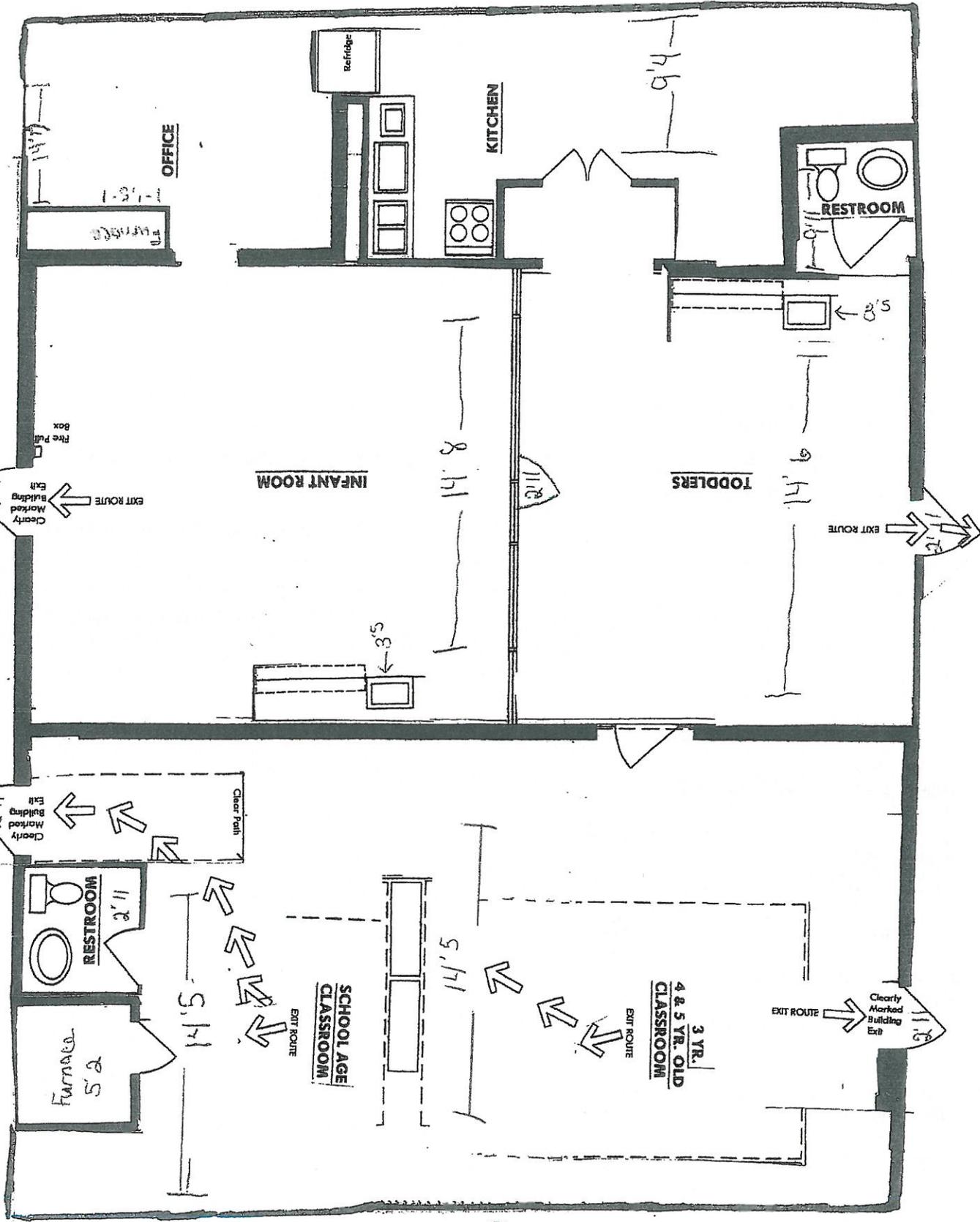
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10/25/2016 15:02

PLAYLAND

PLAYLAND



OUR FUTURE LEADERS DAYCARE CENTER - FLOOR  
 8371 FROST AVF.