

**MEMORANDUM**

**TO:** Mayor Deinbo and Members of City Council  
**FROM:** Jeremy Taylor, Economic Development Coordinator  
**THROUGH:** April Walton, Acting City Manager  
**SUBJECT:** **Case 25-02; Special Use Permit for 5930 Evergreen Avenue**  
**MEETING DATE:** February 18, 2025

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Applicant seeks a Special Use Permit to sell and repair cars and perform safety/emissions testing at 5930 Evergreen Avenue

**STAFF RECOMMENDATION:**

**APPROVAL OF SUP**



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**APPLICATION INFORMATION**

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Applicant Information:	Demario Dixon 11615 Hannibal Drive St. Louis, Missouri 63138
Status of Applicant:	tenant
City Council Ward(s):	Ward 4
Parcel ID Number:	11J130948
Area of Property:	.23 Acres (building: approximately 2,800 sq. ft.)
Current/Past Use of the Property:	Vacant/(past): vehicle storage/repair
Prior Zoning Cases/History:	N/A
Surrounding Zoning:	<u>North</u> : M-1 <u>South</u> : M-1 <u>East</u> : M-1 <u>West</u> : M-1

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Parking Required (used car sales): 1 space per 1,000 sq. ft. of display area (9+ available)

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**MAPS**

**City of Berkeley Zoning and Aerial/Parcel Map:**

(see attached)



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## SPECIAL USE PERMIT IMPACT ANALYSIS

**1. The compatibility with surrounding uses and compatibility with the surrounding neighborhood.**

The use is compatible: the site is in an area of light to heavy industrial, with an auto repair facility next door run by the Applicant's father.

**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.

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

Impact of this use would depend on the number of vehicles sold on the lot, the hours of operation, and the degree and consistency of property maintenance.

**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.**

The proposed use will increase traffic over current usage (which is currently none), but it is unclear that it will be significant.

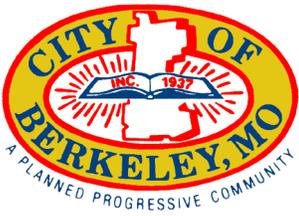
**5. The capacity of adjacent streets to handle increased traffic in terms of traffic volume.**

This block of Evergreen is a lightly used industrial street that is one half-mile from Scudder and Hanley Roads, so it should be able to handle the additional traffic.

**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.**

No significant increase in noise is expected.

**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.**

Staff recommends that the vehicles in disrepair in front of this building and it's adjacent neighbor be required to be relocated to the side or rear of the building behind screened fencing.

- 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.**

The potential for attempted theft will probably not be significantly increased. Nevertheless, Staff recommends the Applicant install security cameras and lighting.

- 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 building fits the character of its neighbors, so the only recommendation is making sure vehicles in disrepair are out of view behind a screened fence, and the existing landscaping in front is maintained.

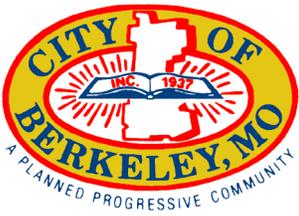
- 10. The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.**

If security lighting is installed, it will need to be shielded to prevent light glare above or to the rear of the property.

- 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.**

There isn't much landscaping, but what is there should be maintained.

- 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 generated. 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.**



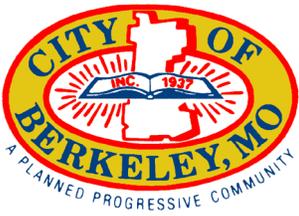
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As mentioned above, the Applicant's father owns and operates Better Deal Automotive adjacent to this proposed facility, and the Applicant has indicated he has worked on autos for many years, so as long as the conditions of approval are met there should be no significant additional impact.

**PLANNING COMMISSION RECOMMENDATION OPTIONS:**

1. –Recommend approval of the applicant's request.
2. –Recommend denial of the applicant's request.



**CONDITIONS OF APPROVAL:**

1. Hours of Operation shall be 8 am-4 pm, Monday through Saturday.
2. 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.
3. The building, lot, and yard shall be maintained and kept free and clear of any debris or trash.
4. vehicles that are inoperable or in disrepair must be moved to the side or rear of the property behind screened fencing.
5. glare-shielded security lighting and cameras should be installed on the premises.
6. Prior to issuance of any Occupancy Permit the above noted conditions shall be met.
7. A sign permit will be required if the Applicant wishes to install a sign. Banners, pennants, festoons, human sign, searchlights are prohibited. Business signage shall be limited to no more than 10% of window space. The petitioner will be permitted exterior signage as per the City's sign code.
8. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
9. The exterior area shall be maintained and kept free and clear of any debris or trash or weeds.
10. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
11. 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.
12. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
13. All inspections and/or required by the city or other jurisdiction are required before issuance of occupancy permit or business license will be issued. 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.
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. The City Council shall provide that the permit be exclusive only for the holder and non-transferable.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

**PREPARED BY:** Jeremy Taylor, Economic Development Coordinator

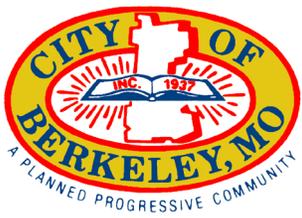
**REVIEWED BY:** April Walton, City Manager



5930 Evergreen Avenue; Front view



Aerial/parcel map of site



Zoning map of site.