

RESOLUTION # 3683

AMENDED

2021

2025

Introduced by: City Manager April Walton
of the City of Berkeley, MO

AN AMENDMENT TO RESOLUTION 3683 TO AUTHORIZE A SPECIAL USE PERMIT THAT INCLUDES A DBA NAME, CATERING, RESTAURANT, DELIVERY, DINE IN, AND CARRYOUT FOOD SERVICES AT THE CURRENT BUSINESS LOCATED AT 8624 FROST AVENUE, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI.

- WHEREAS,** Lorenzo Gordon has previously applied to such City for the issuance of a Special Use Permit to operate a catering business; and
- WHEREAS,** in accordance with the applicable Ordinance of the City of Berkeley, such application was submitted to the City Plan Commission for its investigation and reports, and further, that such City Plan Commission has returned its final report and recommendation wherein it recommended the issuance of a Special Use Permit to Lorenzo Gordon to operate a catering company by converting a restaurant business located at 8624 Frost Avenue; and
- WHEREAS,** due notice of the time, place and purpose of a virtual public hearing was published in two (2) consecutive issues of a newspaper of general circulation in the City or posted on the city's website, the first notice being published at least ten (15) days prior to the date of the hearing, and written notices of said hearing were mailed to the last known places of abode of the owners of all property lying within one hundred eighty five (185) feet of all boundaries of the property under consideration for a Special Use Permit; and
- WHEREAS,** such public hearing was duly held by the Council, on September 25, 2023, on behalf of the City of Berkeley, Missouri, in conformity with said public notice at which hearing the parties of interest were given an opportunity to be heard; and
- WHEREAS,** Lorenzo Gordan has requested to update his previous Special Use Permit to include a doing business as name (DBA) as well as restaurant, delivery, dine-in, and carryout food services in addition to catering services.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BERKELEY, MISSOURI AS FOLLOWS:

SECTION 1. The City Council determines that the public health, welfare, and safety are adequately protected in view of the foregoing criteria, and the Special Use Permit shall be granted as the Council affirmatively finds as to the required criteria.

SECTION 2. The use of said tracts for the aforesaid purpose is granted subject to the following conditions:

1. Business Name – ***Infusion Food Service DBA Factory Eatz***
2. Hours as approved as requested, 9:00am-10:00pm, 7-days a week, any change of hours shall be approved by the City Council.
3. Shall adhere and comply with "performance standards" in terms of vibrations, noise, odor, smoke, toxic gases, emissions, and air pollution.
4. No outdoor storage or overnight parking of any vehicle.
5. A Berkeley Business license is required.
6. Outside storage of bins and empty boxes is not allowed on the property or in the trash enclosure by the City's Codes.
7. Proper trash enclosure doors with suitable hingers should be connected for smooth operations.
8. Submission of final architectural drawings for the floor plan to the Building Department for review and approval by the Building Commissioner.
9. The interior will be thoroughly inspected by City's Building and Fire Department for compliance with adopted building codes.

10. Overall, the total site, total areas, building needs to be inspected by the City Staff for compliance with the City's current codes and regulations prior to occupying the same.
11. Apply for commercial inspection from Public Works Department / Inspection Division, which shall include the fire inspection.
12. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
13. Owner shall comply with Ordinance 4373 and install and maintain a commercial trash enclosure with dumpster. Proper trash enclosure doors with suitable hinges should be connected for smooth operations. Permit required.
14. 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. Pick up litter around the premises at least two times a day.
15. Signs are *prohibited* in the right-of-way. A sign permit is required for new wall/window signs. Banners, pennants, festoons, searchlights, or human signage directing patrons are *prohibited*. No banners, balloons, flags or festoons, snipe signs or directional signs in the city's public right-of-way. Business signage shall be limited to no more than 10% of window space. Or ten (10) square feet in area, whichever is the smaller of the dimension. The petitioner will be permitted one exterior wall mounted sign at the front wall of the business. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
16. The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

SECTION 3. The Department of Public Works shall be charged with responsibility for the enforcement of this Resolution and incorporated therein all necessary reports.

SECTION 4. This Resolution shall be in full force and effect from and after the date of its passage.

PASSED this **25th day of September 2023**
Passed Amendment this _____ day of _____ 2025

ATTEST: _____ Mayor Rita Crawford-Graham

Deanna Jones, City Clerk

Approved as to Form:
Felica Ezell-Gillespie, City Attorney

Final Roll Call:
Councilwoman Williams Aye ___ Nay ___ Absent ___ Abstain ___
Councilman Hoskins Aye ___ Nay ___ Absent ___ Abstain ___
Councilwoman Anthony Aye ___ Nay ___ Absent ___ Abstain ___
Councilman Hindeleh Aye ___ Nay ___ Absent ___ Abstain ___
Mayor Crawford-Graham Aye ___ Nay ___ Absent ___ Abstain ___



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MEMORANDUM

TO: The Honorable Mayor and Members of the City Council

FROM: Jeremy Taylor, Economic Development Coordinator

THRU: April Walton, City Manager

DATE: April 3, 2025

RE: SUP 23-17 8624 Frost Ave/Resolution #3683 Amendment

Below are the amendments to Resolution #3638 regarding a Special Use Permit for a business located at 8624 Frost Ave:

- 1.) Title of Resolution updated to include new requested uses of Catering, Restaurant, Delivery, Dine-In, and Carryout Food Services as well as the “doing business as” name.
- 2.) The addition of a recital located in the preamble section of the Resolution that states Mr. Lorenzo Gordon is requesting to update his SUP to include his business’s new requested uses of Catering, Restaurant, Delivery, Dine-In, and Carryout Food Services as well as the “doing business as” name.
- 3.) Number 1 of Section 2 has been amended include the business’s DBA name.
- 4.) Number 4 of Section 2 that states “No restaurant or retail use shall take place within the facility” has been removed in its entirety.
- 5.) Dates, City Council Members, City Manager, and City Attorney names have all been updated.