

RESOLUTION # 3428

Introduced by: Council Members Present
of the City of Berkeley, MO

A RESOLUTION AUTHORIZING MICHAEL & MAUNITA SMITH A SPECIAL USE PERMIT TO OPERATE A DAYCARE/HEAD START, PRESCHOOL, AND LEARNING CENTER BUSINESS LOCATED AT 4340 MARSHALL RD., IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Michael & Maunita Smith, has applied to such City for the issuance of a Special Use Permit to operate a Daycare/Head Start, Preschool, and Learning Center 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 Michael & Maunita Smith, to operate a Daycare/Head Start, Preschool, and Learning Center business, located at 4340 Marshall Rd.; and

WHEREAS, due notice of the time, place and purpose of a 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 (10) 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 November 06, 2017, in the City Hall 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

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:

- a) School opening date: May-June 2018. Hours of operations shall be from 7-days a week; 6am-Midnight
- b) Number of infants (16), Number of children between 2-13 years (64). Number of teachers per students 8-teachers for infants; 3-teachers for 2-yearolds; 8-teachers for 3-13 years
- c) Asphalt mill and pave shall be done on entire parking lot. Stripe parking space and create 1-handicap space.
- d) Fence shall be wood or vinyl facing the apartments and chain link around the playground. Fence shall be no more than 6 feet tall around the entire parking lot, fence permit is required.
- e) A trash enclosure is required for all commercial trash dumpster.
- f) 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.
- g) Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
- h) Sign permit is required for new signs.

- i) No banners, balloons, flags, or festoons in right of way along Marshall and Natural Bridge or on the grassy hill with the permission of the City Council.
- j) Occupancy permit and Business License shall be posted at all times.
- k) The entire interior will be thoroughly inspected by City's Building and Fire Departments, 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 Business License at Berkeley's Finance Office, and, State daycare license.
- l) 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 three (3) 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 three (3) years.
- m) 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, not complying with the City's 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.
- n) Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. The applicant will comply with all the City's rules and regulations.
- o) Prior to issuance of any Occupancy Permit, the above noted conditions, the conditions as described in the attached Report, 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.
- p) Prior to the issuance of any business license herein, the applicant must secure an additional land use permit, pursuant to Chapter 400, Zoning, of the Municipal Code of the City, and receive approval of the Director of Public Works relative to the construction of the parking lots and all buildings.
- q) Every parking lot shall be paved with asphalt or other similar paving as approved by the Director of Public of Public Works, and be kept clean and free of litter and debris.
- r) 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.

SECTION 3 The Department of Public Works shall be charged with responsibility for the enforcement of this Resolution.

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

PASSED this _____ **day of** _____ **2017**

ATTEST:

Theodore Hoskins, Mayor

Deanna Jones, City Clerk

Final Roll Call:

Approved As To Form:
Donnell Smith, City Attorney

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___