

RESOLUTION NO. 2125

Introduced by Council present

A RESOLUTION AUTHORIZING BIAN JIAN GONG, A SPECIAL PERMIT, AUTHORIZED UNDER PROVISIONS OF THE ZONING LAWS OF THE CITY OF BERKELEY, MISSOURI, CHAPTER 23, SECTION 23.19, FOR USE ON CERTAIN DESCRIBED PROPERTY, AND PROVIDING THE CONDITIONS OF SUCH USAGE AS IN OPERATING AN AUTO REPAIR AT 5926 GARFIELD.

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WHEREAS, Bian Jian Gong is the lessor of certain described property within the City of Berkeley, Missouri, and applicant has applied to such City for a Special Use Permit for the location and establishment of a auto part sales, auto repair and storage at 5926 Garfield; 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, the first notice being published at least fifteen (15) days prior to the date of the hearing, and written notices of said hearing were mailed to the last known place of abode of lessees 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 March 5, 2001, 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

WHEREAS, the Council has found and considered these matters contained in Section 23.19, and the following matters in Section 23.19.6 of the Municipal code of the City of Berkeley, Missouri:

1. The use proposed has compatibility with surrounding uses and compatibility with the surrounding neighborhood.
2. The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
3. The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area.
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.
5. The capacity of adjacent streets to handle increased traffic in terms of volume.
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.
7. In commercial districts, the negative impact on the economic availability of the commercial area of businesses with poor appearance due to type of goods of services offered; limited business hour of other evidence of limited use of building for commercial purposes; and interruption of the continuity of retail predominantly oriented to retail sales.
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.

- a. 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 stands out or create a visual problem with the neighborhood.
- b. 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.
- c. The impact of 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.
- d. The impact of a significant amount of hard surface areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation.
- e. The potential for 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.
- f. In the case of television antennas, any interference with neighbor visions appearance or utilization of their property.

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 above criteria.

SECTION 2. Subject to the conditions hereinafter set forth, a Special Use Permit for an auto repair is hereby granted to Bian Jian Gong located at 5926 Garfield.


SECTION 3. The use of said tracts for the aforesaid purposes is granted subject to the following conditions:

- a) No Junk/derelect cars
- b) Repair blacktop, and
- c) Establish business hours Monday through Saturday 9:00 a.m. to 5:00 p.m., closed Sunday
- d) This Special Use Permit shall not be assigned, nor sold, nor conveyed, nor operated by another without prior approval by the Council and no occupancy permit, building permit or business license shall be issued to such assignee until such approval is secured.

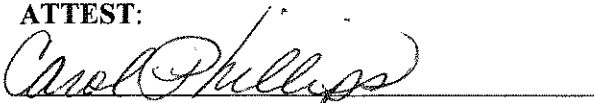
SECTION 4. The Department of Public Works shall be charged with the responsibility for the enforcement of this Resolution.

SECTION 5. This Resolution shall be in full force and effect from and after the date of its passage.

PASSED this 16th day of April 2001.


Babatunde Deinbo, Mayor

ATTEST:


Carol Phillips, City Clerk