

RESOLUTION # 3400
Revised

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

A RESOLUTION AUTHORIZING AMAR FAMILY LLC AND YOUSEF AMAR A SPECIAL USE PERMIT TO CONTINUE OPERATING A GROCERY STORE, SELL LOTTERY TICKETS AND CELL PHONES WITH AN INSTALLED COMMERCIAL KITCHEN TO SELL HOT/COOKED FOODS, LOCATED AT 8516 AIRPORT RD, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Amar Family LLC and Yousef Amar, has applied to such City for the issuance of a Special Use Permit to continue operating a grocery store, sell lottery tickets and cell phones **with an installed commercial kitchen to sell hot / cooked foods**; 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 to approve the issuance of a Special Use Permit to Amar Family LLC and Yousef Amar to continue operating a grocery store, sell lottery tickets and cell phones **with an installed commercial kitchen to sell hot/cooked foods** located at 8516 Airport 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 January 9, 2017, **also on December 4, 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) **A commercial hood exhaust and suppression system is required for cooking.**
- b) **A St. Louis County Health & Food Preparation Certification is required.**
- c) **No Loitering signs shall be posted.**
- d) **No indoor dining or indoor seating. Carry-out only.**
- e) **Hours of operation as identified by Petitioner are (7 days a week) ~~Monday – Saturday 8:00 am – 10:00 pm, Sunday 9:00 am – 9:00 pm~~ Sunday – Saturday 7:00 am to 9:00 pm and some holidays.**
- f) **Remove metal bars from interior front windows within 60 days of City Council Public Hearing. ~~No bars allowed on the windows.~~**
- g) **At no time shall the business owner board up windows or doors with the exception of observed religious holidays.**
- h) **Exterior shall be maintained and free of debris at all times.**

- i) Parking lot shall be repaired, free of cracks and potholes.
- j) Repair or replace cracks parking block at front entrance.
- k) There shall be no sale of liquor.
- l) There shall be no sale of cooked foods.
- m) This site shall comply with all the applicable 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, and St. Louis County.
- n) Commercial Occupancy Inspection is required.
- o) The exterior area shall be maintained and kept free and clear of any debris or trash or weeds. All plants/trees/bushes and landscaped material will be properly maintained along Airport Rd.
- p) Business signage shall be limited to no more than 10% of window space. The petitioner will be permitted one exterior wall mounted sign at the front of the business.
- q) 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.
- r) 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.
- s) 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 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.
- t) 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.
- u) 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.
- v) The Special Use Permit take effect upon the approval of the Council.

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 **09th day of January 2017**

Revision PASSED this _____ day of _____ 2017

Theodore Hoskins, Mayor

ATTEST:

Deanna Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

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	___