

RESOLUTION # 3394

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

A RESOLUTION AUTHORIZING DANIEL FESLER D/B/A/ DFE ENTERPRISES LLC A SPECIAL USE PERMIT FOR CHANGE OF OWNERSHIP TO OPERATE STEALTH TOWING AND RECOVERY LOCATED AT 8870 FROST DRIVE, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Daniel Fesler d/b/a/ DFE Enterprises LLC, has applied to such City for the issuance of a Special Use Permit for change of ownership to operate Stealth Towing and Recovery; 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 Daniel Fesler d/b/a/ DFE Enterprises LLC to operate a Stealth Towing and Recovery business located at 8557 Airport Road; 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 December 05, 2016, 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) As a 24- hour towing and repossession business.
- b) Adhere to all parts of Chapter 605. Merchants' and Manufacturers' Licenses, Article V. Licensing and Regulating the Business of Tow Truck Companies Section 605.360. Definitions.
- c) Install screen slats in fencing around entire property.
- d) No advertising or selling repossessed vehicles from lot, no posters/banners or window signs allowed.
- e) Apply for commercial inspection from Public Works Department/Inspection Division, which shall include the fire inspection.
- f) 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.
- g) The interior will be thoroughly inspected by City's Building and Fire Department for compliance.
- h) Outside storage of bins and empty boxes is not allowed on the property or in the trash enclosure by the City's Codes. All trash must be stored behind the building line.

- i) The fee for the issuance of a license under this Section shall be thirty-five dollars (\$35.00) for each tow truck, said fee to accompany the license application. No part of said fee shall be returnable.
- j) 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.
- k) 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.
- l) 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.
- m) 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.

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 2016

ATTEST:

Theodore Hoskins, Mayor

Deanna Jones, City Clerk

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 ___

Approved As To Form:
Donnell Smith, City Attorney