

## RESOLUTION # 3395

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

### **A RESOLUTION AUTHORIZING CORNEKA KIMMINS AND CONSTANCE HAYES A SPECIAL USE PERMIT TO OPERATE CHILDCARE/DAY CARE CENTER LOCATED AT 8371 FROST AVENUE, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI**

**WHEREAS**, Corneka Kimmins and Constance Hayes, has applied to such City for the issuance of a Special Use Permit to operate Childcare/Day Care Center; 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 Corneka Kimmins and Constance Hayes to operate a Childcare/Day Care Center business located at 8371 Frost Avenue; 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) Hours of operations shall be 24-hours, seven days a week.
- b) No more than 35 children over a 24-hour period.
- c) Age range 6 weeks – 12 years old.
- d) State license is required.
- e) 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.
- f) Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
- g) Occupancy and Fire Inspection shall be completed before applicant's taking possession.
- h) Substantial work or construction as determined by the City Council under the permit shall be commenced within ninety (90) days and completed with actual occupancy within one hundred eighty (180) days or the permit shall terminate. The permit may be extended by the City Council. The City Council may condition the permit with conditions to protect the public health, safety and general welfare. "*Actual occupancy*" shall mean the business is open to the public.

- i) 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.
- 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