

## RESOLUTION # 3396

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

### **A RESOLUTION AUTHORIZING TAMERA KEEFE, CLEMENTINE'S ICE CREAM CO A SPECIAL USE PERMIT TO MANUFACTURE, PACKAGE, AND STORE ICE CREAM LOCATED AT 6138 MADISON AVE, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI**

**WHEREAS**, Tamera Keefe, Clementine's Ice Cream CO, has applied to such City for the issuance of a Special Use Permit to manufacture, package, and store ice cream; 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 Tamera Keefe, Clementine's Ice Cream CO to manufacture, package, and store ice cream located at 6138 Madison Ave; 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 from 7:00 am until 10:00 pm, 7 days a week.
- b) Number of employees per day: 7-8 employees, per shift (2 shifts).
- c) 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.
- d) Building and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
- e) 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.
- f) 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.

