

## RESOLUTION # 3397

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

### **A RESOLUTION AUTHORIZING TDN NAGIN LLC A SPECIAL USE PERMIT TO CONTINUE OPERATING THE EXISTING TRAVEL LODGE LOCATED AT 9645 NATURAL BRIDGE RD, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI**

**WHEREAS**, TDN Nagin LLC, has applied to such City for the issuance of a Special Use Permit to continue operating the existing Travel Lodge; 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 TDN Nagin LLC to continue operating the existing Travel Lodge located at 9645 Natural Bridge 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 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) Establish hours of operations 24-hours for hotel and lodging.
- b) The entire interior will be thoroughly inspected by City's Building and Fire Departments, and the St. Louis County Health Department needs to be brought in for their inspections.
- c) The applicant will need to acquire all the necessary building/occupancy & fire safety permits from the City of Berkeley and other jurisdictions, after getting Council's approval on this Special Use Permit application.
- d) To continue occupying the building and facilities while complying with all the applicable rules and regulations of the City of Berkeley, St. Louis County, State, and Federal rules and regulations
- e) This applicant will need a permit from St. Louis County Health Department and other jurisdictions, if applicable.
- f) Any vehicle licensed in excess of twelve thousand (12,000) pounds gross vehicle weight is not permitted.
- g) No truck, truck trailer or vehicle of any type shall be used for storage purposes, not on skids, jacks, or any other device that will make them immobile or inoperable. No repair of any nature will be performed on these parking lots.
- h) This facility will comply with "performance standards", in terms of vibrations, noise, odor, smoke, toxic gases, emissions, and air pollution.

- i) Commercial occupancy and business license will be required from the City of Berkeley.
- j) The applicant needs to provide a written time schedule by when these outstanding items mentioned above will be completed.
- k) 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.
- l) 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.
- m) 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.
- n) 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