

RESOLUTION # 3420

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

A RESOLUTION AUTHORIZING REGINA REED A SPECIAL USE PERMIT TO OPERATE “BIG BOYZ BURGERS AND MORE”, A DINE-IN AND CARRYOUT RESTAURANT WITH A LIQUOR LICENSE LOCATED AT 6130 MADISON AVE., IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Regina Reed, has applied to such City for the issuance of a Special Use Permit to operate “Big Boyz Burgers and More”, a Dine-in and Carryout restaurant with a Liquor License; 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 the issuance of a Special Use Permit to Regina Reed, to operate “Big Boyz Burgers and More”, a Dine-in and Carryout restaurant with a Liquor License, located at 6130 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 July 17, 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) Hours of operation shall be 7:00 am – 9:00 pm, seven days a week.
- b) Food and liquor will be sold and consumed on the premises as a dine-in restaurant.
- c) Carryout food sales are permitted. Carryout liquor sales are *prohibited*.
- d) The building, lot, landscaping, and yard area shall be maintained and kept free and clear of any debris or trash or weeds including maintenance of all landscaped areas.
- e) Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
- f) Sign permit is required for new signs.
- g) No banners, balloons, flags, or festoons in right-of-way, unless approved by council before installing.
- h) No human signs permitted directing patrons to the restaurant.
- i) Apply for Liquor License with the State and Berkeley’s Finance Office.

- j) Occupancy permit and Business License shall be posted at all times.
- k) A trash enclosure is required for all commercial trash dumpsters – Ordinance 4373.
- l) The entire interior will be thoroughly inspected by City’s Building and Fire Departments, the St. Louis County Health Department, and any and all other jurisdictions, if applicable. All permits that are required by any of said mention must be received. Once, all required inspections are completed; apply for Business License at Berkeley’s Finance Office.
- 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) 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.
- o) 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, with a review by Plan Commission every 2 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.
- p) 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, 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.
- q) 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.
- r) 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 **2017**

ATTEST:

Theodore Hoskins, Mayor

Deanna Jones, City Clerk

Final Roll Call:

Approved As To Form:
Donnell Smith, City Attorney

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	___