

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

**A RESOLUTION AUTHORIZING BARCLANON DIXON & HENRY TRINIDAD, A SPECIAL USE PERMIT TO OPERATE AN AUTOMOTIVE REPAIR SHOP, LOCATED AT 5926 EVERGREEN BLVD., IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI**

**WHEREAS,** Barclanon Dixon & Henry Trinidad, has applied to such City for the issuance of a Special Use Permit to operate an automotive repair shop; 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 Barclanon Dixon & Henry Trinidad, to operate an automotive repair shop located at 5926 Evergreen Blvd.; 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 November 4, 2019, 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.

**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 8:00am-7:00pm, Monday-Friday; Saturday 8am-5pm.
- b) The occupant shall not store or discard tires on the exterior of the building.
- c) All automotive work; changing of tires, oil, etc., shall be done in the interior of the building. No exterior repairs are allowed on the street of the parking lot.
- d) Vehicles shall not be left overnight on the street.
- e) Painting shall require paint booth and property ventilation of paint fumes.
- f) No dumping of oil on property or in the Storm Sewer.
- g) All state certifications and licenses of operators and employees shall be posted at all times.
- h) Maintain Exterior – cut and remove all overgrown brush, plants and trees. Such must be properly trimmed and shaped.
- i) All parking areas must be paved surfaces, the parking lot must be cleaned of all debris, weeds, and trash, etc. on a daily basis.
- j) Use of snipe or directional signs to the property are prohibited.
- k) No accumulation of dismantled or junk vehicles. No overnight outside storage of vehicles. No vehicles shall be parked on the street impeding traffic. No Sale of Vehicles.

- l) Owner shall comply with Ordinance 4373 and install and maintain a commercial trash enclosure with dumpster.
- m) 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.
- n) Banners, flags, festoons must have city council approval.
- o) Only 10% of windows space shall be used for window signage.
- p) The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
- q) All required inspections by the city are required before issuance of occupancy permit or business license.
- r) The entire interior will be thoroughly inspected by City's Building Commissioner and Fire 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 all necessary permits, business at Berkeley's Finance Office after obtaining City Council's approval on this Special Use Permit. Commercial Occupancy permit and Business License is required and shall be posted at all times.
- s) 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. The City Council shall provide that the permit be exclusive only for the holder and non-transferable.
- t) 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 Special Use 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.
- u) Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. To continue occupying the building and facilities the applicant must comply with all the applicable rules and regulations of the City of Berkeley, St. Louis County, State of Missouri, and Federal rules and regulations.
- v) Prior to issuance of an Occupancy Inspection and 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. This Special Use Permit takes effect upon the approval by City Council.
- w) 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.
- x) If the City Council determines that the public health, welfare and safety are adequately protected in view of the foregoing criteria, then the special use permit shall be granted; but if it is negative as to any of such paragraphs, then the special use permit shall be denied.

**SECTION 3.** The Department of Public Works shall be charged with responsibility for the enforcement of this Resolution and incorporated therein all necessary reports.

**SECTION 4.** This Resolution shall be in full force and effect from and after the date of its passage.

PASSED this            day of            2019

ATTEST:

\_\_\_\_\_  
Theodore Hoskins, Mayor

---

Deanna Jones, City Clerk

---

Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-At-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___