

Introduced by: City Manager Nathan Mai-Lombardo
of the City of Berkeley, MO

A RESOLUTION AUTHORIZING SATGURU SAHIB LLC A SPECIAL USE PERMIT TO CONTINUE THE OPERATION OF THE EXISTING MOBIL MART/SERVICE STATION CONVENIENCE STORE BUSINESS LOCATED AT 6800 NORTH HANLEY ROAD, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Satguru Sahib LLC has applied to such City for the issuance of a Special Use Permit to continue the operations of the existing service station convenience store business; 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 Satguru Sahib LLC to continue the operations of an existing service station convenience store business, located at 6800 North Hanley Road; and

WHEREAS, due notice of the time, place and purpose of a virtual 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 (15) 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 March 6, 2023, on behalf 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:

- 1) Name of Business: *Hanley Mobil*
- 2) Hours of operation: 24-hour 7 days a week service. Any change of hours shall be approved by the City Council.
- 3) Owner to hire and maintain an armed, bonded, and licensed security officer from 5:00pm-2:00am.
- 4) Prohibited the sale of all types of drug paraphernalia (all types of pipes, bongs, foil papers, and clips).
- 5) Install permanent “*No Loitering*” and “*No Loud Music*” signs at entrance wall and at gas pumps.
- 6) Clear old vegetation and needs of new plantings where it seems that some landscaped material might have been removed or destroyed.
- 7) Power washing of the sidewalk and parking lot to be done weekly and oil spills to be cleaned as need. Power washing of the building exterior to be done once in the spring, summer, and fall.
- 8) Owner shall discontinue outdoor storage of wood and plastic pallets.
- 9) Site needs to be brought in compliance with the City’s codes and regulations by repairing the cracked areas around parking areas, including the ramp.
- 10) The interior storage needs safe environments for workers and customers.
- 11) The placement of gaming machines not allowed in the store *Section 610.100 Gambling Devices – Use of Coin-Operated Devices for Gambling.*
- 12) Seal asphalt parking lot, red parking stripes shall be changed to yellow stripes after sealing.

- 13) No live entertainment in or outside of the building.
- 14) Pick up litter around the premises at least two times a day.
- 15) Deliveries, loading and unloading shall not occur between 6am-9am and 3pm-6pm (school buses and rush hour).
- 16) The owner shall submit renovation plans to the Building Commissioner for approval.
- 17) Unless noted as a non-conforming condition or noted herein, building and site shall comply with all applicable health, safety, building and sign code standards as required by the City of Berkeley.
- 18) *Security cameras* shall always be installed at perimeter and interior of space and monitored by the business operator at-all-times. Security cameras system is required and must meet the City Camera Registration Program. An after-hour contact must be included with the Camera Registration filed with the Police Department. An alarm system and panic button are required to be installed.
- 19) Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
- 20) Owner shall comply with Ordinance 4373 and install and maintain a commercial trash enclosure with dumpster. Proper trash enclosure doors with suitable hinges should be connected for smooth operations. Permit required.
- 21) 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. No overgrowth around the fence line.
- 22) Signs are *prohibited* in the city's right-of-way. A sign permit is required for wall/window signs. Banners, pennants, festoons, searchlights, or human signage directing patrons are *prohibited*. No banners, balloons, flags or festoons, snipe signs or directional signs in the city's public right-of-way without the City Council Approval. Business signage shall be limited to no more than 10% of window space. Or ten (10) square feet in area, whichever is the smaller of the dimension. Business signage shall be limited to no more than twenty-five (25) square feet. The petitioner will be permitted one exterior wall mounted sign at the front wall of the business. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings. **The applicant must reduce the square footage of the sign in the windows to the allowed amount.**
- 23) The premise shall be subject to adherence to City of Berkeley annual fire inspections and life safety plans.
- 24) The interior shall 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 building/occupancy & fire safety permits from the City of Berkeley, and other jurisdictions, 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.
- 25) 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 one (1) year. 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.
- 26) 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 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.
- 27) Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. To occupy the building and facilities the applicant must comply with all the applicable rules and 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, St. Louis County, State of Missouri, and Federal rules and regulations.

- 28) Prior to issuance of an Occupancy Inspection and Permits, the above noted conditions, the conditions as described in the attached Report, and 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.
- 29) 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.
- 30) 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.
- 31) The Owner/Operator understands each of the conditions set out herein and accepts and agrees to them.

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 **2023**

Mayor Babatunde Deinbo

ATTEST:

Deanna Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Crawford-Graham	Aye ___	Nay ___	Absent ___	Abstain ___
Mayor Deinbo	Aye ___	Nay ___	Absent ___	Abstain ___