

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

**A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT TO CONTINUE THE OPERATION OF AN EXISTING CANDY AND CONVENIENCE STORE LOCATED AT 8351 FROST AVENUE, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI**

**WHEREAS,** Kimistry Victorious has applied to such City for the issuance of a Special Use Permit to continue the operations of the existing candy and 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 Kimistry Victorious to continue the operations of the existing candy and convenience store business: Kays Korner, located at 8351 Frost Avenue; 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 May 1, 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. Business Name – ***Kay's Korner***
2. Hours as approved as requested, Monday - Saturday (11:00am – 7:00pm) any change of hours shall be approved by the City Council
3. Security cameras shall be installed at perimeter and interior of space and monitored by the business operator at all times; registration is required to be filed with Police Department
4. An alarm system and panic button are required to be installed
5. An after hour contact my file with Camera Registration
6. A sign permit is required
7. Banners, pennants, festoons, human sign, searchlights are prohibited
8. Business signage shall be limited to no more than 10% of window space. The petitioner will be permitted one exterior wall mounted sign at the front wall of the business.
9. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
10. Sale of pre-packaged food is acceptable
11. No sale of package liquor
12. No sale of single cigarettes
13. No sale of medical marijuana
14. Cooking and selling hot foods prohibited – not approved for kitchen

15. Install "No Loitering" and "No Loud Music" signs at entrance wall
16. 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. Commercial Occupancy Inspection is required.
17. The exterior area shall be maintained and kept free and clear of any debris or trash or weeds. All plants/trees/bushes and landscaped material will be properly maintained along Airport Rd
18. This Special Use Permit will be revoked if for any reason the applicant ceases operations and not complying with the City's Special Use Permit.
19. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
20. 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.
21. The Special Use Permit take effect upon the approval by City Council.
22. This Special Use Permit shall not be assigned, or sold, or conveyed, without prior written approval from the City Council.

**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**

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Mayor Babatunde Deinbo

ATTEST:

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Deanna Jones, City Clerk

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Approved as to Form:  
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Williams	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilman Hoskins	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Anthony	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilman Hindeleh	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman-at-Large Crawford-Graham	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Mayor Deinbo	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>