

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

**A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT TO OPERATE AN ADULT DAY CARE BUSINESS LOCATED AT 8650 FROST AVENUE, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI**

**WHEREAS,** Vencentia Barber and Donna Smith has applied to such City for the issuance of a Special Use Permit to operate an adult day care 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 Vencentia Barber and Donna Smith to operate an adult day care business: Genuine Adult Daycare Service, LLC, located at 8650 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 – ***Genuine Adult Daycare Service, LLC***
2. Hours as approved as requested, Monday - Friday (8:00am – 4:00pm), any change of hours shall be approved by the City Council
3. Applicants must receive State approval.
4. All staff must be properly screened through the Family Care Register Safety Checks.
5. State License is required for elderly care – shall be posted at all times.
6. A Berkeley Business license is required.
7. Outside storage of bins and empty boxes is not allowed on the property or in the trash enclosure by the City's Codes. All trash be stored behind the building line.
8. Proper trash enclosure doors with suitable hingers should be connected for smooth operations.
9. Submission of final architectural drawings for the floor plan to the Building Department for review and approval by the Building Commissioner.
10. The interior will be thoroughly inspected by City's Building and Fire Department for compliance with adopted building codes.
11. Overall, the total site, total areas, building needs to be inspected by the City Staff for compliance with the City's current codes and regulations prior to occupying the same.
12. Apply for commercial inspection from Public Works Department / Inspection Division, which shall include the fire inspection.

13. Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
14. The building, lot, landscaping, and yard areas shall be maintained and kept free and clear of any debris or trash or weeds including maintenance of all landscaped areas.
15. 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
16. An alarm system and panic button are required to be installed
17. An after-hour contact must be filed with the Camera Registration
18. A sign permit is required
19. Banners, pennants, festoons, human sign, searchlights are prohibited
20. 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.
21. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings.
22. 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.
23. 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
24. 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.
25. Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
26. 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.
27. The Special Use Permit take effect upon the approval by City Council.
28. 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

\_\_\_\_\_  
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 ___