

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

A RESOLUTION AUTHORIZING A SPECIAL USE PERMIT TO OPEN AN ADULT DAYCARE BUSINESS: GENUINE ADULT DAYCARE SERVICE, LLC, LOCATED AT 8650 FROST AVENUE, IN THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Vencentia Barber and Donna Smith have applied to such City for the issuance of a Special Use Permit to open 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 open an adult daycare 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 December 2, 2024, 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: *Genuine Adult Day Care Service, LLC*.
- 2) Hours of operation: 8:00am – 4:30pm, Monday through Friday. Any change of hours shall be approved by the City Council.
- 3) 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.
- 4) Buildings and site conditions in need of repair shall be repaired or replaced per the approval of the Building Commissioner.
- 5) Apply for commercial inspection from Public Works Department/Inspection Division, which shall include the fire inspection.
- 6) 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.
- 7) The interior will be thoroughly inspected by City's Building and Fire Department for compliance with adopted building codes.
- 8) Proper trash enclosure doors with suitable hinges 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) 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

- 11) 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.
- 12) This Special Use Permit shall not be assigned, or sold, or conveyed, without prior written approval from the City Council
- 13) Prior to issuance of any Occupancy Permit, the above noted conditions shall be met.
- 14) A Berkeley Business license is required
- 15) 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.
- 16) Applicants must still receive State approval.
- 17) All staff will be properly screened through the Family Care Register Safety Checks.
- 18) State License required for elderly care – shall be posted at all times.

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 2024

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 ___ |