

BILL NO. 13
ORDINANCE NO. ____

AN ORDINANCE GRANTING AN AMENDED CONDITIONAL USE PERMIT TO BROADWAY RESTAURANT GROUP FOR A MOTOR VEHICLE ORIENTED BUSINESS (RESTAURANT WITH DRIVE-THROUGH) AT 10734 SUNSET HILLS PLAZA.

WHEREAS, a petition was received from Broadway Restaurant Group for a motor vehicle oriented business (restaurant with drive-through) at 10734 Sunset Hills Plaza; and

WHEREAS, said petition was duly referred to the Planning and Zoning Commission for its investigation and report; and

WHEREAS, public notice of a meeting of the Planning and Zoning Commission upon said petition was posted according to law and ordinance; and

WHEREAS, a meeting was held before the Planning and Zoning Commission on October 7, 2020, upon said petition; and

WHEREAS, the Planning and Zoning Commission has submitted its report recommending approval to the Board of Aldermen; and

WHEREAS, a public hearing was scheduled before the Board of Aldermen on November 10, 2020 in accordance with the Zoning Regulations, Appendix B of the Code of Ordinances.

Based on the entire record of this application, being the evidence presented at the public hearing and the exhibits submitted at such hearing, the Board of Aldermen of the City of Sunset Hills makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The proposed site is zoned “PD – BC Planned Development – Business Commercial”.

2. The Amended Conditional Use Permit Application requests the right to construct a motor vehicle oriented business (restaurant with drive-through) at 10734 Sunset Hills Plaza.

3. The Planning and Zoning Commission has recommended that the Amended Conditional Use Permit be approved.

4. The provisions of Appendix B-Zoning Regulations of the Code of Ordinances, Sec. 7.3 require the Board of Aldermen to determine after hearing whether or not such conditional use will:

- (A) Substantially increase traffic hazards or congestion
- (B) Substantially increase fire hazards.
- (C) Adversely affect the character of the neighborhood.
- (D) Adversely affect the general welfare of the community.
- (E) Overtax public utilities
- (F) Conflict with standards contained in Subsections 7.3-2 and 7.3-3
- (G) Conflict with the goals and objectives or proposed land use in the

Comprehensive Plan.

In this regard, the Board of Alderman finds that the proposed conditional use will not:

(A) SUBSTANTIALLY INCREASE TRAFFIC HAZARDS OR CONGESTION

(B) SUBSTANTIALLY INCREASE FIRE HAZARDS.

(C) ADVERSELY AFFECT THE CHARACTER OF THE NEIGHBORHOOD.

(D) ADVERSELY AFFECT THE GENERAL WELFARE OF THE COMMUNITY.

(E) OVERTAX PUBLIC UTILITIES

(F) CONFLICT WITH STANDARDS CONTAINED IN SUBSECTIONS 7.3-2 AND 7.3-3 OF THE CODE OR ORDINANCES.

(G) CONFLICT WITH THE GOALS AND OBJECTIVES OR PROPOSED LAND USE IN THE COMPREHENSIVE PLAN.

CONCLUSIONS OF LAW

The Board of Aldermen concludes that, based upon the facts found herein and the findings of the Board that the standards for the issuance of Conditional Use permits as set forth in Sec. 7.3 of the Zoning Regulations Code of Ordinances are not violated, an Amended Conditional Use Permit shall issue to Petitioner herein as requested.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. An amended conditional use permit, subject to the conditions hereinafter specifically set forth, is hereby granted to Broadway Restaurant Group for a motor vehicle oriented business (restaurant with drive-through) at 10734 Sunset Hills Plaza, as is made and provided for in the zoning regulations, Appendix B of the Code of Ordinances.

Section 2. The amended conditional use permit hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred except by permission of the City of Sunset Hills in accordance with Section 7.4-5.

Section 3. The amended conditional use permit hereby issued and referred to in Section 1, shall be valid only if the following conditions are observed by permittee:

- a. Mehlville Fire District must provide written approval prior to issuance of a building permit.

Section 4. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED THIS _____ DAY OF _____, 2020.

MAYOR

APPROVED THIS _____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR