

**BILL NO.   47**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO RANDY GREEN FOR A CHANGE OF USE AT 12852 MAURER INDUSTRIAL DRIVE TO AUTHORIZE A MOTOR VEHICLE ORIENTED BUSINESS, PER APPLICATION P-19-22.**

**WHEREAS**, a petition was received from Randy Green on behalf of Thomas and Toni Batsch (“Petitioner”) for a change in use at 12852 Maurer Industrial Drive (the “Property”); and

**WHEREAS**, the Property is zoned PD-LI Planned Development – Light Industrial; and

**WHEREAS**, Petitioner is proposing to develop the western lot with a gas station and convenience store which requires a conditional use permit in the PD-LI Planned Development – Light Industrial zoning district; and

**WHEREAS**, the current petition for a conditional use permit was duly referred to the Planning and Zoning Commission for its review; and

**WHEREAS**, public notice of the meeting of the Planning and Zoning Commission was provided in accordance with applicable law and ordinances of the City, and the Planning and Zoning Commission considered said petition on January 4, 2023; and

**WHEREAS**, after review of said petition and consideration of the criteria for issuance of a conditional use permit, the Planning and Zoning Commission unanimously voted to recommend approval of said petition to the Board of Aldermen and submitted its report recommending the same; and

**WHEREAS**, on January 4, 2023, the Petitioner received approval from the Planning and Zoning Commission for a related Boundary Adjustment Plat (P-18-22) and received a positive recommendation for approval for the required and related amended development plan, with conditions to implement the recommendations by the applicable traffic study to ensure compliance with City Code to not degrade the level of service (P-20-22); and

**WHEREAS**, a public hearing for the petition was scheduled and held before the Board of Aldermen on February 14, 2023 in accordance with applicable law and ordinances of the City.

Based on the entire record of this petition, being the evidence presented at the public hearing and the exhibits submitted at such hearing, including the application and staff report, 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 Property is zoned PD-LI Planned Development – Light Industrial.

2. The Conditional Use Permit Application requests the right to change use and have a gas station and convenience store at the Property.
3. The Petitioner has submitted an application in compliance with Section 8.2 of the Unified Development Ordinance (“UDO”) and all procedure requirements for review and issuance of a conditional use permit have been complied with in accordance with Section 8 of the UDO.
4. After consideration of the petition and the criteria for issuance of a Conditional Use Permit as outlined in Section 8.2-1 of the UDO, the Planning and Zoning Commission recommended that the conditional use permit be approved.
5. The provisions of the Section 8.3-1 of the UDO require the Board of Aldermen to determine 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 the standards contained in Section 5;
  - g. Conflict with the goals and objectives or proposed land use in the comprehensive plan;
6. After review of the Property and the entire record, the Board of Aldermen finds that the proposed conditional use, with conditions, 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 the standards contained in Section 5; or
  - 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 Section 8 of the UDO are not violated, a conditional use permit, with conditions, 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. A conditional use permit is hereby granted to Randy Green to use the Property for a gas station and convenience store, subject to and in compliance with the limitations of Section 8.4 of the UDO, compliance with all applicable City Ordinances, and the following specific conditions:

1. Implementation of all recommendations called out in the traffic study, including specifically installation of three stop signs (eastbound drive A at Maurer Industrial Drive

and the two proposed drives exiting the gas station and convenience store) and construction of additional southbound right-turn lane on Maurer Industrial Drive at Route 30; and

2. Related petitions P-18-22 and P-20-22 are approved.

Section 2. The conditional use permit hereby issued, and referred to in Section 1, is issued to the named permittee, Randy Green, only and shall not be assigned or transferred, except by permission of the City of Sunset Hills in accordance with Section 8.4.5 of the UDO.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
MAYOR

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK/CITY ADMINISTRATOR