

**BILL NO. 08**  
**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO COLLECTIVE SOLUTIONS, LLC FOR A NEW WIRELESS TELECOMMUNICATIONS FACILITY AT 109 DEANE COURT, PER APPLICATION P-13-23.**

**WHEREAS**, a petition was received from Collective Solutions, LLC (“Petitioner”) to construct a new wireless monopole and related telecommunications equipment at 109 Deane Court (the “Property”); and

**WHEREAS**, the Property is zoned LC Local Commercial; and

**WHEREAS**, Petitioner is proposing to construct a 106’ wireless monopole tower and related equipment to install Ameren’s private LTE Network to be used in monitoring Ameren’s power distribution network and inner-personnel communications, which requires a conditional use permit in the LC Local Commercial 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 April 5, 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 voted to recommend approval of said petition to the Board of Aldermen and submitted its report recommending the same; and

**WHEREAS**, a public hearing for the petition was scheduled and held before the Board of Aldermen on May 9, 2023 in accordance with applicable law and ordinances of the City.

Based on the entire record of this petition, being the UDO, the evidence presented at the public hearing and the exhibits submitted at such hearing, including the application and Planning and Zoning Commission and staff reports, 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 LC Local Commercial.
2. The Conditional Use Permit application requests the right to construct a 106’ wireless telecommunications facility on currently vacant property between an existing commercial development and Ameren’s existing electric substation.
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 8.3-1 of the UDO, the Planning and Zoning Commission recommended that the conditional use permit be approved with conditions.
5. The Petitioner applied for and was approved for the following variances: to vary the height of tower from 100 feet to 106 feet and vary the setback from the required eight hundred sixty feet to ninety-six feet.
6. 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;
7. After review of the Property and the entire record, including the granted variances, 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 Collective Solutions, LLC to use the Property for a new 106' monopole communications tower as shown on the site plan submitted with the application, subject to and in compliance with the limitations of Section 8.4 of the UDO, compliance with all applicable City Ordinances, including specifically Ordinance No. 1923, and the following specific condition:

1. Approval from the Metropolitan Sewer District (MSD), Mehlville Fire District, and St. Louis County for the project.

Section 2. The conditional use permit hereby issued, and referred to in Section 1, is issued to the named permittee, Collective Solutions, LLC 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