

**BILL NO. 28**

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

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO MISSOURI AMERICAN WATER, INC. FOR CONSTRUCTION OF A WATER SYSTEMS FACILITY AT 13190 GRAVOIS ROAD, PER APPLICATION P-19-23.**

**WHEREAS**, a petition was received from Missouri American Water, Inc. (“Petitioner”) to construct and operate a new water systems facility at 13190 Gravois Road, which is zoned NU Non-Urban (the “Property”); and

**WHEREAS**, a water intake pump station is classified under the “water system facility” use in accordance with the City’s Unified Development Ordinance (“UDO”) which is permitted with a conditional use permit in the NU Non-Urban zoning district; and

**WHEREAS**, Petitioner currently operates a water system facility at the Property but has applied for a new conditional use permit to remove the existing facility and build a 2,500 square foot water system facility directly to the north of the original location (the “Petition”); and

**WHEREAS**, the 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 ordinances of the City, and the Planning and Zoning Commission considered the Petition on July 5, 2023; and

**WHEREAS**, after review of the 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

**WHEREAS**, a public hearing for the Petition was scheduled and held before the Board of Aldermen on August 8, 2023 in accordance with applicable 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 currently zoned NU Non-Urban, is currently being used for a water facility system, and is surrounded by light industrial, parks, open space, and recreational uses.
2. The conditional use permit application requests the right to construct a new 2,500 square foot water system facility to replace the existing facility system on the Property.
3. A goal of the Petition is to increase efficiency and safety of the facility by raising the elevation of the critical equipment above base and record flood elevations.
4. The Petitioner has submitted an application in compliance with Section 8.2 of the 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.
5. 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 the condition that any required variances are obtained.
  6. Petitioner applied for and obtained the following variances: 1) to provide a drivable surface of gravel on property zoned NU Non-Urban; 2) to reduce the rear setback requirement from 35 to 0 feet; and 3) to permit a maximum height of 60 feet in lieu of the 40-foot requirement for a structure located on property zoned NU Non-Urban.
  7. 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; or
    - g. Conflict with the goals and objectives or proposed land use in the comprehensive plan;
  8. 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 Petitioner to use the Property for a water facility system, subject to and in compliance with the limitations of Section 8.4 of the UDO, compliance with the site plan on file with the City, and all applicable City Ordinances.

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