



14811 Manchester Road, Ballwin, MO 63011

BILL NO. 3986

ORDINANCE NO. 17-

INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, ROACH, STALLMANN, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE GRANTING A SPECIAL USE EXCEPTION TO MISSOURI AMERICAN WATER COMPANY FOR INSTALLATION OF TWO WATER METER READING ANTENNAE ON TWO PROPOSED NEW POLES.

WHEREAS, Missouri American Water Company submitted a Petition for a special use exception to install two water meter reading antennae on two proposed new poles in the City of Ballwin; and

WHEREAS, a public hearing was duly noticed and held before the Planning & Zoning Commission on December 4, 2017; and

WHEREAS, the Planning & Zoning Commission recommended approval of the Petition submitted by Missouri American Water Company; and

WHEREAS, the Board of Aldermen has determined that the special use exception, under certain conditions, would not substantially increase traffic hazards or congestion; would not adversely affect the character of the neighborhood; would not adversely affect the general welfare of the community; would not over-tax public utilities; would not adversely affect public safety and health; is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the District; and can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and

WHEREAS, pursuant to Code Section 7.6-6, the Board of Aldermen finds that existing towers are not located within the geographic area necessary to meet the applicant's engineering requirements; existing towers, structures or buildings within the applicant's required geographic area are not of sufficient height to meet system engineering requirements; existing towers or structures do not have sufficient structural strength to support the applicant's proposed antennae; the proposed antennae would not experience or cause signal interference with antennae on existing towers or structures; the fees, costs, or other contractual terms required by the owner(s) of existing tower(s), structure(s) or building(s) within the required geographic area of the applicant or to retrofit the existing tower(s) or structure(s) are reasonable; and there are other limiting conditions that render existing towers, structures or building within the applicant's required geographic area unsuitable.

WHEREAS, all applicable matters in Section 2 of Article XIV of Ordinance No. 557, "The Zoning Ordinance," have been adequately provided for:

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

Section 1. A special use exception, subject to the conditions hereinafter specifically set forth in the addendum attached hereto and incorporated herewith as Exhibit One, is hereby granted to Missouri American Water Company for erection of two water meter reading antennae on two proposed new poles at the following locations:

- a. Public right-of-way near 870 Woods Mill Road;
- b. Public right-of-way of Reinke Road near lots 4 and 5 of Ruppel Farms Subdivision.

All locations are zoned either C-8 Planned Commercial or R-3 Single Family.

Section 2. The special use exception hereby issued, and referred to in Section 1, is issued to the named permittee only and shall not be assigned or transferred, without the permission of the Board of Aldermen of the City of Ballwin.

Section 3. The special use exception hereby issued and referred to in Section 1, shall be valid only if the conditions set forth in the Addendum, attached hereto as Exhibit 1 made a part hereof, are observed by permittee.

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

PASSED this _____ day of _____, 2017.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2017.

TIM POGUE, MAYOR

ATTEST:

ERIC HANSON, CITY ADMINISTRATOR