

**CITY OF SUNSET HILLS
BOARD OF ALDERMEN
WORK SESSION AGENDA**

JULY 26, 2016

6:00 P.M.

A work session of the Board of Aldermen will be held in the Public Works Conference Room at City Hall, 3939 S. Lindbergh Blvd., on July 26, 2016 at 6:00 p.m.

No Votes will be taken.

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Review of the Public Works Committee.**
- 4. Discussion of motel heights.**
- 5. Discussion of parking ordinances for commercial developments.**
- 6. Discussion of Jimmy John's drive-thru restaurant development at 3751 South Lindbergh.**
- 7. Adjournment**

ARTICLE II, - PUBLIC WORKS COMMITTEE^[2]

Footnotes:

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Editor's note—Ord. No. 998, §§ 1, 2, adopted May 7, 1991, repealed Art. II, §§ 24-21—24-26, in its entirety, and enacted new §§ 24-21—24-23. Former Art. II, street committee, derived from Ord. No. 59, adopted Dec. 5, 1957; Ord. No. 371, adopted July 2, 1968; Ord. No. 401, adopted Jan. 13, 1970; and Ord. No. 698, adopted Oct. 9, 1979.

Sec. 24-21. - Established; duties.

There is hereby established a public works committee which shall make recommendations to the board of aldermen concerning the following:

- (1) Preparation of the public works department budget;
- (2) Approval of budgeted capital expenses;
- (3) Preparation and review of a long-term capital improvements plan; and
- (4) Review and recommendation of ordinances relative to public works activities.

(Ord. No. 998, § 2, 5-7-1991)

Sec. 24-22. - Membership.

The public works committee shall consist of one (1) alderman from each ward. The public works director shall serve as an ex officio member of the committee. The chair of the committee shall be designated by the mayor with the approval of the board of aldermen.

(Ord. No. 998, § 2, 5-7-1991)

Sec. 24-23. - Nomination.

The members shall be nominated by the mayor for a term which coincides with the alderman's term of office, and approved by the board of aldermen.

(Ord. No. 998, § 2, 5-7-1991; Ord. No. 1651, § 1, 10-10-2006)

Secs. 24-24—24-36. - Reserved.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 4.10-8(B) 4 OF APPENDIX B OF THE CODE TO AMEND THE BUILDING HEIGHT LIMITATION IN THE PD-BC ZONING DISTRICT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SUNSET HILLS, MISSOURI, AS FOLLOWS:

Section 1: The petition of the City of Sunset Hills for a text amendment was presented to the Planning and Zoning Commission of the City of Sunset Hills on August 3, 2016. The Planning and Zoning Commission recommended approval of the petition for a text amendment.

Section 2: A public hearing upon the petition of the City of Sunset Hills for a text amendment was held on August 9, 2016 before the Board of Aldermen of the City of Sunset Hills.

Section 3: Appendix B, Section 4.10-8(B) 4 shall be amended as follows:

- 4. Building height limitations: Except as provided for in Section 5.10, no principal building shall exceed eighty-five (85) feet.

Section 4: This Ordinance shall take effect immediately upon its passage and approval.

PASSED THIS ____ DAY OF _____, 2016.

 MAYOR
 DRAFT #1
 FOR REVIEW PURPOSES ONLY
 _____ 2016.

APPROVED THIS ____ DAY OF _____, 2016.

MAYOR

ATTEST:

CITY CLERK/CITY ADMINISTRATOR

July 18, 2016

Mayor and Board of Aldermen
City of Sunset Hills
3939 S Lindbergh Blvd
Sunset Hills, MO 63127

RE: Jimmy John's CUP

Honorable Mayor and Board Members,

Given the proceedings thus far, I want to communicate my position to the entire board prior to your next work session, at which time I have requested this matter be taken up for consideration.

Since December of 2015, I have approached my neighbors on Sunset Chase Ct on four occasions to share copies of my plan and discuss with them any matters of importance. In lieu of knocking on doors unsolicited, I requested that Messrs. Courtois and Wideman share my plans with anyone whom they believed would have an interest and give them my business card. I stated that I would meet in any private or group setting in anyone's home or that I would secure a meeting room at the City's community center to accommodate a larger, more public setting. To date, other than the private meeting of June 20 at Alderman Gau's recommendation, and an email from Alderman Baebler recommending I pull my petition, I have received no communication from any neighbors or their attorneys, save their comments at the public hearings.

After revising a plan several times at my own discretion, to present what I believed to be a more favorable option for the neighborhood, I was asked to consider additional modifications as offered by Alderman Gau. To his credit, and without demand, he asked that both sides meet privately to discuss. Although I didn't deem these recommendations to be a requirement for approval, I agreed to meet and consider the additional time and expense to implement the changes. I have received no communication from the neighbors or their attorneys as to whether or not these considerations would gain their favor. I have no further inclination to essentially negotiate against myself.

I ask that as you consider our petition, you remain cognizant of the following:

1. As part of our required submittal, we had the City's recommended independent traffic engineer perform a traffic study. The report, which meets typical traffic safety standards, has been submitted to the board.
2. Intensity of use (ie: # of businesses using the property) was stated as a criticism of our plan. We are proposing three tenants in less than 9,000 sf, while the property at which I am currently a tenant (Sunset Place) contains 9 tenants in 16,712 sf.
3. Sunset Place is a planned commercial district in which the ordinance governing the standards of use of the property was created specifically for that property. Yet

the CUP for my Jimmy John's, which is 200 yards down the street from the Subject Property, was approved with no public input in a unanimous vote of the board.

4. Our goal is to relocate our business of 11 years into a new facility with a drive thru to help us remain competitive. The drive thru will help us maintain sales consistency throughout the year, especially during inclement weather.
5. Drive thrus such as McDonalds may serve as many as 80 cars an hour, while at my other drive thru, at a much busier location, we serve fewer than that over the course of an entire business day.
6. 75% of our business traffic occurs between 11 am and 2 pm, which is well outside the heavy rush hour traffic in the early mornings and evenings.
7. We have had no driver involved auto accidents over 11 years in as many as five locations, and to our knowledge, zero customer related accidents.
8. I have indicated my willingness for the board to limit my hours of operation to close as early as 9 pm.
9. I have also indicated my willingness for the board to limit this CUP request to my business or business type specifically.

The City's Procedure and Standards for Consideration of a Conditional Use states that "The board shall not approve any conditional use which they determine to:"

1. "Substantially increase traffic hazards or congestion." Our traffic study substantiates that we meet this standard. MODOT has also given their approval.
2. "Substantially increase fire hazards." The fire department has approved our concept plan.
3. "Adversely affect the character of the neighborhood."
 - a. We are currently operating in the neighborhood and have been for nearly 11 years.
 - b. Our property has been zoned C-1 for at least 40 years, and at one time was a gas service station.
 - c. Retail and restaurant uses occupy the only commercially zoned property to our south and four of the commercially zoned properties to our north. All but one of those same five properties have had CUPs approved for either restaurants (of which there are three) or drive thru facilities (of which there are two). The most recent was approved for a much larger restaurant which has a liquor license, outdoor seating with a lighted bier garden and will be open until 1 am. All their improvements are separated from the neighbors by a six foot wooden fence and very limited landscaping.
4. "Adversely affect the general welfare of the community." This is clearly ambiguous, but, I would point to those clearly defined criteria mentioned previously and subsequently. I am taking a previously blighted, non-tax revenue producing commercial property, and entirely at my own expense, am improving it.
5. "Overtax public utilities." We are simple retail with normal use of public utilities, similar to all the surrounding small box retail.
6. "Conflict with standards contained in Subsections 7.3-2 and 7.3-3." We have met all submission criteria and have obtained the approval of the Planning and Zoning Commission.

7. "Conflict with the goals and objectives of proposed land use in the comprehensive plan." Staff has verified that our uses are congruent with the city's comprehensive plan.

Given the existence of Mellow Mushroom, Gianino's and Tokyo Sushi, all of which gained the board's approval of a CUP to operate restaurants, and BMO Harris Bank and the now closed dry cleaners, both of which gained the board's approval of a CUP to operate drive thru facilities, the expectations and standards to which it appears my proposal is being held seem arbitrary, onerous and prejudicial.

When I purchased the property, I was excited and eager to move forward with a premier building project that I believed the city would welcome. I would be replacing chronically vacant, dated buildings on an unkempt property with attractive full masonry ones built to today's highest standards and filled with tenants that provide the community with attractive products, services and employment opportunities. Furthermore, I have been a good corporate citizen and have operated a model business in this community for over a decade.

I came before you with no attorneys, only a vision to develop a first class project. However, I've been met with neighborhood resistance from the beginning. Now I ask each of you to carefully review my proposal, which has met all various governmental requirements and hold me to the same standards as those used to approve adjacent projects of our business neighbors.

Thank you very much for your time and consideration and I would invite any board member or resident with whom they are in consult to please contact me with any questions or comments.

In fairness and objectivity, I request my proposal be considered at the work session of July 26.

Regards,

Steve Saladin
314-503-5045
South Lindbergh, LLC
Jimmy John's Gourmet Sandwiches