

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, OCTOBER 5, 2016

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met in regular session in the Robert C. Jones Chambers of City Hall, 3939 S. Lindbergh Blvd., in said City on Wednesday, October 5, 2016. The meeting convened at 7:00 p.m.

The meeting began with those present standing for the reciting of the Pledge of Allegiance.

Roll Call

Present:

Terry Beiter	-Chairman
Todd Powers	-Member
Thomas Ortmann	-Member
Bill Hopfinger	-Member
Pat Otto	-Member
Thomas Lynch	-Member
Steve Young	-Member
Bryson Baker	-City Engineer
Lynn Sprick	-Assistant Planner

Absent:

Roger Kaiser	-Member
Al Koller	-Member

APPROVAL OF THE MINUTES

Copies of the minutes of the September 7, 2016 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Beiter stated Todd Powers was listed as Tom Powers and absent, but he shouldn't have been listed at all because he was not appointed, yet. Mrs. Otto stated under the election of the Planning and Zoning Chairman, the sentence should read Mrs. Otto stated that Mr. Niemeyer and she will serve. On the following page, it should read Mrs. Otto stated Mr. Beiter is the nominee for the chairman; he was unanimously elected. On the following paragraph, it should read Mrs. Otto stated that Mr. Ortmann is nominated for Vice-Chair; he was unanimously elected. Mrs. Otto made a motion to approve the minutes as amended. Mr. Hopfinger seconded the motion, and it was unanimously approved.

P-33-16 Petition for an Amended Development Plan, submitted by PSI Atlantic STL MO LLC, to allow changes to the self-storage facility at 10300 Watson Road.

Mr. Beiter stated this petition has been postponed at the request of the applicant.

NEW BUSINESS

P-24-15 Extension of approval of the Preliminary Subdivision Plat submitted by Tim Baker of Cole and Associates for the property at 12551 West Watson Road (aka; Cozy Cove Subdivision)

Jeff Simpher, of 12551 West Watson Road was present. He stated he is asking for an extension because he is having trouble getting Missouri American Water to sign off on his plan, but he is still working with them.

Mrs. Otto asked how long the extension would be for.

Mr. Simpher was unsure of how long it would take, but he is asking for 90 days.

Mr. Beiter asked Mr. Baker for a recommendation.

Mr. Baker stated he recommends a minimum of 90 days and up to 120 days, as Missouri American Water has been slow to move on issues.

Mr. Powers asked Mr Simpher for a brief explanation of his plans.

Mr. Simpher stated he would like to build a house on the back acre of his property.

Mr. Powers asked if he has made any attempts to sell the property for development.

Mr. Simpher replied no, but eventually the house on the front of his property will be sold to another family.

Mrs. Otto made a motion that P-24-15 Extension of approval of the Preliminary Subdivision Plat submitted by Tim Baker of Cole and Associates for the property at 12551 West Watson Road be extended for 120 days. Mr. Powers seconded the motion. With six aye votes and one nay, the motion was approved

P-27-16 Petition for an Amended Development Plan submitted by New Balance Athletics for the construction of a generator at 3636 S. Geyer Road.

Eric Warren, Facilities Supervisor for New Balance, was present. He stated a small generator would be placed outside of the building and used as secondary power for the server room.

Mr. Niemeyer made a motion that P-27-16 Petition for an Amended Development Plan submitted by New Balance Athletics for the construction of a generator at 3636 South Geyer Road be recommended to the Board of Aldermen for approval. Mr. Lynch seconded the motion and it was unanimously approved.

P-28-16 Petition for a Text Amendment submitted by The City of Sunset Hills to amend Appendix B, Section 4.10-8 (B) 4 “Building Height Limitations” to change the maximum principal building height from seventy five (75) feet to eighty five (85) feet.

Mr. Baker stated this is in the Planned Development-Business Commercial district. No residential areas would be affected by the change. The City has spoken to Holiday Inn owners, who would eventually like to build taller towers in the future, but currently there are no plans. The City staff is trying to be pro-active.

Mr. Ortmann asked why the limit was set at 75 feet.

Mr. Baker replied that he did not know; he believes that is how it was originally written for that zoning district.

Mr. Ortmann asked if it will affect the Days Inn.

Mr. Baker replied no, it would not affect any of the other hotels.

Mrs. Otto asked how many stories are envisioned.

Mr. Baker stated it depends on the construction. A story could be anywhere between eight and twelve feet.

Mrs. Otto asked if this is something that should be addressed now or if it could wait until all zoning regulations are reviewed for change.

Mr. Baker stated that it is just something that has come up in the past and talked about with the hotel owners, the Mayor, and the City Administrator. The City is being pro-active.

Mr. Niemeyer asked Mr. Baker what he meant by tower when he was explaining the change.

Mr. Baker answered it was meant as a taller hotel tower.

Mr. Ortmann asked if it includes anything on top of the building.

Mr. Baker stated it would not include other structures or the parapet wall.

Mr. Hopfinger made a motion that P-28-16 Petition for a Text Amendment submitted by The City of Sunset Hills to amend Appendix B, Section 4.10-8 (B) 4 "Building Height Limitations" to change the maximum principal building height from seventy five (75) feet to eighty five (85) feet be recommended to the Board of Aldermen for approval. Mr. Powers seconded the motion and a roll call vote was taken.

Patricia Otto- Nay
Thomas Ortmann- Aye
Joseph Niemeyer- Aye
Steve Young- Aye
Bill Hopfinger- Aye
Terry Beiter- Aye
Thomas Lynch- Aye
Todd Powers- Aye

There being 7 Aye votes and 1 Nay, the motion was passed.

**P-29-16 Petition for a Conditional Use Permit, submitted by Steve Saladin, to
construct and operate a restaurant with a drive thru (MVOB) at 3751
South Lindbergh Boulevard.**

Steve Saladin was present and stated his plan was denied by the Board of Aldermen. They had asked him to resubmit after adding a lane of egress and changing the right and left turn lane for exiting the property. They eliminated the pavement to the rear and added about 12.5% of green space, in addition to the existing 25%.

Mr. Ortmann asked if the additional green space is because the tenant changed.

Mr. Saladin answered that is not the actual reason it has changed. The tenant was lost due to the length of the process. A medical building is required to have more parking area. He stated the extra green space was not a direct result of tenant leaving; it was to accommodate the aesthetic appeal to the neighbors.

Mr. Niemeyer asked if he will continue his restaurant across the street, if his project is approved.

Mr. Saladin answered the old location will be closed once the new one opens.

Mr. Powers stated he appreciates that there is a significant buffer and that the parking is hidden, but he understands that the neighbors don't want to look at the back of the building. He does not like that the patrons will not have to enter at the front of the building.

Mr. Saladin stated there will be two building fronts; one facing the rear of the property and one facing Lindbergh Blvd.. The rear of the building will not be a split face block. The entrance doors will be on the west side of the building.

Mr. Powers stated there are no provisions for outdoor seating.

Mr. Saladin replied there will not be outdoor seating.

Mr. Niemeyer asked how many restaurants he has.

Mr. Saladin answered four.

Mr. Niemeyer asked what the ratio is comparing drive thru and dine in business.

Mr. Saladin replied 16% of revenue at other stores is drive thru; the rest is dine-in and delivery.

Mr. Young stated he has two concerns; one is the traffic, which was addressed with the turn lanes, the other was noise. He asked Mr. Saladin if this has been addressed, according to the changes at the rear of the property.

Mr. Saladin stated he has looked at different types of fencing. The one he thinks will work best in this situation has a 97% sound reflective quality. He picked a stucco material because he can get it in a color that can be reproduced on his building.

Mr. Beiter asked if the Commission received building elevations.

Mr. Saladin stated they had received them at one time.

Mr. Baker stated both the front and back will look like building fronts.

Mr. Saladin stated the sides will be brick.

Mrs. Otto asked if there will be a concrete wall to the rear of the property.

Mr. Saladin replied no, it was talked about at one time, but it has been changed. The fencing will be at the curb; not at the property line.

Mrs. Otto asked how the space in between the fence and the property line would be maintained.

Mr. Saladin stated everything in between the fence and property line will be natural. A tree preservation plan will be submitted to the City. Whatever is not required to be removed by the Metropolitan Sewer District will be maintained and any dead trees or plants will be removed.

Michael Courtois, of 3726 Sunset Chase, who is one of the neighborhood trustees, was present. He has six main issues with Mr. Saladin's plan, some of which have been addressed. He thought the buffer fence would be sunken, but Mr. Saladin has shown that it is not. He would like to see the updated plan.

Mr. Baker stated the fence is required to be on the property line, per code, when buffering between commercial and residential properties. As long as the residents agree, the fence can be moved to the curb, like Mr. Saladin is proposing. The Planning and Zoning Commission can make a recommendation to the Board of Aldermen that the fence be placed at the curb.

Mr. Courtois stated it is crucial that the fence be placed at the curb, instead of the property line because the property line is sunken in and all sound would travel over it. He added that the traffic study is inadequate because it was done before Mellow Mushroom had opened. He would like a new one to be done, reflecting the new traffic caused by the business. He has some environmental issues with the job site, being that it used to be a gas station and the soil is contaminated with petroleum and other chemicals. He wants tests to be done to assure that no chemicals will be spread during demolition and construction of the property.

Mrs. Otto asked where Mr. Courtois received the study.

Mr. Courtois stated he got it from Jefferson City at the Department of Natural Resources (DNR). He, then, provided a copy of the study to member- Thomas Ortmann.

Mr. Baker stated the study is not information that the City requires. It would be governed by the Department of Natural Resources, if there is a problem with the site they would be the ones to prohibit any work being done on that site.

Mr. Courtois stated a drive-thru is a terrible idea in this area of Sunset Hills. He also feels it is an over-crowded multi-use design.

Gary Wideman, of 3720 Sunset Chase Dr., who is also a neighborhood trustee was present. He is completely opposed to the plan and he stated, in the residents' opinion, there has been no meaningful compromise. The traffic study was dated 2013, so it is not up to date. He referred to the Conditional Use Ordinance Guidelines. It states that the property is not to substantially increase traffic hazards or congestion. He stated it will affect the character of the neighborhood and the values of the homes. The traffic that the restaurant will bring is a safety issue and he believes someone will be killed. There is a bus stop for Lindbergh School at Maret

Dr., yards away from where the restaurant would be. He, then, submitted an opposition petition that was sent via e-mail with no signatures.

Ann McMunn, of 12431 Court Drive, was present and stated her concern was the traffic, as well. She mentioned that even visitors to the City are having trouble turning on and off of Lindbergh Blvd. in this area.

Frank Hardy, of 421 Rayburn was present. He stated he comes to all of the meetings and listens to the petitions. He does not live in close vicinity of this proposed restaurant, but he was a former Alderman for the area. He is aware that Mr. Saladin will not negotiate the drive-thru and he purchased the site without a contingency agreement. He suggests Mr. Saladin to find a more visible, safe, and open place for the drive- thru restaurant in the City. He feels the former site of Ruby Tuesday's would be perfect.

Kristi Leitner, of 12525 Maret Dr., was present and stated her daughter's bus stop is at the corner of Lindbergh and Maret Dr. She is dropped off at 12:15 p.m., which will be during Jimmy John's busiest hour. She is concerned about the safety of the 27 families, living in the area.

Mr. Ortmann asked Mr. Saladin about the environmental issue.

Mr. Saladin stated he received a 'no further action' letter from the DNR. The bank would not have given a loan on a property with environmental issues, if the restaurant could not have been developed. He assured that there is no migrating contamination.

Mr. Beiter stated the traffic study should be updated, along with the fence at the curb line, and the tree preservation plan.

Mr. Baker stated the tree preservation plan is a city requirement.

Mr. Ortmann made a motion that P-29-16 Petition for a Conditional Use Permit, submitted by Steve Saladin, to construct and operate a restaurant with a drive thru (MVOB) at 3751 South Lindbergh Boulevard be recommended to the Board of Aldermen for Approval, with the conditions that a revised traffic study be submitted and the fence be placed at the curb rather than property line. Mr. Hopfinger seconded the motion and there was a roll call vote.

Patricia Otto- Aye
Thomas Ortmann- Aye
Joseph Niemeyer- Nay
Steve Young- Aye
Bill Hopfinger- Aye
Terry Beiter- Aye
Thomas Lynch- Aye
Todd Powers- Aye

Mrs. Otto stated she is troubled by a child having to get on and off of a bus in heavy traffic. She suggest Mrs. Leitner speak with the school district about other arrangements.

There being 7 Aye votes and 1 Nay vote, the motion passed.

P-30-16 Petition for a Concept Plan, submitted by Pulte Homes, for a mixed use development (attached single family dwellings and bank) at 12415 Court Drive, 12412 Court Drive, 12406 Court Drive, 3825 S. Lindbergh Blvd., 3851 S. Lindbergh Blvd., 3863 S. Lindbergh Blvd., 12405 W. Watson Road, 12411 W. Watson Road and 12417 W. Watson Road.

Mrs. Otto asked Mr. Baker to explain what a concept plan is.

Mr. Baker stated the purpose of a concept plan is for the applicant to come before the Commission and explain a concept they have before they go through the City and the process. No recommendation is required by the Commission, but feedback is appreciated.

George Stock, with Stock & Associates, and Matt Segal, with Pulte Homes were present. They presented a Concept Plan for a mixed-use development on 4.9 acres at Lindbergh and West Watson. They are proposing a 21 villa community with common ground, small lots, and a credit union. The property is zoned R-2, Residential, with a small portion of C-1, Commercial, along Lindbergh Blvd. They are proposing to change the zoning to PD-LS, Planned Development Lifestyle. They propose to close Court Dr. off from Lindbergh Blvd. and re-route it onto West Watson, but the Credit Union's entrance would be off of Lindbergh Blvd. They do plan on maintaining the integrity of Court Dr., but the residents are against re-routing the entrance.

Mr. Ortmann asked why the entrance to the credit union would be off of Lindbergh Blvd. He thought the Court Dr. residents were upset about turning onto Lindbergh Blvd, so he would like an explanation of why they were against re-routing the entrance to West Watson.

Mr. Stock replied he doesn't work for the credit union and eliminating left turns at that area was talked about. The residents of Court Dr. thought that re-routing the entrance would ruin the integrity of the road and they did not want to drive through another community.

Mr. Ortmann asked why they don't build regular houses, instead of villas.

Mr. Stock replied he does not believe there is a market for them in this area.

Mr. Lynch stated he had talked to Pulte Homes, in the past, and they told him the property was too expensive to buy and build villas. He asked what has changed.

Mr. Segal replied after multiple renditions, the value of the property was affected and they were asked to come forward. They felt the villas were a good fit.

Mr. Young stated it is an outstanding plan because the residents have yearned for residential since the tornado. The villas are very popular and he appreciates the concept.

Mr. Segal stated he sent out 125 invitations, met with neighbors, received feedback, and the residents liked the villas.

Mr. Otto asked what the acreage of the commercial property would be.

Mr. Stock stated they haven't done a survey, but it is approximately 1 to 1.1 acres. What they are proposing is low impact and more compatible with the subdivision.

Mr. Segal stated the current commercial property abuts a residential property by about 15 – 20 feet. They have moved the commercial away from the existing residential, by up to 200 feet.

Mr. Beiter stated the property is zoned residential and the new Comprehensive Plan states it as residential.

Mr. Lynch asked if they can replace the credit union with 6-8 more villas.

Mr. Stock replied he can't answer that question; he can only take their input.

Mr. Lynch stated the area has been blighted for 5-1/2 to 6 years. He asked if they can make it more viable and keep it all residential.

Mr. Niemeyer stated they have gone over this, the residents want residential.

P-31-16 Petition for a Lot Split, submitted by Midwest Regional Bank, to divide a 5.56 acre parcel into a 1.32 acre lot and 4.24 acre lot at 11816 Gravois Road.

Lenny Meers, a Civil Engineer with Grimes Consulting Engineers was present. Terry Dawdy, an Architect with Dawdy and Associates, and Kevin Lassiter, representing the bank, were also present. They are proposing a lot split into a 1.32 acre lot, which will be the bank and a 4.2 acre lot, which the bank will sell to a developer.

Mr. Baker asked Mr. Meers to talk about the plans for the existing buildings and to discuss both petitions at the same time.

Mr. Meers stated they would tear down the old Sunset Ford show-room and the maintenance facility, but the auto detailer will remain at this time until the property is sold. They would use the existing entrance for the bank and they would have one on Sappington Barracks Road, as well.

Mr. Young asked if an exit is required on Sappington Barracks because of the residential.

Mr. Meers replied yes.

Mr. Baker stated the value of the property is because it is at a lighted intersection.

Mr. Beiter asked why it took so long to get the traffic study.

Mr. Meers replied they have been working on a very stringent time frame. It has only been about a month.

Mr. Beiter and Mr. Baker both stated that they did not get a chance to look over it.

Mr. Meers stated the traffic study showed the bank would have very little impact on traffic. They are required to have a scoping meeting with Missouri Department of Transportation (MoDot).

Mrs. Otto asked what is the next step the Planning and Zoning Commission will receive.

Mr. Baker replied nothing. The commission is approving a Conditional Use Permit for a bank with a drive-through.

Mrs. Otto asked how the soil on the site is.

Mr. Lassiter explained there will be one buried tank and one hydraulic lift, which will be abated. They will abate three of the buildings and remove them.

Mrs. Otto stated she is glad to see the property developed.

Mrs. Sprick stated she had read over the traffic study and it didn't give any firm recommendations. It does state that it is just a draft, since they haven't met with MoDot, yet. They do not feel that there will be many recommendations from MoDot, either, since it is a right turn in, right turn out only facility. Gravois is divided at that area.

Mae Pang, of 9701 Crestwick Dr., stated she is concerned about the driveway that will be installed on Sappington Barracks. She feels the morning traffic will be impacted and the area is not well lit. She is concerned for the safety of the bank patrons as well as the neighbors.

Mr. Lynch asked what time she was talking about the traffic.

Mrs. Pang replied 7:30 a.m. to 8:30 a.m.

Mr. Lynch stated the bank will not be open.

Jason Knopf, of 11720 Sappington Barracks Road, stated the left turn lane gets backed up and he is concerned the development will make it worse. He asked if MoDot will address this issue.

Mr. Baker stated the plan will be presented to MoDOT and they will address any issues based on the traffic study.

Mrs. Sprick stated a lighting plan has been submitted and it meets the city's requirements.

Mr. Niemeyer asked what the hours of the bank will be.

Mr. Meers replied 9 a.m. to 5 p.m. Monday through Thursday. They will be open 9 a.m. until 6 p.m. on Friday. Saturday, they will be open from 9 a.m. to 12 p.m. The ATM will be available 24 hours a day.

Nancy Pre, of 11734 Sappington Barracks, asked who would be purchasing the remaining property. She stated people cut through the parking lots and she doesn't want another drive onto Sappington Barracks.

Mr. Lynch suggested an extension of the light time at the MoDot scoping meeting should be recommended.

Mr. Lynch made a motion that P-31-16 Petition for a Lot Split, submitted by Midwest Regional Bank, to divide a 5.56 acre parcel into a 1.32 acre lot and a 4.24 acre lot at 11816 Gravois Road be recommended to the Board of Aldermen for approval. Mrs. Otto seconded the motion and it was unanimously approved.

P-32-16 Petition for a Conditional Use Permit, submitted by Midwest Regional Bank, to construct and operate a bank with a drive thru (MVOB) on Lot 1 of 11816 Gravois Road.

Mr. Beiter stated he initially felt the recommendation should be post-poned until the traffic study is complete. Since there is very little impact on traffic and there is still a scoping meeting with MoDot, he asked if there was a motion.

Mr. Jones suggested there be a condition made that the 10 foot wide sewer easement be vacated or an acknowledgment of the encroachment be made.

Mr. Meers stated they have spoken with Metropolitan Sewer District (MSD) and it will be vacated.

Mrs. Otto made a motion that P-32-16 Petition for a Conditional Use Permit, submitted by Midwest Regional Bank, to construct and operate a bank with a drive thru (MVOB) on Lot 1 of 11816 Gravois Road be recommended to the Board of Aldermen for approval with a condition that the 10 foot sewer easement be vacated or the petitioner obtains approval from MSD to build the bank on top of the easement before any demolition or construction can take place. Mr. Ortmann seconded the motion. With 7 Aye votes and 1 Nay, the motion passed.

Any other matters deemed necessary

Mr. Beiter stated that issues with the zoning ordinances come up often. He asked what the status of the zoning regulations update is.

Mr. Baker explained the Request For Qualifications has been completed. He stated he has been in contact with places that will be advertising it. APA should have it on their website soon.

ADJOURNMENT

Mrs. Otto made a motion to adjourn the meeting at 9:30 p.m. Mr. Lynch seconded the motion, and it was unanimously approved.

Recording Secretary,



Sarina Cape