

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, FEBRUARY 3, 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, February 3, 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:

Patricia Otto	-Chairman
Terry Beiter	-Member
Dan Werner	-Member
Bill Hopfinger	-Member
Thomas Ortmann	-Member
Joseph Niemeyer	-Member
Al Koller	-Member
Roger Kaiser	-Member
Thomas Lynch	-Member
Steve Young	-Member
Bryson Baker	-City Engineer
Robert E. Jones	-City Attorney

Absent:

APPROVAL OF THE MINUTES

 Copies of the Minutes of the December 2, 2015 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Niemeyer made a motion to approve the Minutes as submitted. Mr. Lynch seconded the motion, and it was unanimously approved.

 Copies of the minutes of the January 6, 2016 Planning and Zoning Commission meeting were distributed to the members for their review. Mrs. Otto stated she would like the minutes to reflect that Mr. Hardy was complimented on his information he provided regarding the 200 block of Deane Ct. Mr. Beiter made a motion to approve the minutes as amended. Mr. Koller seconded the motion, and it was unanimously approved.

NEW BUSINESS

P-02-16 Petition for a Conditional Use Permit submitted by South Lindbergh, LLC (aka, Jimmy John's Restaurant) to construct and operate a drive-thru restaurant at 3751 S. Lindbergh Blvd.

Petitioner has postponed this application.

P-03-16 Petition for a Lot Split submitted by Nancy Thias to divide the property into 2 parcels for the construction of a new residence at 13 Roosevelt Drive.

Mr. Gary Ploesser, President of St. Louis County Surveying was present. Mr. Ploesser stated the existing home was designed by Mr. Thias in 1959 and is in the Frank Lloyd Wright style of architecture. The family would like to keep the house and build a new home on the new lot. He stated the lot split meets all the City requirements and will be on septic. Soil testing has been performed and determined that a septic system will work on the lot. Mr. Ploesser stated the owner, Mrs. Nancy Thias is present for any questions.

Mr. Lynch asked how long the existing residence has been vacant. Mrs. Thias stated since 2010.

Mr. Lynch asked what is proposed for the existing residence.

Mrs. Thias stated she has hired a contractor that will be doing carpentry work including a new roof as well as addressing drainage issues. She further indicated the family is looking into different options.

Mr. Lynch stated until the current residence is brought up to date, he would have issues with approving a Lot Split. There is a lot of work that needs to be done on the house.

Mrs. Thias stated she is aware of the issues and their plans are to work on the existing house simultaneously with the construction of the new house.

Mr. Lynch asked if anyone else on the commission has looked at the house. Mr. Kaiser stated he only viewed the house via a drive up. It is need of repair, besides just a new roof. Mrs. Thias stated the roof will be first. The house is made out of clear redwood and is extremely expensive to repair. Some repairs have been made.

Mr. Lynch asked if she has received comments from the neighbors. Mrs. Thias replied no.

Mr. Young asked if someone is going to live in the house. Mrs. Thias stated it will be shared by three siblings on weekends only.

Mr. Beiter asked what the studio will be used for. Mrs. Thias stated she is a textile and graphic designer and it will be used as a home business. The business will be a separate building.

Mr. Lynch asked when ownership transferred. Mrs. Thias stated ownership is still with her mother and that she will be gifting it to the siblings. She further indicated it is very important to them to keep her family's house on the property.

Mr. Lynch asked if this was a Frank Lloyd Wright house or was it designed by Frank Lloyd Wright. Mrs. Thias stated the history between Frank Lloyd Wright and her father goes back many years.

Mr. Lynch stated he does not feel this house resembles Frank Lloyd Wright's architecture. Mrs. Thias stated she disagrees.

Mrs. Otto asked if the commission can reject the proposal because of the condition of the existing property. Mr. Jones stated under Sec. 4.2 you can consider the condition of the existing property and how it will be used after the lot split as part of the recommendation to the Board of Aldermen.

Mr. Hopfinger asked for input from any neighbors that may be present.

Mr. Mark Naes of 12419 Robyn was present. Mr. Naes stated he lives directly below the lot split and has a concern with the lot being allowed to be on septic. He recommends denial unless the owner is willing to hook up to MSD. He believes there will be runoff and adversely affect a spring on his property.

Mr. Ortmann asked how far Mr. Naes lives from the property. Mr. Naes stated he is directly downstream and will be impacted by water runoff.

Mr. Ortmann asked if his property touches her property. Mr. Naes replied no, it does not.

Mr. Werner asked who makes the determination as to the size of lot and area for a septic field. Mr. Baker stated he is not sure if there is a lot requirement. MSD makes the determination if they are within 200' and if they are eligible to be on septic.

Mr. Lynch made a recommendation to hold this petition until other members of the commission can view the property. Mr. Lynch stated the house is in very bad shape and appears to be abandoned.

Mr. Beiter asked Mr. Baker if there have been any code violations. Mr. Baker stated not that he is aware of. He further indicated the city has not had any complaints and with it being a dead end street, the inspector is probably not in the area often.

Mr. Niemeyer made a motion that P-03-16 Petition for a Lot Split submitted by Nancy Thias to divide the property into two parcels for the construction of a new residence at 13 Roosevelt Drive be tabled. Mr. Werner seconded the motion, and it was unanimously approved.

Mrs. Thias stated she would be happy to meet members at the property.

Mr. Beiter stated he feels the commission should let the Public Works Department view the property and cite accordingly.

Mr. Baker replied he will have the inspector check the property, cite for any violations and provide some pictures.

There being 9 Aye votes and 1 Nay vote, the motion passed to table until next month.



P-04-16 Petition for an Amended Development Plan submitted by Sol Spaces, LLC for the purpose of adding a vestibule onto the existing building at 12970 Maurer Ind. Drive.

Mr. Matt Ford, Co-owner of SOL Spaces was present. Mr. Ford stated they are an engineering company and are currently located in Oakland. The company has outgrown their existing 3000 sf space and is very excited about moving to a much needed bigger office space. The building is the old Vatterott Training School, with a two story front. There are 10,000 square feet on the second floor and 20,000 square feet on the first floor. SOL Spaces will utilize the second floor with plans to renovate the bottom floor for future office space to be rented. The proposal is for an entrance and small vestibule onto the front of the building that will be approximately 64 square feet.

Mr. Ford stated along with the addition, there are zoning issues that we are required to address. Mr. Ford stated to the rear of the property is a dump, but is zoned residential. The first request is a variance regarding the fencing and landscaping to adjacent residential property. The second request is a variance regarding the trash enclosure. The existing enclosure consists of a hardy plank material. The City's zoning requirement is for a masonry enclosure. Mr. Ford stated if this is not acceptable, an alternative design has been provided that consists of a concrete enclosure with a brick veneer and will meet the zoning requirements. The third request is landscaping and planting of trees. They are proposing nine additional trees and 27-30 shrubs to enhance the landscaping.

Mr. Lynch asked if the vestibule idea has been eliminated.

Mr. Ford stated no, the vestibule was eliminated from the original permit in order to get the interior finish started to meet an April 1st move in date.

Mr. Lynch stated he drove around the property and feels the dumpster enclosure is suitable, and the trees are adequate for the area. He stated he is willing to approve the variances as requested.

Mr. Beiter stated the applicant is proposing to use the vegetation in MoDOT's right-of-way to meet requirements along Gravois Road. Are there enough trees to meet the requirements or do they need to plant more?

Mr. Baker stated there is adequate landscaping along Gravois. However, applicant will need permission from MoDOT to use the property as part of their buffer area. If he does not get permission, then additional trees will be required.

Mr. Baker stated the Commission should look at the property on its own and not compare to surrounding properties. We do not seek out other businesses but when they come to us to make a change or if they need something from us, we try to be consistent and follow the ordinances that are in place.

Mr. Ford stated they have complied as much as possible without spending additional money for trash enclosures and landscaping at this time.

Mr. Young asked for discussion regarding the trash enclosure. Mrs. Otto agreed to a discussion.

Mr. Young stated he feels the commission should follow city codes that are written.

Mr. Beiter agreed.

Mr. Lynch asked Mr. Jones how much it would cost to replace three masonry sides to the enclosure; about \$8000 - \$10,000. Mr. Jones replied yes, he believes that is an accurate estimate.

Mr. Lynch stated he is in favor of waiving the enclosure requirement.

Mr. Koller stated he disagrees.

Mr. Ford stated he understands, however, the dumpster enclosure will cost almost as much as the vestibule addition.

Mrs. Otto asked for comments from the audience. Mrs. Moore stated no one signed in to speak.

 Mr. Koller made a motion that P-04-16 Petition for an Amended Development Plan submitted by Sol Spaces, LLC for the purpose of adding a vestibule onto the existing building at 12970 Maurer Ind. Drive be recommended to the Board of Aldermen for approval with the condition that the trash enclosure is built to city code. Mr. Niemeyer seconded the motion and a roll call vote was taken.

Mr. Jones asked for a hold on the roll call vote. He stated the motion should state that you are recommending approval with the masonry trash enclosure and a variance from the requirement that a site proof fence be constructed in the area adjacent to the residential property and the petitioner be able to use the plantings and landscaping within the MoDOT right-of-way at Gravois with a letter granting them permission. Those are the two variances from what otherwise would be required.

Mr. Lynch asked if they should vote on them separately. Mrs. Otto stated yes the issue should be separated.

Mr. Lynch made a motion to separate the issue of the enclosure, the fencing and the landscaping on Gravois Road. Mr. Koller seconded the motion and there was a roll call vote taken.

Al Koller	Nay
Thomas Lynch	Aye
Roger Kaiser	Aye
Patricia Otto	Aye
Dan Werner	Nay
Bill Hopfinger	Nay
Thomas Ortmann	Aye
Joseph Niemeyer	Aye
Steve Young	Aye
Terry Beiter	Nay

There being 6 Aye votes and 4 Nay votes, the motion passed.

There is a motion on the floor from Mr. Koller to accept the proposal for the vestibule with the requirement of a masonry trash enclosure.

Mr. Lynch made a motion to amend Mr. Koller's motion that P-04-16 Petition for an Amended Development Plan submitted by Sol Spaces, LLC for the purpose of adding a vestibule onto the existing building at 12970 Maurer Ind. Drive is recommended to the Board of Aldermen for approval with the condition that the trash enclosure will not be required to follow city code. Mr. Young seconded the motion and a roll call vote was taken.

Mr. Jones stated the commission is missing the point that the motion is to recommend approval of the Amended Development Plan with or without the masonry trash enclosure. IF the motion does not pass, a negative recommendation is sent to the Board of Aldermen.

Mr. Young asked if the vote is Aye that would mean the trash enclosure is not recommended. A Yes vote would be to agree.

Mr. Jones asked Mr. Koller and Mr. Lynch to withdraw their motions and start over with a fresh motion.

Mr. Koller and Mr. Lynch withdrew their motions. Mr. Jones stated both motions have been withdrawn and there is no motion on the floor at this time.

Mr. Lynch made a motion that P-04-16 Petition for an Amended Development Plan submitted by Sol Spaces, LLC for the purpose of adding a vestibule onto the existing building at 12970 Maurer Ind. Drive be recommended to the Board of Aldermen for approval with the condition that the trash enclosure is not required to be masonry.

Mr. Baker asked if the commission can do an informal poll. Mr. Jones replied yes.

Mrs. Otto asked if everyone is in favor of the enclosure as it stands please raise your hand. Mrs. Otto indicated there were 6 show of hands.

Mr. Ortmann made a motion that P-04-16 Petition for an Amended Development Plan submitted by Sol Spaces for the purpose of adding a vestibule to the existing building at 12970 Maurer Ind. Drive be recommended to the Board of Aldermen for approval as proposed. Mr. Niemeyer seconded the motion and a roll call vote was taken.

Al Koller	Nay
Thomas Lynch	Aye
Roger Kaiser	Aye
Patricia Otto	Aye
Dan Werner	Aye
Bill Hopfinger	Aye
Thomas Ortmann	Aye
Joseph Niemeyer	Aye
Steve Young	Aye
Terry Beiter	Nay

There being 8 ayes and 2 nays, the motion passed.

P-05-16 Petition for an Amended Conditional Use Permit submitted by MoMellow Holdings, LLC for the purpose of landscaping revisions at 3811 S. Lindbergh Blvd.

Mr. Michael Vienhage and Mr. John Burke, of MoMellow, LLC was present.

Mr. Vinehage stated they would like to amend the landscaping plan. The current plan was approved by the Board of Aldermen. The primary changes are behind the building which will improve the safety of our guests and privacy to the neighbors. The new plan has been enclosed with natural grasses, tall bushes, maple trees and fenced in the area for the guests. A second Bocce court has

been added and some tables. They have added some additional Crabapple trees to meet the City's requirements.

Mr. Niemeyer stated the fence is still there and orange in color. He suggested they remove the fence and install something a little more pleasing to the eye. The fence is not in good shape. Mr. Vienhage stated they are not required to install a new fence. The plan is to get the business open and address the fence at a later date.

Mrs. Otto asked what the three sculptures are. Mr. Vienhage stated they are steel sculptures and would like to keep that a secret until opening.

Mr. Lynch asked if the patio is bordered by a fence or is it shrubbery.

Mr. Vienhage replied a wrought iron fence is proposed surrounded with plantings.

Mr. Beiter asked where the music will be located. Mr. Vienhage stated the music consists of one man bands and will be against the building. He believes plantings will help suppress the sound also.

Mr. Vienhage stated they feel it is a vast improvement over the original plan and will be more neighborly.

Mr. Baker stated the only area that is not met by City code is the bush line along Maret Drive because it is not on their property. In order to use the existing bush line, permission is required from the Maret Drive residents. If they cannot use the Maret Drive landscaping, they will be required to install an additional row of bushes.

Mr. Vinehage stated they have spoken to the neighbors and their request is to keep the row of bushes. Mr. Vinehage stated they will also add bushes along the parking lot to block the headlights.

Mr. Baker stated all city code requirements have been met.

Mr. Courtois at 3726 Sunset Chase was present. Mr. Courtois stated his home is the most impacted by the shrubbery. There has been a fence removed on Maret that has affected his privacy. Mr. Courtois stated he would like to see fencing or some type of bushes and or trees be installed in place of the fencing that was removed in order to restore some privacy to the subdivision.

Mr. McGuire of 12501 Maret Drive was present. He asked why the fence along Maret was removed. Residents on Maret like the orange fence in the back and on the side. He would like to see the fence re-installed. He stated residents of Maret are in favor of the restaurant, but would like to have headlights blocked from their home.

Mr. Keller of 12502 Maret Drive was present. He has no recollection of the fence being removed from the previous approval. The removal of the fence opened up 16 parking spaces that will now allow lights to shine into the residential area. He would like the area restored to something that will restore privacy to Maret Drive.

Mr. Wideman of 3720 Sunset Chase Drive was present. He stated permission was not granted to remove the fence and would like to see it re-installed.

Mrs. Otto asked how long the fence was. Mr. McGuire replied from the audience about 150 feet.

Mrs. Joan Deelo of 3702 Sunset Chase Drive was present. She requested if a fence is not possible, a more dense privacy screening be required.

Mrs. Otto asked Mr. Baker to explain the fence regulations.

Mr. Baker stated a fence is not required in this instance. Fencing is required between commercial and residentially zoned property. The property to the west abuts the commercial development and a fence is required. The property to the north is separated by the street and therefore, fencing is not required.

Mr. Vienhage stated there is an approved plan with no fence and approved bushes. There are improvements to Maret up and down the property. The Crabapples are proposed to meet requirements. He stated they have not heard a complaint on the proposed Crabapples. The fence was removed because it was their understanding that the neighbors did not like the fence and wanted it removed.

Mr. Ortmann asked if there is a plan on file that is already approved. Mr. Vinehage replied yes.

Mr. Ortmann asked if there is a possibility to place evergreens instead of the fencing.

Mr. Vinehage stated they left the burning bushes because they thought that is what the neighbors wanted.

Mr. Vienhage stated it would be a cost issue. There was discussion on what type of bushes and or trees would be used.

Mr. Niemeyer made a motion that P-05-16 Petition for an Amended Conditional Use Permit Submitted by MoMellow Holdings, LLC for the purpose of landscaping revisions at 3811 S. Lindbergh Blvd be recommended to the Board of Alderman for denial.

Mrs. Otto asked for second. There was no second to the motion, Mrs. Otto stated, the motion dies for lack of second.

Mr. Ortmann made a motion that P-05-16 Petition for an Amended Conditional Use Permit submitted by MoMellow Holdings, LLC for the purpose of landscaping revisions for 3811 S. Lindbergh Blvd. be recommended to the Board of Aldermen for approval. Mr. Werner seconded the motion.

Mr. Beiter asked for the motion to be amended to include a site barrier fence of at least 5' or evergreens be installed along Maret Drive where the petitioner is currently showing 30 burning bushes.

Mrs. Otto asked for all of those in favor of the amendment by a show of hands.

Mrs. Otto stated a fence or evergreens should be worked out with the neighbors to the north. Mrs. Otto asked for a show of hands for those that are in favor of having a discussion with the neighbors regarding landscaping to the site.

By a show of hands, there were 4 ayes and 6 nays. Mrs. Otto stated the condition involving the neighbors will not be included in the motion.

Mrs. Otto asked for a show of hands for those in favor of a site barrier fence or evergreens on Maret for approximately 150'.

Mr. Baker asked if the commission is requiring them to put in a fence, do you still want the 6 bald cypress and 30 burning bushes. Mr. Beiter stated he thinks the burning bushes would be too much if they install the fence or the evergreens.

Mr. Baker stated he wants to be clear on what the commission is asking for. It sounds like you are asking for a fence and or evergreens in lieu of the 30 burning bushes and 6 Bald Cypress.

The commission confirmed yes, that is correct.

Mr. Beiter made a motion to amend Mr. Ortmann's motion that along the Maret Drive side of the property for approximately 150 feet that a 6' privacy fence and/or a line of evergreen shrubs, minimum of 7 feet tall be installed in lieu of 6 Bald Cypress trees and 30 burning bushes.

Mr. Young stated he does not believe you can find 7' tall evergreens. Mr. Beiter stated he does not know, he is not an arborist.

Mr. Baker stated the idea is for the trees to be tall enough to block headlights. Mr. Beiter agreed.

Mrs. Otto asked if all is in favor of the amendment as presented by Mr. Beiter.

The commission unanimously approved the amendment.

Mrs. Otto stated there is a motion on the floor to recommend approval of the proposed plan with amendments to the Board of Aldermen, it was unanimously approved.

UPDATE ON THE COMPREHENSIVE PLAN

Mr. Baker distributed a memo from Houseal Lavigne that addresses the changes that were requested.

Mrs. Otto asked if they have accepted the changes submitted by Planning and Zoning. Mr. Baker replied yes, some comments were noted.

Mrs. Otto asked for suggestions on a date for a Public Hearing. Mr. Baker proposed Wednesday, March 16th at 6:00 pm with an open house from 4:00 pm until 6:00 pm.

All members of the Commission agreed to the March 16, 2016 date for an open house and public hearing.

Mrs. Otto stated discussion will be deferred until the April 6th meeting.

ANY OTHER MATTERS DEEMED APPROPRIATE

Mr. Baker addressed the flood issues using an aerial map of the city. Most of the flooding was concentrated in a few areas. Areas included West Watson Road and Weber Hill where some had at least 5ft of water on the main level. Some of the homes on Break and Fringe had water up to the lower levels, but did not get inside of homes due to sandbagging. The ball fields were approximately 25' under water along with the golf course and driving range. Old Gravois was also hit with minor to extensive damage to many businesses along Gravois and Gravois Industrial Court. There are homes along Forest Path that barely touches the 500 year flood plain. Some of them had water as well as sewer backup issues.

ADJOURNMENT

Mr. Niemeyer made a motion to adjourn the meeting at 9:05 p.m. Mr. Koller seconded the motion, and it was unanimously approved.

Recording Secretary,



Trish Moore