

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, APRIL 6, 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, April 6, 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
Thomas Ortmann	-Member
Joseph Niemeyer	-Member
Al Koller	-Member
Thomas Lynch	-Member
Steve Young	-Member
Bryson Baker	-City Engineer
Robert E. Jones	-City Attorney

Absent:	Bill Hopfinger	-Member
	Roger Kaiser	-Member

APPROVAL OF THE MINUTES

Copies of the minutes of the March 2, 2016 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. Koller seconded the motion, and it was unanimously approved.

Copies of the minutes of the March 16, 2016 Public Hearing for the Comprehensive Plan meeting were distributed to the members for their review. Mr. Niemeyer made a motion to approve the minutes as submitted. 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.

Mark Doering, President of Doering Engineering and Steve Saladin, owner of Jimmy John's restaurant was present.

Mr. Saladin stated he has owned Jimmy John's in Sunset Hills for about 11 years. He has recently purchased the property at 3751 S. Lindbergh Blvd. as non-contingent. Originally the plan was for two restaurants. He eliminated the second drive thru and flipped the site plan to move the noise, etc. away from the residents.

Mr. Doering displayed a power point. The existing parcel is about 1 acre, zoned C-1. To the south is Mellow Mushroom, currently under construction. The site plan meets all city requirements except the loading space requirement. They will appear before the Board of Adjustment at end of the month to allow 2 spaces in lieu of 4. The entrance is on S. Lindbergh and the pickup window is located in front of the building. It is 160 ft. away from the closest residence.

Mr. Young asked what the hours of operation are.

Mr. Saladin stated currently they are open 9 A.M. till 9 P.M.

Mr. Ortmann asked what the hours of the medical facilities would be.

Mr. Saladin stated all of the companies' facilities close at 8 pm.

Mr. Ortmann stated he doesn't like the parking in the back with people milling around.

Mr. Saladin stated he took the parking into consideration, moving the order location as far away as possible from residents. He also stated the building will be aesthetically pleasing. If the drive thru moved to the rear of the building, conversation would be louder due to the menu board with the speaker.

Mr. Koller asked the size of the building.

Mr. Saladin stated the original plan was 1,800 sq. ft. and now it is 1,000 sq. ft.

Mr. Koller asked about the 2200 sq. ft. of retail space and the future of that building.

Mr. Saladin stated it is for lease with no future plans other than retail.

Mr. Beiter asked how wide the buffer is.

Mr. Doering stated it is 5 ft. and meets city code.

Mr. Beiter stated there are 30 parking spaces for the Urgent Care, per ordinance. He feels the ordinance is strict in regards to parking spaces. He asked what the possibility of losing the 9 spaces in the back of the property and increasing the buffer in the back to 14 ft. was. He asked what the city thought of that.

Mr. Baker stated he understands the city's parking is strict and contains too many spaces.

Mr. Doering stated he thinks the turning radius would be too tight.

Mr. Koller asked if there was a loading dock at the restaurant and at the retail space.

Mr. Doering answered that the loading spaces are next to each other, at the restaurant.

Mr. Beiter stated his concern about the time of deliveries and the noise they can cause.

Mr. Saladin stated that he is willing to adjust his vendors accordingly.

Mr. Doering stated the proposed 8 ft. fence would be on the left side and on the right there is an existing 6 ft. fence.

Mr. Saladin stated the homeowners have a 6 ft. fence, but they would be happy to do what the homeowners want.

Michael Courtois of 3726 Sunset Chase stated that this type of establishment belongs in isolated areas and not behind residents. He believes it will elevate the already extremely high traffic area. With the proposed landscaping he will be seeing the dumpster enclosure, plus exhaust and lights from the cars in the drive thru. He stated the property behind the fence slopes, so their fence would be ineffective and low. They will be moving full grown trees, which he disagrees with. He thinks asphalt and traffic lanes on the other side of the fence is outrageous. He stated they should modify the proposal suitable to the area because fast food is in appropriate.

Mr. Ortmann asked if there is something they can do to make it better.

Mr. Courtois stated that a drive thru will harm property values.

Mr. Baker asked if they proceeded with the plan, what his choice for a privacy fence would be, 6 ft. or 8 ft.

Mr. Courtois answered that he doesn't want either one. He suggested they take down his fence, build a retaining wall, build the ground up 2ft., and then construct an 8 ft. fence.

Mrs. Otto asked if he wanted landscaping on his side of the fence.

Mr. Courtois answered no he did not. He already has landscaping on that side of the fence.

Gary Wideman of 3720 Sunset Chase Dr. likes Sunset Hills' stringent zoning laws. That is one of the reasons he built his house here. He read the Conditional Use Permit rules from Chapter 7, aloud. He stated the traffic study is not valid until the Assisted Living and Mellow Mushroom are operational. He discussed the traffic study and how it suggested the patrons do illegal turns using the shoulder and illegally drive in the middle lane of Lindbergh.

Jim Keller of 12502 Maret Drive stated all of the Maret Drive residents are clearly opposed to this petition. Traffic is already bad in the area. He feels he is committing an illegal act everyday by pulling into the turn lane. He stated that according to the video presented by Mr. Doering seven cars went by in three seconds. He believes Jimmy Johns will cause a huge traffic problem.

Carol Streibig of 3721 Sunset Chase moved here because it is a safe environment. She feels this could have catastrophic consequences.

Ann McMunn of 12431 Court Drive stated this business thrives on high traffic volume. She feels there is too much traffic already and this will be detrimental to the area. She also perceives Sunset Hills as residential and thinks a drive thru restaurant on this side of the plaza is tacky.

Joan Deelo of 3702 Sunset Chase Dr. stated the menu board speaker sound seems to travel through that area and the noise will make it very unpleasant.

Rob Leitner of 12525 Maret Drive is opposed to the project, especially for safety reasons. He stated that the current use is very low volume and replacing them with 2 extremely high volume tenants, in addition to the upcoming Mellow Mushroom will cause a lot of accidents.

Mr. Ortmann asked what he thought about them taking away the drive thru and having only a restaurant.

Mr. Leitner responded that casual dining does not create the same volume of traffic as fast food.

Dale Gould of 3708 Sunset Chase stated he opposes the drive thru due to traffic, loud car radios, along with people talking over the menu board speaker. He feels it is the wrong business for this piece of property.

George Lodes of 12519 Maret Drive has been a resident for 30 years. He stated that this is a disaster waiting to happen because of the increase in traffic volume.

Mr. Niemeyer asked Mr. Doering if there was any possibility of flipping the buildings.

Mr. Doering responded that the traffic flow would be backwards for drive thru pick up.

Mr. Lynch asked what percentage of business was anticipated by the drive thru as opposed to walk in.

Mr. Saladin answered 20% to 30% and stated that nice weather is what drives his business. He stated June 9, 2015 was the strongest week. He feels the drive thru is capturing the business that doesn't want to get out of their cars.

Mrs. Otto asked what the peak hours were.

Mr. Saladin answered 11a.m. to 1p.m. and their dinner business is very weak. So he does not feel it will have much impact on traffic during rush hour. He stated that they don't and won't do breakfast.

Mr. Lynch reminded about the traffic count on Lindbergh. They aren't adding 50-80 cars a day; they are transferring cars from the east side of street, at their current location to the west side of street, at this new location.

Mr. Ortmann stated there is a drive thru ice cream shop in Kirkwood where someone comes out and takes your order, instead of having a speaker. He asked if they would consider that.

Mr. Saladin answered Jimmy of Jimmy Johns would not allow it.

Mr. Lynch made a motion that 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. be recommended to the Board of Alderman for approval. Mr. Young seconded the motion and a roll call vote was taken.

Pat Otto – Aye
Terry Beiter – Nay
Dan Werner – Nay
Tom Ortmann – Nay
Joe Niemeyer – Aye
Al Koller – Aye
Tom Lynch – Aye
Steve Young – Aye

There being 5 Aye votes and 3 Nay votes, the motion passed.

P-12-16 Petition for a Change of Zoning submitted by Olga Despotis Trust to change the zoning from R-2 Single Family Residential, 20,000 square foot minimum lot size to PD-LC (B) Planned Development-Limited Commercial for the purpose of re-developing the properties located at 12405, 12411 and 12417 West Watson Road.

Richard Randall, Senior Vice President of Development for Pace Properties was present. He presented photos of the corner of Lindbergh and W. Watson and stated he did not believe any builder would want to build homes on these properties. He tried to find the best solution to transition from commercial to residential. He believes the credit union was the best idea and they could add any buffer that the homeowners would agree to.

Jim Hall with Hall and Associates, Landscape Architects stated 1st Community Credit Union is very low intensity. It has limited hours of operation and limited traffic. He showed they had reduced the size of the building from 6300 sf. to 4200 sf. There would be two drive up teller windows and an ATM; they reduced the size of the canopy from 36 ft. to 20 ft. A 50' buffer would be provided, where only 20' is required. There would be a 6 ft. high privacy fence, as well. Access to the site would be one bi-directional drive on Lindbergh and one bi-directional drive on W. Watson. There would be 54 parking spaces primarily along Lindbergh. They could not provide a traffic study within one week as they were only advised last week of this requirement. They have contacted CBB to perform a traffic study. MODOT did a study and it concluded there were about 100 trips at peak hours, which barely triggered MODOT to have a study on the site. He showed their idea for a fountain structure and the sidewalks that will be installed.

Mr. Beiter stated the required parking spaces are 22, but the plans are showing 54. He asked why he would over park.

Mr. Hall stated he feels the credit union would be willing to reduce parking as the plan moves along. 54 is what they originally thought they needed.

Mrs. Otto asked about the plans that were presented last month.

Mr. Randall stated he apologizes; he did not bring that info with him.

Mrs. Otto stated it has been very clear that this property was to remain residential. She asked why they keep coming back.

Mr. Randall stated they presented a concept plan last month and then the plans tonight, so he is unclear as to what is meant by keep coming back.

Mr. Niemeyer stated a motion was made at the meeting in 2011 for the property to remain residential with the possibility of a courtyard type project. He believes it is a good possibility with a serpentine wall similar to Sunset Country Club.

Mr. Randall answered that the Sunset Country Club property is 14 acres, where this is 4.5 acres. He does not believe there is enough acreage to attract a developer.

Mr. Young stated they know there is extreme resistance, but the proposal is very good and they have tried to satisfy the city requirements. He asked what the end game was and what he wanted from the commission.

Mr. Randall answered he has a responsibility to the owners and he promised to take this all the way through to the end.

John King, Attorney with Lathrop & Gage answered, to fulfill their commitment they have to follow it through to the Counsel. In order to get to the Counsel or to take it to court, they have to fulfill all prior commitments. That is the procedure. He then mentioned that the initial Comprehensive Plan stated this site should be commercial.

Mrs. Otto stated that the Commission disagreed with them and had it changed back to residential.

Mr. Beiter stated the Comprehensive Plan was a suggestion, but the Commission has the final say on it's ideas. He feels like one of the things that should be considered is market. This is what they base their decisions on. Sunset Hills is an established retail location that draws in customers from other communities. Both the local and regional retail market is highly competitive. Recent regional studies show the St. Louis Metropolitan region is fully saturated by retail operations and there is no current demand that is not already being served by existing businesses. The Sunset Hills market is defined by 5-10 minute drive times, where the larger regional market is defined by 10-15 minute drive times. Sunset Hills is over-supplied in virtually every retail category. He does not feel that commercial would be appropriate on this site. The Commissions' decisions are based on the Comprehensive Plan, existing zoning, whether the previous plan called for commercial or residential, and the attitudes of the community.

David Witbrodt of 12443 W. Watson Road borders on the 10 acres demolished by the tornado. He stated the Pace Property sign is not on the correct property and he has talked to numerous people that would like to build homes on the property.

Michael Courtois of 3726 Sunset Chase insists that this site remains residential.

Gary Wideman of 3720 Sunset Chase stated he does not see why another commercial building is needed. He opposes this site being zoned commercial and added that no means no.

Gerald Kovach of 12432 Court Dr. stated there were 13 homes on Court Dr. before the tornado and now there are three vacant lots. His neighbor's house at 12426 Court Dr. was on the market and many people were traipsing through the snow to look at the house. It sold in two weeks. The house at 12433 Court Dr. sold for \$175,000 to a developer. At the corner of W. Watson and Lindbergh a lot of developers wanted to build commercial buildings. There are already seven banks and one credit union in sunset hills.

Darlene Freber of 9181 Fox Bridge Dr. and former member of Planning and Zoning would like this site to remain residential. She feels this area of Sunset Hills does not need any more commercial buildings.

Ann McMunn of 12431 Court Dr. stated these lots are not Lindbergh fronted, like was stated before. The addresses are W. Watson. She also pointed out the attorney had stated this was one property, but it is actually three residential plots.

Joan Deelo of 3702 Sunset Chase opposes the change in zoning.

Vince Lindwedel, owner & broker of Principle Realty Solutions purchased one lot on Court Dr. and one lot on W. Watson about two years ago. It has taken two years because of signage. He is personally interested in building in the community and on this site. As a developer, he feels these are good residential sites and he has individuals that are interested in the sites.

Mr. Young asked if he had ever approached the owner of this property about purchasing.

Mr. Lindwedel answered no because they are under contract.

Mr. Niemeyer made a motion that P-12-16 Petition for a Change of Zoning submitted by Olga Despotis Trust to change the zoning from R-2 Single Family Residential, 20,000 square foot minimum lot size to PD-LC (B) Planned Development-Limited Commercial for the purpose of re-developing the properties located at 12405, 12411 and 12417 West Watson Road be recommended to the Board of Alderman for denial. Mr. Ortmann seconded the motion and a roll call vote was taken.

Steve Young – Nay
Thomas Lynch – Aye
Al Koller – Aye
Joe Niemeyer – Aye
Tom Ortmann – Aye
Dan Werner – Aye
Terry Beiter – Aye
Pat Otto – Aye

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

P-13-16 Petition for a Preliminary Development Plan submitted by Olga Despotis Trust for commercial development of the properties located at 12405, 12411 and 12417 West Watson Road.

This petition was discussed simultaneously with P-12-16.

Mr. Niemeyer made a motion that P-13-16 Petition for a Preliminary Development Plan submitted by Olga Despotis Trust for commercial development of the properties located at 12405, 12411 and 12417 West Watson Road be recommended to the Board of Alderman for denial. Mr. Ortmann seconded the motion and a roll call vote was taken.

Pat Otto – Aye
Terry Beiter – Aye
Dan Werner – Aye
Tom Ortmann – Aye
Joe Niemeyer – Aye
Al Koller – Aye
Tom Lynch – Aye
Steve Young – Nay

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

P-14-16 Petition for an Amended Conditional Use Permit submitted by Missouri American Water Co. to construct a walkway to the lagoon and tornado shelter for the distributive building at 12710 Weber Hill Road (aka 12956 Maurer Industrial Drive)

Bradley Brown, manager of government affairs of Missouri American Water Co. was present and he explained this is strictly a safety project that employees have brought to their attention.

Mark Radecke with Missouri American Water explained the tornado shelter will be placed next to the distribution building and is 6'5" x 6'5" tall and 8'5" in depth and will handle 14 people standing up. The structure will have no utilities. The building will be above grade on a 3' slab of concrete. The walkway will provide safer access to the edge of the lagoon. Currently there is loose rock on a steep slope and employees have to clean a screen in the lagoon daily.

Mr. Niemeyer asked if it will be under lock and key at all times.

Mr. Radecke answered yes, the manager will have it.

Mary Lee Hintman of 12510 Sunset Greens Dr. opposes the tornado shelter and asked why they need an emergency shelter for a meeting place. She was concerned the company was misusing the meeting building and would be misusing the storm shelter.

Mr. Brown explained the building was actually a distribution location for field service workers, as was stated in the original proposal. There are approximately 10-15 workers that report into the location in the morning. Others work at the plant throughout the day.

Eric Thias of 13 Roosevelt Drive is not opposed to or supporting the shelter. He asked if the structure would come in one piece and if it would have multiple entrances/exits for safety. He was also concerned about the locking system, so no one could sneak in it.

Mr. Lynch asked if it is a one piece building when it is dropped off.

Mr. Radecke answered yes.

Mr. Lynch asked where the workers disburse to.

Mr. Radecke stated they go to various homes or businesses.

Mr. Lynch made a motion that P-14-16 Petition for an Amended Conditional Use Permit submitted by Missouri American Water Co. to construct a walkway to the lagoon and tornado shelter for the distributive building at 12710 Weber Hill Road (aka 12956 Maurer Industrial Drive) be recommended to the Board of Alderman for approval. Dan Werner seconded the motion and it was unanimously approved.

ANY OTHER MATTERS DEEMED APPROPRIATE

Mrs. Otto recommended with two items left, for them to be tabled until the meeting next month. Everyone agreed.

Carol Morrison of 208 Deane Court asked how high the fence at Jimmy Johns was going to be.

Mr. Baker replied the plans show 8' for half of property and 6' for the other half. 6' is all that was required.

Mrs. Otto stated that the plans were approved as shown.

Mr. Baker asked when the Comprehensive plan would be approved.

Mrs. Otto replied they would make recommendations at the May meeting and hopefully approve it at the June meeting.

ADJOURNMENT

Mr. Niemeyer made a motion to adjourn the meeting at 9:45 p.m. Mr. Ortmann seconded the motion, and it was unanimously approved.

Recording Secretary,

Sarina Cape