

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, FEBRUARY 1, 2017

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 1, 2017. 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
	Thomas Ortmann	-Member
	Thomas Lynch	-Member
	Steve Young	-Member
	Bill Hopfinger	-Member
	Roger Kaiser	-Member
	Todd Powers	-Member
	Mike Svoboda	-Member
	Brian VanCardo	-Member
	John Martin	-Member
	Bryson Baker	-City Engineer
	Robert E. Jones	-City Attorney
	Lynn Sprick	-Assistant Planner

Absent:

APPROVAL OF THE MINUTES

Copies of the minutes of the January 4, 2017 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Hopfinger made a motion to approve the minutes as submitted. Mr. Powers seconded the motion, and it was unanimously approved.

OLD BUSINESS

**P-02-17 Petition for an Amended Development Plan
submitted by
Stock and Associates for the construction of a self-storage facility at
10801 Sunset Office Dr.**

This petition has been postponed by the petitioner.

NEW BUSINESS:

P-04-17 Petition for a Boundary Adjustment Plat submitted by H. John Neff to reconfigure existing Lot 6 of Kennerly Manor Drive and 10842 Kennerly Road.

No one was present.

Mr. Hopfinger made a motion that P-04-17 Petition for a Boundary Adjustment Plat submitted by H. John Neff to reconfigure existing Lot 6 of Kennerly Manor and 10842 Kennerly Road be tabled. Mr. Lynch seconded the motion and it was unanimously approved.

P-05-17 Petition for a Conditional Use Permit submitted by Kirk Vogel of Walnut Grill Sunset, LLC to operate a restaurant with outdoor seating at 10797 Sunset Hills Plaza.

Christine Look, with Picket, Ray, & Silver was present. They would like to add a patio, a walk in cooler, and make modifications to the east side of the parking lot.

Mr. Hopfinger asked that the lighting issue be addressed.

Mr. Baker stated their lighting does not meet the current city standards.

Mrs. Look stated they are working on the issue.

Mr. Jones stated The Commission should stipulate the lighting as a condition, when recommending the Amended Development Plan for approval to the Board of Aldermen.

Mr. Ortmann made a motion that P-05-17 Petition for a Conditional Use Permit submitted by Kirk Vogel of Walnut Grill Sunset, LLC to operate a restaurant with outdoor seating at 10797 Sunset Plaza be recommended to the Board of Aldermen for approval. Mr. Young seconded the motion and it was unanimously approved.

P-06-17 Petition for an Amended Development Plan submitted by Kirk Vogel of Walnut Grill Sunset, LLC to allow outdoor seating and other changes at 10797 Sunset Plaza.

Mr. Ortmann made a motion that P-06-17 Petition for an Amended Development Plan submitted by Kirk Vogel of Walnut Grill Sunset, LLC to allow outdoor seating and other changes at 10797 Sunset Plaza be recommended to the Board of Aldermen for approval, provided the lighting is in compliance with Sunset Hills' ordinance, prior to issuance of an occupancy permit and business license. Mr. Young seconded the motion and it was unanimously approved.

P-07-17 Petition for an Amended Development Plan submitted by Dakota Blenders, LLC for a 20,000 square foot building addition and parking lot expansion at 12927 Gravois Road.

Paul Boyer, with Civil Engineering Design Consultants, and Joe Horton, VP of Operations with Dakota Blenders were present. Peter Matthaiei, CEO of Dakota Blenders, was also present. Mr. Boyer stated the property is 9.09 acres and is zoned PD-LI. A 49,000 square foot office and warehouse building exists. The property was purchased in 2013 and extensive renovations were done. They are looking to expand. They have two silos, used to store flour, and a third one is proposed. They are also proposing a precast, concrete building with a metal awning, a stacking drive, and a new dock area. A Preliminary Development Plan has been submitted to Metropolitan Sewer District and geotechnical testing has been done. There will be a 650 foot long retaining wall that will reach heights of up to 40 feet. There is a detention basin in the front and on the side. Landscaping will be added around the parking lot and a tree preservation plan has been provided.

Mr. Beiter asked if the trucks will be loading during the stacking.

Mr. Boyer stated they will be, both, loading and unloading.

Mr. Beiter asked how many trucks are typically stacked.

Mr. Boyer replied approximately four.

Mr. Beiter asked when stacking occurs.

Mr. Boyer replied it usually occurs mid-day.

Mr. Matthaiei stated there are multiple trucks stacking on Gravois Road. A staging area is needed in the back to get the trucks off of Gravois Road.

Mr. Beiter asked if they can schedule deliveries.

Mr. Matthaiei stated they have done some scheduling. It is not perfected yet, but the problem has been significantly relieved.

Mr. Young asked if the exterior of the addition will match the existing building.

Mr. Matthaiei replied no, it will be a prefabricated metal building that will match in color and be the most efficient design for processing. It is the most economical option, at this time, due to the amount of money spent thus far.

Mr. Lynch asked where the loading docks are located.

Mr. Matthaiei replied they are in the same place, but will be expanded to the rear, also.

Mr. Ortmann asked if they are not going to screen the trash dumpster.

Mr. Matthaiei stated there will be a masonry wall on the south side to screen it from the road. They did not see a need to screen the north or east sides, due to the vegetation coverage.

Mr. Lynch asked where the two silos are located.

Mr. Matthaei replied they are to the rear of the building with a third one proposed in the same location.

Mr. Beiter asked what the height of the silos is.

Mr. Matthaei replied 30 feet.

Mr. Beiter stated the issue with stacking trucks is they leave the engines running which causes significant noise and pollution. He asked if his drivers leave their engines running.

Mr. Matthaei stated if the trucks are stacked for a while, it will be a requirement to shut them off.

Mr. Boyer explained the residential area is much higher.

Mr. VanCardo asked if they stage overnight.

Mr. Boyer replied no.

Mr. Lynch asked if the property flooded in 2015.

Mr. Boyer replied almost, not quite. The businesses to the south flooded.

Mr. Lynch asked how much room they need for trucks to stack four or five.

Mr. Boyer replied the proposed would allow seven to nine, not counting the trucks at the dock.

Mr. Young made a motion that P-07-17 Petition for an Amended Development Plan submitted by Dakota Blenders, LLC for a 20,000 square foot building addition and parking lot expansion at 12927 Gravois Road be recommended to the Board of Aldermen for approval, with the condition that they maintain and preserve the existing vegetation, in lieu of installing a fence, and screening only be required on the south side of the dumpster enclosure. Mr. Hopfinger seconded the motion and it was unanimously approved.

Mr. Hopfinger asked if Mr. Jones could explain the difference in the next 3 petitions.

Mr. Jones stated P-08-17 is a petition for a Text Amendment, which is a change in the City's language of the Ordinances, to delete the reference in the PD-RC zoning district, which now requires at least 25% of it's perimeter boundary contiguous to the right of way of a four lane, non-limited access highway. P-09-17 is a re-zoning to PD-RC classification because the existing zoning classification is R-1, single family. P-10-17 is for a Preliminary Development Plan, which is the first step in the approval of a Planned Development District.

P-08-17 Petition for a Text Amendment submitted by Benton Homebuilders, Inc. to amend Section 4.10-7 of Appendix B to delete footnote five (5) from the PD-RC Planned Development Residential Cluster Homes

Zoning District.

David Volz with Volz Engineering and William Levinson, with Benton Homebuilders were present. They are seeking three petitions. The Text Amendment is a footnote that limits where PD districts are located. He agrees with the staff's findings and conclusions in their staff report. The grades are the main reason they would like a Change of Zoning to a PD-RC district. The grade drops from between 30 and 50 feet to approximately 70 feet going north to south. West to east the grade drops about 60 feet to the lake. There are 26 lots on approximately 24 acres of the site. There are 1.07 units per acre. The lots are 70 feet wide by 140 feet deep. There are no lots located along the perimeter. There is a 35 foot required setback from the residential properties. They are leaving a 20 foot undisturbed area to preserve the existing buffer. 140 feet allows them to keep the buffer and the 35 foot setback. There has been no rock testing done, yet. Along the west line, if rock is hit, it will be the foundations of the homes. Sanitary sewer is currently on the south end and it will run to the east end. The detention basin will consist of .6 acres of the lake. Sixty percent of the site will be preserved. Trip generation per day is 6 for 26 lots and about 128 trips for the entire development. Eighty percent are in the afternoon and 10% are in the morning. There will be one trip every four minutes. He feels the generation of traffic will be minimal. The homes are 1800 to 3000 square feet; not 1300, as stated in the staff report.

Mr. Levinson stated the plan fits the target market. It is a detached villa community aimed at empty-nesters. The Homeowners' Association takes care of the landscaping and yards. There are trails throughout the property that will be cleaned up for use by the residents. There is a similar community under construction at Clayton and Shetler in Chesterfield. These are upscale, luxury homes with no vinyl siding and a fountain in the lake.

Mr. Ortmann asked why there was a four lane road rule in the PD-RC zoning district.

Mr. Baker explained the only PD-RC zoned property in the City is the Courtyards, which meets that requirement. The footnote limits the locations that can use such a designation and requires the applicant to go through the process to let the Commission decide if it is a project they would like to see in the City.

Mr. Martin asked if the footnote is removed, would others not have to go through this process, in the future.

Mr. Jones stated it would not change the approval process.

Mr. Beiter stated that if it is changed tonight, he would like the consultant in charge of the City's Zoning Ordinance revision, to examine the footnote and see if it could be a problem in the future.

Mr. VanCardo asked if there would be one unit per acre.

Mr. Levinson replied yes, 1.07 over the 24 acres.

Mr. VanCardo asked if the surrounding homes are an acre.

Mr. Levinson replied no, they are approximately half an acre.

Mr. VanCardo asked if they encounter rock, how it will be handled.

Mr. Levinson replied it will be handled by chipping; no blasting will be done.

Mr. Ortmann asked who maintains the common ground.

Mr. Levinson replied The Homeowners' Association.

Mr. Beiter asked who maintains the exterior of homes.

Mr. Levinson replied the homeowner's maintain the exterior of the home, but not the yards.

Mr. Svoboda asked if the streets will be city streets.

Mr. Levinson replied yes.

Gary Vincent, of 9456 Sunny Creek Lane, stated his home backs up to the proposed area. There will be two or three homes behind his lot. He stated this development does not have the same character of surrounding neighborhoods. It is zoned R-1. The lots are a quarter of an acre or less and they do not conform with the surrounding area. He stated on Page 70 in The Comprehensive Plan it is written that any new residential development should have the same character as it's adjacent neighborhoods. On Page 61, in the section written about infill growth and redevelopment strategy, it states the size and scale should mimic adjacent neighborhoods. Page 36 shows Land Use and states Sunset Hills should maintain low density residential areas, whereas this project does not comply because it would be considered high density. On Page 33, it shows an In-person outreach opportunity, where residents agreed Sunset Hills should maintain low density, single family homes with wooded lots.

Cathy Friedmann, of 9515 Country Club Green Drive, stated there is a high density of homes in the proposed plan. It will impact her home and investment. She stated they should not be able to change part of an ordinance. There are no core samples yet because they want to have the changes made that are in their petitions before they invest any money into it. She feels the plan is premature.

James Huguenin, of 9572 Sunny Creek Lane, stated he concurs with Mr. Vincent.

Steve Scanlan, of 9444 Sunny Creek Lane, stated he has lived in his home for 25 years. With this plan there will be two houses 35 feet from his backyard. He stated the owner of the property has put such a hefty price on it that the developer can only make money by this type of development.

Carlin Scanlan, of 9444 Sunny Creek Lane, stated this plan will benefit the people who are marketing the property, not the residents.

Phil LeFevre, of 9524 Crooked Creek Trail, agrees with Mr. Vincent's points. He asked if the homes are going to have three car garages.

Mr. Levinson replied there will be two and three car garages that are not visible from the street.

Mr. LeFevre replied a local appraiser stated homes of this price range are typically on three to four acre lots. The development will negatively affect the value of the homes in the area.

Robert Pieper, of 9510 Sunny Creek Lane, agrees with all points that have been made. He stated the lake is a sinkhole and it is all mud. Approximately 200 feet to the northeast, on Robyn Road, there is a flashing light on a very bad curve. He is concerned about the danger of more traffic in that area.

Bruce Berger, of 9560 Sunny Creek Lane, agrees and asked for the Commission to deny the change of zoning. This would obligate them to build within the current regulations.

Judy Symank, of 9512 Crooked Creek Trail, agrees with all points that have been made.

Suzanne Gentry, of 12237 Robyn Road, stated it is not just Forest Ridge residents that are concerned about the project. She is concerned about the increase of traffic, the character not matching Sunset Hills, and the change of zoning.

Shirley Aschinger, of 9432 Sunny Creek Lane, stated she has been in Sunset Hills since 1971. She spent \$85,000 to improve her home. Her home's value will decrease because of this development.

Ann Zanaboni, of 9548 Sunny Creek Lane, agreed with the opposition.

Colleen Brannan, of 9474 Crooked Creek Trail and Trustee of the subdivision, agreed with the opposition.

Joe Dugan, of 9475 Golfhurst Lane, agreed with the opposition.

Tom Watson, of 12473 Limestone Spur, stated he concurs with everything that has been said. His lot is 2 acres and he is concerned about the Text Amendment.

Joe Hayman, of 9390 Roosevelt Drive, agreed with the opposition. He stated it is not just the Forest Ridge Subdivision that opposes the project.

Robert Kirby, of 12383 Robyn Road, stated the developers knew what the zoning was when they purchased the property. The lot sizes are non-conforming.

Mr. Ortmann asked why the lots are non-conforming.

Mr. Baker explained that when an area is annexed or a change in zoning occurs, some lots may not meet the size requirement. That makes them non-conforming, to begin with.

Justin Rathert, of 9333 Lincoln Drive, lives north of the proposed property and is concerned about the increase of traffic.

Sindelar Louis, of 9474 Sunny Creek, has lived in Sunset Hills for 45 years. He stated it is a great place to live with great neighbors and administration. Developers had to dynamite some foundations in the area.

Dennis Kohut, of 12403 Robyn Road, does not live in the subdivision. He is skeptical about quarter acre lots pulling million dollar homes. He concurs with Mr. Vincent's remarks.

Teri LaPlante, of 9517 Sunny Creek Lane, is the secretary of her subdivision. She stated a six foot deep pool was a nightmare to construct, due to the rock.

Mr. Beiter stated when The Commission promises something in the Comprehensive Plan, those promises must be kept. The Comprehensive Plan is a policy document and a guideline that can be adjusted.

Mr. Svoboda stated the plan does not meet with what is going on in the neighborhood. He feels that it is too dense.

Mr. Beiter understands the development issues, but he stated they could develop more of the site with larger lots.

Mr. Levinson asked if the zoning gets changed and the proposed plan does not get built, if there is a time frame in which the zoning will automatically be changed back to what it was originally.

Mr. Jones stated there is a one year time period and then there can be an extension for one more year. After that time, The Board of Aldermen can re-zone it back to it's previous classification.

Mr. Levinson stated garages can only be seen from the site. Their market does not want a large lot. In regards to the appraiser's comment, he stated a different housing type, targets a different type of buyer. If this site was developed with one acre lots, the trees would be gone. The intent behind a PD district is to preserve the trees in such a way that they contribute to the character of Sunset Hills.

Mr. Young asked if there is a way to do this project with less density.

Mr. Levinson stated it is designed as almost one lot per acre. They are only building on 40% of the site. He understands a change in a homeowner's backyard can be unsettling, but there is a market for these types of homes.

Mr. Martin stated it is a high quality product. It is just not what everyone is wanting.

Mr. VanCardo made a motion that P-08-17 Petition for a Text Amendment submitted by Benton Homebuilders, Inc. to amend Section 4.10-7 of Appendix B to delete footnote five (5) from the PD-RC Planned Development Residential Cluster Homes Zoning District be recommended to the Board of Aldermen for denial. Mr. Powers seconded the motion and it was unanimously approved.

P-09-17 Petition for a Change of Zoning submitted by Benton Homebuilders, Inc. to rezone 24.05 acres from R-1 Single Family Residential; 1 acre minimum lot size to PD-RC Planned Development /Residential Cluster Homes at 12322 Robyn Road.

Mr. VanCardo made a motion that P-09-17 Petition for a Change of Zoning submitted by Benton Homebuilders, Inc. to rezone 24.05 acres from R-1 Single Family Residential; 1 acre minimum lot size to PD-RC Planned Development /Residential Cluster Homes at 12322 Robyn Road be recommended to the Board of Aldermen for denial. Mr. Svoboda seconded the motion and it was unanimously approved.

P-10-17 Petition for a Preliminary Development Plan submitted by Benton Homebuilders, Inc. for a new residential subdivision at 12322 Robyn Road.

Mr. Vancardo made a motion that P-10-17 Petition for a Preliminary Development Plan submitted by Benton Homebuilders, Inc. for a new residential subdivision at 12322 Robyn Road be recommended to the Board of Aldermen for denial. Mr. Svoboda seconded the motion and it was unanimously approved.

15 Roosevelt Drive Request for Escrow Release

Mr. Baker explained the 90% escrow for Improvement Plans at 15 Roosevelt Drive was previously released to Adnan Sabic. The final 10% was held until the grading, seeding, and strawing was complete. This is complete and City Staff feels it is appropriate to release the final 10% escrow.

Mr. Hopfinger made a motion to release the escrow for 15 Roosevelt Drive. Mr. Powers seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. Hopfinger made a motion to adjourn the meeting at 9:00 p.m. Mr. Ortmann seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape