

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, MARCH 7, 2018

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, March 7, 2018. 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	-Vice Chairman
	Steve Young	-Member
	Roger Kaiser	-Member
	Todd Powers	-Member
	Mike Svoboda	-Member
	Thomas Lynch	-Member
	Bryson Baker	-City Engineer
	Robert E. Jones	-City Attorney
	Lynn Sprick	-Assistant Planner

Absent:

	Bill Hopfinger	-Member
	John Martin	-Member
	Brian VanCardo	-Member

APPROVAL OF THE MINUTES

Copies of the minutes of the February 7, 2018 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Kaiser made a motion to approve the minutes as submitted. Mr. Svoboda seconded the motion, and it was unanimously approved.

NEW BUSINESS:

P-4-18 Acceptance of Tapawingo Streets for City maintenance.

Mr. Beiter stated this petition will be addressed last due to the number of people in attendance to speak.

Mr. Baker explained that Ord. No. 2000 was passed in Feb. 2017. Ordinance No. 2000 outlines the process that is required for a private street to be taken over by the City for maintenance.

Ms. Colleen Ruiz, Attorney was present. Ms. Ruiz stated she represents The Manors of Tapawingo, Tapawingo On The Green and JDS Holdings (Owner of the Golf Club); which is approximately 150 home owners. The Golf course, designed by Gary Player, is a 27 hole course which includes a restaurant, a gift shop and banquet hall, all of which are available to the public. Lindbergh School District has chosen to make the Alwal B. Moore Education Center a part of the Tapawingo Subdivision. Ms. Ruiz stated the only street excluded from this request is Tapawingo Place. Even though the streets were indicated to be private on the plats, it has been a goal for quite some time to make the streets public. The applicants have addressed each of the deficiencies the City has listed. We have provided an ownership and encumbrance report. Carl Vogt with CMV Engineering was hired and has provided a report of his findings. The applicants have offered \$47,828 to repair and replace any defective slabs. According to the report, 42 slabs are broken in more than 3 places. Mr. Vogt has provided core reports and addressed the grade issue. Documentation from MSD indicating the sewers have been taken over has been provided. Some sidewalks are not ADA compliant, repair cost will be \$24,000. Ten signs will be required with a cost of approximately \$1600.00. There are no boulder walls located in right-of-way. Lighting is owned by Ameren and we are not asking for anything on the lighting issue. They have offered to add the City as a co-insurer due to liability regarding golf cart crossings on a City street. The applicants are willing to hold a joint walk through to make sure everyone is in agreement regarding the slabs that need replacing. The City requested \$177,000 and provided a report. Applicants are also requesting that the City accept the funds from the applicant and do the work themselves. An amendment to the zoning code is necessary that would allow for a grade outside the current limits. Ms. Ruiz stated Tapawingo home owners are good residents and pay their taxes like all other residents that have City maintained streets.

Mr. Beiter stated he thinks Tapawingo is a wonderful attraction to the community, and the Commission wants to be fair on how this request is dealt with.

Mr. Baker explained that most everyone uses the PASER Manual to evaluate street conditions. Even though we use the same manual and procedure as Mr. Vogt, the City looks at it a little different.

Mr. Beiter asked how old the slabs are.

Mr. Baker replied some are about twenty years old. A lot of slabs are in good condition, but a lot of them are in bad shape and it may be more than 118.

Mr. Svoboda stated that Mr. Searcy performed inspections around 2009. There was a difference of thickness in the middle of the slabs compared to the outside edge of the slabs.

Mr. Baker stated approximately 25 locations were cored and approximately 24% were deficient.

Mr. Carl Vogt of CMV Engineering was present and stated he also uses a PASER system. The average thickness was 7.37". Slabs have limited amount of cracks and there are about 40 that are not questionable. The difference in opinion is when the City decides the slab needs replacement or in Mr. Vogt's opinion, it doesn't necessarily need replaced instead it is

graded on a percentage of use. Such as the slab may still have 50% use left. He believes there are a few areas where there is joint deterioration. Mr. Vogt suggested cutting out the small section and fix the joint. Mr. Baker disagrees with this opinion according to City policy.

Mr. Ortmann asked if they are asking the City to pay for repair of the streets.

Mr. Baker stated they are offering to provide funds to the City, the City does the work and then take the streets over.

Mr. Lynch asked Ms. Ruiz why homeowners want to change from private to public streets.

Ms. Ruiz replied because of the tremendous amount of traffic from the club house, the public golf course, the restaurant as well as the traffic generated from the Lindbergh School District.

Mr. Lynch stated that is a selfish excuse and asked what the real reason is?

Ms. Ruiz stated they don't want to maintain the roads due to the cost. Ms. Ruiz stated other residents get to enjoy the luxury of City maintained streets. Tapawingo residents feel they all pay taxes and it is unfair to them that they do not enjoy the same luxury as others.

Mr. Lynch stated the tax excuse is a non-issue. Everyone pays taxes in the City at the same rate. How much cost has there been to the The Manors for their roads.

Mr. Flynn stated that in 2012 they spent \$110,000 repairing the streets. From 2012 to 2018, an additional \$21,000 was spent. He stated that he has received a verbal bid from M & H Concrete of \$96,000 for repairs. Mr. Flynn stated the City took over Grandview, what is the difference.

Mr. Svoboda stated Grandview was never slated to be private throughout the approval process.

Mr. Baker stated they have met other concerns of the City regarding sidewalks, signage, street lights and MSD.

Mr. Svoboda stated he is concerned about right-of-way. Several of the streets are not within right-of-way. The first 100' of Gary Player Drive is not within right-of-way but is property of the golf course.

Mr. Baker stated that issue would be on the applicant to resolve and feels there will be a lot of cleaning up of the plans prior to conveyance to the City.

Mr. Beiter asked about sovereign immunity.

Mr. Jones stated the City has sovereign immunity for injuries that occur on City property. However, he feels the City opens itself up to some liability in this case by taking over the streets.

Mr. Beiter stated the Public Works Committee met on Thursday, Oct. 5, 2017 and had the same presentation. Chairman Musich expressed concerns and suggested eliminating the fairway crossing on hole 5 due to liability concerns. He also addressed the grade and felt

they should be brought into compliance.

Mr. Clifford Underwood of 9342 Hazelridge spoke. Mr. Underwood stated all residents pay taxes. The City of Sunset Hills receives approximately 1% to 2% of the taxes paid by residents, which is approximately \$150 or less per household. He feels it is all about the money. He has followed this issue for about 10 years and stated there are too many issues that raises concern.

Mr. Pete Raineri of Saller Dr. spoke. Mr. Raineri stated that when Berra Construction poured the streets they hit bed rock and that is why you see the 14% grade. There are no dowels in the concrete unless they have replaced a slab. Vast majority of the slabs are maybe 5" thick and some are thinner.

Mr. Phillip Raineri of 9848 Eagle Hill Lane spoke. Mr. Raineri built a home in 2011 and feels this issue is purely about money and the HOA fees the residents incur. Other residents shouldn't have to pay for their golf course lifestyle. It's about money and the huge expense the residents have incurred. There is no cushion to the Tapawingo streets, Raineri has supplied concrete to the St. Louis area for over 60 years and is very well aware of the expense the City could incur replacing slabs.

Mr. Joe Loyet at 13135 Gary Player Dr. spoke. Mr. Loyet stated his frustration is that the police cannot issue a ticket on any of the roads due to them being private. He stated there needs to be some type of police presence if the City is not going to take over the streets. The homes at the top of the street are built on fill. The failure of the streets are due to all the dump trucks when those homes were built.

Mr. Jones stated that the police do enforce the city's traffic code on Tapawingo streets and those tickets are prosecuted through Sunset Hills court.

Mr. Baker stated ordinances were passed a few years ago that codified stop signs, street signs and speed limits within Tapawingo Subdivision.

Ms. Christine Lieber of 9120 Rott Road spoke. Ms. Lieber stated she does not visit Tapawingo often but feels it was developed as a private entity and it should remain private.

Mr. Joseph Kaiser of 12115 Westwick Place spoke. He stated if there are 118 slabs to be replaced within the subdivision then why would you do it any different than City code.

Mr. Lynch made a motion that P-4-18 Petition for the acceptance of Tapawingo Streets for City Maintenance be recommended to the Board of Aldermen for denial. Mr. Kaiser seconded the motion and it was unanimously approved.

P-5-18 Petition for a Boundary Adjustment submitted by John & Susan Lieber to transfer 3.31 acres from 9116 Rott Road to 9120 Rott Road.

Mr. Baker stated there are two lots on Rott Road, next door to each other. One lot is 1.339 acres and the other is 4.31 acres. The smaller lot does not meet the existing lot width requirements, however, it is a lot of record and staff does not have an issue with the non-conforming width. Staff recommends approval of this Boundary Adjustment due to it meeting all the requirements of City code.

Ms. Christine Lieber, daughter of the petitioner, was present. Ms. Lieber stated she has nothing further to add.

Mr. Lynch asked about the taxing of the property after the Boundary Adjustment is approved.

Ms. Sprick stated if the Boundary Adjustment is approved, the plat will be recorded with the St. Louis County Recorder of Deeds and the taxes will be adjusted between the two properties at that time.

Ms. Susan Rimando, Real Estate Agent for the Liebers was present. Ms. Rimando stated the house has been for sale for almost a year. The feedback has been that buyers do not want the extra acreage to take care of.

Mr. Ortmann made a motion that P-5-18 Petition for a Boundary Adjustment submitted by John & Susan Lieber to transfer 3.31 acres from 9116 Rott Road to 9120 Rott Road be approved. Mr. Young seconded the motion and it was unanimously approved.

P-6-18 Petition for an Amended Conditional Use Permit submitted by Kurt Eicholz for changes to the approved Conditional Use Permit for the surgery center at 4590 S. Lindbergh Blvd.

Mr. Baker stated the Conditional Use Permit was approved in January 2017. The applicant is asking for an amendment to their Conditional Use Permit with two proposals – 1) provide landscaping around the generator in lieu of an enclosure and 2) eliminating the required site proof fencing between commercial and residential properties.

Mr. Young asked if there are three houses behind the property.

Mr. Baker replied yes.

Dr. Kurt Eichholz, owner was present. Dr. Eichholz stated they were granted a Conditional Use Permit last year. He presented a power point presentation with several photos of the site. The area behind the three homes was overgrown with honeysuckle. Each neighbor has varying fences such as chain link, wrought iron and privacy. He has cleared the area and planted sod as well as various types of trees that will eventually provide a 30' tall landscape buffer between the properties when the trees are at a mature height. Approximately 130 trees have been planted throughout the development. Dr. Eichholz stated he has received letters from the abutting residents in favor of waiving the requirement for a fence.

Mr. Young asked Mr. Jones if future home owners could request a fence be constructed at a later date.

Mr. Jones stated City code does not have a mechanism for that issue. It is not possible for the City to track the change of ownership. If the Board of Aldermen approves the Amended Conditional Use Permit with the proposed changes, a fence will not be required at a later date.

Ms. Denise Marlow at 9531 Sappington spoke. She stated she does not feel a privacy fence is necessary. However, she was under the impression that the area would not be cleared as it has been. If some of the trees would have been left, the lights would not be an

issue. Her complaint are the lights on the building and the generator next to the dumpster enclosure. There is no landscaping into the corner of the lot.

Mr. Beiter asked Mr. Jones since there is a savings to the owner by waiving the fence requirement, can the Commission require the owner to make an adjustment to the lights and additional screening of the generator.

Mr. Jones stated yes, the Commission can make a recommendation to wave the fencing requirement and place other conditions on the lighting or additional screening.

Mr. Lynch asked what the hours of operation are.

Dr. Eichholz replied 7 am until 6 pm.

Ms. Marlow stated the lights on the building walls are the issue, not the parking lot lights.

Dr. Eichholz stated he is happy to put in more trees and that he was not aware of the lighting issue before the meeting but will be happy to meet with the neighbor.

Mr. Lynch stated the homes behind the property are at least 200' from the property line and can certainly understand why the fence is not being requested by the neighbors.

Mr. Young made a motion that P-6-18 Petition for an Amended Conditional Use Permit submitted by Kurt Eichholz for changes to the approved Conditional Use Permit for the surgery center at 4590 S. Lindbergh Blvd. be recommended to the Board of Aldermen for approval. Mr. Ortmann seconded the motion and it was unanimously approved.

P-7-18 Petition for a Conditional Use Permit submitted by Syberg's Family Restaurant for the operation of a restaurant at 10150 Watson Road.

This petition has been removed from the agenda.

P-8-18 Petition for a Conditional Use Permit submitted by Syberg's Family Restaurant for a development over 7500 square feet to construct an office building at 10150 Watson Road.

Ms. Sprick explained this is a Conditional Use Permit for a development over 7500 sf. The petitioner has proposed to construct a new office building behind the existing building which is and has been a restaurant for many years. The rear building will be 12,880 sf of offices. The front building will be modified to house offices also. All screening requirements have been met. Staff would recommend approval with the condition that lighting meets the city's requirements.

Mr. Mark Doering, President of Doering Engineering was present as well as property owner, Brett Syberg.

Mr. Doering stated the property is approximately 2.80 acres. Properties to the east, north and west are all commercial with residential to the south. The existing entrance/exit will remain. The existing 1600 sf building will remain.

Mr. Syberg stated they are partners with Executive Dining. Executive Dining is currently located in Arnold and has been flooded several times. They are looking for a new location and will utilize the front building. The rear building will be used by Syberg's as their

Corporate Headquarters. Merv's candy is also a possibility to locate into the existing building.

Mr. Doering stated the existing building will be used to make food but not serve. It will not be open to the public. The edge of pavement is 75' from the rear property line. The parking lot would not be expanded but a 50' landscape buffer will be provided in the rear. They have met with the neighbors and the neighbors have indicated they would like the trees and vegetation to remain. They are proposing new LED lighting that will not bleed onto neighboring residents.

Mr. Young asked if the new building will be office only.

Mr. Syberg replied it may have some storage, but not warehouse space.

Mr. Lynch asked if the new office building will house all new tenants.

Mr. Syberg replied yes.

Ms. Margie Stepehnson at 10219 Maebern Terrace stated if Merv's is a tenant, she feels there will be warehousing.

Mr. Syberg stated if warehousing is not allowed, they will move on to a different tenant.

Ms. Margaret Corrigan at 10213 Maebern Terrace stated she is concerned of taking an additional 25' of green space to the rear of the property. She is not opposed to the proposal, but wants to protect the buffer.

Mr. Beiter asked of placing conditions on the Conditional Use Permit regarding lighting.

Mr. Jones stated that Section 6.3-7 requires properties with five or more parking spaces to be lit from dusk until dawn.

Mr. Lynch stated the rear buffer is shrinking from 75' to 50' where there is a lot of existing trees and shrubbery. Will there be additional shrubs along the fence line.

Mr. Doering stated the existing trees will stay and the new landscaping will be moved closer to the parking lot.

Mr. Ortmann made a motion that P-8-18 Petition for an Amended Conditional Use Permit submitted by Syberg's Family Restaurant for a development over 7500 square feet to construct an office building at 10150 Watson Road be recommended to the Board of Aldermen for approval with the conditions that the existing trees will remain and all new trees will be moved to the edge of the parking lot and shields for the lighting be provided. Mr. Lynch seconded the motion and it was unanimously approved.

P-9-18 Petition for an Amended Conditional Use Permit submitted by Emad Hamdan for the addition of a deli in the existing convenience store at 11603 Gravois Road.

Ms. Sprick stated the existing gas station wishes to add a deli counter for sandwiches. There will be no seating inside or out.

Mr. Hamdan was present. Mr. Hamdan stated he does not feel the additional use will impede traffic, it is a simple grab and go sandwich.

Mr. Baker stated staff does not believe this will increase traffic based on similar projects. This is not a destination deli.

Ms. Mary Walther at 11619 Denny Road stated she feels there will be more delivery trucks and doesn't believe the use is necessary. She fears the gas station will be a hangout.

Mr. Clifford Underwood of 9342 Hazelridge Drive stated that he disagrees with the owner and believes the use will increase traffic by 40 – 50 cars per day.

Mr. Young made a motion that P-9-18 Petition for an Amended Conditional Use Permit submitted by Emad Hamdan for the addition of a deli in the existing convenience store at 11603 Gravois Road be recommended to the Board of Aldermen for approval with the condition that all necessary permits be issued from the City, County and Fire district prior to any business license or occupancy permit being issued. Mr. Ortmann seconded the motion and it was unanimously approved

P-10-18 Petition for a Conditional Use Permit submitted by BMGR SSHD, LLC for the construction of a new hotel building at 3660 S. Lindbergh Blvd.

Mr. Baker stated the applicant has presented previous applications. There are some similarities and some differences. The applicant will be demolishing all existing structures on site prior to occupancy of the new building. The cross access agreement will be provided. Staff recommends that no gate be installed on site to allow proper traffic flow through the entire site.

Mr. Norbert Glassl, Attorney representing HR Sheevam was present. There have been several proposals in the past. The southeast building is slated for removal by the end of May. Some changes have been made due to the previous plans presented at the work session not favorably received. The new application consist of removing five buildings and constructing a four story hotel with 74 units. The building next to Helen's will be removed. The cross access agreement is in place with the neighboring property for access at a later date.

Mr. Beiter asked if Helen's can park in the rear of the building. Mr. Glassl stated Helen's has an agreement to use some of the front spaces. The City is requiring the gate be open for through traffic. Mr. Glassl stated this is an issue between the two businesses to come to an agreement.

Mr. Young made a motion that P-10-18 Petition for a Conditional Use Permit submitted by BMGR SSHD, LLC for the construction of a new hotel building at 3660 S. Lindbergh Blvd. be recommended to the Board of Aldermen for approval with the condition that cross access be granted to the Sansone site, demolition of all buildings prior to issuing occupancy for the new building, remove the existing gate at the north end of the property to provide smooth and continuous traffic flow through the site. Mr. Lynch seconded the motion and it was unanimously approved.

Mr. Beiter stated the Commission will break for a short recess.

The meeting reconvened at approximately 8:40 pm. The next order of business was P-4-18 – Tapawingo Streets.

ANY OTHER MATTERS DEEMED APPROPRIATE

Ms. Sprick asked if the Commissioners are comfortable receiving packets electronically. There was very little discussion regarding this issue amongst Commissioners.

Mr. Baker stated at some point the paper packets will go away.

ADJOURNMENT

Mr. Ortmann made a motion to adjourn the meeting at 10:10 p.m. Mr. Young seconded the motion, and it was unanimously approved.

Recording Secretary
Trish Moore

ROLL CALL VOTES

P-4-18

P-5-18

Brian VanCardo ____
Terry Beiter ____
John Martin ____
Todd Powers ____
Tom Ortmann ____
Mike Svoboda ____
Roger Kaiser ____
Tom Lynch ____
Steve Young ____
Bill Hopfinger ____

P-6 -18

Brian VanCardo
Terry Beiter ____
Todd Powers ____
Tom Ortmann ____
Mike Svoboda ____
John Martin ____
Roger Kaiser ____
Tom Lynch ____
Steve Young ____
Bill Hopfinger ____

P-9-18

Tom Lynch ____
Tom Ortmann ____
Steve Young ____
Brian VanCardo ____
Roger Kaiser ____
Bill Hopfinger ____
John Martin ____
Todd Powers ____
Terry Beiter ____
Mike Svoboda ____

Miscellaneous

John Martin ____
Terry Beiter ____
Todd Powers ____

Steve Young ____
Thomas Lynch ____
John Martin ____
Roger Kaiser ____
Mike Svoboda ____
Tom Ortmann ____
Brian VanCardo ____
Bill Hopfinger ____
Todd Powers ____
Terry Beiter ____

P-8-18

Steve Young ____
Thomas Lynch ____
Roger Kaiser ____
Brian VanCardo ____
Mike Svoboda ____
John Martin ____
Tom Ortmann ____
Bill Hopfinger ____
Todd Powers ____
Terry Beiter ____

P-10-18

Bill Hopfinger ____
Terry Beiter ____
Todd Powers ____
Mike Svoboda ____
Tom Lynch ____
Steve Young ____
Tom Ortmann ____
Roger Kaiser ____
Brian VanCardo ____
John Martin ____

Miscellaneous

Steve Young ____
Thomas Lynch ____
Roger Kaiser ____

Tom Ortmann____
Mike Svoboda ____
Brian Van Cardo ____
Roger Kaiser ____
Tom Lynch ____
Steve Young ____
Bill Hopfinger ____

Brian VanCardo ____
Mike Svoboda ____
Tom Ortmann ____
Bill Hopfinger ____
Todd Powers ____
Terry Beiter ____
John Martin ____