

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

<b>Present:</b>	Terry Beiter	-Chairman
	Roger Kaiser	-Member
	Todd Powers	-Member
	Mike Svoboda	-Member
	John Martin	-Member
	Thomas Lynch	-Member
	Bryson Baker	-City Engineer
	Ed Sluys	-City Attorney
	Lynn Sprick	-Assistant Planner
<b>Absent:</b>	Thomas Ortmann	-Vice Chairman
	Steve Young	-Member
	Bill Hopfinger	-Member
	Brian VanCardo	-Member

**APPROVAL OF THE MINUTES**

Copies of the minutes of the June 27, 2018 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Powers made a motion to approve the minutes as submitted. Mr. Svoboda seconded the motion, and it was unanimously approved.

**NEW BUSINESS:**

P-23-18      Petition for a Minor Subdivision submitted by Ryan Patton to divide the property at 10311 Kennerly Road into two (2) lots.

Mrs. Sprick stated if variances are required, a lot split is not allowed; a minor subdivision is done instead. All lots in the R-1 district are required to have 150 feet of frontage. Staff recommended the petitioner apply for a Minor Subdivision and variances on the lot widths. Staff

is in favor, with the condition that the variances be granted at the August 23, 2018 Board of Adjustment meeting.

Mr. Svoboda asked if notification was sent to residents.

Mrs. Sprick stated no, it was not necessary.

Mr. Svoboda made a motion to table the petition until residents can obtain more information. Mr. Kaiser seconded the motion. There being 2 aye votes and 4 nay votes, the motion failed.

Mark Doering, with Doering Engineering, and Alan Knopf, with Innovia Company, were present.

Mr. Doering stated both properties will have frontage of approximately 111.89 feet. The majority of lots surrounding the property have less than 150 foot of frontage. If the variance is not granted, they have plans to build a cul-de-sac. Lot one would face the backyard of 10305 Kennerly Road. Lot two would face the back of both, 10309 and 10311 Kennerly Road. The new lots will be attached to Metropolitan Sewer District's (MSD) sewer line. If the variance is granted, there will be more green space.

Mr. Beiter asked how the frontage is measured.

Mr. Baker stated it is written in the City's Code of Ordinance to be measured from the chord of the front building line of the house out to the street.

Mr. Beiter asked how big the homes to be built will be.

Mr. Knopf stated they will not market the homes until the split is complete.

Mr. Lynch asked where the homes are proposed to be located on the lots.

Mr. Doering stated the homes will be centered on the lots and even with the building line of the other homes on the road.

Mr. Powers made a motion that P-23-18 Petition for a Minor Subdivision submitted by Ryan Patton to divide the property at 10311 Kennerly Road into two (2) lots be recommended to the Board of Aldermen for approval with the conditions that variances for the minimum lot width are approved by the Board of Adjustment and a new address is recorded with St. Louis County for the new lot. Mr. Kaiser seconded the motion and it was unanimously approved.

It should be noted that P-24-18 and P-25-18 were presented simultaneously, but voted on separately.

P-24-18 Petition for an Amended Conditional Use Permit, submitted by Syberg's Family Restaurants for changes to the approved Conditional Use Permit for a new building in excess of 7,500 square feet at 10150 Watson Road.

Ms. Sprick stated a Conditional Use Permit was issued in March 2018. The petitioner has made several changes. The size of the second building will be reduced and it will be further from the rear property line. The front building will be sold and there will be fewer parking spaces. The buffer and landscaping are not proposed to change. The new building for Syberg's offices will be used 80% for office space and 20% for storage and will not be open to the public. The plan will require a variance for the parking lot and is on the August 23, 2018 agenda. City staff is concerned there is no frontage on the rear building.

Mark Doering, with Doering Engineering, and Brett Syberg, with Syberg's family restaurants, were present.

Mr. Doering stated the new building will be owned by Greg Chiles, with Executive Dining.

Mr. Lynch asked if Mr. Chiles is a proposed tenant.

Mr. Syberg replied they close next month.

Mr. Doering stated the site is a 155 foot wide lot. The existing entrance and exit will remain, but the front of the building will be freshened up. The front lot is .78 acres and the rear lot is 1.22 acres.

Mr. Lynch asked if the property to the west is elevated.

Mr. Doering replied yes. Both lots will meet the landscape requirements of 25%. There is no landscape to change for the residential properties that back up to the development.

Mr. Svoboda asked about the patio on the existing building.

Mr. Doering stated it is being taken away and will be green space.

Mr. Martin made a motion that P-24-18 Petition for an Amended Conditional Use Permit submitted by Syberg's Family Restaurants for changes to the approved Conditional Use Permit for a new building in excess of 7,500 square feet at 10150 Watson Road be recommended to the Board of Aldermen for approval with the conditions that all lighting be directed to avoid interfering with adjacent residential properties, new landscaping be installed at the south end of the pavement, and a variance be granted by the Board of Adjustment to vary the setback of the circulation aisles and parking/loading areas from 5 feet to 0 feet for the existing parking lot. Mr. Lynch seconded the motion and it was unanimously approved.

P-25-18 Petition for a Lot Split submitted by Syberg's Family Restaurants to divide the property at 10150 Watson Road into two (2) lots.

Mr. Lynch made a motion that P-25-18 Petition for a Lot Split submitted by

Syberg's Family Restaurants to divide the property at 10150 Watson Road into two (2) lots be recommended to the Board of Aldermen for approval with the conditions that a new address, cross-access easement, and a maintenance agreement is recorded on the plat, and the owner must receive approval from Missouri American Water, Metropolitan Sewer District (MSD), and from the Mehlville Fire District prior to recording the plat. Mr. Powers seconded the motion and it was unanimously approved.

P-26-18          Petition for an Amended Development Plan submitted by Jubilee Church to construct a new church at 10801 Sunset Office Drive.

Mr. Baker stated the petition was presented to the Board of Alderman in June and failed. It was brought up again in July, but was denied again. They have filed the same petition.

John Haasis, with Jubilee Church, was present.

Mr. Beiter stated it is an office park and a church is not the best use for the property. However, this property has been vacant for 48 years and he sees no reason to deny the petition.

Mr. Lynch stated times change and more churches are being proposed for non-residential areas.

Mr. Martin made a motion that P-26-18 Petition for an Amended Development Plan submitted by Jubilee Church to construct a new church at 10801 Sunset Office Drive be recommended to the Board of Aldermen for approval with the conditions that the petitioner provides acknowledgement of the encroachment of utility easements, sidewalks be installed or an amount of equal value be paid to the City, setback requirements of ten feet must be met by all future construction, and three trees must be provided along the north boundary line. Mr. Lynch seconded the motion and it was unanimously approved.

P-27-18          Petition for a Text Amendment submitted by the City of Sunset Hills to make changes to Appendix B, Section 7.3-3(B) Traffic requirements by adding the following sentence: Such traffic impact study or analysis shall be performed by the City's contracted traffic engineer and the applicant shall reimburse the City for the cost of such traffic impact study or analysis.

Mr. Beiter stated he thinks this is an excellent idea.

Mr. Baker stated current regulations require traffic studies for Motor Vehicle Oriented Businesses (MVOB's). Now the city will be able to work directly with them and have a little more control on the answers needed.

Mr. Beiter asked if the City will have to do a Request for Qualifications (RFQ).

Mr. Baker stated yes, an RFQ to be on call for a 2-3 year period.

Mr. Svoboda made a motion that P-27-18 Petition for a Text Amendment submitted by the City of Sunset Hills to make changes to Appendix B, Section 7.3-3(B) Traffic requirements by adding the following sentence: Such traffic impact study or analysis shall be performed by the City's contracted traffic engineer and the applicant shall reimburse the City for the cost of such traffic impact study or analysis be recommended to the Board of Aldermen for approval. Mr. Martin seconded the motion and it was unanimously approved.

P-28-18 Petition for a Text Amendment, submitted by the City of Sunset Hills, to make changes to Appendix B, Section 5.13-2 by adding a new Subsection (A)3:

In the event that the requirement for a sight-proof fence or wall ordinarily required by Subsection 2 of this Section is waived by the Board of Aldermen, the developer shall deposit into the general fund of the City of Sunset Hills an amount equal to the cost of construction of the sight-proof fence or wall. The City may hold the deposit or use the deposit for the construction of a fence or wall at a future date, in the sole discretion of the City.

Mr. Baker stated this is similar to what is done with sidewalks.

Mr. Powers asked why a developer would not install the fence themselves.

Ms. Sprick stated, for example, Integrated Health Services on Kennerly Road required a fence, but it would have been in the middle of woods. This is for similar instances.

Mr. Lynch stated this does not seem fair.

Kurt Eichholz, of 9631 Mill Hill Lane, stated he feels the City should take each development into account separately. He is concerned the City would take money from one developer to subsidize another.

Mr. Martin asked if the City has had to pay for other fences.

Mr. Baker replied no, this is for a rare case that the resident passes on the fence and when they sell the home, the new homeowner would like one.

Mr. Lynch asked why the ordinance is being changed.

Ms. Sprick stated the purpose of the text amendment is to make the requirements more clear.

Mr. Beiter suggested the issue be addressed by the zoning consultant.

Mr. Lynch made a motion that P-28-18 Petition for a Text Amendment submitted by the City of Sunset Hills to make changes to Appendix B, Section 5.13-2 by adding a new Subsection (A)3:

In the event that the requirement for a sight-proof fence or wall ordinarily required by Subsection 2 of this Section is waived by the Board of Aldermen, the developer shall deposit into the general fund of the City of Sunset Hills an amount equal to the cost of construction of the sight-proof fence or wall. The City may hold the deposit or use the deposit for the construction of a fence or wall at a future date, in the sole discretion of the City be recommended to the Board of Aldermen for denial. Mr. Svoboda seconded the motion and it was unanimously denied.

#### **ANY OTHER MATTERS DEEMED APPROPRIATE**

Mr. Beiter asked for an update on the Jimmy John's property.

Mr. Baker stated the City will be addressing the site as a nuisance property.

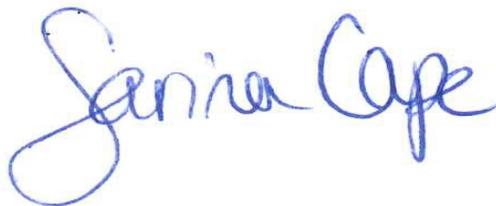
Mr. Beiter asked for an update from the zoning consultant.

Mr. Baker stated Houseal Lavigne will be at the September Planning and Zoning meeting and the September Board of Alderman meeting. They will be meeting with City staff in a couple weeks.

#### **ADJOURNMENT**

Mr. Powers made a motion to adjourn the meeting at 8:35 P.M. Mr. Martin seconded the motion, and it was unanimously approved.

Recording

A handwritten signature in blue ink that reads "Sarina Cape". The signature is written in a cursive, flowing style.

Sarina Cape