

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, SEPTEMBER 5, 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, September 5, 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
	Bill Hopfinger	-Member
	Roger Kaiser	-Member
	Mike Svoboda	-Member
	John Martin	-Member
	Brian VanCardo	-Member
	Thomas Lynch	-Member
	Bryson Baker	-City Engineer
	Robert E. Jones	-City Attorney
	Lynn Sprick	-Assistant Planner
Absent:	Todd Powers	-Member

APPROVAL OF THE MINUTES

Copies of the minutes of the August 1, 2018 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Svoboda made a motion to approve the minutes as submitted. Mr. Martin seconded the motion, and it was unanimously approved.

NEW BUSINESS:

P-29-18 Petition for a Boundary Adjustment submitted by Timothy Lauber to transfer 1,839 square feet of property from 9255 Robyn Road to 12209 Robyn Road.

Ms. Sprick stated there is a property dispute over a 6 foot piece of property. Both properties will still meet all City requirements.

Bill Hollander, Attorney for Mr. Lauber, was present. The parties have agreed to settle the lawsuit regarding adverse possession and are now requesting the City's approval to move the 6 feet into Mr. Laubers' property.

Mr. Hopfinger made a motion that P-29-18 Petition for a Boundary Adjustment submitted by Timothy Lauber to transfer 1,839 square feet of property from 9255 Robyn Road to 12209 Robyn Road be approved. Mr. Lynch seconded the motion and it was unanimously approved.

It should be noted that three petitions were address simultaneously, but voted on separately.

- P-30-18 Petition for a Text Amendment, submitted by Fischer & Frichtel Custom Homes, to make changes to Appendix B Zoning Regulations, Section 4.10-7, PD-RC Planned Development-Residential/Cluster Homes and 4.10-15 Common open space requirements for PD-R, PD-RC and PD-MXD developments.

- P-31-18 Petition for a Change of Zoning submitted by Fischer & Frichtel Custom Homes from R-2 Single Family Residential-20,000 square foot minimum lot size to PD-RC Planned Development-Residential/Cluster Homes at 4055 South Lindbergh Boulevard, 9312 Lincoln Drive and 9255 Robyn Road.

- P-32-18 Petition for a Preliminary Development Plan, submitted by Fischer & Frichtel Custom Homes, at 4055 South Lindbergh Boulevard, 9312 Lincoln Drive and 9255 Robyn Road.

Ms. Sprick stated P-30-18 is proposing to change the setback between detached structures from 16 to 14 feet. The amount of brick on each structure would be changed from 50% total to 50% on the front, 20% on the sides, and 0% on the back. The size of the overall site is proposed to change from 10 acres to 5 acres. The setback from minor Right-of-Way streets would change from 35 to 30 feet. The setback from the garage door to the Right-of-Way would change from 25 to 21 feet. Currently site location states 25% of the perimeter of the property has to be adjacent to a four lane Right-of-Way, non-restrictive highway. They propose to change the text to strictly being adjacent to the Right-of-Way of a four lane, non-limited access highway. The minimum open space square footage is proposed to change from 6,000 square feet to 2,000 square feet. The minimum open space or common ground width would change from 30 feet to 10 feet. 50% of the open space is required to be contiguous, which they would like to change to 45%. This zoning district was written for one specific development and these changes are just to accommodate for this new development.

Ms. Sprick stated, in regards to P-31-18, Planned Development zoning districts are designed to give the developer more flexibility and to encourage creativity, while giving the City

more opportunity for input. The site and immediately surrounding properties are currently zoned R-2. They are allowed 2.71 units per acre in the R-1 district, which is equal to 11 dwelling units. PD-RC allows 3.6 units per acre, which would allow them to have 18 units. City staff recommends approval of the change in zoning for the property.

Ms. Sprick stated P-32-18 is proposing 15 individual, single family villas. The lots range in size from 7,984 square feet to 10,135 square feet. There are five areas of common ground that range in size from 2,023 square feet to 24,172 square feet, located around the perimeter of the property. They are proposing a lift station in the southwest corner of the development, due to no current access to public sewer. The City is concerned with the intersection where Roosevelt Drive, Lincoln Drive, and South Lindbergh Boulevard meet. A traffic study is recommended to assure safe vehicular access to the development and to insure the intersection operates at or above a level of service (LOS) D. City staff recommends the tree that has been labeled as declined be removed and the developer install a landscape buffer along the back portion of the development.

Mr. Baker stated there are currently no sidewalks on Lincoln Drive or Robyn Road, so the City recommends a payment be made to the City for the sidewalk fund in lieu of installing sidewalks.

Ed Griesedick, Attorney for Fischer & Frichtel Home Builders, was present and stated they are proposing to develop a low density, single-family, detached home development. They are consistent with the PD-RC zoning district and the Comprehensive Plan. The development would be surrounded by roads on three sides. North, south, and west of the site is zoned R-2 and then a large tract is zoned R-1. They are proposing 2.9 units, which is below the density of the Courtyards. The site will be 5.18 acres with 15 lots. Lot sizes will range between 0.18-0.23 acres and the total common ground area will be 1.33 acres. The detached homes will range between 1,600 to 2,200 square feet with two car garages. Building materials will be brick and stone. The average sale price will be mid \$600,000. They are proposing a single entry off of Lincoln Drive with sidewalks on both sides and a monument at the entrance. They will install extensive landscaping and the lots will all have lawn irrigation systems. They will meet or exceed all Metropolitan Sewer District (MSD) requirements for storm water.

Ms. Sprick asked if detached structures would be allowed.

Mr. Griesedick replied no.

Ms. Sprick asked if there are floor plans or models similar to what is being proposed in the St. Louis area.

Mr. Griesedick replied yes.

Chris Deguentz, with Fischer & Frichtel, was present and stated the Villages at Kennel Bluff on North Olive, Village View at St. Albans, and Spring Mill in St. Charles have all been successful projects similar to what is being proposed.

Mr. Beiter asked if the developer would accept the 50% brick requirement.

Mr. Griesedick stated they prefer not to because brick is not typically placed on the rear of the home. There are patios and bay windows in the rear that the brick does not compliment. They are proposing a knee wall at 20% for the sides of the homes and 50% brick on the front. Buyers would rather spend their money on other features.

Mr. Deguentz stated the Courtyards have 50% brick on the entire structure, what Fischer and Frichtel are proposing is more restrictive.

Mr. Beiter asked if they agreed to provide a greater buffer along portions that abut other residential properties.

Mr. Griesedick stated yes, the staff suggested a perimeter line of trees.

Ms. Sprick stated they may be able to provide a plan that shows the area that is already landscaped.

Mr. Svoboda asked if a tornado knocked down the Courtyards, would they be able to rebuild with the changes being made.

Mr. Baker stated the changes are more lenient, so they could do more than what they currently have.

Mr. Beiter asked if there will be any type of fencing.

Mr. Griesedick replied no.

Mr. Svoboda asked if it would be a public street.

Mr. Griesedick replied yes.

Gary Vincent, of 9456 Sunny Creek Lane, stated this is the third attempt to put cluster homes along Robyn Road. Cluster homes do not fit the area because they are smaller lots with smaller homes compared to the surrounding larger lots and larger homes. Forest Ridge Subdivision opposes the proposal. He stated there are three issues with the development. It is out of character with surrounding properties, it does not meet the requirements of a Planned Development, and it does not meet the objectives of the ordinance. He disagrees with changing the parcel from 10 acres to 5 acres and changing the requirement of 25% of the development being adjacent to a four lane highway. He feels that if these changes are made, they can be made again in the future. The development does not comply with the Comprehensive Plan. The project should be molded to meet the ordinance; not the ordinance molded to meet the project.

Mr. Lynch asked if Mr. Vincent is objecting due to the historic value of the City of Sunset Hills and the potential of the development impacting the value of his own home.

Mr. Vincent stated it will impact the neighborhood and value of surrounding homes.

Cathy Friedmann, of 9515 Country Club Green Drive, stated the size of the cluster homes will affect the value of their homes. She is concerned with the way the City is headed if it adopts these sort of ordinance changes.

Philip LeFevrs, of 9524 Crooked Creek, stated the Comprehensive Plan refers to the City as low density with wooded, rolling lots and this is what attracts residents. It also suggests new developments mimic the size and scale of the surrounding community. Crossing Lindbergh Boulevard is a challenge and the development will add to traffic issues.

Mr. Beiter asked about those that have lived in Sunset Hills for 25 years or longer and would like to stay, but do not need a large home on a large lot.

Mr. LeFevrs stated it goes against what Sunset Hills is about and traffic should be a concern.

Mr. Lynch stated he does not agree and he referred to the Laumeier Condominiums.

Ann Zamboni, of 9548 Sunny Creek Lane, stated she opposes the development. The Comprehensive Plan should not be changed to benefit the builder.

Janine Rainey, of 9529 Country Club Green, stated her family paid a premium for their lot ensuring things would stay the way they were. She is concerned about the traffic, as well.

Mr. Beiter stated he is certain that a traffic study will be required and the City will require them to use an assigned consultant for it.

Bruce Berger, of 9560 Sunny Creek Lane, strongly concurs with his fellow neighbors.

Bob Pieper, of 9510 Sunny Creek Lane, stated his main objection is that the Courtyards is not across the street, it is across and down 2,000 feet. He would like the applicant to address the existing retention pond, as well. Property on Robyn Road will soon be available and the City is opening up Pandora's box for similar developments.

Justin Rathert, of 9333 Lincoln Drive, stated the development will double the residences along Lindbergh Boulevard and there is no guarantee the buyers will be empty nesters who do not travel often. He is concerned about the traffic and does not want to see ordinances change.

Shirley Ashinger, of 9432 Sunny Creek Lane, agrees with her neighbors and believes, if approved, this will set a precedent for more developments like this in Sunset Hills.

Cristin Watson, of 12473 Limestone Spur, stated she has over a two acre lot next to eight acres that is for sale. She is concerned that if this plan is approved, it will open the door for more developments like this on any considerable sized lot. Sunset Hills is known for its big lots, she asked why the City would want to change that. She stated traffic is an issue.

Martha & John Weber, of 9329 Lincoln Drive, stated if zoning requirements are eroded for every builder the City will end up in court. This plan is for the benefit of people buying the homes and not the existing residents.

Tom James, of 9323 Lincoln Drive, is opposed to the development and would not have bought his home if there were cluster homes in the area.

Mr. Beiter stated the City is working on revising it's zoning regulations because there are too many text amendments.

Mr. Griesedick stated cluster homes are an allowed use in the City and will be found in high traffic areas.

Mr. Hopfinger asked what their plans for the retention pond in the middle of the property are.

Mr. Griesedick stated it does not function as a retention pond and it will be removed. MSD has very strict guidelines for filling it in and they will meet all of the requirements.

Mr. VanCardo asked if the retention basins are dry.

Mr. Griesedick replied yes.

Mr. VanCardo does not feel the pump station is located in the best spot on the development.

Mr. Deguentz stated the retention basin needs to be at the low end of the site.

Mr. VanCardo asked what makes this development different than Grandview, which did not succeed.

Mr. Deguentz stated they cannot control the past. The economic downturn had a large effect, but they survived and are proposing this development during a successful market.

Mr. VanCardo is concerned about the density, maintaining home values of the surrounding area, and the appearance.

Mr. Svoboda made a motion that P-30-18 Petition for a Text Amendment submitted by Fischer & Frichtel Custom Homes to make changes to Appendix B Zoning Regulations, Section 4.10-7, PD-RC Planned Development-Residential/Cluster Homes and 4.10-15 Common open space requirements for PD-R, PD-RC and PD-MXD developments be recommended to

the Board of Aldermen for approval. Mr. Young seconded the motion and a roll call vote was taken.

- Terry Beiter - Aye
- Thomas Ortmann - Aye
- Steve Young - Aye
- Bill Hopfinger - Aye
- Roger Kaiser - Aye
- Mike Svoboda - Nay
- John Martin - Nay
- Brian VanCardo - Aye
- Thomas Lynch - Nay

There being 6 Aye votes and 3 Nay votes, the motion passed.

Mr. Ortmann made a motion that P-31-18 Petition for a Change of Zoning submitted by Fischer & Frichtel Custom Homes from R-2 Single Family Residential-20,000 square foot minimum lot size to PD-RC Planned Development-Residential/Cluster Homes at 4055 South Lindbergh Boulevard, 9312 Lincoln Drive and 9255 Robyn Road be recommended to the Board of Aldermen for denial. Mr. Martin seconded the motion and a roll call vote was taken.

- Terry Beiter - Nay
- Thomas Ortmann - Aye
- Steve Young - Nay
- Bill Hopfinger - Nay
- Roger Kaiser - Nay
- Mike Svoboda - Aye
- John Martin - Aye
- Brian VanCardo - Nay
- Thomas Lynch – Aye

There being 4 Aye votes and 5 Nay votes, the motion failed.

Mr. Young made a motion that P-31-18 Petition for a Change of Zoning submitted by Fischer & Frichtel Custom Homes from R-2 Single Family Residential-20,000 square foot minimum lot size to PD-RC Planned Development-Residential/Cluster Homes at 4055 South Lindbergh Boulevard, 9312 Lincoln Drive and 9255 Robyn Road be recommended to the Board of Aldermen for approval. Mr. Hopfinger seconded the motion and a roll call vote was taken.

Terry Beiter - Aye
Thomas Ortmann - Nay
Steve Young - Aye
Bill Hopfinger - Aye
Roger Kaiser - Aye
Mike Svoboda - Nay
John Martin - Nay
Brian VanCardo - Aye
Thomas Lynch – Nay

There being 5 Aye votes and 4 Nay votes, the motion passed.

Mr. Hopfinger made a motion that P-32-18 Petition for a Preliminary Development Plan submitted by Fischer & Frichtel Custom Homes at 4055 South Lindbergh Boulevard, 9312 Lincoln Drive and 9255 Robyn Road be recommended to the Board of Aldermen for approval with the recommendations that a traffic study be completed and the landscape buffer be created between the development and current residential properties. Mr. Young seconded the motion and a roll call vote was taken.

Terry Beiter - Aye
Thomas Ortmann - Nay
Steve Young - Aye
Bill Hopfinger - Aye
Roger Kaiser - Aye
Mike Svoboda - Nay
John Martin - Nay
Brian VanCardo - Aye
Thomas Lynch – Nay

There being 5 Aye votes and 4 Nay votes, the motion passed.

P-33-18 Petition for an Amended Development Plan submitted by the City of Sunset Hills for reconfiguration of the properties that make up Sunset Hills Golf Course at 13360 West Watson Road.

This Petition has been postponed until October 3, 2018.

OLD BUSINESS:

P-20-17 Presentation by Houseal Lavigne providing an update on revisions to the following sections of the Code of Ordinances for the City of Sunset Hills:
Appendix A, Subdivision Code

Appendix B, Zoning Regulations
Appendix D, Sign Regulations

John Houseal, with Houseal Lavigne Associates, was present and stated their goal is to create a code that is more contemporary and easier to follow. Many text amendments are being requested and they are trying to eliminate this from happening in the future by implicating a different procedure for changes to a property. These would be handled as a Planned Development, which requires the applicant to follow certain standards as opposed to a text amendment that would change the guidelines for the entire zoning district. They are modernizing the zoning standards. Development standards, like landscaping, lot coverage, and parking, are not district specific; they apply to all developments. District and development standards have been drafted, presented to City staff, and revised. The sign and the planning development ordinances have been drafted and provided to staff for review. The subdivision ordinance is currently being drafted. The entire zoning ordinance will be available in approximately a month. Design guidelines will not be codified and he advises they be presented as a compendium piece. The developers will be required to be generally consistent with them. New landscaping, parking, and signage standards are being presented. Many districts have lots that do not comply with current lot size requirements, so they are non-conforming. The compendium will be used as a guide mechanism. They are simplifying and reconfiguring the districts to eliminate the non-conformities and create more chances for re-development within the districts. Currently, there are districts labeled as Planned Development that are residential, commercial, and mixed. Houseal Lavigne is proposing one Planned Development procedure, regardless of the land use in which the underlying zoning district will remain the same. This more simple process will eliminate developers from having to apply for numerous applications and will give them more certainty of what is allowed. There will be more strict standards of review with this process. Developers will have to comply with design guidelines, the Comprehensive Plan, and architectural components. Currently, most commercial lots in Sunset Hills do not comply with the zoning standards. The code does not accommodate for existing business owners to re-invest, so they are proposing four new commercial zoning districts. Each district will have standards written specifically for the properties that it contains. The new zoning map shows the four new residential districts and four commercial districts. The biggest changes to development standards include parking, loading, stacking, landscaping, and screening. The tables made for these standards are more clear and easier to interpret. The district and development standards are complete and ready for review.

Mr. Jones stated the wireless communications facilities and support structures have undergone a number of changes over the years. The strategy has been to never repeal anything because legislature leaves portions that are grandfathered. There is a comprehensive small wireless facilities act effective January 1, 2019 and Mr. Jones advised that Houseal Lavigne should be very careful when revising these ordinances.

Mr. Houseal stated they are aware of State and Federal regulations when revising all zoning ordinances. He will make sure Mr. Jones verifies all changes that are made. Houseal

Lavigne has done extensive revisions to parking requirements City-wide. Overall, there will be less parking required due to overlap and on-line shopping. They have added illustrations to help clarify many sections of the code. The current sign ordinance regulates content, which is no longer allowed by the Supreme Court, so they have updated accordingly. In summary, Planned Developments do not affect surrounding properties; they only apply to the current development being constructed. Properties that are required to apply for a Planned Development are at least two acres, commercial properties, or multi-family residential properties. They are currently working on sign and subdivision ordinances. Next, they will revise administrative standards and within the next month, everything will be drafted and ready for City staff review.

Mr. Beiter stated the presentation was very thorough.

ANY OTHER MATTERS DEEMED APPROPRIATE

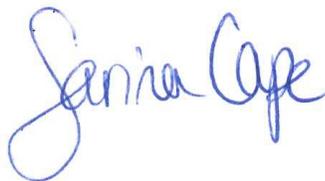
Mr. Beiter asked for an update on the Jimmy John's property.

Mr. Baker stated there was a nuisance property hearing and the City is currently discussing what Findings of Fact will be provided.

ADJOURNMENT

Mr. Martin 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