

## AGENDA

### PLANNING & ZONING COMMISSION

#### CITY OF SUNSET HILLS, MISSOURI

JUNE 1, 2022, 6:00 p.m.

A meeting of the Planning & Zoning Commission will be held on Wednesday, June 1, 2022 at 6:00 pm. This meeting will be held virtually via Zoom; THERE WILL BE NO IN PERSON MEETING

Join Zoom Meeting by computer:

<https://us02web.zoom.us/j/87203248385?pwd=OVZ5eXA4OHVCalc3c3pQREVZc1hFOT09>

Join Zoom Meeting by phone:

1-312-626-6799

Meeting ID: 872 0324 8385

Passcode: 228180

1. Call To Order
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Minutes
  - 4.I. Approval Of The Minutes From The May 4, 2022 Meeting.

Documents:

[MAY MINUTES SC.PDF](#)

5. New Business
  - 5.I. P-08-22 Petition For A Conditional Use Permit, Submitted By Verizon Wireless, For A Small Wireless Facility At 112 Monica Drive. THIS PETITION HAS BEEN WITHDRAWN.
  - 5.II. Alberts Laumeier Escrow Release

Documents:

- 1) ALBERTS LAUMEIER ESCROW RELEASE MEMO.PDF
- 2) CITY INSPECTION INFO.PDF
- 3) WIND INSPECTION.PDF

- 4) AMEREN.PDF
- 5) MSD.PDF
- 6) MOAMWATER.PDF
- 7) SPIRE.PDF

6. Other Matters Deemed Appropriate

6.I. Election Of Chairman And Vice Chairman

7. Adjournment

MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, MAY 4, 2022

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met by Zoom Meeting on Wednesday, May 4, 2022. The meeting convened at 6:00 P.M.

The meeting began with those present standing for the reciting of the Pledge of Allegiance.

ROLL CALL

<b>Present:</b>	Rich Gau	-Member
	Mike Svoboda	-Member
	Roger Kaiser	-Member
	Michael Hopfinger	-Member
	Terry Beiter	-Chairman
	Steve Young	-Member
	Brian VanCardo	-Member
	Bryson Baker	-City Engineer
	Jim Hetlage	-City Attorney
	Lynn Sprick	-City Planner
<b>Absent:</b>	Todd Powers	-Member
	Frank Pellegrini	-Member

**APPROVAL OF THE MINUTES**

Copies of the minutes of the April 6, 2022 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Young made a motion to approve the minutes as submitted. Mr. VanCardo seconded the motion, and it was unanimously approved.

## **NEW BUSINESS**

P-08-22 Petition for a Conditional Use Permit, submitted by Verizon Wireless, for a small wireless facility at 112 Monica Drive. THIS PETITION HAS BEEN WITHDRAWN.

P-09-22 Petition for a Preliminary Subdivision Plat, submitted by Lynstone Park View LLC, for a single family residential development at 403 Rayburn Avenue, 405 Rayburn Avenue, 339 Spears Street, 340 Spears Street, 402 Spears Street, 408 Spears Street, 401 Spears Street, 407 Spears Street, 409 Spears Street, 411 Spears Street and 413 Handy Street.

Ms. Sprick stated the Preliminary Subdivision Plat is for 11 undeveloped lots in the Meacham Park subdivision. They are going to reconfigure the lots and vacate the City right of way. They are making ten lots with a private right of way. All other requirements will be met. If approved, the petitioner will move forward with the Improvement Plans and Record Plat. There is no action necessary from the Board of Aldermen, at this time. Staff recommends approval of the petition.

Steve Rush, with Site Development Engineering, Inc., and Charlie Vitale, with Lynstone Park View Development were present.

Mr. Beiter asked if the homes will be two stories.

Mr. Rush replied yes.

Mr. Beiter asked how big the homes will be.

Mr. Vitale stated they will be approximately 1,800 square feet.

Mr. Svoboda asked if they will have basements.

Mr. Vitale replied yes.

Mr. Gau asked if there will be any variances requested.

Ms. Sprick stated they are not planning on asking for any. The maximum footprints of the proposed homes are shown, except for lot one. The largest will still meet requirements.

Mr. Svoboda asked why they plan on having private streets.

Mr. Rush stated public streets are required to be 26 feet wide with a curb and sidewalk. The sidewalk would be an issue. Reducing the size of the street will allow for a better development.

Mr. Young made a motion that petition P-09-22 Petition for a Preliminary Subdivision Plat, submitted by Lynstone Park View LLC, for a single family residential development at 403 Rayburn Avenue, 405 Rayburn Avenue, 339 Spears Street, 340 Spears Street, 402 Spears Street, 408 Spears Street, 401 Spears Street, 407 Spears Street, 409 Spears Street, 411 Spears Street and 413 Handy Street be approved. Mr. Gau seconded the motion and it was unanimously approved.

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

Mr. Beiter stated all of the temporary signage throughout the City is inappropriate, including the political signs. The issue needs to be addressed and kept under control. He asked Mr. Hetlage if political signage is protected by the Supreme Court.

Mr. Hetlage stated there are constitutional limitations on free speech, which can include the posting of signs. The Supreme Court case Reed v Town of Gilbert, Arizona focused on the regulation of signs. The regulations cannot be content based. The Supreme Court struck down the town's Sign Ordinance because they were content based and violated the 1<sup>st</sup> Amendment. If the City is going to regulate these types of signs, the 1<sup>st</sup> Amendment requires the City to satisfy a multifactor test. The regulation of size, location, and number of permitted signs on a property must meet all of the factors and be for all types of signs. The City cannot limit the time a political sign can be on a property. As far as limiting a resident to one political sign, the City would have a hard time demonstrating that the regulations are tailored to enhance the City's goal. The number of signs cannot be regulated unless it blocks the view of a street, like in a right of way. There can be some regulations on time, place, and manner, but it has to be a legitimate governmental interest.

Mr. Baker stated the City will continue to look into the way the new Sign Code is being written and make sure it follows all regulations.

Mr. Gau stated it is about regulation. The City needs to enforce the Codes and fine violators.

Mr. Hetlage stated if it is a legitimate regulation, then it needs to be adopted into the Code. A violation can lead to a Municipal Court citation or a fine, but determining who actually placed the sign would be a challenge.

Mr. Beiter stated the more obstacles put in front of the violators, the more they will be deterred from putting out the signs.

Mr. Hetlage stated the City can enforce the prohibition of placing signs in the right of way.

Mr. Baker stated staff does not touch political signs, as a policy. Any other signs in the right of way are removed.

Ms. Sprick stated the escrow agreement for the Sunset Reserve Subdivision needs the Commission's approval and then it will go to the Board of Aldermen for approval.

Mr. Baker stated the escrow agreement is one that has been used in the past and was reviewed by Mr. Hetlage. Staff reviewed the cost estimate and it seems in line with current construction costs. The Board will have a second reading for the Record Plat at their following meeting. The escrow agreement needs to be approved before the second reading.

Mr. Beiter stated he recommends approval.

Mr. Gau made a motion to approve the escrow agreement for the Sunset Reserve Subdivision. Mr. Young seconded the motion, and it was unanimously approved.

Mr. Beiter stated this would be his last meeting.

## **ADJOURNMENT**

Mr. Gau made a motion to adjourn the meeting at 6:36 P.M. Mr. Kaiser seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape

# City of Sunset Hills, Missouri

## Public Works Department

### MEMORANDUM

To: Planning & Zoning Commission

From: Lynn Sprick  
City Planner

Date: June 1, 2022

Re: Escrow release for improvements and acceptance of streets in  
Alberts Laumeier Manor Plat 2

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The City has received a request for release of the escrow being held for installation of improvements in Alberts Laumeier Manor Plat 2.

Per Appendix A, Subdivision Regulations, Section 3.5e: The bond shall remain in effect or the escrowed sum shall be held in the escrow account by the escrow agent, as the case may be, until such time as the chairman shall, by written authorization to the surety or escrow agent, release the surety from the obligation of the bond or the escrow agent from his obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

- 1) The chairman, upon recommendation of the city engineer and the city attorney, shall release the surety or escrow agent from all or any part of its obligation only upon receipt of the requisite written notification from the inspecting agency; and
- 2) In no case shall the chairman authorize the release of more than ninety (90) percent of the amount held as the bond or escrow sum until said improvements have been completed in a satisfactory manner, approved by the commission and accepted or approved by the appropriate authority.

Along with an inspection performed by the City, an inspection was performed by Wind Engineering, verifying the improvements have been installed and meet the required standards to warrant release of 100% of the escrow funds.

Documentation has been submitted from Ameren, Metropolitan Sewer District (MSD), Missouri American Water Company and Spire, confirming that improvements have been installed.

At this time, the City Engineer is prepared to release the \$265,200 being held in escrow for installation of improvements in Alberts Laumeier Manor Plat 2 and accept the streets for public maintenance.

Additionally, per Appendix A, Section 3.5h: If the developer petitions for acceptance of streets for public maintenance, and if the streets are so accepted, the developer shall post a bond acceptable in form to the city attorney and in an amount sufficient to guarantee repairs due to construction and street failures. The bond shall be for a period of two (2) years from the date of acceptance of the street.

Based on information provided, staff is recommending the Commission approve the escrow release and approve acceptance of the streets for public maintenance, with the condition that prior to that release, a bond is established to meet the above requirements.



## Lynn Sprick

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**From:** Bryson Baker  
**Sent:** Wednesday, May 25, 2022 11:04 AM  
**To:** Lynn Sprick  
**Subject:** RE: Albets Laumeier Ct.

Lynn,  
Albets Laumeier Court is ready to be accepted by the City for maintenance.  
I am not aware of any other issues or information needed in order to authorize the release of the escrow.

### **Bryson E. Baker, PE**

Director of Public Works  
City of Sunset Hills  
3939 South Lindbergh Boulevard  
Sunset Hills, Missouri 63127  
Phone: 314-849-3400  
Fax: 314-849-8720

[www.sunset-hills.com](http://www.sunset-hills.com)

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**From:** Lynn Sprick  
**Sent:** Wednesday, May 25, 2022 10:32 AM  
**To:** Bryson Baker  
**Subject:** FW: Albets Laumeier Ct.

Bryson,

See below and attached.

Have these issues been resolved? Are you waiting for any other information prior to authorizing the escrow release?

Thank you,

Lynn Sprick  
Assistant Planner  
City of Sunset Hills  
314-849-3400  
[lynns@sunset-hills.com](mailto:lynns@sunset-hills.com)

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**From:** Sarina Cape  
**Sent:** Wednesday, May 25, 2022 9:02 AM  
**To:** Lynn Sprick  
**Subject:** FW: Albets Laumeier Ct.

Sarina Cape  
Sunset Hills Public Works  
Planning & Zoning Assistant

[scape@sunset-hills.com](mailto:scape@sunset-hills.com)

314-849-3400

314-849-8720 fax

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**From:** Jerry Eime

**Sent:** Wednesday, January 05, 2022 8:21 AM

**To:** Sarina Cape

**Cc:** Bryson Baker; Jason Miller

**Subject:** Albets Laumeier Ct.

Sarina,

On Tuesday January the 4<sup>th</sup>, 2022 Jason Miller and myself went and inspected Albets Laumeier Ct. After inspection we noted the following deficiencies.

- Center Island at the cul-de-sac has concrete spoils left from concrete pours along with uneven surface.
- Center Island at the cul-de-sac has no vegetation established in a large area along with bear soil/improper erosion control.
- 12689 Albets Laumeier Ct, the concrete street slab has 4 cracks at the curb line in front of the driveway
- 12689 Albets Laumeier Ct, storm water inlet still has the silt sock placed in front of the inlet with rock and dirt spoils/debris
- 12689 Albets Laumeier Ct, R.O.W (right of way) has no vegetation established.
- Entrance to Albets Laumeier Ct, has a broken slab on the left side of the street.

Other than what is noted here with pictures attached, all other slabs, inlets and vegetation has passed the inspection. Let me know if you have any questions.

Thank you,

**Jerry Eime Jr.**

Street Superintendent

3909 S. Lindbergh Blvd

City of Sunset Hill, 63127

314-272-2458

[www.sunset-hills.com](http://www.sunset-hills.com)





122 North Kirkwood Road  
Kirkwood, MO 63122-4302  
T: (314) 965-wind

April 21, 2022

Mr. Bryson E. Baker, P.E.  
City Engineer / Director of Public Works  
**City of Sunset Hills, MO**  
3939 S. Lindbergh  
St. Louis, MO 63127  
e: [bbaker@sunset-hills.com](mailto:bbaker@sunset-hills.com)

RE: Alberts Laumeier Manor, Rott Rd

Dear Mr. Baker:

Our office recently performed a site visit to observe the improvements at the subdivision known as Alberts Laumeier Manor. Based on this visual check of surface features, it is our opinion the grading, sanitary sewer system, drainage works, water, electric and paving have been completed in accordance with the plans prepared by our office.

We have not performed an updated field survey to verify exact locations, dimensions or elevations of all components of the completed infrastructure; however, "as-built" measurements of work pertinent to the Metropolitan St. Louis Sewer District's facilities are documented on MSD Accela (<https://aca-prod.accela.com/STLMSD/Login.aspx>) Record Numbers P002482900 through P002482904.

This letter is submitted for purposes of the City's processing appropriate release of escrowed funds on the development. Please contact our office should you require any additional information. Thank you.

Very truly yours,

**Wind Engineering Company**  
Daniel C. Wind, Jr., P.E., M.ASCE  
Principal  
e: [dwind@windengr.com](mailto:dwind@windengr.com)  
M: (314) 323-9181

c : Mr. Jim Tegethoff  
01023

*This professional opinion is based upon the subject facts and/or findings as a result of services rendered, but does not constitute and should not be considered a warranty or guarantee, either express or implied, and does not include any representation as to workmanship and/or performance standards.*



4.21.2022

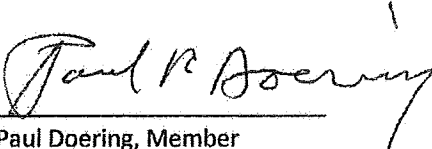
Mr. Bryson E. Baker, P.E.  
City Engineer/Director of Public Works  
City of Sunset Hills, MO  
3939 S. Lindbergh  
St. Louis MO 63127

Re: Alberts Laumeier Manor, Rott Rd.

Mr. Baker,

As a representative and Managing Member of Five Star Homes LLC, I would like to formally request that Sunset Hills take over permanent maintenance of the Alberts Laumeier Manor development.

Thank you.

  
Paul Doering, Member



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January 18, 2022

Sarina Cape  
Sunset Hills Public Works  
Planning & Zoning Assistant

Sarina:

Regarding Alberts Laumeier Ct. - 5-Star Homes LLC

I can confirm that Ameren has installed new facilities that feed Alberts Laumeier Ct. The facilities are installed to current code and are completely operational. There are currently two padmount transformers that feed all of the existing homes.

Sincerely,

Nick Cardoza  
Energy Service Consultant  
Archview Division - Mackenzie Operating Center



**Metropolitan St. Louis  
Sewer District**

2350 Market Street  
St. Louis, MO 63103  
(314) 768-6200

April 4, 2022

To Whom It May Concern,

The Metropolitan St. Louis Sewer District has completed their Inspections of P002482900 through P002482904, Rott & Maclane (Alberts Laumeier Manor). All discrepancies have been completed and As- built plans received and placed on MSD's GIS.

Please note that the public sewers for these projects are considered owned and maintained by the Metropolitan St. Louis Sewer District.

Sincerely,

Mike Shelton  
Construction Inspector Supervisor



April 6, 2022

Jim Tegethoff  
21 Fox Meadows  
Sunset Hills, MO 63127

5-Star Homes - Alberts Laumeier Subdivision

Dear Mr. Tegethoff,

All requirements were met on the above referenced project and Missouri American Water accepted the new water main for this development back in November of 2012. The following was sent to Fivestar Homes, LLC at the completion of the job.

*In compliance with the terms and conditions of the Missouri American Water Company Developer Lay Agreement 552666 dated December 14, 2011, for the installation of 424 feet of water main for the Alberts Laumeier Manor development, effective November 26, 2012, Missouri American Water Company herewith accepts all rights, title, and interest to the water pipe, fire hydrants, valves, and appurtenant facilities installed under said Agreement. In addition to accepting such title, Missouri American Water Company also accepts said water main into its water distribution system for service to its customers.*

Please let me know if you have any further questions.

Sincerely,

*Derek Linam*

Derek Linam, P.E.  
Engineering Manager  
Missouri American Water Company  
[derek.linam@amwater.com](mailto:derek.linam@amwater.com)



Operations Department  
700 Market Street  
St. Louis, Missouri 63101

December 30, 2021

**Confirmation of Complete & Active Services/Main**

JAMES TEGETHOFF  
[james.tegethoff@tegethoffhomes.com](mailto:james.tegethoff@tegethoffhomes.com)  
(c) 314-590-3468

This letter, with respect to Spire is regarding the ALBERTS LAUMEIER SUBDIVISION.

**Re:**

**12707 ROTT RD  
12711 ROTT RD  
12692 ALBERTS LAUMEIER CT  
12693 ALBERTS LAUMEIER CT  
12689 ALBERTS LAUMEIER CT**

Spire has completed the installation of Services and Main in the ALBERTS LAUMEIER SUBDIVISION and they are in full operation.

If you have any questions or received this email in error, please call:

Crystal Gay @ (314) 575-2200

Email: [Crystal.Gay@spireenergy.com](mailto:Crystal.Gay@spireenergy.com)

Spire  
700 Market Street  
St. Louis, Missouri 63101

This memo is valid for 90 days from date above.