

MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, APRIL 3, 2024

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, April 3, 2024. 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
	Bruce Studer	-Member
	Jennifer Geen	-Member
	Frank Pellegrini	-Member
	Mike Svoboda	-Member
	Steve Young	-Member
	Erin Seele	-City Attorney
	Mike Knight	-City Planner
	Bryson Baker	-City Engineer

<b>Absent:</b>	Roger Kaiser	-Member
	Michael Hopfinger	-Member

**APPROVAL OF THE MINUTES**

Copies of the minutes of the March 6, 2024, 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. Pellegrini seconded the motion, and it was unanimously approved.

## NEW BUSINESS

It should be noted that the following two petitions were heard simultaneously but voted on separately.

P-40-23      **Manors at Lynstone Park Improvement Plans** – A request for the approval of Improvement Plans to construct a 9-lot single-family home development on property zoned R-6.

P-41-23      **Manors at Lynstone Park Record Plat** - A request for the approval of a Record Plat for a 9-lot single-family home development on property zoned R-6.

Mr. Knight showed an aerial photograph of the subject site. It will be a nine-lot single-family home development in the R-6 zoning district. The Planning and Zoning Commission approves or denies the Improvement Plans. It does not receive a recommendation to go before the Board of Aldermen. Metropolitan Sewer District (MSD) regulates all stormwater and sewers. The Improvement Plans show that the stormwater flows from east to west and a new water quality feature will be constructed. There will be four inlets and three manholes. Most of the utilities are existing in the area for the development to connect to. It will be a public street with five-foot sidewalks along the right of way. The development is under two acres, but they are still preserving over 30% of the trees. An impact fee and tree preservation escrow will be made to the City. The Improvement Plans match the approved Preliminary Plat. The Record Plat creates the lots and the common ground. The Homeowners' Association (HOA) is responsible for maintenance of the common ground and water quality feature. All zoning requirements of the R-6 zoning district will be met. An agreement and an escrow have been secured for the Record Plat.

Gabe Dubois, with THD Design Group was present to answer questions.

Mr. Svoboda asked what price range the homes will be in.

Mr. Dubois stated they will be in the \$700,000's.

Mr. Gau made a motion that petition P-40-23 **Manors at Lynstone Park Improvement Plans** – A request for the approval of Improvement Plans to construct a 9-lot single-family home development on property zoned R-6 be approved. Mr. Svoboda seconded the motion, and it was unanimously approved.

Mr. Gau made a motion that petition P-41-23 **Manors at Lynstone Park Record Plat** - A request for the approval of a Record Plat for a 9-lot single-family home development on property zoned R-6 be recommended to the Board of Aldermen for approval. Mrs. Geen seconded the motion, and it was unanimously approved.

P-01-24      **Vistas at Stone Castle (Whalen Custom Homes, Inc.) Amended Final Development Plan**– A request for an Amended Final Development Plan to provide clarity and additional information on a condition of the approved Final Development Plan.

Mr. Knight stated this is an existing development of ten homes that is currently under construction. Most of the infrastructure has been constructed and applications have been received for zoning approval from the City. When approving zoning, the City ensures all Ordinance conditions are being met. Lots 1,2, 3, and 4 are required to have rear masonry facades. Staff questioned if this condition meant the rear elevation must be full masonry and what the definition of masonry is. The Code states masonry as stone, brick, concrete, or stucco. The applicant listed masonry as fiber cement paneling, as well. Clarification must be made on the masonry that is referred to in Condition D.

The applicant requested 20% brick or stone with the remainder consisting of stucco, STO, fiber cement panels with batten boards or 100% stucco.

Mr. Gau stated most residents did not want to see the cement foundation.

Mr. Studer asked what the requirement for the percentage of masonry on the front elevation is.

Mr. Knight stated the only requirement was on the rear elevation for the four lots that rear Maple Drive.

Mr. Pellegrini asked if the front will match the masonry in the back to be consistent.

Mr. Knight stated every home that he has seen has been consistent.

Mr. Gau stated the request is only to clarify Condition D for rear masonry.

David Neiers, counsel for Whalen Custom Homes, was present and stated the materials for all four sides of the homes will be consistent. The front will consist of more masonry than the other sides.

Jim Stecher, of 13049 Tapawingo Place, was present and stated his home is below the Whalen development. Voting on this issue is important, but he would rather it be put on hold until the stormwater and mud issues are resolved.

Mr. Gau made a motion that petition P-01-24 **Vistas at Stone Castle (Whalen Custom Homes, Inc.) Amended Final Development Plan**– A request for an Amended Final Development Plan to provide clarity and additional information on a condition of the approved Final Development Plan be recommended to the Board of Aldermen for approval. Mr. Svoboda seconded the motion, and it was unanimously approved.

Mr. Stecher stated there has been a second occurrence of rain bringing mud onto his property. The silt fence is not stable in many places. Before Mr. Whalen began the development, Mr. Stecher never had mud run into the yard or patio. He would like Mr. Whalen to stop building in the area until the cause of the issue can be resolved. Mr. Whalen offered to reimburse him for the first occurrence, but the payment has not been received. He asked Mr. Whalen to mitigate this risk in the future.

Mike Whalen, of Whalen Custom Homes, was present and stated the significant storms and runoff in the area last summer caused an issue and they responded accordingly. The homeowner demanded several things, and he did pay the landscapers' bills. Anytime the City asks him to do something, he does it. He requested pictures of the second occurrence. In a severe rainfall, not enough silt fencing can be placed to hold all the runoff. MSD mitigation plans have been submitted and they are awaiting a response. They have been proactive with the stormwater issues, as much as possible. Within a year everything will be built, along with a stormwater management system which will be a significant improvement to the area.

Mr. Gau stated, as a resident of the Tapawingo subdivision, he has seen Mr. Whalen do everything he can to fix the issues when they arise, for another resident.

Mr. Stecher stated three or four initial emails were sent to Mr. Whalen without any response and the landscape firm stated the payment has not been received.

Mr. Knight stated the issue can be investigated, but there is nothing the Commission can do with the agenda before them.

Julia Stecher, of 13049 Tapawingo Place, was present and stated she would like the mud to be taken care of in a timely manner.

P-02-24      **Unified Development Ordinance (City of Sunset Hills) Sections 1 and 3 Text Amendment-** A request to amend the text of Section 1 - General and Section 3 - District Regulations of the City of Sunset Hills Unified Development Ordinance.

Mr. Knight stated Section 3 is the District Regulations. When the Unified Development Ordinance (UDO) was being created, R-6 was proposed to be attached or detached single family housing. The only permitted use that was listed is detached single family homes, but the description still references attached single family homes. This Text Amendment revises the inconsistency. The POS district was originally intended only to be City parks, but some privately owned properties are zoned POS. When the UDO was approved, no zoning requirements were placed on the district. This amendment will place the same requirements from the NU district to clarify, in the case of future development on the privately owned POS properties.

Mr. Gau made a motion that petition P-02-24 **Unified Development Ordinance (City of Sunset Hills) Sections 1 and 3 Text Amendment-** A request to amend the text of Section 1 - General and Section 3 - District Regulations of the City of Sunset Hills Unified Development Ordinance be recommended to the Board of Aldermen for approval. Mrs. Geen seconded the motion, and it was unanimously approved.

P-03-24      **Unified Development Ordinance (City of Sunset Hills) Section 4 Text Amendment** – A request to amend the text of Section 4 - Development Standards of the City of Sunset Hills Unified Development Ordinance.

Mr. Knight stated there were some example images that were incorrect. This provides the correct ones. Trash enclosures used to be required to be constructed with three walls being masonry (brick, stone, or concrete) and the gate had to be opaque wood, metal, or vinyl. The UDO states that they must architecturally complement the principal building. The Text Amendment brings the language from the old Code into the

UDO. Metal buildings used to be prohibited, except in industrial districts. This requirement is not in the new Code. This Text Amendment brings that language into the UDO. A Site Plan outlines procedures for most development. There will be a recommendation from the Commission and a vote from the Board. This outlines what is required from a site plan, as well. Parts of the Code reference a site plan, but does not include requirements for it, so this will provide that. A Traffic Study Waiver was discussed by the Board. This opportunity is for situations that it is known that a traffic study is not warranted. An intent and purpose for the development is required and the burden of proof is on the applicant. Quantitative information is also required to warrant the request. The waiver will go straight to the Board for approval before the development goes through the process.

Mr. Gau asked what topic brought up the Traffic Study Waiver.

Mr. Knight stated it has been a conversation of multiple developments. There could be an opportunity out there where a traffic study would not be warranted.

Mr. Pellegrini asked if this could have applied to the gas station at Gravois Road and Lindbergh Boulevard.

Mr. Baker stated no, this is more for a smaller development that must go through Section 7. One where it is obvious that it will not have a significant impact on the traffic flow. Traffic studies cost \$10,000-\$20,000. The waiver has many requirements from the applicant to show the study is not necessary.

Mr. Gau made a motion that petition P-03-24 **Unified Development Ordinance (City of Sunset Hills) Section 4 Text Amendment** – A request to amend the text of Section 4 - Development Standards of the City of Sunset Hills Unified Development Ordinance be recommended to the Board of Aldermen for approval. Mrs. Geen seconded the motion, and it was unanimously approved.

P-04-24      **Unified Development Ordinance (City of Sunset Hills) Section 13 Text Amendment** – A request to amend the text of Section 13 – Public Notices of the City of Sunset Hills Unified Development Ordinance.

Mr. Knight stated there are two public hearings required for Section 7. One is held at the Commission level and one at the Board. This was listed incorrectly in the UDO. The Text Amendment will revise it and require the applicant to pay for the newspaper publication. This acknowledges that the Commission is part of the public hearing notice.

Mr. Gau made a motion that petition P-04-24 **Unified Development Ordinance (City of Sunset Hills) Section 13 Text Amendment** – A request to the amend the text of Section 13 – Public Notices of the City of Sunset Hills Unified Development Ordinance be recommended to the Board of Aldermen for approval. Mr. Studer seconded the motion, and it was unanimously approved.

P-05-24      **Unified Development Ordinance (City of Sunset Hills) Appendix A and Appendix B Text Amendment** – A request to amend the text of Appendix A – Planned Development and Appendix B – Lighting of the City of Sunset Hills Unified Development Ordinance.

Mr. Knight stated Appendix A is for the Planned Developments that existed before the UDO was adopted. It is stated that Section 7 is not to govern these districts, but Appendix A does. It states that the permitted uses shall be established in the ordinance adopted by the Board for that district and may be those that are permitted or conditional in the C-1 district. There is no ordinance that outlines the uses for these districts. The City's procedure used to allow what was permitted or conditional in the C-1 district. The C-1 district no longer exists because the UDO created the LC district. The Text Amendment does not change zoning. It allows permitted uses designated as

permitted in LC or conditional uses in the LC district, with a Conditional Use Permit. A Partial Amended Development Plan is being proposed for minor changes to a Planned District. It will go through the Commission for a recommendation and to the Board for approval. This allows small changes without requiring them to go through Section 7. Any area being touched, must meet current Code requirements. The Text Amendment for Appendix B updates the lighting plan to reference the new zoning districts rather than the old.

Mr. Gau made a motion that petition P-05-24 **Unified Development Ordinance (City of Sunset Hills) Appendix A and Appendix B Text Amendment** – A request to amend the text of Appendix A – Planned Development and Appendix B – Lighting of the City of Sunset Hills Unified Development Ordinance be recommended to the Board of Aldermen for approval. Mr. Pellegrini seconded the motion, and it was unanimously approved.

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

Mr. Knight stated the Tree Ordinance will be revised and brought into the UDO with some proposed changes.

Mr. Pellegrini stated developers can build around some of the trees that they are taking down.

#### **ADJOURNMENT**

Mr. Pellegrini made a motion to adjourn the meeting at 7:05 P.M. Mr. Studer seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape

DRAFT