

MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, APRIL 5, 2023

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 5, 2023. 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
	Roger Kaiser	-Member
	Mike Svoboda	-Member
	Steve Young	-Member
	Frank Pellegrini	-Member
	Jennifer Geen	-Member
	Michael Hopfinger	-Member
	Brian VanCardo	-Member
	Erin Seele	-City Attorney
	Bryson Baker	-City Engineer
<b>Absent:</b>	Todd Powers	-Member

**APPROVAL OF THE MINUTES**

Copies of the minutes of the March 8, 2023 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. Kaiser seconded the motion, and it was unanimously approved.

## NEW BUSINESS

P-06-23 Petition for a Text Amendment, submitted by The Syberg Brothers/Syberg Development Group LLC, to amend Section 3.4 of the Unified Development Ordinance, adding parking lots as a permitted use in Commercial and Industrial Zoning Districts.

**This Petition has been postponed.**

P-07-23 Petition for a Change of Zoning, submitted by Syberg Development Group LLC, from R-2 Single Family Residential – 20,000 square foot minimum lot size, to LC Local Commercial Zoning District for a commercial development at 10611 East Watson Road.

**This Petition has been postponed.**

P-08-23 Petition for a Development Plan, submitted by Syberg Development Group LLC, for a parking lot (as a primary use) at 10611 East Watson Road.

**This Petition has been postponed.**

P-13-23 Petition for a Conditional Use Permit, submitted by Collective Solutions, for the construction of a telecommunications facility at 109 Deane Court.

Mr. Baker stated the proposed facility will be owned by Union Electric and will be located on their property on the north side of Deane Court. The properties to the north are zoned LC- Local Commercial and the properties to the northeast are zoned R-6. These facilities are listed as conditional uses in the LC zoning district and require approval by the Planning and Zoning Commission and the Board of Aldermen. Staff recommends approval with conditions.

Russel Been, owner of Collective Solutions, was present and stated Ameren currently uses commercial wireless networks for interpersonal communication, facility monitoring, and meter reading, which is costly. They are proposing their own LTE network, which will provide these services. There will be approximately 40 of these sites in the major metropolitan area for their first phase. They are trying to place them on Ameren owned properties first. This site was the best fit in the area because it is surrounded mostly by commercially zoned properties. The facility will be a 100-foot monopole with a 6-foot lightning rod, which is the shortest tower being proposed in the network. It will be built next to the existing substation with a 7-foot masonry wall around it. The monopole is not planned for collocation, but Ameren is open to that option if the city is interested. He distributed a packet (Exhibit 1) and referred to the site plan and photo simulations. This structure will allow Ameren to prioritize interpersonal communication and will allow the area to be monitored more closely for outage events.

Mr. Baker asked how close the monopole is located to the closest residential structure.

Mr. Been replied 140 feet.

Mr. Svoboda asked if other businesses would like to add to the monopole, if they will have to go through the city.

Mr. Baker replied yes.

Thomas Powers, of 209 Floralea Place, stated the monopole will devalue homes in the area and hinder their sales. He requested the petition be denied.

Mr. Gau stated the staff report shows a difference in height for the variance requests.

Mr. Been stated two variances are required for setbacks. One is from the property line, and one is from a residentially zoned property. It will be located 90 feet from the residentially abutting corner of the lot.

Mr. Baker asked why the location at 109 Deane Court was chosen.

Mr. Been stated it is an Ameren owned property by a substation, which is mostly surrounded by commercially zoned properties. There was another property in Sunset Hills that worked coverage-wise, but it is more residentially surrounded.

Mr. Gau made a motion that petition P-13-23 Petition for a Conditional Use Permit, submitted by Collective Solutions, for the construction of a telecommunications facility at 109 Deane Court be recommended to the Board of Aldermen for approval with the conditions that the project receives approval from the Metropolitan Sewer District (MSD), Mehlville Fire District, and St. Louis County and the project received approval by the Board of Adjustment to vary the height of the structure from 100 feet to 106 feet and to vary the setback from the required height of the tower plus ten feet to any residential structure. Mr. Vancardo seconded the motion. With 6 aye votes and 2 nay votes, the motion was approved.

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

P-14-23      Petition for a Conditional Use Permit, submitted by BMGR SSHD LLC, for the construction of a (second) hotel at 3660 South Lindbergh Boulevard.

P-15-23      Petition for a Development Plan, submitted by BMGR SSHD LLC, for a commercial development at 3660 South Lindbergh Boulevard.

Mr. Baker stated the proposed hotel will be located on the east side of South Lindbergh Boulevard. The property is zoned GC- General Commercial. The property to the north is zoned PD-LC(C), which is the Bass Pro Shops property. The properties to the east are zoned R-4 and the properties to the south are zoned LC and R-2. In 2018, a Conditional Use Permit for the current hotel was approved. Temporary occupancy for that hotel is still in effect because they have not met lighting and Metropolitan Sewer District (MSD) requirements. If approved, these items will be conditions for approval. Hotels are listed as a conditional use in the GC zoning district and all commercial developments require a Development Plan. Staff recommends several conditions regarding the applications. All pre-application requirements have been met. The traffic study requirement has not been met because it was not performed by a firm chosen by the city. The applicant chose a firm that was not one of the two traffic engineer companies used by the city. There are abutting residential properties to the east and south sides, which will require setback variances.

Norbert Glassl, representing HR Sheevam, was present and stated in 2016-2017 the city was presented with a proposal, which was a five-year plan. The current hotel is rated within the top ten performing Comfort Suites in the country. They have received a franchise agreement with Hilton for a Hampton Inn branding for the new hotel. The property will remain separate from the Helen Fitzgerald's site, although some of the space to the north has been leased to them for parking. Those parking spaces encroach on a parking lot setback requirement, which will require a variance. There is a cross access agreement for traffic flow to the northern Bass Pro Shops property. The building will face towards Bass Pro Shops and there is more parking spaces provided, than are required. 193 parking spaces are required for the property, and they are proposing 219. The lot size is required to be 165,000 square feet and the property is 192,920 square feet. They are requesting a variance on parking space size for a section of the leased Helen Fitzgerald's parking spaces, but they comply with all Conditional Use Permit standards. Traffic flow will be below the required Level of Service D. They will be requesting variances from the rear and side yard setback requirements, as well.

Mr. Pellegrini asked if there will be an entrance or exit onto East Watson Road.

Mr. Glassl replied no.

Mr. Pellegrini asked where the main entrance will be located.

Mr. Glassl showed the entrance off Lindbergh Boulevard on the aerial photo.

Mr. Hopfinger asked if the Ameren entrance will be used.

Mr. Glassl stated there is no access from the Ameren site to the property, but the Bass Pro Shops cross access can be used.

Mr. Vancardo asked why T Squared Traffic and Transportation (T2) was chosen for the traffic study over the city's companies.

Mr. Glassl stated the city's companies would not work with them. Motor vehicle-oriented businesses (MVOB's) are the only businesses required to have the city as the client for the traffic study. Hotels are not MVOB's. Lochmueller Group wanted to tie their project together with the Syberg's parking lot project, on East Watson Road, but since the companies are not affiliated, the property owner did not want to do that. The Unified Development Ordinance (UDO) does not require the city to be the client for Planned Developments.

Mr. Baker stated the city has on-call traffic engineers, which are chosen by a Request for Quote (RFQ) process. The companies chosen are Lochmueller Group and CBB. The old Code of Ordinances only required traffic studies for MVOB's and is written very clearly. The UDO requires them for Development Plans, but is written differently, stating the site must meet a Level of Service D and the city must approve the traffic engineer. Neither company wanted to work directly with the applicant, since they are contracted by the city. The cost would have been significantly higher to have Lochmueller Group perform the study separately from the Syberg's study.

Carrie Falkenrath, with T2, was present and stated there would be no change to the operation level of service. She has worked closely with CBB and her company uses the same means and methodology as theirs. They investigate the level of service and the level of operations. Missouri Department of Transportation (MoDOT) would like the level of service to be better than a D. MoDOT information, from their recent studies, and the Bass Pro Shops traffic study information was used. They evaluated the current level of service and it was a C or better for all entrances. They were mainly A's and B's. The two driveways are A's, and the signalized intersection is a B, but a C on Saturdays at mid-day peak time. A hotel does not create a lot of traffic. The most that would be generated, in a peak hour, is 63 vehicles, including incoming and exiting. This equals one new vehicle per minute. The levels did not change at any of the locations. Analysis was done for a situation where all vehicles were using one of the driveways or the light and all levels stay within a C or B. This was stacking for vehicles exiting the site, not for stacking on Lindbergh Boulevard.

Mr. Hopfinger asked if complexity is accounted for, especially for people that are not from the area.

Ms. Falkenrath stated the Bass Pro Shops traffic study did speak to this, in terms of safety. The bulk of traffic will be coming from Highway 44, not Watson Road, which is the most dangerous merging area. Most people coming from Watson Road will be local. Very little traffic uses the Helen Fitzgerald's entrance because it is so close to the signal, but MoDOT said otherwise. When there is too much traffic at the light, people do divert to the southern entrance.

Mr. Hopfinger asked if there was an option to close one of the entrances, for safety.

Ms. Falkenrath stated operationally, it would not be an issue.

Mr. Glassl stated MoDOT does not like having the two entrances.

Mr. Gau stated it is a congested area to enter and exit, along with driving through the parcel. This will add to the congestion. It is hard to believe the level will remain the same.

Mr. Hopfinger asked if the property owner would consider closing the northern entrance.

Mr. Glassl stated they only control the southern entrance because the northern entrance is governed by the long-term lease to Helen Fitzgerald's.

Mr. Hopfinger suggested moving the southern entrance as far south as possible.

Mr. Vancardo stated it may be more problematic to have one entrance because people will be competing to get in and out.

Ms. Falkenrath stated it would be best to have more entrances to choose from. It would be possible to make the northern entrance a right in and right out only, though.

Mr. Pellegrini stated the Bass Pro Shops traffic study showed the signalized intersection to be poor. The Commission suggested reconfiguring it, along with the Watson Road intersection. With the changes in place, it is still congested. He does not agree that there will not be a difference in service.

Ms. Falkenrath stated the center turn lane has further stacking room to the north.

Mr. Pellegrini stated there is not enough stacking room.

Mr. Glassl stated the hotel guests come in at a staggered rate. They do not come all at once.

Mr. Pellegrini stated the area is dangerous.

Ms. Falkenrath stated the signal is operated by MoDOT and they agreed with the findings of the traffic study.

Mr. Gau asked if the northern parking spaces will continue to be leased to Helen Fitzgerald's.

Mr. Glassl stated yes, this is why they need the setback variance.

Mr. Gau stated those spots are always full and there is already congestion near the cross-access area to Bass Pro Shops, as well. There is not enough parking.

Mr. Glassl showed where the leased spots are compared to the parking for the hotels.

Mr. Hopfinger stated the hotel is a good business for Sunset Hills, but he would like to hear from the residents and he suggested attempting to make use of the Ameren parking lot.

Mr. Vancardo asked what the delay was in trying to get permanent occupancy.

Mr. Glassl stated they did not need stormwater treatment for the first hotel, but they wanted to propose the entire developed site to MSD. This has now been approved. Also, they had planned on having all the lighting on site meet current UDO requirements once the second hotel was constructed.

Mr. Baker stated they developed the first hotel, but to meet occupancy, the entire site needs to meet the city code. They did not want to do lighting for the whole site until the second hotel was built, because they may have had to re-do it. They did not know exactly where the hotel would be, so they could not construct the entire lighting plan. The stormwater retention was the same type of situation.

Mr. VanCardo asked about the condition that a portion of the existing structure is required to be removed.

Mr. Glassl stated the utilities for the old hotel and Helen Fitzgerald's were located in a shared area. Helen Fitzgerald's has now built their loading dock into that area.

Mr. VanCardo asked if they could do an underground detention and build over it.

Mr. Glassl stated they are required to have a certain amount of green space. They are trying to keep the water from going into the residential neighborhoods. It will catch the water and give it time to drain.

Mr. Baker stated it will serve as a dual purpose; water quality and green space.

Mr. Pellegrini asked if the water company has the capacity to service the new hotel.

Mr. Glassl stated a pump was installed for the current hotel. Capacity was not an issue, but the pump was put in place for water pressure. This is in case there is a fire and the fire department needs to reach the top floors.

Mr. Gau stated he is concerned about traffic and parking.

Mr. Glassl stated hotels will bring in customers for Sunset Hills' restaurants and retail businesses.

Randy Latal, of 8835 Ryegate Court, stated Helen Fitzgerald's does not have enough parking spaces and is dangerous for traffic. The hotel also does not have enough parking spaces. Bass Pro Shops will increase traffic.

Kathryn Heese, of 8811 Ryegate Court, stated parking is a concern. The owner of Ameren is not willing to work with the other businesses and they cannot place an entrance any further south. She would like to see the lighting and fencing plans. A fence will never block the height of the hotel. She asked the Commission to consider the residents for lights, traffic, and noise.

Sarah Nieters, of 10533 East Watson Road, stated she is concerned with privacy and security. The current lighting is too bright and the brightness will increase with the new hotel. She requested some shields to minimize light leaving the site. She requested evergreen landscaping, along the south and southeast corner. She also requested 8-foot mature trees, no greater than 3 feet apart be planted, so there are no gaps. The hotel will be very tall, and the customers will be able to see right into their backyard. The landscaping requirement about dead landscaping being replaced within a 60-day time frame is not written clearly. She asked if that is a one-time replacement or if it is an ongoing obligation. She requested it to be replaced on an ongoing basis. She also requested a vibration monitoring system in case there is damage done to her property during construction and for the property owner or general contractor to carry insurance for any damages. She does not support the Development Plan, at this point.

Mr. Glasl stated there is a 10-foot buffer on the south side of the property. The most recent plans show the landscaping that is required. It is the same that is on the east side. The new lighting ordinance does not allow lighting to leave the site and Mr. Sheevam is agreeable to replacing dead landscaping.

Kathy Foster, of 8645 Otto Westway, stated she is concerned about the setback variance request. The top floor of the Comfort Suites can see right into her backyard and it is much further away than the new hotel will be. She is concerned there will be more traffic behind Bass Pro Shops, as well, to get to the Watson Road exit.

Elizabeth Kunz, of 10344 Richview Drive, stated she loved the scenery when she moved to the neighborhood and now she can see tall buildings from her home. This will add to the obstruction of the scenery.

Mr. Gau made a motion that petition P-14-23 Petition for a Conditional Use Permit, submitted by BMGR SSHD LLC, for the construction of a (second) hotel at 3660 South Lindbergh Boulevard be recommended to the Board of Aldermen for approval with the conditions that petition P-15-23 must also be approved, the lighting requirements in Appendix B of the Unified Development Ordinance (UDO) must be met on the entire site, and all necessary variances must be approved. Mr. Kaiser seconded the motion, and a roll call vote was taken.



Rich Gau	-Nay
Roger Kaiser	-Nay
Mike Svoboda	-Aye
Steve Young	-Nay
Frank Pellegrini	-Nay
Jennifer Geen	-Nay
Michael Hopfinger	-Nay
Brian VanCardo	-Nay

With 1 aye vote and 7 nay votes, the motion failed.

Mr. Gau made a motion that petition P-15-23 Petition for a Development Plan, submitted by BMGR SSHD LLC, for a commercial development at 3660 South Lindbergh Boulevard be recommended to the Board of Aldermen for approval with the conditions that P-14-23 must also approved, the portion of the existing structure, which encroaches across the west property line must be removed, lighting requirements in Appendix B of the UDO must be met on the entire site, and all necessary variances must be approved. Mr. young seconded the motion, and a roll call vote was taken.

Rich Gau	-Nay
Roger Kaiser	-Nay
Mike Svoboda	-Nay
Steve Young	-Nay
Frank Pellegrini	-Nay
Jennifer Geen	-Nay
Michael Hopfinger	-Nay
Brian VanCardo	-Nay

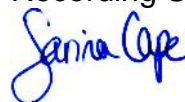
With 0 aye votes and 8 nay votes, the motion failed.

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

### **ADJOURNMENT**

Mr. Pellegini made a motion to adjourn the meeting at 7:38 P.M. Mr. Kaiser seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape