

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

Present:	Rich Gau	-Member
	Roger Kaiser	-Member
	Mike Svoboda	-Member
	Steve Young	-Member
	Brian VanCardo	-Member
	Todd Powers	-Member
	Michael Hopfinger	-Member
	Frank Pellegrini	-Member
	Jennifer Geen	-Member
	Erin Seele	-City Attorney
	Bryson Baker	-City Engineer
	Lynn Sprick	-City Planner

Absent:

APPROVAL OF THE MINUTES

Copies of the minutes of the December 7, 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. Svoboda seconded the motion, and it was unanimously approved.

OLD BUSINESS

P-27-22 Petition for a Change of Zoning, submitted by Olga Despotis Perpetuities Trust, from R-2 Single Family Residential – 20,000 square foot minimum lot size to PD-LC(B) Planned Development – Limited Commercial for 12405, 12411 & 12417 West Watson Road.

This Petition has been postponed

P-28-22 Petition for a Conditional Use Permit, submitted by Olga Despotis Perpetuities Trust, for a motor vehicle oriented business (MVOB) at 12405, 12411 & 12417 West Watson Road.

This Petition has been postponed

P-29-22 Petition for a Preliminary Development Plan, submitted by Olga Despotis Perpetuities Trust, for a motor vehicle oriented business (MVOB) at 12405, 12411 & 12417 West Watson Road.

This Petition has been postponed

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

NEW BUSINESS

P-18-22 Petition for a Boundary Adjustment Plat, submitted by Thomas Batsch, for the properties at 12852 Maurer Industrial Drive.

P-19-22 Petition for a Conditional Use Permit, submitted by Randy Green, for a motor vehicle-oriented business (gas station & convenience store) at 12852 Maurer Industrial Drive.

P-20-22 Petition for an Amended Development Plan, submitted by Innovated Companies, for a development at 12852 Maurer Drive.

Ms. Sprick stated the site is currently two lots that are being reconfigured. The western lot will be developed into a gas station. Separate addresses for each lot are recommended by City staff. It will be an 8 island, 16 pump, 24-hour gas station and convenience store. The traffic study reflected that a right turn lane would be required to be installed on southbound Maurer Industrial Drive for the intersection to be considered a level of service D. This also requires the installation of three stop signs. Sidewalks are required to be installed along the Right of Way. Maurer Industrial Drive is private, so sidewalks are only required along Gravois Road. The petitioner requested to make a payment to the City, in lieu of sidewalk installation. The conditions staff suggests for approval are that the recommendations from the traffic study are executed, the

petitioner must pay the City an amount equal to sidewalk construction, and all petitions must be approved.

Mr. Young asked if there was concern about additional traffic on Gravois Road.

Ms. Sprick stated there will eventually be a need for a third lane in both directions, either way.

Mr. Svoboda asked about the lot being in a floodplain and a potential future buyout.

Ms. Sprick stated the Federal Emergency Management Agency (FEMA) does not regulate the 500 year floodplain, so they would not qualify for a buyout.

Mark Doering, President of Doering Engineering, Randy Green, with Innovated Construction, and Tom Batsch, property owner, were present. Mr. Doering stated the parcels are currently zoned PD-LI. They are not creating a new lot; just adjusting the two existing lots. Sunset Plantland will remain, and it's access will be in the back portion of the gas station lot. The site is within the 500-year floodplain, but the building will be elevated above the 100 year floodplain level. There are R-1 zoned lots located nearby, but the closest house is 500 feet away. The C-Store gas station will be 4,600 square feet. They plan to align the main entrance with Maurer Industrial Drive, to sit back from Gravois Road, for traffic queuing. There will be 28 parking spaces on the site and a 50-foot monument sign is being proposed along the Right of Way. There will be a five-foot parking lot setback, which is the same as the adjoining tract. The three stop signs requested by the traffic study will be constructed. If approved, a landscape architect will be hired. They will tie into existing sanitary sewers. Metropolitan Sewer District (MSD) requested no detention but they do require water quality. They will be required to cleanse the water on the site, but not water from other sites.

Mr. Pellegrini asked if the turning radiuses are adequate for gas trucks.

Mr. Doering replied yes.

Mr. Pellegrini asked where the supply tanks will be located.

Mr. Doering stated they are located on the northeast section of the lot. The traffic study done by CBB also asked for the addition of a southbound right turn lane, onto Gravois Road. This is solely to decrease waiting times for patrons leaving the site. The level of service in the A.M. peak hours, before the lane addition, is a level D. If the lane is not added, it will be increased to a level E in the A.M. peak traffic hours. In the evening, it is currently a level E and will remain a level E.

Ms. Geen asked what the distance between Gravois Road and the entrance is.

Mr. Doering stated 285 feet. He added that the lane addition is not a safety issue.

Mr. Gau asked if they are proposing to omit the lane addition.

Mr. Doering stated they would prefer not to add the lane, due to costs to the petitioner and that it will be placed in a 100-year floodplain, which causes major environmental hurdles. Maurer Industrial Drive is a private road with a cross access easement. The traffic does not have any effect on nearby intersections. He requested the extra lane not be a condition for approval.

Ms. Sprick asked if the northern egress is partly on Sunset Plantland's property and if there is a cross access agreement for that. She also asked if MSD requires a 401 permit.

Mr. Doering replied no 401 permit is necessary. Sunset Plantland will be exiting onto the gas station property, but both entrances for the gas station will be on the gas station property.

Mr. Gau stated the southern entrance has a tight turn radius. He asked if it can be widened to better align with the Maurer Industrial Drive entrance and if the four parking spaces in that area are necessary.

Mr. Doering stated the parking spots will not hinder the entrance turn radius.

Mr. Gau asked if the entrance could be straightened out and widened.

Mr. Doering stated yes, and the spaces can be relocated. Three of the four spaces are required for parking counts.

All members agreed with the entrance widening.

Ms. Sprick stated the Code requires the intersection to be a level of service D or better. She is unsure if the lane could be approved there, due to the 100-year floodplain though.

Mr. Doering stated it is also a blue line creek area, which makes things even more difficult for approval.

Mr. Gau asked if the entire intersection can be shifted over.

Mr. Doering stated it would not be a simple shift. There is already a tight turning radius from Gravois Road. This may make it worse. Maurer Industrial Drive would no longer line up, either.

Mr. Baker stated Missouri Department of Transportation (MoDot) would have to be involved with the entire shifting of the intersection, as well.

Mr. Pellegrini asked if all the businesses of Maurer Industrial Drive exit at that intersection.

Mr. Doering replied yes.

Mr. Hopfinger stated typically, consideration for service levels are for significant roadways and populations. There are only a few buildings along Maurer Industrial Drive, and they are sparsely populated. This is not a high-density area. A 30 second difference in the signal is minimal.

Mr. Gau stated they are hoping to bring more business to the area by adding a gas station. The Commission is responsible for ensuring that a new development does not make a situation worse. This is an opportunity to make the intersection better.

Ms. Sprick asked if the level of service is variable by the Board of Adjustment.

Ms. Seele replied yes.

Mr. VanCardo asked if the lane addition would even be allowed, due to the floodplain and blue line creek.

Mr. Doering stated it will be difficult. He cannot say if it would be allowed or not.

Mr. Hopfinger stated this is a major consideration. The lane addition can be an enormous expense, which could terminate the project moving forward.

Mr. Svoboda asked if there was any kind of maintenance agreement for the road.

Mr. Doering stated no since it is completely on their property.

Mr. Batsch stated most gas stations do not have an extra roadway access, like this. They usually access straight onto the highway. This road is another extension to the exit.

Mr. Gau made a motion that petition P-18-22 Petition for a Boundary Adjustment Plat, submitted by Thomas Batsch, for the properties at 12852 Maurer Industrial Drive be approved with the condition that St. Louis County issues separate addresses for the "adjusted" lots. Mr. Hopfinger seconded the motion, and it was unanimously approved.

Mr. Gau made motion that P-19-22 Petition for a Conditional Use Permit, submitted by Randy Green, for a motor vehicle-oriented business (gas station & convenience store) at 12852 Maurer Industrial Drive be recommended to the Board of Aldermen for approval. Mr. VanCardo seconded the motion, and it was unanimously approved.

Ms. Seele stated a condition could be made that they receive a variance from the Board of Adjustment, but the Commission cannot omit the lane because it is a Code requirement.

Mr. Green stated the first traffic study report, from CBB, tripled the amount of traffic from 2017 to current. He visibly could not see any issues on the site. He disagreed with having to use CBB for the traffic study and how the traffic study was changed for the second report.

Mr. Baker stated there is a City Ordinance stating that the City is the client for traffic studies and the City uses two traffic study engineering companies. CBB is one the City uses frequently and he has full faith that they did the job they were required to.

Ms. Seele stated the Board cannot approve the petition without a variance for the additional lane because it is in violation of the Code.

Mr. Gau asked if the condition should be added for a variance.

Mr. Baker stated it should be noted to the Board that the Commission does not feel that the right turn lane is necessary, regardless.

Mr. Gau made a motion that P-20-22 Petition for an Amended Development Plan, submitted by Innovated Companies, for a development at 12852 Maurer Drive be recommended to the Board of Aldermen for approval with the conditions that the petitioner installs the three stop signs recommended by the traffic study, the petitioner pays the City in lieu of constructing sidewalks, they widen the south entrance, and they receive a variance from the Board of Adjustment for the level of service. Mr. Young seconded the motion, and it was unanimously approved.

P-30-22 Petition for a Conditional Use Permit, submitted by Union Electric Company dba Ameren c/o Collective Solutions, for the installation of a wireless telecommunications facility at 109 Deane Court.

This Petition has been postponed.

P-31-22 Petition for a Minor Subdivision, submitted by Gateway Christian Ministries, at 4610 South Lindbergh Boulevard.

Ms. Sprick stated the church does not plan any new development or construction. They would like to split the lots, to sell the home on the north end of the property. City staff recommends approval with conditions.

Steve Horn, realtor, was present and stated the home used to be used as the parsonage home, but it is not used for that anymore. They would like to sell it because they no longer want to maintain it.

Mr. Gau asked if there would be an issue to add an additional driveway onto Lindbergh Boulevard.

Ms. Sprick stated MoDot does not typically like to add entrances, like this. The cross-access agreement would be recorded on the deed.

Mr. Gau made a motion that P-31-22 Petition for a Minor Subdivision, submitted by Gateway Christian Ministries, at 4610 South Lindbergh Boulevard be recommended to the Board of Aldermen for approval with the conditions that there will be an inclusion of separate legal descriptions for the lots recorded on the plat, the petitioner obtains separate addresses for the proposed lots, and a cross access easement for proposed lot one to utilize the existing driveway for proposed lot 2 be obtained. Mr. Hopfinger seconded the motion, and it was unanimously approved.

P-32-22 Petition for an Amended Conditional Use Permit, submitted by Gateway Christian Ministries, for changes to the site at 4610 South Lindbergh Boulevard.

This Petition is not necessary and has been removed from the agenda.

P-01-23 Petition for a Conditional Use Permit, submitted by BMGR SSHD LLC, for the construction of a hotel at 3660 South Lindbergh Boulevard.

This Petition has been postponed.

P-02-23 Petition for a Development Plan, submitted by BMGR SSHD LLC, for a commercial development at 3660 South Lindbergh Boulevard.

This Petition has been postponed.

P-03-23 Petition for a Text Amendment, submitted by the City of Sunset Hills, to amend Section 3, (District Regulations) and Appendix A, (Planned Developments) of the Unified Development Ordinance.

Ms. Sprick stated the Text Amendment is to clarify the intent of Section 3.4.6, prohibiting future development of Planned Development Districts in residentially zoned areas.

Mr. Gau asked if this would prohibit Planned Development Districts in residential areas, such as Grandview, the Courtyards, and Tapawingo.

Ms. Sprick replied yes.

Mr. Gau made a motion that petition P-03-23 Petition for a Text Amendment, submitted by the City of Sunset Hills, to amend Section 3, (District Regulations) and Appendix A, (Planned Developments) of the Unified Development Ordinance be

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

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

With five aye votes, and four nay votes, the motion was approved.

P-04-23 Petition for a Text Amendment, submitted by the City of Sunset Hills, to amend Section 10, (Appeals and Variances) of the Unified Development Ordinance.

Ms. Sprick stated this Text Amendment allows the Board of Adjustment to consider each application on its own merits, rather than solely on the four hardship criteria.

Mr. Gau stated they do not currently enforce the hardship requirements.

Ms. Seele stated this change is standard. It is not always applicable for the set practical difficulties to be applied. This gives the Board discretion to determine if the petitioner's case has been made. It gives criteria and protects the City if there is one criterion that is not made, but the Board sees it fit to be approved.

Mr. Baker stated it helps protect the City, in the long run.

Ms. Geen stated when she was on the Board of Adjustment, in Crestwood, she found it challenging to look at the criteria and act in the City's best interest, at the same time.

Mr. Baker stated most cities are heading in this direction.

Mr. Gau made a motion that petition P-04-23 Petition for a Text Amendment, submitted by the City of Sunset Hills, to amend Section 10, (Appeals and Variances) of the Unified Development Ordinance be recommended to the Board of Aldermen for approval. Mr. Hopfinger seconded the motion, and it was unanimously approved.

P-05-23 Petition for a Text Amendment, submitted by the City of Sunset Hills, to amend Section 3, (District Regulations) and Section 5.11 (Medical Marijuana) of the Unified Development Ordinance.

Ms. Sprick stated this would include Text Amendments to several sections of the Unified Development Ordinance (UDO). On February 6, 2023, comprehensive marijuana sales will be legal in the state of Missouri. The City's Code must be revised to align with the state. The change would make it a conditional use in commercial zoning districts. The parking being proposed as a requirement for a comprehensive dispensary is greater than other uses.

Mr. Pellegrini asked if this is a Missouri statute.

Ms. Seele stated it is a Missouri Constitution Amendment. The City has to allow them, unless there is a vote, and the vote cannot be done until November 2024. Recreational dispensaries are still illegal under federal law. Stricter parking and access is being proposed because how the new use will actually be is uncertain. At first, people were having to be shuttled into the dispensaries in Illinois. These items are meant for discussion.

Mr. Hopfinger asked if they are required to allow it to be a Conditional Use in commercial or if it can be placed in light industrial.

Ms. Seele stated it can be put in light industrial if there is good reason. It is a new use that is similar to a liquor store and there are no set guidelines. The City can only set a reasonable time place restriction and cannot create an undue hardship condition or requirement that would not allow them to stay open.

Mr. Gau asked what exactly is before them and if they can make the recommendation to have it only in light industrial.

Ms. Sprick stated any new business causes initial excitement. It should be looked at in a reasonable manner.

Mr. Gau asked about the specifics of what would be changed.

Ms. Sprick stated there is a red line and clean version in the agenda packet. She asked Ms. Seele if it is an undue burden on an existing medical marijuana facility to not allow them to convert to comprehensive sales.

Ms. Seele stated time place manner restrictions are all that can be placed. The state must issue a conversion license by February 6, 2023, but this does not override the City's restrictions.

Mr. Gau asked where medical marijuana is currently allowed in the City.

Ms. Sprick stated it is a Conditional Use in commercial.

Mr. Hopfinger stated they had discussed only allowing it in light industrial. He understands the case for pharmaceutical sales in commercial, but this is more similar to a liquor store. He would like a recommendation to the Board to pull the Conditional Use Permit in commercial and make it only light industrial. This would solve the parking issues.

Ms. Seele stated it is easier to lessen requirements than to add more.

Mr. Gau made a motion that petition P-05-23 Petition for a Text Amendment, submitted by the City of Sunset Hills, to amend Section 3, (District Regulations) and Section 5.11 (Medical Marijuana) of the Unified Development Ordinance be recommended to the Board of Aldermen for approval with the condition that recreational marijuana sales be limited to a conditional use in light industrial zoning districts. Mr. Kaiser seconded the motion, and it was unanimously approved.

ANY OTHER MATTERS DEEMED APPROPRIATE

ADJOURNMENT

Mr. Gau made a motion to adjourn the meeting at 7:22 P.M. Mr. Kaiser seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape