

MINUTES OF THE WORKSHOP  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, JANUARY 6, 2021

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met by Zoom meeting on Wednesday, January 6, 2021. 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:**

Terry Beiter	-Chairman
Frank Pellegrini	-Member
Michael Hopfinger	-Member
Roger Kaiser	-Member
Mike Svoboda	-Member
Rich Gau	-Member
Brian VanCardo	-Member
Steve Young	-Member
Bryson Baker	-City Engineer
Robert E. Jones	-City Attorney
Lynn Sprick	-City Planner

**Absent:** Todd Powers -Member

**APPROVAL OF THE MINUTES**

Copies of the minutes of the December 17, 2020 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-01-21      Petition for a Lot Split at 9475 Golfhurst Lane.

Ms. Sprick stated that Golfhurst Lane is a private drive that dead ends at the property. The owners wish to split the properties and build another home. It is surrounded on three sides by Sunset Country Club. Staff recommends approval with two conditions.

Mark Doering, with Doering Engineering, was present.

Mr. Beiter asked if the home is for a relative or to sell.

Mr. Doering stated they are building the home for their son.

Mr. Svoboda asked if they have talked to the fire department.

Mr. Beiter stated it is a condition that the fire department approves it.

Mr. Pellegrini made a motion that P-01-21 Petition for a Lot Split at 9475 Golfhurst Lane be recommended to the Board of Alderman for approval with the conditions that a new address be issued by St. Louis County and recorded on the plat, and Mehlville Fire District must approve the lot split. Mr. Young seconded the motion, and it was unanimously approved.

P-20-17              Discussion of the draft Unified Development Ordinance by the Commission to replace the following sections of the current Code of Ordinances:

Appendix A, Subdivision Code;  
Appendix B, Zoning Regulations; and  
Appendix D, Sign Regulations

Mr. Beiter stated that Gary Vincent and Cathy Friedmann's comments are extensive. Mr. Svoboda's comments will be heard, as well. Ms. Sprick will read the comments and the commission will discuss. Mr. Behrens, who spoke about the sign ordinance at a prior meeting, has submitted written comments and those will be discussed as well.

Ms. Sprick stated that at the December 17, 2020 meeting they consolidated staff titles in the document, and a table of contents needs to be added. There was confusion about the Board and the Board of Aldermen titles in Section 3.3 where it states that Staff can grant variances up to 20% was eliminated. In Section 3.4 under the the use

table, the PD designation for single family residential attached and multifamily in the R-1 District was removed. In Section 3.4, #5, where it states that uses are not listed, Staff can determine a similar use. It was decided that if the applicant disagrees, they can present the use to the Planning and Zoning Commission. In 4.4.4 of Mr. Vincent and Ms. Friedmann's comments, subsection B says chain link fences are not allowed. They would like this eliminated.

Mr. Baker stated the Planning and Zoning members discussed and agreed to keep this in the Code. Existing fences are allowed, but no new chain link fences will be permitted.

Mr. Svoboda stated he disagrees.

Mr. Beiter stated he was opposed to chain link and now he has mixed emotions about them. He can understand why some people would want them. He would agree to them if they were vinyl coated.

Mr. Hopfinger asked what the benefits of chain link are.

Mr. Svoboda stated safety, due to being able to see through them and cost is an issue.

Mr. Hopfinger stated there is no cost difference and white picket fences are see-through.

Mr. Baker stated the black rod iron is popular, as well.

Mr. Beiter asked who all is in favor of allowing chain link with green, black or brown vinyl coating.

Mr. Gau asked how often chain link fences are applied for.

Mr. Baker stated not often.

Mr. Beiter stated Sunset Hills is a step above most communities. There are no chain link fences in the nicer cities.

Mr. Gau made a motion to leave it as is. Mr. Vancardo seconded and it was unanimously approved.

Ms. Sprick stated in Section 4.10-2 home occupations require a permit and business license. The definition of home occupation is broad and it needs to be revised to omit the permit and business license.

Mr. Baker stated the City does not require this for people working from home.

Ms. Sprick stated it is only required if this is where the business is registered.

All members agreed that this should be clarified in the definition.

Ms. Sprick stated in Section 4.10-4 #11 lodging, including bed and breakfast, is prohibited.

Mr. Gau stated he does not feel like the section covers everything.

Mr. Pellegrini asked if people who rent their house out for a month or a few months would be considered in this category.

Mr. Baker stated it would be difficult to keep track of how long people are renting for. The definition should be in the municipal part of the code. The Board should make that decision. Mr. Baker asked Mr. Jones to draft this for the Board.

Mr. Jones stated he has drafted these for other cities with restrictions.

Mr. Hopfinger asked if "short term rentals" terminology is the legal name.

Mr. Jones replied yes.

Ms. Sprick stated on page 50, medical marijuana, dispensing facilities are to be 500 feet from any school, childcare, or church. Manufacturing would have to be 1,000 feet. It is asked by Mr. Vincent and Ms. Friedman that all should be 1,000 feet.

Mr. Baker stated it is written the same as Ordinance 2156.

Mr. Svoboda stated the Board discussed and agreed on this previously.

Mr. Hopfinger stated the City should ensure any marijuana businesses are only zoned Light Industrial. We should prepare for recreational use.

Mr. Beiter agreed.

Mr. Baker stated the Board will be voting on the new dispensary on Watson Road next week. The Commission can make a recommendation.

Mr. Pellegrini asked if there was discussion of only allowing these in certain areas of the City.

Mr. Baker stated there was never any legislation passed.

Mr. Pellegrini stated he would like it zoned in the Light Industrial district.

Mr. Baker suggested changing it in the use table. The use table on page 12 states it is only permitted in Light Industrial for most, but the dispensary is a conditional use in limited and general commercial.

Mr. Pellegrini asked if they would have to come back to change to recreational.

Mr. Baker stated yes, they would have to come back for the Conditional Use Permit and a Text Amendment would have to be made. They could add recreational to the use table as light industrial only.

Mr. Hopfinger made a motion that marijuana dispensary facilities should be limited to only the light industrial zone and to remove Conditional Permits for light and general commercial. Mr. Pellegrini seconded the motion, and it was approved.

Mr. Jones stated recreational should not be added because it is illegal. The City cannot prohibit the use completely.

Ms. Sprick stated Mr. Vincent and Ms. Friedmann would like section 6.1.3, to prohibit obscene signs.

Mr. Jones stated obscenities and hate speech can be prohibited, but defining it can be difficult.

Ms. Sprick stated in Section 6.2.2 monument signs. The height should always be eight feet according to Mr. Vincent and Ms. Friedmann.

Mr. Baker stated additional sign area allows for enough space for all tenants. A maximum of eight feet tall is reasonable.

Mr. Beiter stated the consultants know a great deal about monument signs. They are difficult and take a lot of time. He would like to leave it as is.

Mr. Gau agrees with making them all uniform size.

Mr. Beiter stated a smaller development would not need a sign that big.

Mr. Vancardo agreed with Mr. Beiter.

Mr. Baker stated this gives more lenience for larger developments. A maximum height of 20 feet, should be taken out.

Ms. Sprick asked what height they would like to propose.

Mr. Baker stated a large development would come to the City with a sign plan. Eight feet is a basic size without a particular plan.

Mr. Gau made a motion to remove the last sentence of section 6.2.2. Mr. Young seconded and it was unanimously approved.

Ms. Sprick stated #3 allows multiple monument signs for more than 350 feet of frontage. Ms. Friedmann and Mr. Vincent stated this should only be allowed on busy roads.

Mr. Baker stated this allows them to have two for equality among developments. There would probably be two entrances at that time.

Mr. Beiter stated this seems reasonable.

Ms. Sprick stated Section 6.2.6-3, allows one banner sign per unit. Multitenant buildings would be allowed to have a ground mounted banner sign as well. No limit per building is included.

Mr. Baker stated this is reasonable. A limit of one can be displayed at a time is reasonable. There is a time limit on them, so the tenant's signs could be rotated.

Mr. Beiter would like to keep them as limited as possible.

Mr. Jones stated this is much more restrictive than the existing code.

Ms. Sprick stated 6.5 allows deviation from 6.1-6.4. Section 5 of the current code is more restrictive. Smaller developments can petition to receive the same signage as large developments. Mr. Vincent and Ms. Friedmann believe approval from the Board should be added.

Mr. Baker stated it is reasonable to add the Board's approval to this.

Mr. Beiter asked how the Board would feel having to approve this.

Mr. Baker stated this situation is going to be a larger development the Board is involved in anyway.

Mr. Beiter made a motion that the Board has a final review of this. Mr. Svoboda seconded, and it was unanimously approved.

Ms. Sprick stated on page 68, creating uniformity is important. Mr. Vincent and Ms. Friedmann stated Non-conforming signs should not have to be replaced prematurely. The replacement requirement should be staggered, not all at the same time.

Mr. Baker stated January 1, 2028 is a placeholder for existing pole signs to be removed. This gives the business a certain amount of time to remove the sign. A date needs to be picked.

Mr. Jones stated amortizing out things like that is legal, as long it is not immediate.

Mr. Baker stated he thinks 10 years is enough time.

Mr. Vancardo asked how many businesses would be affected by this.

Mr. Baker stated 15-20 businesses.

Mr. Jones stated there is a case for 4466 South Lindbergh Boulevard, which is challenging the way the ordinance has been determined. There will be a decision made whether or not the City can outright ban them.

Ms. Sprick stated on page 71, there is no mention of sidewalks, in contrast to the requirement for sidewalks.

Mr. Baker stated this comes straight from the existing Code for street standards.

Ms. Sprick stated in Section 7.1.3-1, it is the block should be no longer than 800 feet between streets. Only five R-1 lots would be allowed. Only 10 lots would be permitted in R-2. The current is 1,500 feet. Mr. Vincent and Ms. Friedmann believe this is too restrictive in R-1 through R-4 districts.

Mr. Baker stated this is mainly to make the future neighborhoods more pedestrian friendly and makes more frequent stops to calm traffic.

Mr. Hopfinger stated this does make things more safe.

Mr. Pellegrini agreed, but stated this is too restrictive and suggested something in between the two. He made a motion to change it to 1,000 feet. Mr. Gau seconded the motion, and it was unanimously approved.

Ms. Sprick stated 7.1.3 #2E, Ms. Friedmann and Mr. Vincent believe it should be revised to no fill materials should be placed in the flood plain. Currently, it says it is allowed if the same amount is removed from the site.

Mr. Beiter asked if the Corps of Engineers would allow this.

Mr. Baker stated this matches the Flood Plain Ordinance and he does not recommend this being changed.

Mr. Jones stated this is consistent with the Flood Plain Ordinance.

Ms. Sprick stated Mr. Vincent and Ms. Friedmann stated in Section 7.2.1 there is a reference to the commission. Planning and Zoning Commission should be clarified. These should be consistent throughout the document.

Mr. Baker stated the consistencies will be addressed.

Ms. Sprick stated 7.2.1-2 the report of Planning and Zoning should be reduced to writing and uploaded to the City's website.

Mr. Baker stated the way it is done is common. This would change the entire public hearing process.

Mr. Pellegrini asked if this is fair to the public.

Mr. Baker stated the City does more than what is required.

Mr. Pellegrini stated the residents need adequate notice.

Ms. Sprick stated there is a sign posted on the site 15 days before Planning and Zoning meetings are held. Postcards are also mailed to all residents within 300 feet of the location being discussed.

Mr. Pellegrini stated 15 days is not enough.

Mr. Vancardo asked how many days are sufficient.

Mr. Gau stated this comment is not about the notice. It is about publishing the information to the website. This is not enough time.

Ms. Sprick stated there are numerous times that an application is received and removed before the meeting. Changes are constantly happening.

Mr. Pellegrini suggested these notifications come out 30 days before the meeting instead of 15 days.

Ms. Sprick stated the deadline is only 3 weeks before the meeting. Notifying the residents earlier, would lengthen the entire process.

Mr. Baker stated the final package is not ready until the Friday before the meeting.

Mr. Pellegrini stated a disclaimer could be made on the website to let the public know that there is something being applied for.

Mr. Gau asked if this is standard practice

Mr. Jones stated it is standard practice and gives staff adequate time to review and put everything together.

Mr. Gau asked when the information is usually posted online in other cities.

Mr. Jones stated this is standard practice to put it online the Friday before. The residents can contact the city for more information once the card is received.

Mr. Pellegrini made a motion that Staff posts the applications to the website earlier than the Friday before the meeting. Having no second, the motion died.

Ms. Sprick stated in Section 7.2.3 sidewalks are required, but this section does not require them. Mr. Vincent and Ms. Friedmann would like to know if small subdivisions allow them to omit sidewalks.

Mr. Baker stated sidewalks are required. He asked Mr. Jones if this section is contradicting that.

Mr. Jones stated this is addressing an indenture for the subdivision. If it is small enough that it does not contain streets and sidewalks, it has to be recorded. This does not say that it does not require sidewalks. He will look over this to make sure this is not contradictory.

Ms. Sprick stated section 7.2.4-3, references to a two year period. One year should be sufficient with Planning and Zoning having the right to extend.

Mr. Baker stated this is consistent with the existing Code. During that time the building permit will be issued and construction will commence. Staff recommends leaving as is.

Ms. Sprick stated Mr. Vincent and Ms. Friedmann stated in section 7.2.5 when a developer is making subdivision wide improvements, this should require a bond. Just because work commences does not mean it will be completed.

Mr. Baker stated this is a good point and it needs to be addressed.

Mr. Jones stated he will look into this further.

Ms. Sprick stated in section 7.2.6-1 there is no requirement that the plat must show sidewalks.

Mr. Jones stated this is not required. He never sees them on record plats.

Ms. Sprick stated in Section 7.3.1, the First sentence the Commission should review the proposed lot split to ensure it meets the ordinance.

Mr. Baker agrees.

Ms. Sprick stated in section 7.4-1D, the City needs to add that there are no variances required.

Mr. Baker stated that would be fine

Ms. Sprick stated in section in Section 7.10 validity was lifted from Section 14. Adding it to this section is unnecessary.

Mr. Baker stated the section can be deleted.

Mr. Jones stated this is repetitious.

## **ADJOURNMENT**

Mr. Kaiser made a motion to adjourn the meeting at 8:11 P.M. Mr. Pellegrini seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape