

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI
THURSDAY, JANUARY 26, 2023

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, January 26, 2023. The meeting convened at 7:00 P.M.

Mr. Weber made a tribute to Jerry Cox, former Chairman of the Board of Adjustment.

ROLL CALL

Present:	William Weber	-Member
	Mark Naes	-Member
	John Hassis	-Member
	Larry Smith	-Member
	Joshua Arnold	-Member
	Lynn Sprick	-City Planner
	Joe Bond	-Attorney
Absent:	Bryson Baker	-City Engineer

APPROVAL OF MINUTES

Copies of the minutes of the December 1, 2022, Board of Adjustment meeting were distributed to the members for their review. Mr. Smith stated Amanda O'Hara stated Bass Pro Shops acquired additional square footage, but the number was listed incorrectly. The total after the acquisition is 95,000 square feet. Mr. Naes made a motion to approve the minutes, as amended. Mr. Haasis seconded the motion, and they were unanimously approved.

NEW BUSINESS

A-01-23 Petition for a Variance, submitted by Philip & Debra Diekmann, to vary the side setback from the required ten feet (10') to three feet seven inches (3'7") for an existing shed at 9801 Crestwick Drive (UDO Section 3.3).

Mr. Bond stated exhibit one is the Unified Development Ordinance (UDO) of the City of Sunset Hills. Exhibit two is the application for A-01-23. Exhibit three is the staff report for A-01-23. Exhibit four is the petitioner information for A-01-23. Exhibit five is the public hearing information for A-01-23.

Ms. Sprick was sworn in and stated in January 2017 a permit was issued for the construction of a shed. The size and location differ from what was approved without notification to the city or St. Louis County. The petitioner recently purchased the property and the shed needs to be properly permitted. The city caught the mistake and the buyers agreed to take over the responsibility of the shed permitting.

Debra Diekmann, homeowner, was present, sworn in, and stated she would like to make sure everything is done properly.

Mr. Weber asked if the city missed the approval after construction.

Ms. Sprick stated it met the requirements when approved. It was taken to St. Louis County and then something different was built, but it was caught when they were closing on the property. Usually, St. Louis County does a final inspection and then the city does one last inspection.

Mr. Haasis stated the seller is required to reveal if any work was done without a permit.

Ms. Diekmann stated it was noticed when the survey was done.

Mr. Weber called for a vote on petition A-01-23 Petition for a Variance, submitted by Philip & Debra Diekmann, to vary the side setback from the required ten feet (10') to

three feet seven inches (3'7") for an existing shed at 9801 Crestwick Drive (UDO Section 3.3). With 5 aye votes and 0 nay votes, the petition was approved.

A-02-23 Petition for a Variance, submitted by Mark Doering of Doering Engineering, to vary the front setback from the required ten feet (10') to five feet (5') for the construction of a parking lot at 12852 Maurer Industrial Drive (Appendix B Section 6.3-4A1).

This variance was determined to be unnecessary.

A-03-23 Petition for a Variance, submitted by Mark Doering of Doering Engineering, to vary the level of service on a street from level of service D to level of service E for a new commercial development at 12852 Maurer Industrial Drive (Appendix B Section 4.10-5A2).

Mr. Bond stated exhibit one is Appendix B of the City of Sunset Hills Code of Ordinances. Exhibit two is the application for A-03-23. Exhibit three is the staff report for A-03-23. Exhibit four is the petitioner information for A-03-23. Exhibit five is the public hearing information for A-03-23. Exhibit six is the Batsch boundary adjustment plat.

Ms. Sprick stated a portion of the property is being sold for a gas station and a convenience store. The Planning and Zoning Commission approved the boundary adjustment plat with a condition that the recommendations of the traffic study are implemented. A traffic study is required and provides a grade for the intersection of the development. The southbound intersection approach operates at a level of service D, except in the morning peak hours, which is an E. The UDO requires new commercial developments to operate at a level of service D. This development would degrade that level of service to an E. With the suggested, added right turn lane, it would operate and pass as a level D. They are asking for that level of service E to be adequate. Maurer Industrial Drive is a private road, and it is located on this property.

Mark Doering, President of Doering Engineering, was present, sworn in, and stated the Commission did not have the authority to wave the requirement for the right turn lane, as recommended in the traffic study. They agreed with it but could not approve it, without the condition for Board of Adjustment approval. The right turn lane would be located in a 100 year floodplain, which is environmentally sensitive. They are habitats for fish, they are used for water storage and conveyance, and are critical for protection of water quality. A blue line stream runs through this same area that the right turn lane would be located in. Blue line streams are important for aquifers and wildlife habitat. These streams ensure clean drinking water by filtering out harmful pollutants. They provide flood and erosion protection and assist in groundwater recharging. It is very hard to obtain permits to build in these areas. The traffic study recommended 3 stop signs be installed, which is no issue. The additional right turn lane is requested for stacking purposes, not for safety.

Mr. Weber asked if it would go into the curvature ramp.

Mr. Doering stated it would and they would have to get this approved by Missouri Department of Transportation (MoDOT). The only people being inconvenienced will be the gas station customers in the AM peak hours only. The proposed level of service would be an E at that time. The level of service is based on how long it will take them to exit. Instead of waiting 35-55 seconds in the AM peak hour, they may have to wait 55-80 seconds. The entire intersection scored a level D, but the southbound Maurer Industrial Drive approach is what scored the level E.

Mr. Haasis asked if there is a signal at Maurer Industrial Drive.

Mr. Doering stated there is one at the Route 30 intersection, but not the intersection of Maurer Industrial Drive, going toward the industrial businesses.

Mr. Smith asked if the project had been proposed to MoDOT.

Ms. Sprick stated MoDOT defers to the recommendation given by the traffic engineer. If the lane is constructed, they would have to receive MoDOT approval for the design of the right turn lane.

Mr. Weber asked if all that is required is a third lane from the business section to the curve.

Mr. Doering replied yes, it is an additional 240 feet of lane.

Mr. Smith asked if the third lane will only merge with Route 30 south and not go straight.

Mr. Doering replied yes.

Mr. Naes asked if they would be able to acquire the property to add the lane.

Mr. Doering stated that is one of the difficulties. MoDOT will require whatever the city requires. If the city does not require the right turn lane, they will not have to get the permit. MoDOT is not concerned with stacking.

Mr. Weber stated it is a long stop light. The extra lane will alleviate some of the backup.

Mr. Naes asked for an approximate cost of the lane addition.

Mr. Doering stated approximately six figures.

Mr. Smith asked if any area of the new lane would be in city or state right of way.

Mr. Doering showed the area that is private.

Mr. Naes asked about the blue line stream and the 100-year floodplain.

Mr. Doering stated there is 200 feet of blue line stream that would be covered, and the entire ditch would be filled in. It would be difficult to get approvals to cover the area up. The property owner has no rights to the property to the west, so they would have to request a grading easement.

Mr. Weber stated Maurer Industrial Drive is only half occupied, currently. When the vacancies are filled, the traffic will increase.

Mr. Doering stated the traffic study takes into account full occupancy of all buildings.

Mr. Naes asked if Sunset Plantland will remain open and operational.

Ms. Sprick stated no applications have been received. If anything else was to be built, a new traffic study would be required.

Mr. Naes stated it would be highly unlikely that moDOT would allow another curb cut onto Route 30.

Mr. Smith stated there has been no conversation about Rahning Road, across Route 30 from Maurer Industrial Drive.

Mr. Doering stated the intersection is currently at a level of service D. The level of service will remain at a D in the morning. There is only a three second additional delay.

Mr. Weber stated Rahning Road has a long entrance lane onto Route 30, whereas Maurer Industrial Drive does not.

Mr. Arnold asked if there is any concern from the business owner about the amount of time it will take customers to exit the site.

Mr. Doering stated he has assessed the issue and would like to move forward with the plan, as requested.

Mr. Weber stated the lights at the intersection take a long time. There will be a lot of stacking for people trying to turn right while they are waiting for people to turn left.

Ms. Sprick stated it is a difficult decision on how to honor the traffic study and require them to construct the right turn lane, but not disrupt the floodplain. The approvals to construct the lane would be difficult.

Mr. Weber asked if they would be able to shift the entire intersection.

Ms. Sprick stated Sunset Plantland has buildings close to the property line and it may make it difficult to have enough room on the site to construct the development.

Mr. Doering stated there are electrical poles in that area, so they cannot slide those east. Lining up the intersections is important, as well.

Mr. Haasis stated the entire intersection would have to be redesigned.

Mr. Naes asked if there is a sewer in the area.

Mr. Doering replied yes.

Mr. Naes asked if there is anything in the Code which advises them about environmental or traffic importance.

Ms. Sprick stated they could use the hardship requirements. They need to decide if they would like to protect the floodplain or go with the traffic study.

Mr. Doering stated if there were not so many approvals on the line, the lane would be added.

Mr. Bond asked if they had taken into consideration shifting the development to the right. He asked if this option was doable and how they arrived at their site plan configuration.

Mr. Doering stated the site was pushed as far away from Maurer Industrial Drive as possible. The transmission lines and easement were the major deciding factors. They are as close to the easement as possible, and they cannot go further east.

Mr. Bond asked if the parking lot widths are necessary for traffic maneuvering.

Mr. Doering stated yes, and for tanker trucks to maneuver through the site.

Mr. Bond asked about the floodplain.

Mr. Doering stated the 100-year floodplain barely touches the site. They will still have to do a report, but if they do not touch that area they will not have to do as much permitting. All reviewing agencies refer to those areas as special and they do not want those areas to be touched. Metropolitan Sewer District (MSD) will require a basic drawing of the floodplain on the site.

Mr. Naes stated the road is in poor repair and owned by Sunset Plantland.

Tom Batsch, property owner, was present, sworn in, and stated he is the sole person that maintains the road on his property. Rahning Road has ten times the amount of traffic that flows through due to the industrial park and access to Fenton. This is a private road used for stacking, instead of making an entrance onto Route 30. There was a traffic study done previously that did not request this lane addition.

Mr. Weber stated the situation is not good and they do not want to make it worse.

Mr. Smith stated his concern that MoDOT is leaving the decision up to Sunset Hills.

Ms. Sprick stated MoDOT likes to keep traffic moving. They are not interested in adding more stops, slowing things down, or changing light signals. They defer to traffic engineers that are hired for specific projects.

Mr. Haasis asked if the state would require this additional lane for a similar project in their jurisdiction or is the ordinance the only thing requiring the level of service D.

Mr. Doering stated he does not think it would be different, but if they do not touch the right of way, they do not have to get a permit from them.

Mr. Haasis asked if a traffic study would be required by them.

Mr. Doering stated no because they would not have to touch the intersection or get them involved.

Mr. Weber stated the city has a requirement of maintaining its integrity.

Ms. Sprick stated the Code is not specific to what road it is, it is the development causing the traffic.

Mr. Doering stated unincorporated St. Louis County could require a traffic study, but they do not have the level of service requirement.

Mr. Naes stated there is no safety issue. It is purely convenience for the gas station customers and the businesses on Maurer Industrial Drive. It is a private issue.

Mr. Weber called for a vote on petition A-03-23 Petition for a Variance, submitted by Mark Doering of Doering Engineering, to vary the level of service on a street from level of service D to level of service E for a new commercial development at 12852 Maurer Industrial Drive (Appendix B Section 4.10-5A2). With 3 aye votes and 2 nay votes, the petition was denied.

A-04-23 Petition for a Variance, submitted by Megan Hall of Astrawatt Solar for the placement of an accessory structure (solar panels) in front of the primary structure at 12503 West Watson Road (UDO Section 4.6.2-1b).

Mr. Bond stated exhibit one is the UDO. Exhibit two is the application for A-04-23. Exhibit three is the staff report for A-04-23. Exhibit four is the petitioner information for A-04-23. Exhibit five is the public hearing information for A-05-23.

Ms. Sprick stated there is a substantial city storm sewer basin surrounded by a fence on the property. The solar array would be located outside of the fenced area. All other requirements would be met.

Bryan Binkholder, of Astrawatt Solar, and Eric Munson, homeowner, were present and sworn in. Mr. Binkholder stated the area was used as a storm drainage area for developments near the property. The solar array would be located near the drainage area.

Mr. Munson stated the site is 3 ¼ acres. The house cannot be seen from the road and the retention pond cannot be seen due to the trees. It cannot be seen from the driveway either.

Mr. Weber stated the site is a flag lot, with a long driveway.

Mr. Naes asked if he considered putting the panels on the house.

Mr. Binkholder stated it is not feasible due to shading, ridgelines, and sun location. This is the optimal location.

Mr. Naes asked if there were any issues from the neighbors.

Mr. Munson replied no.

Mr. Naes asked if there are any batteries or storage.

Mr. Binkholder stated no; just trenching to tie into the home.

Mr. Weber called for a vote on A-04-23 Petition for a Variance, submitted by Megan Hall of Astrawatt Solar for the placement of an accessory structure (solar panels) in front of the primary structure at 12503 West Watson Road (UDO Section 4.6.2-1b). With 5 aye votes and 0 nay votes, the petition was approved.

ANY OTHER MATTERS DEEMED APPROPRIATE

Mr. Weber asked if there are has been any changes for the text amendment that is going to the Board of Aldermen regarding the Board of Adjustment.

Ms. Sprick stated there are no changes. The vote will be March 14, 2023.

ADJOURNMENT

Mr. Naes made a motion to adjourn the meeting at 8:30 P.M. Mr. Smith seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape