

MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, MARCH 8, 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, March 8, 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
	Todd Powers	-Member
	Frank Pellegrini	-Member
	Jennifer Geen	-Member
	Erin Seele	-City Attorney
	Bryson Baker	-City Engineer
	Lynn Sprick	-City Planner
<b>Absent:</b>	Michael Hopfinger	-Member
	Brian VanCardo	-Member

**APPROVAL OF THE MINUTES**

Copies of the minutes of the February 1, 2023 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Gau stated the language “pursuant to 610.21” should be added to the motion to go into closed session. Mr. Gau made a motion to approve the minutes as amended. Mr. Pellegrini seconded the motion, and it was unanimously approved.

## **OLD BUSINESS**

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 removed from the agenda.**

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 removed from the agenda.**

## **NEW BUSINESS**

P-10-23 Petition for a Text Amendment, submitted by the City of Sunset Hills, to amend Section 8.1 of the Unified Development Ordinance (UDO).

Ms. Sprick stated the proposed language addition would provide the city with protection when denying or placing conditions on the approval of Conditional Use Permits.

Ms. Seele stated it is meant to clarify the discretion Boards have. There was a recent Supreme Court case where this language was upheld, and it was found that the Boards did have the discretion to deny or place conditions on Conditional Use Permits. The city would like to mirror this for flexibility.

Mr. Gau made a motion that P-10-23 Petition for a Text Amendment, submitted by the City of Sunset Hills, to amend Section 8.1 of the Unified Development Ordinance be recommended to the Board of Aldermen for approval. Mr. Young seconded the motion, and it was unanimously approved.

P-11-23 Petition for a Text Amendment, submitted by the Sunset Hills Historical Society, to add Section 22 Preservation of Historic Route 66 Neon Signs to Appendix D Sign Regulations.

Ms. Sprick stated the request is to add a section to Appendix D, which would allow the placement of Historic Route 66 signs on original Route 66 commercial developments. The city would like to add additional language to the proposal.

Mr. Gau asked if this would be for any Route 66 sign.

Mr. Pellegrini stated it must meet certain standards.

Ms. Sprick stated the authenticity must be confirmed, only one would be allowed per property, they can be up to 200 square feet, but they cannot be over 35 feet tall, they cannot be placed within 50 feet of the intersection of two streets, no part can be placed within the 5 foot right of way and the property line, and it must be approved by the Board of Aldermen to be sure it aligns with the spirit of the ordinance.

Phil Denton, counsel for the Sunset Hills Historical Society, was present and stated these are rare signs. This one in particular is the original Park Plaza Hotel neon sign. It was located parallel to Lindbergh Boulevard, in the northwest quadrant of the property. This is a rare opportunity to bring history back to Sunset Hills. It will bring a lot of business and notoriety to Sunset Hills for people to come see the sign.

Bob Gale, with the Neon Committee of the Route 66 Association, stated the sign is a prime piece of history that got saved. It took 5-6 years of negotiations to purchase it and it would be great to have it located where it was originally placed. Route 66 was famous for neon signs. The property will become more popular as people travel Route 66, and it will bring business to the area.

Mr. Denton stated many cities pass ordinances to preserve historic structures, cities, and signs.

Mr. Gau stated a lot of time was spent on the UDO and the banning of pole signs.

Mr. Baker stated the sign ordinance is still a work in progress. It has not been approved, yet.

Mr. Svoboda asked if it would have the same base.

Mr. Denton stated he would like it too.

Mr. Gau made a motion that P-11-23 Petition for a Text Amendment, submitted by the Sunset Hills Historical Society, to add Section 22 Preservation of Historic Route 66 Neon Signs to Appendix D Sign Regulations be recommended to the Board of Aldermen for approval with the following additional language: The sign's authenticity must be confirmed by the Neon Sign Committee of the Route 66 Association of Missouri or equivalent organization (if the neon sign committee ceases to exist at some point). Only one (1) Historic Route 66 neon sign is allowed per property. Historic Route 66 neon signs may not exceed two hundred (200) square feet (excluding base and supports) or be over thirty-five (35) feet in total height (including all base, support and ornamental material). No Historic Route 66 neon sign when erected on a lot fronting on intersecting streets shall be erected within fifty (50) feet of the intersection of the streets. Signs shall not impede site visibility for adjacent roadways. Historic Route 66 neon signs must be located so that no part of the sign projects beyond a five-foot setback line from the street or highway right-of-way. Historic Route 66 neon signs shall be submitted

to the Board of Aldermen for review to determine whether in its discretion, the proposed Historic Route 66 sign aligns with the spirit of this Ordinance and will not be detrimental to property values or the safety and welfare of the residents, businesses or area. The petitioner shall submit the following information: proof of authenticity, a letter of approval from the property owner, copy of the sign drawings, including a site plan indicating the exact location of the sign and its relationship to existing signage, buildings, roadways and property lines. Approval shall be in the form of an Ordinance, allowing the placement of such sign. After approval by the City, a building permit must be obtained from St Louis County. Mr. Svoboda seconded the motion. With 6 aye votes and one nay vote, the motion was approved.

P-12-13      Petition for a Text Amendment, submitted by Thomas Batsch, to add an exception to Section 4.1.3-1 of the Unified Development Ordinance, allowing existing parking lots in PD-LI and LI Zoning Districts to be gravel.

Ms. Sprick stated with this Text Amendment no new or expansion of gravel parking lots would be allowed. This is for existing gravel parking lots only.

Mr. Gau asked how the situation arose.

Ms. Sprick stated an occupancy inspection was done on the property and the inspector stated gravel parking lots are not allowed. Staff discussed that there are gravel lots in industrial districts. Most are in floodplains, and a permeable surface is better in those areas.

Mr. Baker stated the lot is legally non-conforming and the City has no issue with allowing this.

Mr. Pellegrini asked why they would not be automatically grandfathered in after the new Code was adopted.

Mr. Baker stated gravel lots were not allowed in the old Code, either.

Ms. Sprick stated the City would still like them to be properly maintained.

Tom Batsch, property owner of 12852 Maurer Industrial Drive, was present and stated he bought the property 25 years ago and has spent approximately \$100,000 to maintain the gravel. The gentlemen he is leasing the property to, will be operating the same type of business. Equipment works better on gravel, and it is safer for the employees.

Mr. Gau made a motion that petition P-12-13 Petition for a Text Amendment, submitted by Thomas Batsch, to add an exception to Section 4.1.3-1 of the Unified Development Ordinance, allowing existing parking lots in PD-LI and LI Zoning Districts

to be gravel be recommended to the Board of Aldermen for approval. Mr. Kaiser seconded the motion and it was unanimously approved.

#### Partial escrow release for Maret Pointe Subdivision

Ms. Sprick stated the developer requested the release of escrow funds for water-related improvements in the subdivision. Missouri American Water Company submitted a letter approving the water infrastructure's completion. The City will keep the remainder of the escrow for sewer and streets, until they are complete.

Scott Paul, of Vanderbilt Homes, was present and stated the water infrastructure has been approved and accepted by Missouri American Water. He is working with Metropolitan Sewer District (MSD) to finalize the sewer portion and then the streets will be finalized.

Mr. Gau stated when the project was approved, it was promised that a two-inch overlay would be placed on Maret Drive when the project was completed.

Mr. Paul stated that is part of the escrow that is being held.

Mr. Baker stated the street escrow is only for the end of the street and the cul de sac. There is no escrow for the overlay of the entire street. He asked what date this will be completed.

Mr. Paul stated the last home had just been sold. Hopefully within the next two months there will be bids received for it.

Jim Keller, of 12502 Maret Drive, stated he is opposed to any escrow release. The residents are living with a mess and potholes everywhere. The entire development was conditioned to the overlay. The residents must pay for their own street repairs. He does not think enough escrow was taken for the street to begin with. And it will not cover the overlay.

Doug McGuire, of 12501 Maret Drive and trustee of the Homeowner's Association, stated the residents were promised the overlay and they have been waiting eight years for it. They do the street repairs themselves. Vanderbilt no longer has a vested interest, as they have sold all their properties.

Andrew Davis, of 12537 Maret Drive, stated his is one of the two new homes that were built. The overlay was one of the selling points on his home. A two-inch lip was left at the end of his driveway for the overlay. There are potholes starting to form in the new section of the street, as well, that the residents have filled themselves.

George Lodes, of 12519 Maret Drive, stated filling potholes twice a year is difficult, and he is opposed to the escrow release.

Mike Courtois, of 3726 Sunset Chase and Trustee of the Homeowner's Association, stated when construction of the homes began, the street started to disintegrate faster, and this made it impossible to keep up with repairs. They have received two bids for between \$20,000-\$30,000 for an overlay on the upper section if they decide to do it themselves. When the final lot was sold, they held off on paying for it themselves. He asked that no more escrows be released. The construction of the new lot will cause more heavy equipment to go down the street and damage it further.

Joan Deelo, of 3702 Sunset Chase and Trustee of the Homeowner's Association, stated Sunset Chase residents are responsible to maintain Maret Drive from Sunset Chase to Lindbergh Boulevard. She would like a definite timeline for the overlay.

Mike Deelo, of 3702 Sunset Chase, stated he spoke about the overlay in 2015, during the approval process and he opposes the release of any escrow.

Jim Hessburg, of 12512 Maret Drive, stated that he agrees with the others that have spoken. Eight years is too long. They cannot get the street plowed anymore because of the potholes.

Jim Manning, of 12507 Maret Drive, requested the escrow not be released.

David Streibig, of 3721 Sunset Chase, stated there are a lot of young kids in the neighborhood and it is not safe for them to ride bikes on the street. They are unsafe to walk on due to the potholes, as well. The empty lot has no curb appeal and has not been maintained properly.

Richard Yehling, of 12523 Maret Drive, stated he ends up with the gravel from the potholes on his property. The homes cannot sell anywhere near what they are worth due to the street. They have to pay annually to have the street shoveled in the snow because they cannot have it plowed anymore.

Dale Gould, of 3708 Sunset Chase Drive, agrees with everything that was said.

Rob Leitner, of 12525 Maret Drive, stated negotiation were done on the front end to protect the residents. He would like them to uphold what was initially promised.

Mr. Pellegrini stated performance and completion bond requirements would be something that would cover things like this. The Enforcement Provisions of the UDO may apply.

Mr. Gau asked if that is something the Commission can make a recommendation about.

Ms. Seele stated the escrow is the enforcement mechanism, but it can be looked at.

Mr. Pellegrini stated there was not enough escrow held to take care of the problem. The developers need to be held responsible to complete the project in a timely manner.

Mr. Gau made a motion that the partial escrow release for the Maret Pointe Subdivision be approved. Mr. Svoboda seconded the motion. With 0 aye votes and 7 nay votes, the motion was denied.

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

Ms. Sprick stated she wanted to clarify that the additional language was added to the neon sign recommendation motion.

Mr. Gau agreed.

### **ADJOURNMENT**

Mr. Gau made a motion to adjourn the meeting at 6:57 P.M. Mr. Pellegrini seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape