

BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET HILLS, MISSOURI
THURSDAY, APRIL 27, 2023

BE IT REMEMBERED that the Board of Adjustment of the City of Sunset Hills, Missouri met in regular session on Thursday, April 27, 2023. The meeting convened at 7:00 P.M.

ROLL CALL

Present:	William Weber	-Member
	Mark Naes	-Member
	John Hassis	-Member
	Larry Smith	-Member
	Joshua Arnold	-Member
	Lyndee Rodamaker	-Attorney
	Bryson Baker	-City Engineer

Absent:

APPROVAL OF MINUTES

Copies of the minutes of the March 23, 2023, Board of Adjustment meeting were distributed to the members for their review. Mr. Smith motioned to approve the minutes as submitted. Mr. Hassis seconded the motion, and they were unanimously approved.

NEW BUSINESS

A-12-23 Application for a Variance, submitted by John Hellmann of AdMedia LED Signs, to allow two (2) ground signs on one tract of land at 10151 Sappington Rd. (Appendix D, Section 8d).

Ms. Rodamaker stated exhibit one is Appendix D of the Sunset Hills Code of Ordinances, exhibit two is Appendix B of the Code of Ordinances, exhibit three is the staff report for A-12-23, exhibit four is the application for A-12-23, exhibit five is the site

plan for A-12-23, exhibit six is the petitioner information for A-12-23, exhibit seven is the public hearing information for A-12-23.

Mr. Baker was sworn in and stated the petition is for a church on Sappington Road to have two ground signs on the property. In February, they received a variance for the height of the ground sign on Sappington Road. Now a smaller ground sign is being proposed at the second entrance, on Kennerly Road. Only one ground sign is allowed on a property. Staff recommends that, if approved, landscape be installed around the base of the sign.

John Hellmann, with AdMedia LED Signs, was present, sworn in, and stated the church has frontage on two main streets and it is situated on a through lot. Currently, there is no identification on Kennerly Road, so they would like a smaller sign at that entrance, so it can be visible. This variance was not applied for in February because they did not realize it was required.

Mr. Weber asked if all other requirements will be met.

Mr. Hellmann replied yes.

Mr. Hassis asked if the lot must be a corner lot in order to have a sign on each road.

Mr. Baker replied yes.

Mr. Weber called for a vote on A-12-23 Application for a Variance, submitted by John Hellmann of AdMedia LED Signs, to allow two (2) ground signs on one tract of land at 10151 Sappington Rd. (Appendix D, Section 8d) with the conditions that all other requirements of Appendix D are met, and a landscape island must be installed around the base of the sign. A roll call vote was taken.

William Weber	-aye
Mark Naes	-aye
John Hassis	-aye
Larry Smith	-aye
Joshua Arnold	-aye

With 5 aye votes and 0 nay votes, the petition was approved.

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

A-13-23 Application for a Variance, submitted by Seric Investment Inc, to vary the front setback from the required forty feet (40') to twenty-six feet (26') for the construction of a single-family residence at 10652 Roanna Lane (UDO Section 3.3)

A-14-23 Application for a Variance, submitted by Seric Investment Inc, to vary the rear setback from the required thirty feet (30') to nineteen feet six inches (19.6') for the construction of a single-family residence at 10652 Roanna Lane (UDO Section 3.3)

Ms. Rodamaker stated exhibit one is the Unified Development Ordinance (UDO) of the City of Sunset Hills, exhibit two is the application for A-13-23, exhibit three is the staff report for A-13-23, exhibit four is the site plan for A-13-23 and A-14-23, exhibit five is the petitioner information for A-13-23 and A-14-23, exhibit six is the public hearing information for A-13-23 and A-14-23, exhibit seven is the application for A-14-23, and exhibit eight is the staff report for A-14-23.

Mr. Baker stated Roanna Lane backs up to Highway 270. The home on the property fell into disrepair. The property owner was cited, and when the property was bought the home was torn down. The new owner submitted plans for a new house and requested variances which were approved. Now a new property owner is petitioning for the same house and the same variances that were already approved years ago. Highway 270 being built made the former residence non-conforming and there is not much room on the lot to build on.

Mr. Weber stated staff has recommended approval because of the configuration of the lot and the loss of property due to Highway 270.

Mr. Weber called for a vote on A-13-23 Application for a Variance, submitted by Seric Investment Inc, to vary the front setback from the required forty feet (40') to twenty-six feet (26') for the construction of a single-family residence at 10652 Roanna Lane (UDO Section 3.3). A roll call vote was taken.

William Weber	-aye
Mark Naes	-aye
John Hassis	-aye
Larry Smith	-aye
Joshua Arnold	-aye

With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on A-14-23 Application for a Variance, submitted by Seric Investment Inc, to vary the rear setback from the required thirty feet (30') to nineteen feet six inches (19.6') for the construction of a single-family residence at 10652 Roanna Lane (UDO Section 3.3). A roll call vote was taken.

William Weber	-aye
Mark Naes	-aye
John Hassis	-aye
Larry Smith	-aye
Joshua Arnold	-aye

With 5 aye votes and 0 nay votes, the petition was approved.

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

A-15-23 Application for a Variance, submitted by Collective Solutions LLC, to vary the height of a monopole (wireless support structure) from one hundred feet (100') to one hundred six feet (106') for the construction of a new monopole at 109 Deane Court (Appendix B, Section 5.21-4F3).

A-16-23 Application for a Variance, submitted by Collective Solutions LLC, to vary the setback from a residential property line from the required eight hundred sixty feet (860') to ninety-six feet (96') for the construction of a new monopole (wireless support structure) at 109 Deane Court (Appendix B, Section 5.21-4F6).

Ms. Rodamaker stated exhibit one is Appendix B of the Sunset Hills Code of Ordinances, exhibit two is the UDO, exhibit three is the application for A-15-23, exhibit four is the staff report for A-15-23, exhibit five is the site plan for A-15-23 and A-16-23, exhibit six is the petitioner information for A-15-23 and A-16-23, exhibit seven is the public hearing information for A-15-23 and A-16-23, exhibit eight is the application for A-16-23, and exhibit nine is the staff report for A-16-23.

Mr. Baker stated the properties to the north, south, and west are mostly commercial, but the properties to the east are residential. The Planning and Zoning Commission recommended approval of the Conditional Use Permit to the Board of Aldermen with the condition that the variances are approved. The restriction on height was written for structures, such as houses and hotels. According to the Code, this type of structure qualifies for the same height calculation. He showed the site plan and the 95.8 feet to the nearest residential property corner, which is why the setback variance is required.

Russell Been, owner of Collective Solutions, was present, sworn in, and stated Ameren is building their own private LTD network, whereas they currently operate over mobile phone networks. This would allow them the ability to operate phone to phone between employees, wireless monitoring of their facilities, and wireless meter reading. When 5G was launched, some 3G networks were turned off and the systems rendered obsolete. 6G is already being proposed. Having their own LTD network would prevent their system from being turned off in a similar situation. The reliability of having their own network will allow Ameren's system to be built to higher safety specifications to withstand high winds and stronger power surges. It will help restore service from outages more quickly because when they are using other towers, they do not have priority. They want to create more reliability, in case of an emergency. Equipment life

will also be extended and more secure because the system will not be on a public network. The funding for these projects had a provision that Ameren properties are being proposed first. There are two Ameren properties in Sunset Hills. One is surrounded by more residential properties, whereas this location has more commercial properties around it. He entered exhibit ten into the record, which showed that the tower is designed so that if there is a weather event which causes the tower to fail, there is a stress point that will release and stay attached to the base of the tower. It is designed to keep the fall radius within Ameren property lines and is 120 mile per hour wind rated. The masonry wall is designed to match the existing masonry wall around the substation.

Mr. Weber asked why the extra height is being requested.

Mr. Been stated the tower is only 100 feet tall. The extra six feet is for the lightning rod that is added to the tower. To meet the coverage objective of the site, 100 feet was required.

Mr. Naes asked if the transmission strength will be within the regular standard power levels.

Mr. Been replied yes. It is an FCC licensed frequency level, so they are required to operate under the regulations of the FCC.

Mr. Weber asked if the request to vary the distance from 860 feet to 96 feet was due to the property touching a residential property in one area.

Mr. Baker replied yes. Since it touches the residential property, a variance is required.

Ms. Rodamaker stated it is written as "adjacent to residential."

Mr. Weber asked if that is the only spot that causes the issue.

Mr. Baker read a letter written by Jacob Crader, owner of 112 Monica Drive, stating he is in opposition of the monopole. The visual impact will pose a negative aesthetic to the beauty of the community. The exposure to radiofrequency electromagnetic fields may have potential health risks. It could decrease property values

and drive away home buyers or developers. Setbacks are in place to maintain the neighborhood integrity and protect homeowners.

Mr. Weber asked if there are other locations or property that could be acquired for this project.

Mr. Been stated not at this time. The only other property available that falls within the time frame in Sunset Hills, is at the corner of East Watson Road and Lindbergh Boulevard, which would also need variances.

Mr. Weber asked if there is any other property that could be purchased.

Mr. Been stated it depends on what is available in Sunset Hills. There is no property available currently that would meet the setback requirements.

Mr. Baker asked him to address the health concerns.

Mr. Been entered exhibit 11 into the record, showing that as an FCC licensee, health effects cannot be considered under State and Federal statutes. The American Cancer Society released a study, that was not privately funded by cell phone companies, with a synopsis stating they do not believe any negative health effects are caused by cell phone towers. The study can be provided to the City.

Mr. Naes stated people walk around all day on cell phones, parents let kids use their cell phones, the towers are deployed all over the world. He does not see the risk.

Mr. Hassis asked if the section of Code was meant to be applied to cell phone towers.

Mr. Baker stated it must meet the setbacks listed for structures. The setback for structures is very conservative. The telecommunication code does refer to this section and calculation for setback requirements.

Mr. Been stated there is an existing transmission pole on the rear property line that is 60 feet tall. Additionally, there are already five or six 60-foot power poles on the property already.

Mr. Weber asked if the existing pole on the property line, meets the requirements.

Mr. Hassis asked if those utility poles are exempt from the requirements.

Mr. Been stated power distribution poles are exempt.

Mr. Naes stated the lot used to be in poor condition. Ameren has done a good job of improving it, so the substation is nice compared to what was previously there.

Mr. Been stated each tower must be approved by many departments within Ameren. The substation department requires the tower to meet their high standards.

Mr. Hassis asked how many more sites are required to complete the network.

Mr. Been stated there are multiple phases. In the first phase, there are 42 sites throughout St. Louis, St. Charles, Franklin County, and Jefferson County. The typical height that is being proposed is 199 feet. They have worked to lower heights in suburban areas, such as this one, to the minimum possible. This height is at the very minimum that they can operate at.

Mr. Weber asked if this height requirement was to get a proper signal.

Mr. Been stated yes, this network works with surrounding towers and this height was required to communicate with the surrounding towers.

Mr. Weber asked how much area this tower will cover.

Mr. Been stated this tower will service Sunset Hills and Kirkwood.

Mr. Weber stated he is torn because he recognizes the need for a tower, but he understands the concerns of the residents.

Mr. Been stated in South County, there was an old nursery and a tower was built on the property. The property was purchased, and a subdivision was built around the tower. Developers do not hesitate to build.

Jacob Crader, owner of 112 Monica Drive, was sworn in and stated he built the home two years ago. Sunset Manor is an up-and-coming neighborhood. There are a lot of houses being torn down and rebuilt. On a street view of his house, the tower will be visible, towering over the house. It will affect all the homes in the area.

Mr. Weber stated the tower is much farther away than the 60-foot tower that is currently there.

Mr. Crader stated the 60-foot telephone pole is much smaller in diameter than the proposed tower and the masonry wall will be visible from his backyard, also.

Mr. Weber called for a vote on A-15-23 Application for a Variance, submitted by Collective Solutions LLC, to vary the height of a monopole (wireless support structure) from one hundred feet (100') to one hundred six feet (106') for the construction of a new monopole at 109 Deane Court (Appendix B, Section 5.21-4F3) with the condition that A-16-23 is also approved. A roll call vote was taken.

William Weber	-aye
Mark Naes	-aye
John Hassis	-aye
Larry Smith	-aye
Joshua Arnold	-aye

With 5 aye votes and 0 nay votes, the petition was approved.

Mr. Weber called for a vote on A-16-23 Application for a Variance, submitted by Collective Solutions LLC, to vary the setback from a residential property line from the required eight hundred sixty feet (860') to ninety-six feet (96') for the construction of a new monopole (wireless support structure) at 109 Deane Court (Appendix B, Section 5.21-4F6) with the condition that A-15-23 is also approved. A roll call vote was taken.

William Weber	-aye
Mark Naes	-aye
John Hassis	-aye
Larry Smith	-aye
Joshua Arnold	-aye

With 5 aye votes and 0 nay votes, the petition was approved.

A-17-23 Application for a Variance, submitted by Sunset Hills Owner, LLC, to vary the following lighting requirements:

- 1) Maximum initial level from 12.0 to 19.3;
- 2) Maximum initial level at the western property line from 0.5 to 4.7;
- 3) Minimum initial level within the parking area to the west of the building from 0.5 to 0.3, east of the building from 0.5 to 0, north of the building from 0.5 to 0.4, and at the Watson Road entrance from 0.5 to 0.
- 4) Maximum height of parking lot light standards from twenty feet (20') to twenty-two feet (22') at 3600 S. Lindbergh Blvd. (UDO Section B-1.3)

Ms. Rodamaker stated exhibit one is the UDO, exhibit two is the application for A-17-23, exhibit three is the staff report for A-17-23, exhibit four is the photometric plan for A-17-23, exhibit five is the petitioner information for A-17-23, and exhibit six is the public hearing information for A-17-23.

Mr. Baker stated a detailed picture of the light standards being proposed are in the packet. The actual height is under 20 feet, but the animal on top puts them over the requirement. Bass Pro Shops is a redevelopment of existing property. They have attempted to work with the lighting that was already there and update what they could. They moved things around and updated them to newer lighting technology, but once the lighting was tested variances were still necessary.

Mr. Weber stated the attachment was hard to read.

Mr. Baker stated that is what was provided by the applicant.

James Parks, Civil Engineer for the Sansone Group, was present, sworn in, and stated they did the best they could with what they had, taking construction costs and feasibility into consideration. In some areas where they are requesting a lower minimum closer to the property lines, they are doing this to be sensitive to the residential properties nearby.

Mr. Weber asked why they are asking for the light standard height variance now when they have already been installed.

Mr. Parks stated the opening date is approaching quickly and Bass Pro is very brand oriented.

Dan Ludwig, with Villa Lighting was present, sworn in, and stated the pole is 20 feet tall, but there is a 2-foot concrete base, bringing it up to 22 feet.

Mr. Smith stated the diagram shows the pole is 19 feet, including the concrete base.

Mr. Ludwig stated the specification sheet has accurate dimensions.

Mr. Smith stated the fixture itself is 19 feet from the ground.

Mr. Ludwig stated that is correct. The decoration at the top is where the extra height comes from.

Mr. Weber asked if the base takes the pole over 20 feet.

Mr. Smith asked if the bottom of the light is at 21 feet.

Mr. Ludwig replied yes.

Mr. Weber disagreed with the comment that Bass Pro would like to get done, so they can open. They have requested many variances over the past few months. These should have been requested before the lighting was installed.

Mr. Ludwig stated Villa lighting is a lighting supplier and they are working to meet the requirements the best they can.

Mr. Weber stated he understands, but Bass Pro should have made the request before.

Mr. Parks stated it is not the intent of Bass Pro to try and force approval. These variances came to light late in the game. With the construction schedule and materials

taking time to be delivered, the fixtures had been acquired before realizing they needed a variance.

Mr. Weber asked if there are lights at the rear of the building to provide safety, that will not interfere with the neighbors.

Steve Breidenbach, with Villa Lighting, was present, sworn in, and stated there are no pole mounted lights behind the building because the residential property line is right against the fence. There are wall mounted lights, which were replaced with LED lights. If more lighting was placed behind the building, it would cause the lighting levels to exceed the maximum at the rear property line.

Mr. Weber asked about the lighting at the Watson Road entrance, requesting to have a reading of zero.

Mr. Breidenbach stated if a fixture was added, it would cause spill light. The hope is that the Watson Road fixtures will balance it out.

Mr. Weber stated he was concerned about lighting levels for people driving at night.

Mr. Breidenbach stated the lights on Watson Road should provide enough lighting.

Mr. Hassis asked if these lighting levels were shown on the plans for the Conditional Use Permit and if staff was aware they would not meet the requirements.

Mr. Baker stated when an applicant brings an existing development to the City for review, they provide existing lighting and agree that for approval they must meet the City's lighting Code before they get final approval. They have installed the lighting and when the City reviewed the plan, the deficiencies are now being presented. Using existing fixtures makes it more difficult.

Mr. Weber asked if staff feels their requests are reasonable and that they satisfy the City's requirements.

Mr. Baker stated the only issue is the side abutting residential, but if the residents and Bass Pro are happy with it, then the City is satisfied. They do not meet City standards, but the variances are reasonable.

Mr. Weber called for a vote on A-17-23 Application for a Variance, submitted by Sunset Hills Owner, LLC, to vary the following lighting requirements:

1. Maximum initial level from 12.0 to 19.3;
2. Maximum initial level at the western property line from 0.5 to 4.7;
3. Minimum initial level within the parking area to the west of the building from 0.5 to 0.3, east of the building from 0.5 to 0, north of the building from 0.5 to 0.4, and at the Watson Road entrance from 0.5 to 0.
4. Maximum height of parking lot light standards from twenty feet (20') to twenty-two feet (22') at 3600 S. Lindbergh Blvd. (UDO Section B-1.3)

A roll call vote was taken.

William Weber	-aye
Mark Naes	-aye
John Hassis	-aye
Larry Smith	-aye
Joshua Arnold	-aye

With 5 aye votes and 0 nay votes, the petition was approved.

ANY OTHER MATTERS DEEMED APPROPRIATE

ADJOURNMENT

Mr. Weber made a motion to adjourn the meeting at 8:15 P.M. Mr. Hassis seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape