

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, JULY 6, 2022

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, July 6, 2022. 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

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

APPROVAL OF THE MINUTES

Copies of the minutes of the June 1, 2022 Planning and Zoning Commission meeting were distributed to the members for their review. Mr. Svoboda made a motion to approve the minutes as submitted. Mr. Young seconded the motion, and it was unanimously approved.

NEW BUSINESS

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

- P-10-22 Petition for a Change of Zoning, submitted by Rowles Development LLC, from R-4 Single Family Residential – 10,000 square foot minimum lot size to R-5 Single Family Residential – 7,500 square foot minimum lot size for the properties that make up Gates Manor Subdivision.

- P-11-22 Petition for a Text Amendment, submitted by Rowles Development LLC, to change the minimum site size in Appendix B Zoning Regulations, Section 4.10-6B1 from ten (10) acres to 4.85 acres.

- P-12-22 Petition for a Text Amendment, submitted by Rowles Development LLC, to change the minimum building setback for detached single family dwellings from abutting residentially zoned property required in Appendix B Zoning Regulations, Section 4.10-6B4a from fifty feet (50') to twenty feet (20').

- P-13-22 Petition for a Change of Zoning, submitted by Rowles Development LLC, from R-5 Single Family Residential – 7,500 square foot minimum lot size to PD-R Planned Development – Residential for the properties that make up Gates Manor Subdivision.

- P-14-22 Petition for a Preliminary Development Plan, submitted by Rowles Development LLC for the redevelopment of properties that make up Gates Manor Subdivision.

Ms. Sprick stated there are currently eleven, single family lots. They are proposing to demolish the existing homes and reconfigure the lots to create 21 detached, single family lots. They would like to change the zoning from R-4 with 10,000 square foot minimum lot size to R-5 with 7,500 square foot minimum lot size. This will provide the underlying density they desire. A Text Amendment would have to be made

to allow them to change the zoning to PD-R, which requires the development to be 10 acres. They would like to change the requirement to 4.85 acres. If the first two petitions are approved, the development will qualify to request the change of zoning from R-5 to PD-R, which would further the flexibility in lot size. The smallest proposed lot is approximately 6,500 square feet. The PD-R zoning district allows the petitioner to propose their own setbacks. They are proposing 20 foot front and rear setbacks with 10 foot side setbacks. A letter was provided from a certified traffic engineer stating the traffic will not exceed a level of service D. There will be four common ground areas totaling $\frac{3}{4}$ of an acre. The increase in density needs to be taken into consideration. The existing right of way and street will be used, but the sidewalks will be removed and replaced. If approved, staff recommends the conditions that a preconstruction inspection of the street be performed, the establishment of an escrow to cover repairs or improvements not completed, a post construction inspection of streets be performed and any damages would be the responsibility of the petitioner. Lots 1 and 21 should access the interior street, having no direct access to Denny Road. If more than 10,000 square feet of tree canopy is removed, a tree permit is required. An email was sent in opposition of the request. Kirby Puckett, of 9415 Workbench Drive, stated the proposal is high density in a community that does not support that and the setbacks do not fit into the community standards. There is not enough open yard space for children and not enough area for parking in driveways.

Drew Weber, on behalf of Rowles Development, was present and stated the existing subdivision has shallow lots. The current 50 foot rear building line makes the houses smaller. They are proposing a villa type subdivision. Yard and outdoor maintenance will be taken care of by a Homeowner's Association. The goal is for the homes to appeal to people looking to downsize, with no maintenance outside. Rezoning from R-4 to R-5 allows for the increase in density. The two Text Amendments would be to reduce the rear yard setback and to reduce the minimum development size for a residential district. A Development Plan has been provided which expands the City's authority over the development and will keep the same cul-de-sac structure. There will be four water quality basins, spaced out throughout the development, to minimize the

visual impact of the additional density. There is green space in between the homes, as well. Some current utilities will be used and some will be improved. All lots will front onto Gates Manor Court. None will have direct access to Denny Road. Most lots are approximately the same size, but the lots around the cul-de-sac are a little larger. All will be ranch style homes with basements. \$500,000 is the base line price. Each home will be owned; not rented. R-4 zoning would allow 17 properties, whereas R-5 allows 22. This is a good transition from the commercial, to the south, to the larger residential lots, to the north. CBB stated that the net traffic increase will be nine additional trips in the peak hours. There will be an increase in 110 trips throughout the whole day. They noted that Denny Road has the available capacity to handle the traffic coming from the new development. Each home will have a two car garage, so this will allow ample parking. Generally, the homes will have two bedrooms and a large living room. There will be brick or stone on each home front. Adam Baer, with Rowles Development, spoke with neighboring homeowners. Only one out of the six to eight he spoke with was against the proposal. The current homes on the street need improvement and have been rented for years.

Mr. Young asked if the Homeowner's Association will have a clause that the properties cannot be rented.

Mr. Weber stated under the Fair Housing Act, rentals cannot be completely prohibited, but restrictions can be made.

Mr. Pellegrini stated he is concerned for the residents and the character of the neighborhood. He referred to the development as a cluster home project.

Ms. Sprick stated although Mr. Pellegrini is concerned about density and cluster homes, development plans require more review from the City.

Mr. Svoboda asked if there is a view of the homes next to each other.

Mr. Weber stated that can be provided.

Gary Vincent, of 9456 Sunny Creek Lane, stated he is opposed. The seven objectives of a Planned District will not be met and this will change the character of the neighborhood. High density belongs adjacent to commercial areas and this proposal does not meet the Comprehensive Plans objectives. This parcel should be developed within the guidelines of it's existing zoning.

Allen Gates, owner of Gates Manor, stated when the property is put under contract with a contingency for City approval, he cannot rent the properties during that time. Every time they go through this procedure, they are at a standstill. He could sell the lots individually, but it would benefit everyone to have a developer do them all at once.

Mr. Young stated the proposal is a bit dense, but there is a need for these types of homes in Sunset Hills.

Mr. Gau agreed. He is concerned about changing the zoning to make something fit. They could fit 17 lots with the current zoning, but they are trying to squeeze in 21.

Mr. Powers liked the idea of variety, but if they can build 17 lots, there has got to be an innovative solution of getting there.

Mr. Gau asked if 17 lots were considered.

Mr. Weber stated they would have to recalculate everything. This would get away from the smaller lots and low maintenance. It is a cost factor for the homeowners and for the Homeowner's Association.

Mr. Pellegrini stated he would not be opposed if they met current zoning requirements. This is not a precedent that he wants set.

Mr. Weber stated Rowles Development does not allow two homes of the same style right next to each other.

Mr. Young made a motion that petition P-10-22 Petition for a Change of Zoning, submitted by Rowles Development LLC, from R-4 Single Family Residential – 10,000 square foot minimum lot size to R-5 Single Family Residential – 7,500 square foot minimum lot size for the properties that make up Gates Manor Subdivision be recommended to the Board of Aldermen for approval. Mr. Powers seconded the motion, and it was unanimously denied.

Mr. Young made a motion that petition P-11-22 Petition for a Text Amendment, submitted by Rowles Development LLC, to change the minimum site size in Appendix B Zoning Regulations, Section 4.10-6B1 from ten (10) acres to 4.85 acres be recommended to the Board of Aldermen for approval. Mr. Powers seconded the motion, and it was unanimously denied.

Mr. Young made a motion that petition P-12-22 Petition for a Text Amendment, submitted by Rowles Development LLC, to change the minimum building setback for detached single family dwellings from abutting residentially zoned property required in Appendix B Zoning Regulations, Section 4.10-6B4a from fifty feet (50') to twenty feet (20') be recommended to the Board of Aldermen for approval. Mr. Powers seconded the motion, and it was unanimously denied.

Mr. Young made a motion that petition P-13-22 Petition for a Change of Zoning, submitted by Rowles Development LLC, from R-5 Single Family Residential – 7,500 square foot minimum lot size to PD-R Planned Development – Residential for the properties that make up Gates Manor Subdivision be recommended to the Board of Aldermen for approval. Mr. Powers seconded the motion, and it was unanimously denied.

Mr. Young made a motion that petition P-14-22 Petition for a Preliminary Development Plan, submitted by Rowles Development LLC for the redevelopment of properties that make up Gates Manor Subdivision be recommended to the Board of Aldermen for approval. Mr. Powers seconded the motion, and it was unanimously denied.

OLD BUSINESS

P-20-17 Unified Development Ordinance, by Houseal Lavigne, to replace the following sections of the current Code of Ordinances:
Appendix A, Subdivision Code;
Appendix B, Zoning Regulations; and
Appendix D, Sign Regulations
Zoning Map

Ms. Sprick stated staff would like to recommend an addition of a short term rental definition, to clarify renting out any portion of the property, for short term use, be prohibited in all zoning districts. The Tree Preservation section in Appendix B, Section 16 should be removed. The entire Tree Preservation ordinance was adopted, but Section 16 was never removed. There are a few text amendments that were recently adopted that are not in the current draft. That was an oversight and they will be added.

Mr. Pellegrini asked if the current draft shows all of the Board of Aldermen's recommendations.

Ms. Sprick replied yes.

Mr. Svoboda stated in Section 3.3, Development Standards, impervious surface coverage on residential lots is 5%. This is too low.

Mr. Gau asked what it currently is.

Ms. Sprick stated building coverage is 25%. The impervious surface covers everything, but green space.

Mr. Baker stated impervious surface is everything, but the primary structure.

Mr. Svoboda stated he would like it to be increased to 15%.

Mr. Baker stated staff will look into it.

Mr. Powers stated on a larger lot, 25% would be too much. It should be a sliding scale.

Mr. Svoboda stated on the table for 4.6.1, Accessory Uses, the line with apiaries, should also list birdhouses, swift chimneys, and bat houses. Section 4.11, Visibility at Intersections, needs a graphic to be added. On page 117, homes that have three streets along the property should be listed. On page 104, a foundation should not be required in the definition of a permanent accessory use.

Ms. Sprick stated St. Louis County requires a permit if the structure is over 120 square feet or it has utilities.

Mr. Gau stated this should be clarified. It is stating the structure is temporary if it does not have a permanent foundation.

Mr. Baker stated size and utility is what matters for permitting.

Ms. Sprick stated St. Louis County can change their requirement at any time. That is why it is referred to.

Mr. Svoboda asked if Section 11.4.1, conflicts with Section 1.7.

Mr. Baker stated it is not saying you can rebuild the structure, it is saying you can put it back to a safe condition.

Mr. Gau asked if in Appendix A, Section 1.5 it can be made clear when it goes into effect. In Section 4.2.2, attached single family should be a Type C rather than a Type B, due to the width.

Mr. Baker agreed.

Mr. Gau stated in Section 10.2.2, Time for Appeals, where it states a reasonable time or within 30 days, should be changed to just 30 days to be more clear.

John Clark, owner of several buildings on Old Gravois, asked why the zoning is being changed.

Mr. Baker stated there are a lot of properties in the City that are nonconforming. The City is trying to clean the zoning up to match what is actually there. This will make it easier for the resident to add things to the property. His property is currently zoned C-1 and is proposed to be zoned PD-LI. He showed the PD-LI use table compared to the General Commercial use table.

Mr. Clark asked if steel buildings are no longer allowed in Sunset Hills.

Mr. Baker stated there have been some restrictions passed by the Board of Aldermen.

Ms. Sprick stated this was for commercial districts only.

Mr. Baker stated they are allowed in PD-LI.

Mr. Young made a motion to approve all recommendations that were discussed. Mr. Svoboda seconded the motion, and it was unanimously approved.

ANY OTHER MATTERS DEEMED APPROPRIATE

ADJOURNMENT

Mr. Powers made a motion to adjourn the meeting at 7:48 P.M. Mr. Svoboda seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape