

MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, SEPTEMBER 6, 2023

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met via Zoom on Wednesday, September 6, 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
	Michael Hopfinger	-Member
	Mike Svoboda	-Member
	Jennifer Geen	-Member
	Steve Young	-Member
	Frank Pellegrini	-Member
	Erin Seele	-City Attorney
	Mike Knight	-City Planner
	Bryson Baker	-City Engineer
<b>Absent:</b>	Brian VanCardo	-Member

**APPROVAL OF THE MINUTES**

Copies of the minutes of the August 2, 2023, 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. Pellegrini seconded the motion, and it was unanimously approved.

## NEW BUSINESS

P-25-23      **Manors at Lynstone Park Subdivision (Lynstone Park View, LLC)**  
**Preliminary Plat** – A request for a Preliminary Plat to construct a 9-lot single family home development on property zoned R-6 District.

Mr. Knight stated a public roadway is proposed for the development. In May of 2022, a Preliminary Plat for a ten-home development was approved. The revised plan being presented is less dense. The Comprehensive Plan and the Zoning Map indicate the area with a single-family designation. He showed the location of the homes and common ground area, with a bio detention basin. There will be a 5-foot sidewalk along the roadway and the roadway width will be 22 feet, which is the same as was previously approved. The applicant will apply for vacation of a section of right of way to the north of the common ground area. There will be a retaining wall along the roadway for the bio detention basin that must not support the public roadway. Improvement Plans and a Record Plat must still be approved, at a later date.

Judy Post, of 272 Rayburn Avenue, was present and asked if the development will encroach on Lynstone Park.

Mr. Knight replied no.

Ms. Post stated a lot of vegetation will be removed. She asked what will happen to protect the doe and fawn that live in that area.

Mr. Knight stated there is not an existing procedure for wildlife.

Ms. Post stated there should be. She is concerned for the safety of the deer family. She asked about the new plans for the park and stated the water drainage at the park is inadequate.

Mr. Knight stated he has seen the plans for the park. Stormwater is reviewed by the Metropolitan Sewer District (MSD), during development. They will make sure the development meets their requirements.

Frank Hardy, of 421 Rayburn Avenue, was present and stated it looks like a good development. He requested that gravel be laid where Tolstoi Street turns into Spears Street and that construction traffic use that road. The gravel road would be an easier access for big trucks carrying equipment and materials.

Mr. Gau stated that is a great suggestion, but the construction aspect will be addressed at the meeting for the Improvement Plans.

Mr. Hardy asked who will own and maintain the retaining wall.

Mr. Knight replied the Homeowner's Association.

Mr. Hardy asked how tall the wall will be.

Mr. Knight stated it will be six feet tall. More details will be shown in the Improvement Plans.

Mr. Hardy is concerned about the trees being taken out due to the highway noise and the doe and her fawn, as well.

Mr. Baker stated the Preliminary Plat does not go to the Board of Aldermen.

Mr. Pellegrini asked what the lot size limits are for the R-6 district.

Mr. Knight stated the minimum lot size is 5,000 square feet. Lots 2, 3, 4, and 5 are close, but all lots are over the minimum.

Mr. Gau asked if everything else is conforming.

Mr. Knight replied yes.

Mr. Gau made a motion that petition P-25-23 Manors at Lynstone Park Subdivision (Lynstone Park View, LLC) Preliminary Plat— A request for a Preliminary Plat to construct a 9-lot single family home development on property zoned R-6 District be approved. Mr. Svoboda seconded the motion, and it was unanimously approved.

P-29-23      **Unified Development Ordinance (Steve Maurer) Text Amendment** – A request to amend the text of the City of Sunset Hills' Unified Development Ordinance to create a new multi-family zoning district.

Mr. Knight stated in 2023, the applicant made a presentation to the Board about a desired multi-family development with 14 units in 6 buildings. No current zoning district allows this. So, they must create a new zoning district. Once this is approved, they can come back to change the zoning for a specific site.

Mr. Pellegrini asked what it's currently zoned.

Mr. Knight replied the property is zoned R-1. In March 2023, the Board approved an Ordinance stating no new Planned Developments shall be authorized to be created under Appendix A of the Unified Development Ordinance (UDO). The applicant must update this section to allow a new district and present the zoning district requirements. The new zoning district's purpose is to allow townhomes and multi-family products and provide a transition between commercial and single-family residential. The requirements would be a minimum of two acres and a maximum of four acres. It must be located on an arterial roadway with a center turn lane and within .5 miles, in a straight line, of a six and eight lane highway. As roadways change, this may change areas where this zoning district would be allowed. The Land Use Plan of the Comprehensive Plan shows the

area as single-family residential. These proposed developments must maintain a residential appearance and must not increase stormwater onto neighboring properties. The common facilities and open space must be owned by the landowner. The permitted uses would be attached multi-family townhomes with a minimum of 1,100 square feet of floor area and a maximum of 3 units per building. This is not a City driven text amendment. Staff would like the Commission to consider if there should be a new multi-family zoning district, if Appendix A of the UDO is the best place for it in the Code, if the district aligns with the Comprehensive Plan, and if the proposed requirements are appropriate for the newly created district.

Mr. Gau asked what the zoning district currently is.

Mr. Knight stated R-1, but the Text Amendment is the only thing before them, not the Change of Zoning.

Mr. Gau asked if there are any current zoning districts that allow multi-family.

Mr. Knight replied no.

Mr. Gau asked since the Code states that it should be considered under strict scrutiny on a case-by-case basis, where the best place for it would be.

Mr. Knight stated from a staff perspective, the first thing would be to look at the Comprehensive Plan and then design a zoning district that is most applicable to that area.

Mr. Gau asked if this Text Amendment is a change to Appendix A.

Mr. Knight stated the applicant's desire is to change Appendix A. Staff would start by using a different approach.

Mr. Gau stated the way the scope of Appendix A is written, it seems as though it could be considered, as is.

Mr. Knight stated the property should be looked at, along with the Comprehensive Plan.

Mr. Gau stated the Commission did not want multi-family to be allowed in R-1 and R-2 zoning districts during the Zoning Code change.

Ms. Geen asked when the Comprehensive Plan was updated.

Mr. Baker stated approximately 2015. After this, the re-write of the Zoning Code began, using the same consulting firm.

Ms. Geen asked if there is any plan to update this in the future.

Mr. Baker stated no, they are updated approximately every 20 years. It can be updated at any time, if something needs to be addressed.

Mr. Pellegrini asked where, in the Comprehensive Plan, multifamily is discussed.

Mr. Knight stated diversity of different housing types is listed in select areas. The map shows where these different types of housing are desired in the community. The land use plan indicates this, as well.

Mr. Pellegrini stated the Courtyards were supposed to be a one-time development. The ordinance was written specifically for that development. Once this was complete, developers began coming to the City, desiring to change the Code for cluster homes and multi-family. The residents are against it in the R-1 district.

Mr. Gau stated the Commission would like to protect R-1 and R-2 zoning districts.

Mr. Pellegrini stated he is against it being in Appendix A, but he has no problem with it in areas that can be agreed on for multi-family.

Mr. Gau stated there is a need for multi-family zoning districts in the Code.

Mr. Pellegrini stated there are better properties, that are more appropriate that everyone could agree on.

Mr. Gau stated he does not want this amendment to allow a new district to be created every time a development comes up.

Ms. Seele stated Appendix A is where residential Planned Districts are located. This is where the procedures are located, also. If this district is not located in that section, procedures must be created, as well. The Board felt Appendix A was only to be used for existing Planned Developments.

Mr. Pellegrini stated developers want a specific amended Ordinance for their specific development.

Mr. Hopfinger stated there are limiting factors written within the Ordinance.

Mr. Pellegrini stated another developer could change it to fit their proposal.

Mr. Hopfinger stated the Comprehensive Plan states the City needs diversity in housing options, where the UDO prohibits it. Due to this, the UDO needs work to align better.

Mr. Knight stated this is a new density with 7 townhomes per acre and 45% site coverage. These items must be considered.

Mr. Svoboda stated the location of the area that these are permitted is very specific. He asked if it should be broader.

Mr. Gau stated they wrote it specifically for this development.

Mr. Hopfinger stated the changing demographic of the City should be considered. Homes designed for an aging demographic should be created for people looking for these types of housing options.

Mr. Gau stated the Courtyards were a success.

Mr. Pellegrini stated the Commission should protect the residents that have their investment in the City. The danger is developers that take advantage of the Text Amendment process.

Steve Maurer, property owner, was present and stated he is unsure if this is the most desirable path, but he was under the impression that this was the only path forward. Currently, there are two 70-year-old homes on the property. He is proposing high-end units of 1,500-2,000 square feet. Page 71 of the Comprehensive Plan states the City should encourage diverse housing products and appropriate land use transitions to single family neighborhoods. The property is a great transition area. There used to be other homes in the area, but they were taken down to construct commercial buildings. These are the last two homes left.

Mr. Pellegrini stated apartments would be good for that area.

Mr. Gau asked how the residents feel about the development.



Mr. Maurer stated the homes on Kennerly Manor cannot be seen from the property most of the year. The vegetation at the back of the property will be kept as a buffer. Neighbors stated they would not want to live in a home on the property. Their only concerns were things like BBQ pits and the aesthetics of the townhomes. A residential home is not a good investment for the area. The townhomes will have two-three bedrooms with two car garages. They will be approximately \$3,000 a month to rent. People love the proximity, and he firmly believes the interest will be there.

Mr. Hopfinger asked how far it is from Friendship Village.

Mr. Maurer stated directly across the street is Delta Dental and across the street, to the east, is a commuter lot. Across the street to the west is Friendship Village. The driveway would align with Delta Dental. The property lines for the homes on Kennerly Manor go all the way to Gravois Road, to the west of the development. Chestnut Rehab is located to the east.

Mr. Hardy stated he has no issue with the development. During the re-write of the Comprehensive Plan and the UDO, there were several resident meetings and revisions. He asked if the City messed up with the fact that they contradict each other about multi-family or if the developer is misinterpreting it. He is concerned that if the Text Amendment passes, even being limited by location, it can easily be amended to use for further development in the City.

Ms. Seele stated there are different options of where this can be put into the Code. Another developer could come with another district, and it always remains on a case-by-case basis.

Mr. Gau stated it seems to be a logical development for the parcel.

Mr. Pellegrini agreed.

Mr. Hopfinger stated there are not many pieces of land in the City that are up for these types of development opportunities.

Mr. Pellegrini is concerned that this will set a precedent.

Mr. Gau asked if another similar development comes up and the Commission denies it, can it be fought legally.

Ms. Seele stated once the mechanics are created, if there is somewhere in City that is appropriate and meets this criterion, then it would be difficult to say no. This is why staff created the map to show where the parameters of this Text Amendment would be allowed.

Mr. Knight stated the role of the Land Use plan shows where future development should go.

Mr. Gau asked if it would be better to re-zone the property to R-5 and allow multi-family, as a use, in the district.

Ms. Seele stated this would open the possibility of multi-family to every property in that zone.

Mr. Gau asked if the request could be amended.

Ms. Seele stated there could be feedback for the developer or amendments.

Mr. Gau stated he is not comfortable with all aspects and details of the Text Amendment. He asked if it can be tabled, with recommendations from the Commission. There is no good path being recommended.

Mr. Knight stated they can update a conventional district, create a new one to allow it, create a new section of Code that allows a Planned District, or they can do the Text Amendment for Appendix A.

Mr. Gau asked staff to create a new section of Code.

Mr. Knight stated it is the applicant's request. It is up to them to supply the proposal.

Robert Golterman, attorney, was present and stated the development team has considered all these possibilities and they have been directed in various manners. One other possibility would be to make townhomes a Conditional Use within one of the existing districts, which would give the City more power to regulate it. At the risk of getting a negative decision, they would prefer to continue the consideration.

Mr. Knight stated this offers another layer of conditions that can be placed on them.

Ms. Seele stated the City would have more authority as a Planned District. Conditional Use Permits are more administrative, so there is less discretion.

Mr. Knight stated the Conditional Use request would have to be fully reviewed by staff to advise.

Mr. Hopfinger stated it would be more concerning to approve it as a Conditional Use Permit. The Planned District gives more control and narrows down the area more. He would be okay with motioning to approve the request, as is.

Mr. Gau and Mr. Young stated they would rather go the Conditional Use Permit route.

Mr. Gau asked if it can be tabled.

Ms. Seele stated the applicant would need to request it to be tabled.

Mr. Baker stated if the Commission agrees with it, they can recommend approval and see what the Board would like to do, or it can be tabled, and the applicant can resubmit with direction from the Commission.

Mr. Svoboda stated the proposed development standards do not line up with the current Code.

Ms. Geen stated it should be voted on, as proposed, and then the Board can have input.

Mr. Hopfinger agreed.

Mr. Gau stated the Commission is in favor of the development, at the proposed location. If this does not pass, the developer should work with the City on a different path.

Mr. Gau made a motion that petition P-29-23 Unified Development Ordinance (Steve Maurer) Text Amendment – A request to amend the text of the City of Sunset Hills' Unified Development Ordinance to create a new multi-family zoning district be recommended to the Board of Aldermen for approval. Mr. Young seconded the motion. With 5 aye votes and two nay votes, the motion passed.

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

#### **ADJOURNMENT**

Mr. Gau made a motion to adjourn the meeting at 7:27 P.M. Mr. Young seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape

DRAFT