

MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF SUNSET HILLS, MISSOURI
HELD ON WEDNESDAY, NOVEMBER 9, 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, November 9, 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

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

APPROVAL OF THE MINUTES

Copies of the minutes of the October 5, 2022 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. Powers seconded the motion, and it was unanimously approved.

NEW BUSINESS

T-01-22 Tree Removal Permit, submitted by Whalen Custom Homes Inc, for removal of in excess of 10,000 square feet of tree canopy at 13270 Maple Drive.

Ms. Sprick stated the Preliminary Development Plan and Improvement Plans have been approved. The Final Development Plan has been submitted and the Planning and Zoning Commission recommended approval to the Board of Aldermen. 1.61 acres of tree canopy is being removed. The Tree Removal Permit has been approved by the Park Board and the Commission is the final action. No Board review or vote is required and staff recommends approval.

Mike Whalen, of Whalen Custom Homes, Inc., and Ed Dermody, landscape architect, were present. Mr. Whalen stated they are trying to preserve as much tree canopy as possible. The Vistas will have the highest tree canopy preservation in the Tapawingo subdivision. They are preserving 76% of the existing tree canopy and planting additional hardwood, flowering, shade, and evergreen trees.

Mr. Gau asked him to explain a section on the west side of the property.

Mr. Whalen stated it is an existing Metropolitan Sewer District (MSD) easement.

John Stephens, of 7 Kahlia Way Court, stated he would like lot one to look as natural as possible. Letter B and D, on the plans, are labeled shade or evergreen trees. He would like clarification, on the record, for those.

Mr. Dermody stated the trees will be red oak and spruce, or white pine for a natural looking environment.

Mr. Stephens asked about the pros and cons of letting the vegetation grow, naturally and of a berm.

Mr. Whalen stated him and Mr. Stephens would like the same thing. The trees need to be spaced appropriately with room to grow, though. Right now, they are unsure what type of trees will be planted and their exact location. They would like to make sure there are enough trees and they would like to establish an area where the trees can grow to be mature for the client and the neighbors.

Ms. Sprick stated if they were to remove 70% of the tree canopy, the City would require replacement trees to be planted, but they are not removing that many, so the trees being planted are a courtesy.

Mr. Svoboda asked if all of the ash trees will be removed.

Mr. Dermody stated yes, most of the ash trees are in the clearing and will be removed. Some may be located in the wooded area and they will be left alone.

Mr. Stephens stated the plans do not show which trees will be removed.

Mr. Dermody stated on page TPP 1.1 and 1.2 there is a schedule of existing trees. It shows which trees will be removed and which will remain.

Mr. Stephens asked why some are being preemptively removed.

Mr. Whalen stated they are within the building pad and even if they were not, they would be too close to the house. They would like to keep a safe distance from the home. On the plan, the house is placed in the best spot, from an engineering standpoint.

Mr. Stephens stated a lot of the trees seem to be along Maple Drive and may be desired by the client.

Mr. Whalen stated there may be a chance that the client would want to preserve those trees, but they want to apply for the worst case scenario.

Mr. Gau made a motion that petition T-01-22 Tree Removal Permit, submitted by Whalen Custom Homes Inc, for removal of in excess of 10,000 square feet of tree canopy at 13270 Maple Drive be approved. Mr. Svoboda seconded the motion, and it was unanimously approved.

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

P-27-22 Petition for a Change of Zoning, submitted by Olga Despotis Perpetuities Trust, from R-2 Single Family Residential – 20,000 square foot minimum lot size to PD-LC(B) Planned Development – Limited Commercial for 12405, 12411 & 12417 West Watson Road.

P-28-22 Petition for a Conditional Use Permit, submitted by Olga Despotis Perpetuities Trust, for a motor vehicle oriented business (MVOB) at 12405, 12411 & 12417 West Watson Road.

P-29-22 Petition for a Preliminary Development Plan, submitted by Olga Despotis Perpetuities Trust, for a motor vehicle oriented business (MVOB) at 12405, 12411 & 12417 West Watson Road.

Ms. Sprick stated the applications are for redevelopment of the properties for a bank with three drive through teller lanes and one ATM lane. The Change of Zoning to a Planned Development gives the City a chance to look at any change in use, in the

future. Drive through facilities require a Conditional Use Permit. The ingress and egress proposed onto Lindbergh Boulevard requires a variance due to it's location. The Preliminary Development Plan meets requirements, besides a variance that is being requested for the buffer along the north property line. They would like to know if a six foot high, white, vinyl fence would meet the requirements for a simulated wood fence. A traffic study was required and indicated that in order for ingress and egress to operate properly, a left turn should not be allowed onto Lindbergh Boulevard.

Ms. Cape stated a letter was received from Sharyl Parashak, of 12461 West Watson Road, stating the traffic increase on West Watson Road is already becoming excessive. Sometimes the traffic line for the stoplight at West Watson Road and South Lindbergh Boulevard goes all of the way to the Watson Trails Park entrance. It is a safety concern to add more traffic onto the road for pedestrians in the area, utilizing the park area. She asked not to allow a change of zoning to be made for a business that will make the traffic worse. A letter was received from Bernita Wolf, of 12756 West Watson Road, stating George Despotis was already denied the change of zoning. Most of the surrounding areas are residential. There are already eight banking facilities in Sunset Hills and another one is not necessary. The drive through traffic from the bank will further complicate an already busy, congested intersection at West Watson Road and South Lindbergh Boulevard. She asked to leave these lots residential and for no curb cuts or access for any commercial development to be allowed on West Watson Road.

Jim Hall, land planner with Hall Associates, and George Despotis, Trustee of the Olga Despotis Trust, were present. Mr. Hall stated the property is a 1.91 acre tract. In light of recent court decisions, they are back with a new plan. The bank will be low intensity, commercial with low traffic generation. It will be very similar in scale to the Sunset Hills Police Department and the Public Works buildings. They have removed the earlier proposed access to Court Drive. The variance request for the ingress and egress on Lindbergh Boulevard is due to Missouri Department of Transportation's (MoDot's) request to get as close to alignment with the entrance across Lindbergh Boulevard to create a safer condition. The building exceeds all setback requirements. A type C buffer is required along the northern property line. The area is wide enough, but the lots are vacant, at this time. They may use the lots to the north eventually, so they would like to keep the landscaping at a minimum, as an interim solution. The bank is a great transitional use with no late night hours or lighting.

Ms. Sprick asked if they own the property to the north.

Mr. Despotis stated the property is under contract until litigation is complete.

Ms. Sprick asked if any thought was given to consolidating the lots to have the entrance directly across from the driveway across Lindbergh Boulevard.

Mr. Despotis stated he did not want to do that at this point. If the approvals align in the future, that may happen. Right now the plan for the bank is feasible, but they do not have tenants for the property to the north, yet.

Mr. Hopfinger asked what the timeframe would be.

Mr. Despotis stated this plan is considered phase one. Everything depends on if there is a settlement and if this plan is approved. If it is approved, the next stage may proceed to move to the north. Something low impact would be proposed for the northern lot, as well.

Mr. Gau asked if the curb cut proposed on Lindbergh Boulevard is already there.

Mr. Hall stated there is a driveway there, currently. It is not financially feasible to obtain the northern lot without having a tenant, yet.

Mr. Gau asked how the other properties will be accessed.

Mr. Hall stated with a pass through lane and joint access agreements. Right now the access to those properties comes from Court Drive.

Mr. Gau asked how they would restrict the left turn out onto Lindbergh Boulevard.

Mr. Despotis stated there may be a diverter island to make sure there is only a right turn out.

Mr. Gau asked if they would be willing to increase the landscape buffer to the west.

Mr. Hall stated the detention facility will be located in the southwest corner. MSD does not want a wet detention. There will be a fountain at the southeast corner.

Mr. Gau asked about the buffer for the residents to the west.

Mr. Hall stated all landscaping is on the east side of a 6 foot, site proof fence that will be located on the property line. The evergreens extend above the fence. They are not opposed to planting additional landscaping.

Mr. Despotis stated planting more trees would be okay.

Mr. Powers asked if they would be willing to move the fence to the east in order to let the neighbors benefit from the landscaping.

Mr. Hall stated there is a requirement for shrubs along every five feet. Unless the fence is moved five feet in, they may not be able to maintain the landscaping.

Ms. Sprick stated the City recommends that fences are directly on the property line. Landscaping on the outside is a good idea, but maintenance wise it can be an area of concern.

Mr. Pellegrini asked about the traffic study for the West Watson Road entrance.

Mr. Hall stated most traffic will be directed towards Lindbergh Boulevard. They do not want any eastward traffic to enhance stacking. There will be one lane in and one lane out.

Mr. Pellegrini stated this will only move stacking back to that point.

Mr. Gau stated the drive through traffic is forced right into the intersection traffic.

Mr. Hall stated he does not anticipate that much traffic.

Mr. Gau asked about parking requirements.

Ms. Sprick stated they have well exceeded the parking requirements.

Mr. Hopfinger stated the corner is a well-traveled focal point of the City. He asked if all of the parking spots are necessary. They could eliminate some parking spots on Lindbergh Boulevard, widen the sidewalk, and create a walking area. The letters that were received have made good points.

Mr. Gau asked what the parking requirement is.

Mr. Hall stated most of the traffic is for the drive through facility. Eliminating some parking may be feasible. They would like to tie into the Sunset Hills Sidewalk Project.

Ms. Sprick stated 15 spaces are required and they have 53.

Mr. Despotis asked if spots are eliminated, would it be preferred to eliminate the spots along Lindbergh Boulevard or West Watson Road.

Mr. Gau replied Lindbergh Boulevard. If they take 10 out, they will still have 43. He would like them to widen the curb cut on West Watson Road, as well.

Mr. Svoboda asked if there is a meeting room in the bank.

Mr. Despotis stated not that he is aware of.

Jackie Tyra, of 12440 Court Drive, stated she is very disappointed that they are going back to square one. She is concerned about changing the zoning because it sets precedence. The traffic studies that were done in the past did not support a commercial development. It is a bad intersection and there is a First Community Credit Union on Watson Road. The court case is not closed, so this should not be coming up yet. Commercial properties bring crime and the drive through noise would be disturbing for the neighbors.

Paul Kraus, of 12420 Court Drive, stated he walks his dog on West Watson Road and Lindbergh Boulevard. He was concerned about the speeding at the intersection and about the detention pond. The Courtyards have a phenomenal buffer with a berm. Another fence may look a little rough, but shrubbery and evergreens may make a difference. There is retail space across the street that is vacant. He suggested the property to have an integrated community and to maintain the lot as residential.

Glenn Streibig, of 9109 Fox Bridge Drive, stated he is concerned about the traffic congestion at the intersection. He asked if there will be one way traffic throughout the property.

Mr. Gau stated West Watson Road will be an ingress and egress, but Lindbergh Boulevard will be an entrance and a right turn only exit.

Mr. Streibig asked if someone is coming from the south, will they have to use the West Watson Road entrance.

Mr. Gau stated yes.

Mr. Streibig asked about the traffic congestion.

Mr. Gau stated this is something that has to be taken into consideration.

Mr. Streibig asked what the status of the court case is.

Ms. Seele stated the City has filed a Notice of Appeal.

Mr. Gau stated any petitioner is allowed the opportunity to come before the Commission.

Sharyl Parashak, of 12461 West Watson Road, stated there is a major traffic problem on West Watson Road. It has increased every year. She cannot get out of her driveway on certain days. She is concerned about the cars that speed when coming south on Lindbergh Boulevard onto West Watson Road. The entrance on West Watson Road will be a problem with this.

Vince Lindwedel, of 12437 West Watson Road, stated he is the builder of four houses in the area. It is a shame to have a large, commercial lot at that corner. He hopes the lights will not be on in the evening because they are at the other locations. Traffic is a concern and the residential owners of the homes nearby do not want a commercial property there.

Paul Bucherich, of 12423 West Watson Road, stated he lives at the home directly abutting the property. Traffic and speeding is a concern. The City has a park to protect, along with cyclers, runners, and walkers. The streets and sidewalks are narrow. This is a big corridor in the City. A traffic study is only on paper, but in reality this

development will add to the issue. The intersections in the City are messy and not safe for pedestrians. Customers that want to make a right turn onto Lindbergh Boulevard, from the bank, may make a right onto West Watson Road and go turn around, most likely in his driveway. People are interested in building homes on these lots and he wants it to stay residential. If approved, he asked that the Commission makes it something the City can be proud of.

Marek Gaska, of 12429 West Watson Road, stated due to the traffic at 2:30 P.M. it takes 5-10 minutes to leave his home towards Lindbergh Boulevard. The bank will create more traffic. The ATM will be used at nighttime by undesirable people. Detention ponds cause mosquitoes and property values will decrease. He bought his property hoping this lot would remain residential. There are three banks within a ¼ mile of this property.

Mr. Hall stated the City has hired the traffic study company.

Mr. Gau stated he understands the traffic issue on West Watson Road. He stated if they get the driveway to align with the one across the street, they may be allowed to have a left turn out onto Lindbergh Boulevard, as well. That way, they could eliminate the entrance on West Watson Road. This may be something for the City to consider about that intersection. He asked about Section 6.4.1 of the Unified Development Ordinance (UDO), where it states an applicant is required to have a neighborhood meeting prior to the Commission's consideration.

Ms. Sprick stated the City started working with the petitioner in August, when the old Zoning Code was being used. The application was not complete at that time and the City still had to contract with a traffic engineer for the traffic study. By the time that was finished, the UDO had been adopted. The City did not feel that it was proper to go back and make them do the pre-application procedures, but they wanted to honor the UDO and new regulations by applying those to development.

Mr. Pellegrini stated picking and choosing what to do is not right. They should be in compliance with the present UDO and the application is premature. There needs to be a meeting with the petitioner and the residents to establish communication.

Mr. Gau stated the Commission needs to decide if the petitioner needs to go back to the client with the concerns or if there is enough information to make a decision on.

Mr. Kaiser stated he would like to see some consideration to what has been discussed.

Mr. Hopfinger stated the petitioner may need to go back to the client and give a pause to the application.

Mr. Gau stated the traffic is a big issue. They need to look at the entrance on Lindbergh Boulevard as being the primary entrance. He does not want them to make the traffic worse on West Watson Road.

Mr. Hopfinger agreed, but stated the Commission should not judge this project on the current traffic situation on West Watson Road.

Mr. Gau stated if something is being considered to the north, maybe that plan should be part of this proposal.

Mr. Young asked if a condition can be made to prohibit an entrance on West Watson Road.

Ms. Sprick stated a left turn onto Lindbergh Boulevard is prohibited by MoDot, so that would not work.

Ms. Seele stated the Commission can make a motion to continue until they can change the things that were discussed.

Ms. Sprick stated if continued, it would need to be done with all three petitions.

Mr. Hall stated the access on Lindbergh Boulevard was already thoroughly talked about with MoDot.

Mr. Young asked if there are any Commissioner members that would never vote yes on a commercial property at this location. Residential developments have been tried at this area for a use. This type of use is the best use of the property, with conditions.

Mr. Gau stated it would be best to see the plan as a whole Planned Development of all the parcels under contract at one time.

Mr. Hall asked for a list of things that need to be changed or considered.

Ms. Sprick stated the fence should be moved in five feet with landscaping on west side of it. They should remove as many parking spaces as possible, especially the three along West Watson Road and seven along Lindbergh Boulevard. They should also consider aligning the Lindbergh Boulevard driveway with the one across the road. She asked if a neighborhood meeting should also be held.

Mr. Pellegrini stated they should follow the UDO procedures. There are a lot of factors that need to be taken into consideration, especially with the appeal. He would like to see the petitioner come back with the changes.

Mr. Svoboda stated making this lot commercial, would make it easier for the properties to the north to go to commercial, as well.

Mr. Bucherich stated residential development has never been attempted on the properties.

Mr. Kraus stated people often ask to build a house next his.

Mr. Despotis stated if they were to expand the curb cut on Lindbergh Boulevard, the parcel to north has to be rezoned to commercial. He asked if the Commission is going to consider allowing that property to be rezoned to commercial, as well.

Mr. Gau stated it would be part of their consideration. They need a plan to look at and they owe it to the residents. The plan would have to be submitted before they could take it into consideration.

Ms. Sprick asked if the existing application could be amended or if they would have to withdraw and reapply.

Ms. Seele stated however the City would like to handle it would be legal.

Mr. Gau made a motion to continue petitions P-27-22, P-28-22, and P-29-22. Mr. Pellegrini seconded the motion, and it was unanimously approved.

ANY OTHER MATTERS DEEMED APPROPRIATE

ADJOURNMENT

Mr. Gau made a motion to adjourn the meeting at 7:41 P.M. Mr. Young seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape