

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

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met by Zoom Meeting on Wednesday, April 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 |
| | Todd Powers | -Member |
| | Mike Svoboda | -Member |
| | Roger Kaiser | -Member |
| | Michael Hopfinger | -Member |
| | Terry Beiter | -Chairman |
| | Frank Pellegrini | -Member |
| | Steve Young | -Member |
| | Brian VanCardo | -Member |
| | Bryson Baker | -City Engineer |
| | Jim Hetlage | -City Attorney |
| | Lynn Sprick | -City Planner |

Absent:

APPROVAL OF THE MINUTES

Copies of the minutes of the March 2, 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. Gau seconded the motion, and it was unanimously approved.

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

P-06-22 Improvement Plans, submitted by Westview Investments LLC, for a single family residential development at 12300, 12322 and 12330 Robyn Road.

Ms. Sprick stated the development consists of 28.195 acres and will contain 18 lots. The Preliminary Plat was approved in March. Improvement plans are approved by the Planning and Zoning Commission with no action from the Board of Aldermen, besides the approval of variances, which will be heard at the April 26, 2022 meeting. The streets will remain private. Staff recommends approval with the conditions that the Board of Aldermen approves all necessary variances, a trust indenture or statement is recorded on the record plat establishing the method for providing continuous maintenance of streets and storm sewers, a subdivision restriction agreement must be made authorizing assessment of the property owners in the subdivision for the supervision, maintenance, construction and reconstruction of street paving, storm drainage facilities, sanitary facilitation, streetlights, sidewalks, common ground and recreational equipment, and a land subdivision bond must be posted or an escrow agreement must be signed. The variances are for varying the street grade from 7% to 10% and for varying the right of way width from 50 feet to 40 feet. Right of way is typically intended for street widening and street maintenance. The width of the street will be 26 feet. They would also like to vary the required distance between Lincoln Drive and Sunset Reserve. There is a 300 foot requirement between intersections. They would also like to vary the cul de sac diameter from 106 feet to 84 feet.

David Volz, engineer with Volz Incorporated, was present and stated the plans match the approved preliminary plat. The variances are due to the steepness of the grades. They would like to pull the houses closer, which will require less grading. They have received fire department approval for the cul de sac and they are requiring it to be one way. The entrance is the identical place that the driveway is already located. They are trying to stay away from the dangerous corner on Robyn Road.

Mr. Beiter agreed that the intersection is not desirable, but this plan is not making the intersection worse.

Mr. Svoboda asked how much area would be on each side of the street.

Mr. Volz replied 7 feet.

Mr. Svoboda asked if that will be a problem for the city or utilities.

Ms. Sprick stated it is not unusual to have easements for utilities in those areas.

Mr. Volz stated it is the same easements as required with a 50 foot right of way.

P-07-22 Record Plat, submitted by Westview Investments LLC, for a single family residential development at 12300, 12322, and 12330 Robyn Road.

Ms. Sprick stated the record plat is for 8 of the 18 lots. The remaining ten lots will be submitted at a later date. Sidewalks are not required to be installed on private streets, but the developer requested to pay a fee in lieu of installing sidewalks on the areas along Robyn Road. Staff recommends approval with the conditions that a trust indenture or statement be made on the record plat which establishes the method for providing continuous maintenance of streets and storm sewers and a disclosure must be made to each prospective purchaser or tenant that the streets are private, so the owners, homeowners' association, are responsible for all repairs and maintenance.

Mr. Svoboda asked if the streets will meet City standards.

Ms. Sprick stated they will be constructed to City standards, besides the variances listed.

Mr. Volz stated there is detail on page 8 that shows a section of pavement. There will be 7 inches of concrete on 4 inches of base.

Mr. Beiter asked if that is consistent with City requirements.

Mr. Baker replied yes.

Mr. Svoboda asked if it is 7 inches minimum curb to curb.

Mr. Baker replied yes.

Gary Vincent, of 9456 Sunny Creek Lane, asked if the driveway on lot 18 will be off of Robyn Road or Sunny Creek Lane.

Mr. Volz stated the plan is to take it off of Robyn Road to satisfy the Sunny Creek subdivision. As a planner and an engineer, it does not make sense. It is safer and more natural of a location to have it off of Sunny Creek Lane, but they will do whatever the Commission would like them to.

Mr. Beiter stated he does not want the driveway to come out onto Robyn Road.

Mr. Vincent stated when a vehicle is coming out of Sunny Creek Lane onto Robyn Road, they cannot see cars coming from west to east until a few feet before. The further east the driveway is placed, the more visibility they will have. It would be less dangerous to exit down further.

Mr. Gau asked why the residents are against it.

Mr. Vincent stated it interferes with the entrance to the subdivision and the safest exit from that lot is directly onto Robyn Road.

Mr. Gau stated the driveway will not affect the island at the subdivision's entrance.

Mr. Svoboda stated a circle drive would be required if it is exiting onto Robyn Road.

Mike Borzillo, of AJ Borzillo, was present and stated he will do whatever the City wants. As a builder, it makes more sense to put it onto Sunny Creek Lane.

Mr. Pellegrini asked if they could have the driveway come across lot 17.

Mr. Borzillo stated flag lots are against City requirements.

Mr. Volz stated the driveway could be onto Robyn Road with a T turn around.

Mr. Borzillo stated they would have to have a side entry garage.

Mr. Beiter stated Robyn Road has more traffic than Sunny Creek Lane. It does not make sense to put it onto Robyn Road. It is unsafe to have three roads coming out onto Robyn Road at that spot.

Ms. Sprick stated there is Sunny Creek Lane, Lincoln Drive, Sunset Reserve, and a sharp turn in that area.

Mr. Gau asked if Mr. Vincent would still be opposed to the driveway onto Sunny Creek Lane, if it does not affect the island.

Mr. Vincent would still be opposed.

Joe Grana, of 9361 Lincoln Drive, stated Robyn Road is far busier and the intersection at Lincoln Drive is troublesome. Adding another driveway is dangerous.

Mr. Gau asked if a condition can be made that the driveway be placed at the break in the island.

Ms. Sprick stated it will need to be a recommended condition on the record plat that is going to the Board.

Mr. Gau asked if the other Commission members agree to the condition.

Mr. Beiter agreed.

Mr. VanCardo does not recommend going onto Robyn Road, but it may be hard to line up the island break and the driveway.

Ms. Sprick stated an excavation permit is required for the driveway. If disturbance to the island occurs, the developer will have to repair it.

Mr. Gau asked who maintains the islands.

Mr. Vincent stated the Homeowners' Association maintains the islands and the right of way.

Cathy Friedmann, Alderman, stated there is an existing driveway at lot 18 coming onto Robyn Road. She stated that Mr. Baker advised herself and a homeowner that the driveway would exit onto Robyn Road.

It was determined that the existing driveway is on lot 17, which will now exit onto the new subdivision's street.

Mr. Baker stated he spoke with Mr. Borzillo and he agreed to put the driveway onto Robyn Road, if the City requires it. This is what was relayed to Aldermen Friedmann.

Mr. VanCardo asked Mr. Volz which he believes would be safer.

Mr. Volz stated exiting onto Sunny Creek Lane.

Mr. Gau stated if there was information shared with the homeowners that is different than what is being discussed, they should have the right to speak about it at a public hearing. He asked why they do not want it coming onto Sunny Creek Lane.

Alderman Friedmann stated it will mess up the islands that the neighborhood maintains and there would have to be a sharp turn to get into the driveway.

Mr. Pellegrini stated Sunny Creek Lane is not a thru street. If it exits onto Robyn Road, they are not adding more to it, they are just trading spaces from 17 to 18.

Mr. Hopfinger stated it is incredibly dangerous to add to the intersection.

Mr. Beiter stated the residents should not have been told either way when it had not been decided yet.

Mr. Hopfinger stated it is the Commission's job to make sure the City is safe, rather than to make one resident happy.

Mr. Hetlage stated the Commission is in a recommending position. If a condition is added for the driveway and island, which states the developer has to pay for the modifications, it is only a recommendation. It will then be on the Board's agenda and the public will have the opportunity to be advised of the recommendation and will be able to speak at that point.

Mr. Baker stated Mr. Borzillo agreed it would be put onto Robyn Road, if that is what is wanted. The Commission makes the recommendation, and the Board votes on it.

Mr. Grana stated the existing driveway is a circle drive at the intersection of Lincoln Drive and Robyn Road. As of now, it does not get much use. Adding another driveway is adding to a potential problem. This is the chance to make it safer, rather than the poor engineering in the past.

Mr. Gau asked if any of the Commission members are opposed to having the driveway exit onto Sunny Creek Lane.

Mr. Pellegrini stated he is opposed.

Mr. Beiter stated they are getting rid of several driveways onto Robyn Road.

Mr. Pellegrini stated there were two houses on that property. Both with driveways exiting onto Robyn Road.

Mr. Hetlage stated the Commission needs to make a motion to approve the Record Plat as presented, with the conditions listed in the staff report and then a subsequent motion needs to be made for the additional condition requiring the driveway for lot 18 to exit onto Sunny Creek Lane and the developer is required to pay for any modifications made to the island.

Mr. Gau made a motion that petition P-06-22 Improvement Plans, submitted by Westview Investments LLC, for a single family residential development at 12300, 12322 and 12330 Robyn Road be approved with the conditions that the Board of Adjustment approves all necessary variances, a trust indenture or statement is recorded on the record plat establishing the method for providing continuous maintenance of streets and storm sewers, a subdivision restriction agreement must be made authorizing assessment of the property owners in the subdivision for the supervision, maintenance, construction and reconstruction of street paving, storm drainage facilities, sanitary facilitation, streetlights, sidewalks, common ground and recreational equipment, and a land subdivision bond must be posted or an escrow agreement must be signed. Mr. Young seconded the motion and it was unanimously approved.

Mr. Gau made a motion that petition P-07-22 Record Plat, submitted by Westview Investments LLC, for a single family residential development at 12300, 12322, and 12330 Robyn Road be recommended to the Board of Aldermen for approval with the conditions that a trust indenture or a statement is recorded on the record plat establishing the method for providing continuous maintenance of streets and storm sewers and a disclosure must be made to each prospective purchaser or tenant that the streets are private, the owners, homeowners' association, are responsible for all repairs

and maintenance. Mr. VanCardo seconded the motion and it was unanimously approved.

Mr. Gau made a subsequent motion for an additional condition requiring the driveway for lot 18 to exit onto Sunny Creek Lane and the developer is required to pay for any modifications made to the island. Mr. Young seconded the motion. With 8 aye votes and 1 nay vote, the motion passed.

Mr. Vincent stated there has been a pile of dirt near his home for a long period of time. He does not want the dust blowing onto his property.

Mr. Borzillo stated it is a stock pile for the detention area. As soon as it stops raining, it will be moved. It will take a week to move it.

P-08-22 Petition for a Conditional Use Permit, submitted by Verizon Wireless, for a small wireless facility at 112 Monica Drive.
THIS PETITION HAS BEEN POSTPONED.

ANY OTHER MATTERS DEEMED APPROPRIATE

Mr. Beiter stated from now on, the meetings will be held at City Hall.

Mr. Gau stated if there is only one item on the agenda or under certain circumstances, he would rather have the meeting virtual.

Mr. Beiter stated himself and staff will make the call for each meeting.

Mr. Gau asked if the City is able to do a hybrid meeting.

Ms. Sprick stated equipment for hybrid meetings has been ordered, but all equipment is not in place, yet.

Mr. Pellegrini agreed to holding minor meetings virtually.

Mr. Beiter stated there were a lot of political signs that were placed where they were not allowed to be. There were also signs that were larger than they were supposed to be. He asked Mr. Hetlage why the ordinance cannot be enforced.

Mr. Pellegrini agreed there was an issue with the political signs, but there have been Supreme Court cases that declared ordinances restricting political signage are unenforceable due to freedom of speech.

Mr. Hetlage stated he will provide code provisions and guidance for constitutional limitations at the next meeting.

ADJOURNMENT

Mr. Gau made a motion to adjourn the meeting at 7:13 P.M. Mr. Pellegrini seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape

DRAFT