

MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, MAY 4, 2022

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met by Zoom Meeting on Wednesday, May 4, 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

<b>Present:</b>	Rich Gau	-Member
	Mike Svoboda	-Member
	Roger Kaiser	-Member
	Michael Hopfinger	-Member
	Terry Beiter	-Chairman
	Steve Young	-Member
	Brian VanCardo	-Member
	Bryson Baker	-City Engineer
	Jim Hetlage	-City Attorney
	Lynn Sprick	-City Planner
<b>Absent:</b>	Todd Powers	-Member
	Frank Pellegrini	-Member

**APPROVAL OF THE MINUTES**

Copies of the minutes of the April 6, 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. VanCardo seconded the motion, and it was unanimously approved.

## NEW BUSINESS

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 THIS PETITION HAS BEEN WITHDRAWN.

P-09-22 Petition for a Preliminary Subdivision Plat, submitted by Lynstone Park View LLC, for a single family residential development at 403 Rayburn Avenue, 405 Rayburn Avenue, 339 Spears Street, 340 Spears Street, 402 Spears Street, 408 Spears Street, 401 Spears Street, 407 Spears Street, 409 Spears Street, 411 Spears Street and 413 Handy Street.

Ms. Sprick stated the Preliminary Subdivision Plat is for 11 undeveloped lots in the Meacham Park subdivision. They are going to reconfigure the lots and vacate the City right of way. They are making ten lots with a private right of way. All other requirements will be met. If approved, the petitioner will move forward with the Improvement Plans and Record Plat. There is no action necessary from the Board of Aldermen, at this time. Staff recommends approval of the petition.

Steve Rush, with Site Development Engineering, Inc., and Charlie Vitale, with Lynstone Park View Development were present.

Mr. Beiter asked if the homes will be two stories.

Mr. Rush replied yes.

Mr. Beiter asked how big the homes will be.

Mr. Vitale stated they will be approximately 1,800 square feet.

Mr. Svoboda asked if they will have basements.

Mr. Vitale replied yes.

Mr. Gau asked if there will be any variances requested.

Ms. Sprick stated they are not planning on asking for any. The maximum footprints of the proposed homes are shown, except for lot one. The largest will still meet requirements.

Mr. Svoboda asked why they plan on having private streets.

Mr. Rush stated public streets are required to be 26 feet wide with a curb and sidewalk. The sidewalk would be an issue. Reducing the size of the street will allow for a better development.

Mr. Young made a motion that petition P-09-22 Petition for a Preliminary Subdivision Plat, submitted by Lynstone Park View LLC, for a single family residential development at 403 Rayburn Avenue, 405 Rayburn Avenue, 339 Spears Street, 340 Spears Street, 402 Spears Street, 408 Spears Street, 401 Spears Street, 407 Spears Street, 409 Spears Street, 411 Spears Street and 413 Handy Street be approved. Mr. Gau seconded the motion and it was unanimously approved.

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

Mr. Beiter stated all of the temporary signage throughout the City is inappropriate, including the political signs. The issue needs to be addressed and kept under control. He asked Mr. Hetlage if political signage is protected by the Supreme Court.

Mr. Hetlage stated there are constitutional limitations on free speech, which can include the posting of signs. The Supreme Court case Reed v Town of Gilbert, Arizona focused on the regulation of signs. The regulations cannot be content based. The Supreme Court struck down the town's Sign Ordinance because they were content based and violated the 1<sup>st</sup> Amendment. If the City is going to regulate these types of signs, the 1<sup>st</sup> Amendment requires the City to satisfy a multifactor test. The regulation of size, location, and number of permitted signs on a property must meet all of the factors and be for all types of signs. The City cannot limit the time a political sign can be on a property. As far as limiting a resident to one political sign, the City would have a hard time demonstrating that the regulations are tailored to enhance the City's goal. The number of signs cannot be regulated unless it blocks the view of a street, like in a right of way. There can be some regulations on time, place, and manner, but it has to be a legitimate governmental interest.

Mr. Baker stated the City will continue to look into the way the new Sign Code is being written and make sure it follows all regulations.

Mr. Gau stated it is about regulation. The City needs to enforce the Codes and fine violators.

Mr. Hetlage stated if it is a legitimate regulation, then it needs to be adopted into the Code. A violation can lead to a Municipal Court citation or a fine, but determining who actually placed the sign would be a challenge.

Mr. Beiter stated the more obstacles put in front of the violators, the more they will be deterred from putting out the signs.

Mr. Hetlage stated the City can enforce the prohibition of placing signs in the right of way.

Mr. Baker stated staff does not touch political signs, as a policy. Any other signs in the right of way are removed.

Ms. Sprick stated the escrow agreement for the Sunset Reserve Subdivision needs the Commission's approval and then it will go to the Board of Aldermen for approval.

Mr. Baker stated the escrow agreement is one that has been used in the past and was reviewed by Mr. Hetlage. Staff reviewed the cost estimate and it seems in line with current construction costs. The Board will have a second reading for the Record Plat at their following meeting. The escrow agreement needs to be approved before the second reading.

Mr. Beiter stated he recommends approval.

Mr. Gau made a motion to approve the escrow agreement for the Sunset Reserve Subdivision. Mr. Young seconded the motion, and it was unanimously approved.

Mr. Beiter stated this would be his last meeting.

## **ADJOURNMENT**

Mr. Gau made a motion to adjourn the meeting at 6:36 P.M. Mr. Kaiser seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape