

MINUTES OF THE REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF SUNSET HILLS, MISSOURI  
HELD ON WEDNESDAY, DECEMBER 1, 2021

BE IT REMEMBERED that the Planning and Zoning Commission of the City of Sunset Hills, Missouri met by Zoom Meeting on Wednesday, December 1, 2021. 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>	Mike Svoboda	-Member
	Terry Beiter	-Chairman
	Rich Gau	-Member
	Roger Kaiser	-Member
	Brian VanCardo	-Member
	Todd Powers	-Member
	Michael Hopfinger	-Member
	Steve Young	-Member
	Frank Pellegrini	-Member
	Bryson Baker	-City Engineer
	Jim Hetlage	-City Attorney
	Lynn Sprick	-City Planner

**Absent:**

**APPROVAL OF THE MINUTES**

Copies of the minutes of the November 3, 2021 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.

## **NEW BUSINESS**

P-24-21      Petition for a Concept Plan, submitted by Joe Wiedemeier, for the redevelopment of property at 128 Deane Court.

Ms. Sprick stated two attached units are being proposed. If the petitioner retained the R-6 zoning district, they could divide the property by a lot split. This would require variances for lot width and lot size. No current zoning district accommodates villas or attached dwelling units. PD-RC would be the closest zoning district and it would require variances, as well.

Joe Wiedemeier, architect, was present and stated two family units within the same building are being proposed. It would require a lot split. If the lot split was removed, it would be considered a duplex or two single family units joined together. In Section 4.8-1, the intent and purpose of the R-6 zoning district is high density development. The villas would not be less than a 5,000 square foot lot size. Attached homes may be permitted on combined lots. He presented two proposals which are the same architecturally. One is a duplex on one lot, which would create more common area. The second is a simple configuration of the same building on the same lot, but it would technically be two lots. Both single family units would be joined as an attached two story townhome.

Mr. Beiter stated he is concerned with the one lot proposal. He assumes the rest of the block will be developed this way in the future. During the October 6, 2021 meeting, most of the comments were favorable. The petitioner was encouraged to work on the proposal.

Mr. Svoboda stated he was expecting to see all of the homes from the last proposal with the driveways in the back.

Mr. Wiedemeier stated the lots are not big enough to have the vehicular traffic in the back.

Mr. Pellegrini asked if the surrounding neighbors have objection to the proposal.

Mr. Wiedemeier stated the architecture would be similar to the rest of the neighborhood.

Mr. Hopfinger agreed with Mr. Beiter's comments. They are operating in good faith and making the changes the Commission has brought up. He would like to hear from the residents.

Mr. Svoboda stated he would like to see the renderings of the elevation.

Mr. Wiedemeier stated those would be developed and submitted during a formal presentation.

Mr. Beiter stated this is only a Concept Plan to receive feedback.

Ms. Sprick stated the properties do not have an alley or access to a street from the back property line. A street would be required to have 50 feet of right of way and there would not be room to add a street.

Mr. Svoboda asked if an alley could exit into the hotel lot by way of an easement.

Mr. VanCardo asked why the density has increased.

Mr. Wiedemeier stated he did not feel that the last proposal was favorable. The intent is not to get a specific number, but to see what the properties will support and what the City will allow.

Mr. Gau stated if the one lot proposal was approved, he could go on with that proposal down the street which would equal 24 units.

Mr. Beiter agreed with Mr. Gau's concerns.

Mr. Gau stated the previous concept was more agreeable. It just needed refinement.

Mr. Beiter stated he was hopeful they would have something more refined. The last proposal was too dense and close together. The units were unappealing due to not having enough green space.

Mr. Young liked the second proposal better, as well.

Mr. Gau stated the Commission wanted less density, more green space, and a possibility of the whole block being included.

Mr. Svoboda stated there are 14 homes on the block.

Mr. Beiter stated he would like to see a unified development and the developer has the opportunity to do that.

Mr. Weidemeier stated the new proposal creates a template for each lot, which creates a condition for anyone that owns a lot on that street to do the same. The second proposal is a more controlled situation. He does not understand how the development could be less dense.

Mr. Beiter stated more space between the buildings is what was meant about adding more green space. Instead of having 10 lots, maybe have 11 or 12 lots and space the units out more.

Mr. Wiedemeier stated with six attached single family units, he cannot get any space between them. He could get more green space on either side of an eight unit building on six lots.

Mr. Powers stated he does not feel that any version of the proposal will get through the Board of Aldermen.

Christine Flores, of 220 Deane Court, stated redevelopment can happen without changing the zoning. Two families on a lot that has always had one is not necessary. Density is a concern due to parking on the street. She does not feel that the Lindbergh School District would let this type of density be developed. This would increase traffic and water runoff. Construction may damage communication lines, as well.

Mr. VanCardo asked if the Board should give their feedback before the petitioner moves forward.

Ms. Sprick stated a Concept Plan does not go to the Board.

Mr. Powers stated the density is not something that the Board would approve.

Mr. VanCardo stated he would be okay with the eight unit range, but not more dense.

Mr. Beiter stated he feels the residents' concerns can be addressed and he would like to see something move forward. He asked the other members if they agree.

Mr. Kaiser agreed with Mr. Beiter.

Mr. VanCardo stated he is not opposed, if it follows the second proposal.

Mr. Powers stated he is fully in favor of it moving forward, but doubts the Board will allow it.

Mr. Hopfinger stated he agrees with the second proposal.

Mr. Pellegrini stated he could be in favor, if they work with the residents' concerns. He would like to see the renderings of the elevations, as well.

Mr. Svoboda stated a developer took three lots and made them into two on Monica Drive. The homes that were built are valued between \$300,000-\$400,000. This is another option.

Alderman McMunn agreed with Mr. Svoboda on combining the lots and making single family homes.

Ms. Sprick asked Mr. Hetlage if there is any way to get the proposal to the Board for feedback.

Mr. Hetlage stated some cities have sent it as an informal item for discussion. If the Commission is amenable to having the Board look at it and they are amenable to it, there is nothing prohibiting it.

Ms. Sprick asked if the Commission would be okay with letting the petitioner present it to the Board.

Mr. Beiter asked if the petitioner or staff should present it to the Board.

Mr. Hetlage stated the petitioner and staff would work together on it.

Mr. Beiter stated he would like the Board to hear all three proposals and for staff to let them know which one the Commission favors.

Mr. Powers stated he would like to hear the Board's feedback and then the Commission could help guide the petitioner to a proposal they would support.

Ms. Sprick stated staff would explain what has already happened.

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

P-25-21      Petition for an Amended Development Plan, Octavio Ruiz, Tacoma LLC, for improvements to the existing development at 10893 Sunset Hills Plaza.

P-26-21      Petition for an Amended Conditional Use Permit, submitted by Ocatvio Ruiz, Tacoma LLC, for a restaurant with a patio at 10893 Sunset Hills Plaza.

Ms. Sprick stated IHOP was the prior occupant at this location. The petitioner would like to purchase the lot and have a restaurant with a patio. There are currently 39 parking spaces and there is a parking easement agreement with the entire plaza, so they exceed the parking requirements. An Amended Development Plan requires a full site review. Additional landscaping is required and they have agreed to install it. The parking lot does not meet current setback requirements. One drive aisle, which does not meet the requirements, and the setback on the west side would both need variances.

The existing lighting would not meet the requirements, but they will add lighting to meet them. An as-built photometric plan is required, so this would be met later as part of the occupancy permit. If it cannot be met, it would need a variance. Staff recommends approval with conditions.

Duane Sandin, with Sandin Engineering, was present and stated they ran into some issues with the parking lot when adding the patio.

Mr. Svoboda asked if there is a third parking lot between 10895 and 10983 Sunset Hills Plaza.

Ms. Sprick stated that is not part of this petition. She showed the edge of the parking lot.

Mr. Sandin stated it was configured to share parking, but when Dobbs bought the lot, they did not do that. They lowered the parking lot and left an extra piece of asphalt. The property line runs down the parking lot.

Ms. Sprick stated it does not affect the petition.

Mr. Powers made a motion that petition P-25-21 Petition for an Amended Development Plan, Octavio Ruiz, Tacoma LLC, for improvements to the existing development at 10893 Sunset Hills Plaza be recommended to the Board of Aldermen with the condition that all requirements of Appendix B are either met, anticipated to be met or the Board of Adjustment approves variances. Mr. Hopfinger seconded the motion and it was unanimously approved.

Mr. Powers made a motion that petition P-26-21 Petition for an Amended Conditional Use Permit, submitted by Octavio Ruiz, Tacoma LLC, for a restaurant with a patio at 10893 Sunset Hills Plaza be recommended to the Board of Aldermen with the conditions that all necessary State of Missouri, St. Louis County, and City of Sunset Hills liquor and business licenses be issued prior to issuance of the City Occupancy Permit and St. Louis County Building Department and Fenton Fire District approvals are received prior to issuance of the City Occupancy Permit. Mr. Svoboda seconded the motion and it was unanimously approved.

P-27-21      Petition for a Preliminary Subdivision Plan, submitted by Pentrex Development Corporation, for the redevelopment of properties that make up Gates Manor Subdivision.

Ms. Sprick stated the subdivision consists of 11 lots, each having a single family home on them. The petitioner would demolish the homes and create 15 new lots to

construct single family homes. In September, a different developer proposed villas. All requirements of Appendix A and B will be met. The petitioner would ask to vary the front and rear setbacks on 12 lots and would request a variance for building coverage on 15 lots. The Preliminary Plat does not require a Board vote. The petitioner would like to use the existing improvements. Staff recommends a preconstruction inspection, which has been done. The slabs and sidewalks would likely need to be replaced. An escrow would be taken from the developer for damage done to roads during construction. After construction, staff would assess damages and the developer would pay the difference. A record plat would require a recommendation to the Board and their vote. Approval of variances would be required prior to the approval of the record plat.

Thomas O'Toole, Jr., attorney representing Pentrex, Tom Wolfner, owner of Pentrex, and Clay Vance, engineer, were present. Mr. O'Toole stated the existing homes are rental properties and have some aging and deterioration. The proposal is slightly more dense, but still within R-4 zoning regulations. They will be predominantly ranch homes, with possibly some story and half homes. This is subject to their ability with the approval of variances. There are two plats being proposed in order to develop the property closest to Denny Road first. If the record plat is filed in one form, the rest of the lots would be non-conforming. Two separate plats would be developed at the same time.

Mr. VanCardo asked if lots 5 and 11 have a utility easement. He also asked the same of the common ground. He asked if this has any effect on the way it is being platted.

Mr. O'Toole stated page two of the preliminary plat shows the new lot and the common ground with square footages. There would be an association with indentures to maintain the common ground, as well as each home.

Mr. VanCardo asked about the easement on the lot with the layout of the home.

Mr. Vance stated there will be a limited footprint, but there should be room to fit a home on the lot. The easements are storm sewer and sanitary sewer that run parallel.

Mr. Powers asked if the rear yard setback of 20 feet is the variance being requested or what is required.

Mr. O'Toole stated it is 30 feet, but they are asking for 20 ft. They are shallow lots.

Mr. Powers asked how many homes would need the variance and if it would be just decks or the actual structures. He stated the plan looks consistent with neighboring homes.

Mr. O'Toole stated if the variances are successful, Mr. Wolfner can see what will fit as far as dwelling improvement. The Commission will be presented with more specific proposals during review of the record plat.

Mr. Pellegrini asked if Mr. Wolfner is the land owner.

Mr. O'Toole stated he is the owner under contract.

Mr. Pellegrini asked if the prior petitioner had a contract.

Ms. Sprick stated no.

Mr. O'Toole stated Mr. Wolfner has a contract with the contingency that the proposal is approved by the City.

Mr. Pellegrini asked if the City normally asks if the property is under contract.

Ms. Sprick stated not for Concept Plans, but they ask for owner's authorization for other petitions.

Angelica Dopuch, of 9340 Werkdale Drive, stated she is on the subdivision committee. The house on the corner has been vacant for a long time and the homes on that street need attention. She asked if they are two story dwellings.

Mr. O'Toole stated that is depending on the approvals from Board of Adjustment. They will be ranch homes and maybe some story and half, but they will all be single family residential homes. They will be the product of those that are downsizing.

Ms. Dopuch stated there was a lot of development on Sappington Road and there were numerous issues with the sewer, which was eventually resolved by the Board. She would like to take the meeting's information to other subdivision committee members.

Mr. Beiter stated everyone will have an opportunity to speak.

Ms. Dopuch asked when the next meeting will be.

Mr. Bieter stated there will not be another meeting until the record plat is submitted.

Ms. Sprick stated there will be a postcard sent out to everyone within 300 feet.

Ms. Dopuch stated she saw the site posted.

Ms. Sprick stated there will be another sign posted.

Ms. Dopuch asked how many homes were purchased.



Ms. Sprick stated there are 11 homes, currently. All are under contract. They will be using existing zoning and all will meet lot size and width. They would not meet the setback requirements.

Mr. Svoboda asked if lot five and the common ground area could be swapped. That would put the sewer easement at the end of the common ground and along the border, rather than having the easement run through a lot.

Mr. Vance stated there is a storm water easement on the common ground, which prevents it from being buildable.

Theresa Reich, tenant of 9408 Gates Manor Court, asked what will happen to the residents that currently live in the homes.

Mr. Wolfner stated it is his understanding that the tenants' leases are month to month. Having a plat one and a plat two would allow the people in plat two to stay there longer. He will be amicable to allow tenants to have a sufficient amount of time to find a new place when property is being developed.

Ms. Reich asked which plat 9408 Gates Manor Court would be.

Mr. Wolfner stated that is plat one, but he will work with the tenants on relocating to the cul-de-sac, as development occurs.

Mr. Beiter asked who makes the decision on how much the subdivision escrow will be.

Mr. Baker stated the escrow amount is available for negotiation and discussion based on the amount of money it would take for the City to replace any damages done to sidewalks and roads during the project.

Mr. Beiter asked if this would cover unfulfilled development commitments.

Mr. O'Toole stated after the preconstruction inspection, an agreement could be reached. It is not uncommon to have escrows for these purposes.

Mr. Svoboda made a motion that petition P-27-21 Petition for a Preliminary Subdivision Plan, submitted by Pentrex Development Corporation, for the redevelopment of properties that make up Gates Manor Subdivision be approved with the conditions that there is a pre-construction inspection conducted by City Staff of existing street and sidewalk conditions. Any degradation in conditions would be the responsibility of the Petitioner. Establishment of an escrow, to be held by the City, to cover any repairs/improvements deemed necessary after completion of construction that are not completed by the Petitioner. A post-construction inspection, by City Staff,

must be done to determine the condition of the streets and sidewalks. Mr. Hopfinger seconded the motion and it was unanimously approved.

**ANY OTHER MATTERS DEEMED APPROPRIATE**

**ADJOURNMENT**

Mr. Pellegrini made a motion to adjourn the meeting at 7:35 P.M. Mr. Kaiser seconded the motion, and it was unanimously approved.

Recording Secretary



Sarina Cape