

Planning & Zoning Commission Staff Report

Meeting Date: April 3, 2024
Location: City of Sunset Hills
Applicant: City of Sunset Hills
Description: **Unified Development Ordinance (City of Sunset Hills) Section 4 Text Amendment**– A request to amend the text of Section 4 – Development Standards of the City of Sunset Hills Unified Development Ordinance.

TEXT AMENDMENT SUMMARY:

The City has two types of amendments to the Unified Development Ordinance (text and map). A petition for text amendments is adding new text to the UDO, deleting existing text to the UDO or a combination of both. This request is to amend Section 4 – Development Standards of the City of Sunset Hills UDO. Attached to the Planning and Zoning Commission Packet is the entire red-line amendments for P-03-24 and below is a general summary of the amendments for the Section.

STAFF ANALYSIS:

In September of 2022, the City of Sunset Hills adopted the UDO. The UDO consists of 14 Sections, and 2 Appendices and when printed is roughly 61 pages. The adoption of the UDO was a significant update to the City’s Code of Ordinances. Section 4 of the UDO embodies the development standards for both residential and commercial development. Below are proposed additions to the adopted development standards.

Trash Enclosure:

Prior to the UDO, the Code of Ordinances required a series of screening requirements for commercial trash enclosures including height and material requirements. The enclosure was required to be at least six feet in height and three sides were to be masonry (brick, stone, or pigmented concrete) and one side to be an opaque gate made of metal, wood, or vinyl. The UDO

requires the same six feet in height but does not specify the masonry material or opaque gate. The current language states materials used for screening shall complement the architecture of the principal structure. The proposed amendment would bring the requirement of three sides masonry with an opaque gate back into City Code.

Metal Buildings:

As the UDO was under initial review pre-adoption, Ordinance 2208 was approved by the City of Sunset Hills Board of Aldermen. The ordinance was titled “Metal Buildings Prohibited”. The ordinance prohibited metal and steel structures such as pole barns and other prefabricated metal structures except in the industrial zoning districts. It did permit the use of metal as part of the roof structure or for architectural accent if the incorporation is well suited with the appearance and design of buildings in the immediate vicinity at the discretion of the Director of Public Works. Pre-adoption of the UDO, this language was a supplementary regulation to the zoning regulations of the Code of Ordinances. It is City Staff’s understanding that this language was intended to be included within the UDO, but inadvertently omitted. The proposed amendment would bring the same language back into City’s Code of Ordinances within Section 4 of the UDO.

Site Plan:

The UDO defines an approval process for residential development, planned commercial development and special procedures. In some cases, there is potential for non-commercial, industrial, office/ non-residential development to occur and an approval process is not defined. This amendment provides a site plan procedure (sort of a catchall) for any development that could occur outside of the residential, planned development, and special procedure approval processes that the City already has defined. The approval process follows the typical route of approval including recommendation by the Planning and Zoning Commission and two readings of the Bill by the Board of Aldermen. The amendment also provides a consistent set of contents to be included in a Site Plan providing consistency of what information a Site Plan shall include when referenced in the various Sections of City Code.

Traffic Study Waiver:

The City of Sunset Hills desires a safe and sustainable transportation system that comfortably supports all modes of connectivity within and through the community while supporting vibrant economic activity. The UDO may require a traffic impact study in conjunction with development activity to ensure the desired transportation system. If a petitioner does not believe the impact of a proposed development warrants a traffic study that is required by the City of Sunset Hills Unified Development Ordinance and believes the proposed development maintains or enhances the desired transportation system, this proposed amendment permits the petitioner to request a traffic study waiver to the Board of Aldermen.

If the amendment were to pass, the City still reserves the authority to require traffic impact studies to make informed decisions about the potential impacts of a development and to implement necessary measures to mitigate any negative effects on the transportation system. In the instance a traffic study is required, an applicant may request a traffic study waiver as defined in the UDO. The petitioner is responsible for providing evidence that a proposed development does not warrant a traffic study because the proposed development maintains or enhances the desired transportation system. The proposed amendment outlines a set of “Standards of Review” to ensure the Board of Aldermen receive the essential qualitative and quantitative analysis to make an informed decision. The burden of proof shall rest with the applicant to clearly establish that the proposed development maintains or enhances the desired transportation system. The request to the Board Aldermen for the traffic study waiver is required to be on a separate meeting agenda prior to any meeting agenda that requires the traffic study to approve a particular development.

At the February 13th, 2024 Board of Aldermen meeting, the topic of a traffic study waiver was brought forward to the Board during “General Discussion”. The general discussion included a supplementary document outlining the framework of a proposed amendment. The framework included the intent of the waiver, when it would be applicable, the standards of review and

procedure a waiver would follow. The proposed amendment includes the same framework discussed at the February 13th Board of Aldermen meeting.

DEPARTMENT INPUT

City Staff has reviewed the draft language and found the application to be in conformance with the procedures outlined in the City of Sunset Hills' Unified Development Ordinance and consistent with the City's Comprehensive Plan. Staff recommends approval of the draft text amendment located in Sections 4 of the City's UDO.

MOTION

The following options are available to the Planning and Zoning Commission for consideration relative to this application:

- 1) "I move to approve (or deny) the request to amend the text of Section 4 – Development Standards of the City of Sunset Hills Unified Development Ordinance."

- 2) "I move to approve the request to amend the text of Section 4 – Development Standards of the City of Sunset Hills Unified Development Ordinance." with the following conditions..."(Conditions may be added, eliminated, altered or modified)

EXHIBITS:

1. Application
2. Draft Red-Line Section 4